

Public Law 106–171
106th Congress

An Act

To amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions.

Feb. 11, 2000

[S. 1733]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Electronic Benefit Transfer Interoperability and Portability Act of 2000”.

Electronic
Benefit Transfer
Interoperability
and Portability
Act of 2000.

7 USC 2011 note.

SEC. 2. PURPOSES.

7 USC 2016 note.

The purposes of this Act are—

- (1) to protect the integrity of the food stamp program;
- (2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;
- (3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and
- (4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program.

SEC. 3. INTEROPERABILITY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

“(k) INTEROPERABILITY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term ‘electronic benefit transfer card’ means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

“(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term ‘electronic benefit transfer contract’ means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

“(C) INTEROPERABILITY.—The term ‘interoperability’ means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

“(D) INTERSTATE TRANSACTION.—The term ‘interstate transaction’ means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

“(E) PORTABILITY.—The term ‘portability’ means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

“(F) SETTling.—The term ‘settling’ means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

“(G) SMART CARD.—The term ‘smart card’ means an intelligent benefit card described in section 17(f).

“(H) SWITCHING.—The term ‘switching’ means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

Deadline.

“(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

“(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

Deadline.
Regulations.

“(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

“(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

“(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

“(5) EXEMPTIONS.—

“(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

“(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

“(ii) expires after October 1, 2002.

“(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

“(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

“(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

“(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

“(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

“(6) FUNDING.—

“(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

“(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

“(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

“(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed \$500,000.”.

Deadline.
Reports.
7 USC 2016 note.

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

Approved February 11, 2000.

LEGISLATIVE HISTORY—S. 1733:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.
Vol. 146 (2000): Jan. 31, considered and passed House.



Public Law 106–172
106th Congress

An Act

To amend the Controlled Substances Act to direct the emergency scheduling of gamma hydroxybutyric acid, to provide for a national awareness campaign, and for other purposes.

Feb. 18, 2000
[H.R. 2130]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000”.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Gamma hydroxybutyric acid (also called G, Liquid X, Liquid Ecstasy, Grievous Bodily Harm, Georgia Home Boy, Scoop) has become a significant and growing problem in law enforcement. At least 20 States have scheduled such drug in their drug laws and law enforcement officials have been experiencing an increased presence of the drug in driving under the influence, sexual assault, and overdose cases especially at night clubs and parties.

(2) A behavioral depressant and a hypnotic, gamma hydroxybutyric acid (“GHB”) is being used in conjunction with alcohol and other drugs with detrimental effects in an increasing number of cases. It is difficult to isolate the impact of such drug’s ingestion since it is so typically taken with an ever-changing array of other drugs and especially alcohol which potentiates its impact.

(3) GHB takes the same path as alcohol, processes via alcohol dehydrogenase, and its symptoms at high levels of intake and as impact builds are comparable to alcohol ingestion/intoxication. Thus, aggression and violence can be expected in some individuals who use such drug.

(4) If taken for human consumption, common industrial chemicals such as gamma butyrolactone and 1,4-butanediol are swiftly converted by the body into GHB. Illicit use of these and other GHB analogues and precursor chemicals is a significant and growing law enforcement problem.

(5) A human pharmaceutical formulation of gamma hydroxybutyric acid is being developed as a treatment for cataplexy, a serious and debilitating disease. Cataplexy, which causes sudden and total loss of muscle control, affects about 65 percent of the estimated 180,000 Americans with narcolepsy, a sleep disorder. People with cataplexy often are unable to work, drive a car, hold their children or live a normal life.

Hillory J. Farias
and Samantha
Reid Date-Rape
Drug Prohibition
Act of 2000.
Law enforcement
and crimes.
21 USC 801 note.
21 USC 812 note.

(6) Abuse of illicit GHB is an imminent hazard to public safety that requires immediate regulatory action under the Controlled Substances Act (21 U.S.C. 801 et seq.).

**SEC. 3. EMERGENCY SCHEDULING OF GAMMA HYDROXYBUTYRIC ACID
AND LISTING OF GAMMA BUTYROLACTONE AS LIST I
CHEMICAL.**

21 USC 812 note.

(a) EMERGENCY SCHEDULING OF GHB.—

Deadline.

(1) IN GENERAL.—The Congress finds that the abuse of illicit gamma hydroxybutyric acid is an imminent hazard to the public safety. Accordingly, the Attorney General, notwithstanding sections 201(a), 201(b), 201(c), and 202 of the Controlled Substances Act, shall issue, not later than 60 days after the date of the enactment of this Act, a final order that schedules such drug (together with its salts, isomers, and salts of isomers) in the same schedule under section 202(c) of the Controlled Substances Act as would apply to a scheduling of a substance by the Attorney General under section 201(h)(1) of such Act (relating to imminent hazards to the public safety), except as follows:

(A) For purposes of any requirements that relate to the physical security of registered manufacturers and registered distributors, the final order shall treat such drug, when the drug is manufactured, distributed, or possessed in accordance with an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (whether the exemption involved is authorized before, on, or after the date of the enactment of this Act), as being in the same schedule as that recommended by the Secretary of Health and Human Services for the drug when the drug is the subject of an authorized investigational new drug application (relating to such section 505(i)). The recommendation referred to in the preceding sentence is contained in the first paragraph of the letter transmitted on May 19, 1999, by such Secretary (acting through the Assistant Secretary for Health) to the Attorney General (acting through the Deputy Administrator of the Drug Enforcement Administration), which letter was in response to the letter transmitted by the Attorney General (acting through such Deputy Administrator) on September 16, 1997. In publishing the final order in the Federal Register, the Attorney General shall publish a copy of the letter that was transmitted by the Secretary of Health and Human Services.

Federal Register,
publication.

(B) In the case of gamma hydroxybutyric acid that is contained in a drug product for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (whether the application involved is approved before, on, or after the date of the enactment of this Act), the final order shall schedule such drug in the same schedule as that recommended by the Secretary of Health and Human Services for authorized formulations of the drug. The recommendation referred to in the preceding sentence is contained in the last sentence of the fourth paragraph of the letter referred to in subparagraph (A) with respect to May 19, 1999.

(2) FAILURE TO ISSUE ORDER.—If the final order is not issued within the period specified in paragraph (1), gamma

hydroxybutyric acid (together with its salts, isomers, and salts of isomers) is deemed to be scheduled under section 202(c) of the Controlled Substances Act in accordance with the policies described in paragraph (1), as if the Attorney General had issued a final order in accordance with such paragraph.

(b) ADDITIONAL PENALTIES RELATING TO GHB.—

(1) CONTROLLED SUBSTANCES ACT.—

(A) IN GENERAL.—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended in the first sentence by inserting after “schedule I or II,” the following: “gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000),”.

(B) CONFORMING AMENDMENT.—Section 401(b)(1)(D) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(D)) is amended by striking “, or 30” and inserting “(other than gamma hydroxybutyric acid), or 30”.

(2) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—

(A) IN GENERAL.—Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(3)) is amended in the first sentence by inserting after “I or II,” the following: “gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000),”.

(B) CONFORMING AMENDMENT.—Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)) is amended by striking “flunitrazepam” and inserting the following: “flunitrazepam and except a violation involving gamma hydroxybutyric acid”.

(c) GAMMA BUTYROLACTONE AS ADDITIONAL LIST I CHEMICAL.—Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by redesignating subparagraph (X) as subparagraph (Y); and

(2) by inserting after subparagraph (W) the following subparagraph:

“(X) Gamma butyrolactone.”.

SEC. 4. AUTHORITY FOR ADDITIONAL REPORTING REQUIREMENTS FOR GAMMA HYDROXYBUTYRIC PRODUCTS IN SCHEDULE III.

Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended by adding at the end the following:

“(h) In the case of a drug product containing gamma hydroxybutyric acid for which an application has been approved under section 505 of the Federal Food, Drug, and Cosmetic Act, the Attorney General may, in addition to any other requirements that apply under this section with respect to such a drug product, establish any of the following as reporting requirements:

Records.

“(1) That every person who is registered as a manufacturer of bulk or dosage form, as a packager, repackager, labeler, relabeler, or distributor shall report acquisition and distribution transactions quarterly, not later than the 15th day of the month succeeding the quarter for which the report is submitted, and annually report end-of-year inventories.

Deadline.

Deadline.

“(2) That all annual inventory reports shall be filed no later than January 15 of the year following that for which the report is submitted and include data on the stocks of the drug product, drug substance, bulk drug, and dosage forms on hand as of the close of business December 31, indicating whether materials reported are in storage or in process of manufacturing.

“(3) That every person who is registered as a manufacturer of bulk or dosage form shall report all manufacturing transactions both inventory increases, including purchases, transfers, and returns, and reductions from inventory, including sales, transfers, theft, destruction, and seizure, and shall provide data on material manufactured, manufactured from other material, use in manufacturing other material, and use in manufacturing dosage forms.

“(4) That all reports under this section must include the registered person’s registration number as well as the registration numbers, names, and other identifying information of vendors, suppliers, and customers, sufficient to allow the Attorney General to track the receipt and distribution of the drug.

“(5) That each dispensing practitioner shall maintain for each prescription the name of the prescribing practitioner, the prescribing practitioner’s Federal and State registration numbers, with the expiration dates of these registrations, verification that the prescribing practitioner possesses the appropriate registration to prescribe this controlled substance, the patient’s name and address, the name of the patient’s insurance provider and documentation by a medical practitioner licensed and registered to prescribe the drug of the patient’s medical need for the drug. Such information shall be available for inspection and copying by the Attorney General.

Applicability.

“(6) That section 310(b)(3) (relating to mail order reporting) applies with respect to gamma hydroxybutyric acid to the same extent and in the same manner as such section applies with respect to the chemicals and drug products specified in subparagraph (A)(i) of such section.”.

SEC. 5. CONTROLLED SUBSTANCES ANALOGUES.

(a) RULE OF CONSTRUCTION REGARDING CONTROLLED SUBSTANCE ANALOGUES.—Section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraph (C)”;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) The designation of gamma butyrolactone or any other chemical as a listed chemical pursuant to paragraph (34) or (35) does not preclude a finding pursuant to subparagraph (A) of this paragraph that the chemical is a controlled substance analogue.”.

(b) DISTRIBUTION WITH INTENT TO COMMIT CRIME OF VIOLENCE.—Section 401(b)(7)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(7)(A)) is amended by inserting “or controlled substance analogue” after “distributing a controlled substance”.

SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING MATERIALS, FORENSIC FIELD TESTS, AND COORDINATION MECHANISM FOR INVESTIGATIONS AND PROSECUTIONS RELATING TO GAMMA HYDROXYBUTYRIC ACID, OTHER CONTROLLED SUBSTANCES, AND DESIGNER DRUGS. 21 USC 801 note.

(a) **IN GENERAL.**—The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

(1) develop—

(A) model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called “designer drugs”; and

(B) model training materials for law enforcement personnel involved in such investigations; and

(2) make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

(b) **GRANT.**—

(1) **IN GENERAL.**—The Attorney General shall make a grant, in such amount and to such public or private person or entity as the Attorney General considers appropriate, for the development of forensic field tests to assist law enforcement officials in detecting the presence of gamma hydroxybutyric acid and related substances.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on current mechanisms for coordinating Federal, State, and local investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving the abuse of gamma hydroxybutyric acid, other controlled substances, or so-called “designer drugs”. The report shall also include recommendations for the improvement of such mechanisms. Deadline.

SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN. 21 USC 801 note.

(a) **ANNUAL REPORT.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent 1-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter. Deadline.

(b) **NATIONAL AWARENESS CAMPAIGN.**—

(1) **DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.**—

(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

- (i) The dangers of date-rape drugs.
- (ii) The applicability of the Controlled Substances Act to such drugs, including penalties under such Act.
- (iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.
- (iv) Appropriately responding when an individual has such symptoms.

(B) INTENDED POPULATION.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

Deadline.
Establishment.

(C) ADVISORY COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

Deadline.

(2) IMPLEMENTATION OF PLAN.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

Deadline.

(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than 2 years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term “date-rape drugs” means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

SEC. 8. SPECIAL UNIT IN DRUG ENFORCEMENT ADMINISTRATION FOR ASSESSMENT OF ABUSE AND TRAFFICKING OF GHB AND OTHER CONTROLLED SUBSTANCES AND DRUGS.

Deadline.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish within the Operations Division of the Drug Enforcement Administration a special unit which shall assess the abuse of and trafficking in gamma hydroxybutyric acid, flunitrazepam, ketamine, other controlled substances, and other so-called “designer drugs” whose use has been associated with sexual assault.

(b) PARTICULAR DUTIES.—In carrying out the assessment under subsection (a), the special unit shall—

(1) examine the threat posed by the substances and drugs referred to in that subsection on a national basis and regional basis; and

(2) make recommendations to the Attorney General regarding allocations and reallocations of resources in order to address the threat.

(c) REPORT ON RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

Deadline.

(A) set forth the recommendations of the special unit under subsection (b)(2); and

(B) specify the allocations and reallocations of resources that the Attorney General proposes to make in response to the recommendations.

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) may be construed to prohibit the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator, as the case may be, considers appropriate.

SEC. 9. TECHNICAL AMENDMENT.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

Approved February 18, 2000.

LEGISLATIVE HISTORY—H.R. 2130 (S. 1561):

HOUSE REPORTS: No. 106–340, Pt. 1 (Comm. on Commerce).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.

Nov. 19, considered and passed Senate, amended, in lieu of S. 1561.

Vol. 146 (2000): Jan. 31, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Feb. 18, Presidential statement.



Public Law 106–173
106th Congress

An Act

Feb. 25, 2000

[H.R. 1451]

Abraham Lincoln
Bicentennial
Commission Act.
36 USC note
prec. 101.

To establish the Abraham Lincoln Bicentennial Commission.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Abraham Lincoln Bicentennial Commission Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation’s most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation’s history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin’s bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln’s life is a model for accomplishing the “American Dream” through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the “Commission”).

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

Congress.
President.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(6) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(8) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of

Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) **TERMS.**—Each member shall be appointed for the life of the Commission.

(f) **VACANCIES.**—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) **BASIC PAY.**—Members shall serve on the Commission without pay.

(h) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) **QUORUM.**—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) **CHAIR.**—The Commission shall select a Chair from among the members of the Commission.

(k) **MEETINGS.**—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) **DIRECTOR.**—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—

(1) **DIRECTOR.**—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) **STAFF.**—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) **INTERIM REPORTS.**—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) **FINAL REPORT.**—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

Deadline.

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. BUDGET ACT COMPLIANCE.

Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved February 25, 2000.

LEGISLATIVE HISTORY—H.R. 1451:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 4, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 8, House concurred in Senate amendment.



Public Law 106–174
106th Congress

An Act

Feb. 25, 2000
[S. 632]

To provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Poison Control
Center
Enhancement
and Awareness
Act.
42 USC 14801
note.
42 USC 14801.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Poison Control Center Enhancement and Awareness Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. Fifty-three percent of poisoning victims are children younger than 6 years of age.

(2) Poison control centers are a valuable national resource that provide life-saving and cost-effective public health services. For every dollar spent on poison control centers, \$7 in medical costs are saved. The average cost of a poisoning exposure call is \$32, while the average cost if other parts of the medical system are involved is \$932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Within just the last year, 2 poison control centers have been forced to close because of funding problems. A third poison control center is scheduled to close in April 1999. Currently, there are 73 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

42 USC 14802.

SEC. 3. DEFINITION.

In this Act, the term “Secretary” means the Secretary of Health and Human Services.

42 USC 14803.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) **IN GENERAL.**—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as prohibiting the establishment or continued operation

of any privately funded nationwide toll-free phone number used to provide advice and other assistance for poisonings or accidental exposures.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$2,000,000 for each of the fiscal years 2000 through 2004. Funds appropriated under this subsection shall not be used to fund any toll-free phone number described in subsection (b).

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

42 USC 14804.

(a) **IN GENERAL.**—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) **CONTRACT WITH ENTITY.**—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$600,000 for each of the fiscal years 2000 through 2004.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

42 USC 14805.

(a) **REGIONAL POISON CONTROL CENTERS.**—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) **OTHER IMPROVEMENTS.**—The Secretary shall also use amounts received under this section to—

- (1) develop standard education programs;
- (2) develop standard patient management protocols for commonly encountered toxic exposures;
- (3) improve and expand the poison control data collection systems;
- (4) improve national toxic exposure surveillance; and
- (5) expand the physician/medical toxicologist supervision of poison control centers.

(c) **CERTIFICATION.**—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if—

- (1) the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning; or

- (2) the center has been certified by a State government, and the Secretary has approved the State government as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) **WAIVER OF CERTIFICATION REQUIREMENTS.**—

- (1) **IN GENERAL.**—The Secretary may grant a waiver of the certification requirement of subsection (c) with respect to a noncertified poison control center or a newly established center that applies for a grant under this section if such center

can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, or local funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$25,000,000 for each of the fiscal years 2000 through 2004.

Approved February 25, 2000.

LEGISLATIVE HISTORY—S. 632 (H.R. 1221):

CONGRESSIONAL RECORD:

Vol. 145 (1999): Aug. 5, considered and passed Senate.

Vol. 146 (2000): Feb. 8, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Feb. 25, Presidential statement.



Public Law 106–175
106th Congress

An Act

To authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

Mar. 5, 2000
[H.R. 3557]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) His Eminence John Cardinal O'Connor is a man of deep compassion, great intellect, and tireless devotion to both spiritual guidance and humanitarianism.

(2) John Joseph O'Connor was born on January 15, 1920, in southwest Philadelphia, the son of Thomas J. O'Connor and Mary Gimple O'Connor.

(3) John Cardinal O'Connor joined the Navy Chaplains Corps in June 1952 during the Korean Conflict, served with elements of both the Navy and the Marine Corps, and saw combat action in Vietnam. He later served as chaplain of the United States Naval Academy and was appointed as Chief of Chaplains of the Navy with the grade of rear admiral, from which position he retired four years later, in May 1979. He was ordained a Bishop by Pope John Paul II on May 27, 1979. He then served as Vicar General of the Military Ordinariate (now the Archdiocese for the Military Services) until 1984.

(4) John Cardinal O'Connor became Bishop of Scranton, Pennsylvania, on May 10, 1983, was named Archbishop of the Catholic Archdiocese of New York on January 31, 1984, and was elevated to the rank of Cardinal by Pope John Paul II on May 25, 1985.

(5) John Cardinal O'Connor has demonstrated an unwavering commitment to public and parochial school education. He has supported and strengthened Catholic schools in their mission to provide a quality education to students of all races, ethnic backgrounds, and religions in the Archdiocese of New York and throughout the Nation.

(6) John Cardinal O'Connor has provided comfort and care to the sick, the elderly, and the disabled and provided millions of people with spiritual and emotional support. He led the effort to open New York State's first AIDS-only unit at St. Claire's Hospital, remaining a frequent visitor and volunteer at the hospital.

(7) Throughout his life, John Cardinal O'Connor has also served on behalf of the poor and the oppressed, as exemplified by his assistance on behalf of famine victims in Ethiopia and victims in war-torn Bosnia-Herzegovina.

(8) Throughout his career, John Cardinal O'Connor has been a strong advocate of interfaith healing and understanding, particularly among individuals of the Catholic and Jewish faiths, and has played a significant role in helping to establish diplomatic ties between the Vatican and Israel.

(9) John Cardinal O'Connor took the inspiring words of the Declaration of Independence—"Life, Liberty and the pursuit of Happiness"—and transformed them into a statement of purpose. He has dedicated his life's work to protecting and defending these inalienable rights of all people.

(10) John Cardinal O'Connor celebrated his 80th birthday on January 15, 2000, and has displayed remarkable courage and the true power of his faith in carrying on his life's work in the face of life-threatening illness.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a soldier, and a humanitarian.

(b) **DESIGN AND STRIKING.**—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) **AUTHORIZATION.**—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Approved March 5, 2000.

LEGISLATIVE HISTORY—H.R. 3557:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Feb. 15, considered and passed House.

Mar. 1, considered and passed Senate.



Public Law 106–176
106th Congress

An Act

To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

Mar. 10, 2000
[H.R. 149]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) **SHORT TITLE.**—This Act may be cited as the “Omnibus Parks Technical Corrections Act of 2000”.

(b) **REFERENCE TO OMNIBUS PARKS ACT.**—In this Act, the term “Omnibus Parks Act” means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).

Omnibus Parks
Technical
Corrections Act
of 2000.

16 USC 1 note.

**TITLE I—TECHNICAL CORRECTIONS TO
DIVISION I**

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking “the Presidio is” and inserting “the Presidio was”.

(2) In section 103(b)(1) (110 Stat. 4099), by striking “other lands administrated by the Secretary.” in the last sentence and inserting “other lands administered by the Secretary.”.

(3) In section 105(a)(2) (110 Stat. 4104), by striking “in accordance with section 104(h) of this title.” and inserting “in accordance with section 104(i) of this title.”.

(4) In section 104(b) (110 Stat. 4101), by—

(A) adding the following after the end of the first sentence: “The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.”;

(B) inserting after “June 30, 1932 (40 U.S.C. 303b).” the following “The Trust may use alternative means of dispute resolution authorized under subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.).”; and

(C) by inserting at the end of the paragraph “The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and

Contracts.

representation expenses, including membership dues, business cards and business related meal expenditures.”.

(5) Section 104(g) (110 Stat. 4103) is amended to read as follows:

“(g) FINANCIAL MANAGEMENT.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.”.

(6) In section 104(j) (110 Stat. 4103), by striking “exercised.” and inserting “exercised, including rules and regulations for the use and management of the property under the Trust’s jurisdiction.”.

(7) In section 104 (110 Stat. 4101, 4104), by adding after subsection (o) the following:

“(p) EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words ‘Presidio Trust’ and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words ‘Presidio Trust’, or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.”.

(8) In section 104(n) (110 Stat. 4103), by inserting after “implementation of the” in the first sentence the following “general objectives of the”.

(9) In section 105(a)(2) (110 Stat. 4104), by striking “not more than \$3,000,000 annually” and inserting after “Of such sums,” the following “funds”.

(10) In section 105(c) (110 Stat. 4104), by inserting before “including” the following “on a reimbursable basis,”.

(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking “consecutive terms.” and inserting “consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.”.

(12) Section 103(c)(9) (110 Stat. 4100) is amended by striking “properties administered by the Trust” and inserting “properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties”.

(13) Section 104(d) (110 Stat. 4102) is amended as follows—

(A) by inserting “(1)” after “FINANCIAL AUTHORITIES.—”;

(B) by striking “(1) The authority” and inserting “(A) The authority”;

(C) by striking “(A) the terms” and inserting “(i) the terms”;

(D) by striking “(B) adequate” and inserting “(ii) adequate”;

(E) by striking “(C) such guarantees” and inserting “(iii) such guarantees”;

(F) by striking “(2) The authority” and inserting “(B) The authority”;

(G) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

(H) in paragraph (2) (as redesignated by this section)—

(i) by striking “The authority” and inserting “The Trust shall also have the authority”;

(ii) by striking “after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only”; and

(iii) by inserting after “and subject to such terms and conditions,” the following “including a review of the creditworthiness of the loan and establishment of a repayment schedule.”; and

(I) in paragraph (3) (as redesignated by this section) by inserting before “this subsection” the following “paragraph (2) of”.

SEC. 102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking “depicted on the map dated August 1993, numbered 333/80031A,” and inserting “depicted on the map dated August 1996, numbered 333/80031B,”.

SEC. 103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking “this Act” and inserting “this section”.

SEC. 104. BIG THICKET NATIONAL PRESERVE.

Section 306 of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended as follows:

(1) In subsection (d), by striking “until the earlier of the consummation of the exchange of July 1, 1998,” and inserting “until the earlier of the consummation of the exchange or July 1, 1998,”.

(2) In subsection (f)(2), by striking “in Menard” and inserting “in the Menard”.

SEC. 105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

43 USC 1784
note.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking “W, Seward Meridian” and inserting “W., Seward Meridian”.

(2) In subsection (f)(1), by striking “to be know” and inserting “to be known”.

SEC. 106. LAMPREY WILD AND SCENIC RIVER.

(a) TECHNICAL CORRECTION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended

in the second sentence of the paragraph relating to the Lamprey River, New Hampshire, by striking “through cooperation agreements” and inserting “through cooperative agreements”.

(b) **CROSS REFERENCE.**—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking “this Act” and inserting “the Wild and Scenic Rivers Act”.

SEC. 107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking “by the Vancouver Historical Assessment’ published”.

SEC. 108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508 of division I of the Omnibus Parks Act (110 Stat. 4157; 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking “of 1986” and inserting “(40 U.S.C. 1001 et seq.)”.

(2) In subsection (b), by striking “the Act” and all that follows through “1986” and inserting “the Commemorative Works Act”.

(3) In subsection (d), by striking “the Act referred to in section 4401(b))” and inserting “the Commemorative Works Act”.

SEC. 109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking “for the purpose.” and inserting “for that purpose.”.

SEC. 110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking “the contribution of our national heritage” and inserting “the contribution to our national heritage”.

SEC. 111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking “**NATIONAL HISTORIC LANDMARK DISTRICT**” and inserting “**WHALING NATIONAL HISTORICAL PARK**”.

(2) In subsection (c)—

(A) in paragraph (1), by striking “certain districts structures, and relics” and inserting “certain districts, structures, and relics”; and

(B) in paragraph (2)(A)(i), by striking “The area included with the New Bedford National Historic Landmark District, known as the” and inserting “The area included within the New Bedford Historic District (a National Landmark District), also known as the”.

(3) In subsection (d)(2), by striking “to provide”.

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking “section 3(D).” and inserting “subsection (d).”; and

(B) in paragraph (2)(C), by striking “cooperative grants under subsection (d)(2).” and inserting “cooperative agreements under subsection (e)(2).”.

SEC. 112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking “African-Americans” and inserting “African-Americans”.

SEC. 113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking “whall be comprised” and inserting “shall be comprised”.

SEC. 114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a-5 note) is amended by striking “subsection (b) shall—” and inserting “paragraph (1) shall—”.

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking “section 5.” and inserting “subsection (e).”;

(B) in paragraph (2), by striking “section 9.” and inserting “subsection (h).”; and

(C) in paragraph (3), by striking “Commission plan approved by the Secretary under section 6.” and inserting “plan developed and approved under subsection (f).”.

(2) In subsection (f)(1), by striking “this Act” and inserting “this section”.

(3) In subsection (g)—

(A) in paragraph (3), by striking “purposes of this Act” and inserting “purposes of this section”; and

(B) in paragraph (5), by striking “section 9.” and inserting “subsection (i).”.

(4) In subsection (h)(12), by striking “this Act” and inserting “this section”.

SEC. 116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking “this Act” and inserting “this section”; and

(2) in subsection (d)(2), by striking “local land owners” and inserting “local landowners”.

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat. 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(3), by striking “legislated by this Act” and inserting “required by this section”.

(2) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking “formula of this Act” and inserting “formula of this section”;

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3), by striking “this Act” each place it appears and inserting “this section”; and

(C) in the sentence below paragraph (3), by inserting “adjusted gross revenue for the” before “1994–1995 base year”.

(3) In subsection (f), by inserting inside the parenthesis “offered for commercial or other promotional purposes” after “complimentary lift tickets”.

(4) In subsection (i), by striking “this Act” and inserting “this section”.

SEC. 118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking “bearing the cost of such exhibits and demonstrations;” and inserting “bearing the cost of such exhibits and demonstrations.”.

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking “; and” and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking “section 301” and inserting “subsection (a)”.

SEC. 120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) TECHNICAL CORRECTIONS.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking “this Act” and inserting “this section”;

(B) in paragraph (7)(B), by striking “COMPETITIVE LEASING.—” and inserting “COMPETITIVE LEASING.—”;

(C) in paragraph (9), by striking “granted by statute” and inserting “granted by statute”;

(D) in paragraph (11)(B)(ii), by striking “more cost effective” and inserting “more cost-effective”;

(E) in paragraph (13), by striking “paragraph (13),” and inserting “paragraph (12),”; and

(F) in paragraph (18), by striking “under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (I),” and inserting “under paragraph (7)(A) and any lease under paragraph (11)”.

(2) In subsection (d)(2)(E), by striking “is amended”.

(b) CHANGE TO PLURAL.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

16 USC 17o.

16 USC 470w–6.

(1) In subparagraph (C), by striking “lands, water, and interest therein” and inserting “lands, waters, and interests therein”.

(2) In subparagraph (F), by striking “lands, water, or interests therein, or a portion of whose lands, water, or interests therein,” and inserting “lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,”.

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101-337 (16 U.S.C. 19jj-1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting “or” after “park system resource”.

SEC. 121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking “may be made in the approval plan” and inserting “may be made in the approved plan”.

SEC. 122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking “to purchase” and inserting “to acquire”. 16 USC 698u.

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u-2(b)), by striking “of June 3, 1994,” and inserting “on June 3, 1994,”. 16 USC 698u-2.

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u-3)— 16 USC 698u-3.
(A) in subsection (d)(1), by striking “this Act” and inserting “this subtitle”; and

(B) in subsection (g)(3)(A), by striking “the tall grass prairie” and inserting “the tallgrass prairie”.

SEC. 123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l-10e note) is amended as follows:

(1) By striking “manmade lakes” both places it appears and inserting “man-made lakes”.

(2) By striking “for recreational opportunities at federally-managed” and inserting “for recreational opportunities at federally managed”.

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking “recreation related infrastructure.” and inserting “recreation-related infrastructure.”.

(2) In subsection (e)—

(A) by striking “water related recreation” in the first sentence and inserting “water-related recreation”;

(B) in paragraph (2), by striking “at federally-managed lakes” and inserting “at federally managed lakes”; and

(C) by striking “manmade lakes” each place it appears and inserting “man-made lakes”.

SEC. 124. FOSSIL FOREST PROTECTION.

43 USC 1785. Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking “Committee on Natural Resources” and inserting “Committee on Resources”.

(2) In subsection (e)(1), by striking “this Act” and inserting “this subsection”.

16 USC 1132
note.

SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking “of 1964”.

SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking “RECREATION AREA” and inserting “NATIONAL RECREATION AREA”.

(2) In subsection (b)(1), by inserting quotation marks around the term “recreation area”.

(3) In subsection (e)(3)(B), by striking “subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10).” and inserting “subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).”.

(4) In subsection (f)(2)(A)(i), by striking “profit sector roles” and inserting “private-sector roles”.

(5) In subsection (g)(1), by striking “and revenue raising activities.” and inserting “and revenue-raising activities.”.

(6) In subsection (h)(2), by striking “ration” and inserting “ratio”.

SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.

(a) TECHNICAL AMENDMENT.—Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410oo–2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking “and visitors’ center” and inserting “and visitor center”.

16 USC 410oo–2. (b) AMENDATORY INSTRUCTION.—Section 1030 of the Omnibus Parks Act (110 Stat. 4238) is amended by striking “after ‘SEC. 3.’” and inserting “before ‘Except’”.

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking “REGULATIONS” and inserting “REGULATION”.

(2) In subsection (c), by striking “this Act” and inserting “this section”.

SEC. 129. BOUNDARY REVISIONS.

16 USC 460l–9. Section 814(b)(2)(G) of Public Law 104–333 is amended by striking “are adjacent to” and inserting “abut”.

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

SEC. 201. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking “history preservation” and inserting “historic preservation”.

(2) In section 105 (110 Stat. 4244), by striking “paragraphs (2) and (5) of section 104” and inserting “paragraph (2) of section 104”.

(3) In section 106(a)(3) (110 Stat. 4244), by striking “or Secretary” and inserting “or the Secretary”.

SEC. 202. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking “and associated sites associated” and inserting “and sites associated”.

(2) In section 207(a) (110 Stat. 4248), by striking “as provide for” and inserting “as provided for”.

SEC. 203. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking “National Historic Register of Historic Places,” and inserting “National Register of Historic Places,”.

SEC. 204. ESSEX NATIONAL HERITAGE AREA.

Section 501(a)(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking “a visitors’ center” and inserting “a visitor center”.

SEC. 205. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking “One individuals,” and inserting “One individual,”.

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking “from the Committee.” and inserting “from the Committee,”.

SEC. 206. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking “on nonfederally owned property” and inserting “for non-federally owned property”.

TITLE III—TECHNICAL CORRECTIONS TO OTHER PUBLIC LAWS

SEC. 301. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Effective as of November 6, 1998, section 507 of Public Law 105–355 (112 Stat. 3264; 16 U.S.C. 460o note) is amended by

Effective date.

striking “Public Law 101-573” and inserting “Public Law 100-573”.

SEC. 302. ARCHES NATIONAL PARK EXPANSION ACT OF 1998.

Section 8 of Public Law 92-155 (16 U.S.C. 272g), as added by section 2(e)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105-329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking “, described as lots 1 through 12 located in the S $\frac{1}{2}$ N $\frac{1}{2}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.” and inserting “located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

“(A) Lots 1 through 12.

“(B) The S $\frac{1}{2}$ N $\frac{1}{2}$ of such section.

“(C) The N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of such section.”; and

(2) By striking subsection (d).

SEC. 303. DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998.

(a) TRANSFER OF JURISDICTION.—Section 6(b) of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Public Law 105-326; 112 Stat. 3044) is amended as follows:

(1) By striking the subsection heading and inserting the following: “ADDITIONAL TRANSFERS OF ADMINISTRATIVE JURISDICTION.—”.

(2) By striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,167 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—

“(A) the ‘Dutch John Townsite, Ashley National Forest, Lower Stillwater’, dated February 1997;

“(B) the ‘Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)’, dated February 1997; and

“(C) the ‘Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)’, dated February 1997.

“(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled ‘Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service’, dated February 1997.”.

(3) In paragraph (3)(A), by striking the second sentence and inserting the following new sentence: “The boundaries of the Ashley National Forest and the Uinta National Forest are hereby adjusted to reflect the transfers required by this section.”.

(4) In paragraph (3)(B), by striking “The transferred lands” and inserting “The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1)”.

(5) Section 10(g)(5)(A) of such Act (112 Stat. 3050) is amended by striking “Daggett County” and inserting “Dutch John”.

(b) **ELECTRIC POWER.**—Section 13(d) of such Act (112 Stat. 3053) is amended by striking paragraph (1) and inserting the following new paragraph:

16 USC 460v
note.

“(1) **AVAILABILITY.**—The United States shall make available for the Dutch John community electric power and associated energy previously reserved from the Colorado River Storage Project for project use as firm electric service.”.

SEC. 304. OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998.

Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022) is amended as follows:

(1) In subsection (a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) By striking subsection (b) and inserting the following new subsection:

“(b) **POLICY OF NO NET LOSS OF O & C LAND AND CBWR LAND.**—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area is not less than the number of acres of such land on October 30, 1998.”.

Deadline.

SEC. 305. NATIONAL PARK FOUNDATION.

Section 4 of Public Law 90–209 is amended—

16 USC 19h.

(1) by inserting “with or” between “practicable” and “without” in the final sentence thereof; and

(2) by adding at the end thereof a new sentence as follows: “Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.”.

SEC. 306. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 603(c)(1) of Public Law 105–391 is amended by striking “10” and inserting “15”.

16 USC 5993.

SEC. 307. GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.

Section 201(d) of Public Law 105–355 is amended by inserting “and/or Tropic Utah,” after the words “school district, Utah,” and by striking “Public Purposes Act,” and the remainder of the sentence and inserting “Public Purposes Act.”.

16 USC 431 note.

SEC. 308. SPIRIT MOUND.

Section 112(a) of division C of Public Law 105–277 (112 Stat. 2681–592) is amended—

(1) by striking “is authorized to acquire” and inserting “is authorized: (1) to acquire”;

(2) by striking “South Dakota.” and inserting “South Dakota; or”; and

(3) by adding at the end thereof the following new paragraph:

“(2) to transfer available funds for the acquisition of the tract to the State of South Dakota upon the completion of a binding agreement with the State to provide for the acquisition and long-term preservation, interpretation, and restoration of the Spirit Mound tract.”.

SEC. 309. AMERICA’S AGRICULTURAL HERITAGE PARTNERSHIP ACT AMENDMENT.

16 USC 461 note. Section 702(5) of division II of the Public Law 104-333 (110 Stat. 4265), is amended by striking “Secretary of Agriculture” and inserting “Secretary of the Interior”.

16 USC 460l-6a note.

SEC. 310. NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES.

(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104-134, as amended (16 U.S.C. 460l-6a note).

(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

Expiration date.

(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.

SEC. 311. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 404 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 112 Stat. 3508; 16 U.S.C. 5953) is amended by striking “contract terms and conditions,” and inserting “contract terms and conditions,”.

Approved March 10, 2000.

LEGISLATIVE HISTORY—H.R. 149:

HOUSE REPORTS: No. 106-17 (Comm. on Resources).

SENATE REPORTS: No. 106-125 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Feb. 23, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 15, House concurred in Senate amendments.



Public Law 106–177
106th Congress

An Act

To reduce the incidence of child abuse and neglect, and for other purposes.

Mar. 10, 2000
[H.R. 764]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**TITLE I—THE CHILD ABUSE
PREVENTION AND ENFORCEMENT ACT**

Child Abuse
Prevention and
Enforcement Act.
Inter-
governmental
relations.
42 USC 3711
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “Child Abuse Prevention and Enforcement Act”.

SEC. 102. GRANT PROGRAM.

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking “and” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “; and”, and by adding after paragraph (16) the following:

“(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.”.

SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

- (1) by striking “and” at the end of paragraph (25);
- (2) by striking the period at the end of paragraph (26) and inserting a semicolon; and
- (3) by adding at the end the following:

“(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

“(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.”.

SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking “(2) The first \$10,000,000” and inserting “(2)(A) Except as provided in subparagraph (B), the first \$10,000,000”; and

(2) by adding at the end the following:

“(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the \$10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

“(ii) Amounts available under this subparagraph for any fiscal year shall not exceed \$20,000,000.”.

42 USC 10601
note.

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

TITLE II—JENNIFER’S LAW**SEC. 201. SHORT TITLE.**

This title may be cited as “Jennifer’s Law”.

SEC. 202. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

Jennifer’s Law.
Law enforcement
and crime.
Grants.
Inter-
governmental
relations.
42 USC 14661
note.
42 USC 14661.

42 USC 14662.

SEC. 203. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State’s jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

Reports.
Records.

42 USC 14663.

SEC. 204. USES OF FUNDS.

A State that receives a grant award under this title may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with

the assurances provided in the application submitted pursuant to section 203(b).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

42 USC 14664.

There are authorized to be appropriated to carry out this title \$2,000,000 for each of fiscal years 2000, 2001, and 2002.

Approved March 10, 2000.

LEGISLATIVE HISTORY—H.R. 764 (S. 1750):

HOUSE REPORTS: No. 106–360 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 5, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Feb. 1, House concurred in Senate amendment.



Public Law 106–178
106th Congress

An Act

Mar. 14, 2000
[H.R. 1883]

To provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Iran
Nonproliferation
Act of 2000.
Arms and
munitions.
Weapons.
50 USC 1701
note.
President.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Iran Nonproliferation Act of 2000”.

SEC. 2. REPORTS ON PROLIFERATION TO IRAN.

(a) **REPORTS.**—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, on or after January 1, 1999, transferred to Iran—

(1) goods, services, or technology listed on—

(A) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev.3/Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev.3/Part 2, and subsequent revisions);

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

(C) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group;

(D) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; or

(E) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(2) goods, services, or technology not listed on any list identified in paragraph (1) but which nevertheless would be,

if they were United States goods, services, or technology, prohibited for export to Iran because of their potential to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems.

(b) **TIMING OF REPORTS.**—The reports under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, not later than 6 months after such date of enactment, and not later than the end of each 6-month period thereafter.

Deadline.

(c) **EXCEPTIONS.**—Any foreign person who—

(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer; or

(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States, is not required to be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer may have continued, or been larger, more significant, or different in nature than previously reported under this section.

(d) **SUBMISSION IN CLASSIFIED FORM.**—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) **APPLICATION OF MEASURES.**—Subject to sections 4 and 5, the President is authorized to apply with respect to each foreign person identified in a report submitted pursuant to section 2(a), for such period of time as he may determine, any or all of the measures described in subsection (b).

(b) **DESCRIPTION OF MEASURES.**—The measures referred to in subsection (a) are the following:

(1) **EXECUTIVE ORDER NO. 12938 PROHIBITIONS.**—The measures set forth in subsections (b) and (c) of section 4 of Executive Order No. 12938.

(2) **ARMS EXPORT PROHIBITION.**—Prohibition on United States Government sales to that foreign person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act.

(3) **DUAL USE EXPORT PROHIBITION.**—Denial of licenses and suspension of existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) **EFFECTIVE DATE OF MEASURES.**—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 2(b);

(2) 90 days after the date required by section 2(b) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 2(b).

(d) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) shall be announced by notice published in the Federal Register.

SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.

(a) REQUIREMENT TO NOTIFY CONGRESS.—Should the President not exercise the authority of section 3(a) to apply any or all of the measures described in section 3(b) with respect to a foreign person identified in a report submitted pursuant to section 2(a), he shall so notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate no later than the effective date under section 3(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification submitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report submitted pursuant to section 2(a) that support the President's decision not to exercise the authority of section 3(a) with respect to that person.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 5. DETERMINATION EXEMPTING FOREIGN PERSON FROM SECTIONS 3 AND 4.

(a) IN GENERAL.—Sections 3 and 4 shall not apply to a foreign person 15 days after the President reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the President has determined, on the basis of information provided by that person, or otherwise obtained by the President, that—

(1) the person did not, on or after January 1, 1999, knowingly transfer to Iran the goods, services, or technology the apparent transfer of which caused that person to be identified in a report submitted pursuant to section 2(a);

(2) the goods, services, or technology the transfer of which caused that person to be identified in a report submitted pursuant to section 2(a) did not materially contribute to Iran's efforts to develop nuclear, biological, or chemical weapons, or ballistic or cruise missile systems;

(3) the person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 2(a) with respect to a transfer of goods, services, or technology described in section 2(a)(1), and such transfer was made consistent with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

(4) the government with primary jurisdiction over the person has imposed meaningful penalties on that person on account of the transfer of the goods, services, or technology which caused that person to be identified in a report submitted pursuant to section 2(a).

(b) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

(1) in every appropriate case, to contact in a timely fashion each foreign person identified in each report submitted pursuant to section 2(a), or the government with primary jurisdiction over such person, in order to afford such person, or governments, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 2(a); and

(2) to exercise the authority in subsection (a) in all cases where information obtained from a foreign person identified in a report submitted pursuant to section 2(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be submitted in classified form.

SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

Russian
Federation.
President.

(a) RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which the extraordinary payments in connection with the International Space Station are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

(b) DETERMINATION REGARDING RUSSIAN COOPERATION IN PREVENTING PROLIFERATION TO IRAN.—The determination referred to in subsection (a) is a determination by the President that—

(1) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, has, during the 1-year period prior to the date of the determination pursuant to this subsection, made transfers to Iran reportable under section 2(a) of this Act (other than transfers with respect to

which a determination pursuant to section 5 has been or will be made).

Deadline.

(c) **PRIOR NOTIFICATION.**—Not less than 5 days before making a determination under subsection (b), the President shall notify the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of his intention to make such determination.

(d) **WRITTEN JUSTIFICATION.**—A determination of the President under subsection (b) shall include a written justification describing in detail the facts and circumstances supporting the President's conclusion.

(e) **SUBMISSION IN CLASSIFIED FORM.**—When the President considers it appropriate, a determination of the President under subsection (b), a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be submitted in classified form.

(f) **EXCEPTION FOR CREW SAFETY.**—

(1) **EXCEPTION.**—The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Aviation and Space Agency or any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency if the President has notified the Congress in writing that such payments are necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station.

Deadline.

(2) **REPORT.**—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall submit to Congress a report describing—

(A) the extent to which the provisions of subsection

(b) had been met as of the date of notification; and

(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

(i) the conditions posing a threat of imminent loss of life by or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life by or grievous injury to individuals aboard the International Space Station.

(g) **SERVICE MODULE EXCEPTION.**—(1) The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module, and for the purchase (at a total cost not to exceed \$14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module, if—

(A) the President has notified Congress at least 5 days before making such payments;

(B) no report has been made under section 2 with respect to an activity of the entity to receive such payment, and the President has no credible information of any activity that would require such a report; and

(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

(2) For purposes of this subsection, the term “maintenance” means activities which cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

(3) This subsection shall cease to be effective 60 days after a United States propulsion module is in place at the International Space Station.

Termination
date.

(h) EXCEPTION.—Notwithstanding subsections (a) and (b), no agency of the United States Government may make extraordinary payments in connection with the International Space Station to any foreign person subject to measures applied pursuant to—

(1) section 3 of this Act; or

(2) section 4 of Executive Order No. 12938 (November 14, 1994), as amended by Executive Order No. 13094 (July 28, 1998).

Such payments shall also not be made to any other entity if the agency of the United States Government anticipates that such payments will be passed on to such a foreign person.

SEC. 7. DEFINITIONS.

For purposes of this Act, the following terms have the following meanings:

(1) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term “extraordinary payments in connection with the International Space Station” means payments in cash or in kind made or to be made by the United States Government—

(A) for work on the International Space Station which the Russian Government pledged at any time to provide at its expense; or

(B) for work on the International Space Station, or for the purchase of goods or services relating to human space flight, that are not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as those terms were in effect on such date.

(2) FOREIGN PERSON; PERSON.—The terms “foreign person” and “person” mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) EXECUTIVE ORDER NO. 12938.—The term “Executive Order No. 12938” means Executive Order No. 12938 as in effect on January 1, 1999.

(4) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an “adherent” to a “relevant nonproliferation regime” if that government—

(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(A);

(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 2(a)(1)(B), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(C);

(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 2(a)(1)(D); or

(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 2(a)(1)(E).

(5) ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN AVIATION AND SPACE AGENCY.—(A) The term “organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency” means an organization or entity that—

(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

(ii) was transferred to the Russian Space Agency by decree of the Russian Government on July 25, 1994, or May 12, 1998;

(iii) was or is transferred to the Russian Aviation and Space Agency or Russian Space Agency by decree of the Russian Government at any other time before, on, or after the date of the enactment of this Act; or

(iv) is a joint stock company in which the Russian Aviation and Space Agency or Russian Space Agency has at any time held controlling interest.

(B) Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Aviation and Space Agency regardless of whether—

(i) such organization or entity, after being part of or transferred to the Russian Aviation and Space Agency or Russian Space Agency, is removed from or transferred out of the Russian Aviation and Space Agency or Russian Space Agency; or

(ii) the Russian Aviation and Space Agency or Russian Space Agency, after holding a controlling interest in such organization or entity, divests its controlling interest.

Approved March 14, 2000.

LEGISLATIVE HISTORY—H.R. 1883:

HOUSE REPORTS: No. 106–315 Pt. 1 (Comm. on International Relations).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 14, considered and passed House.

Vol. 146 (2000): Feb. 22, 24, considered and passed Senate, amended.

Mar. 1, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Mar. 14, Presidential statement.



Public Law 106–179
106th Congress

An Act

Mar. 14, 2000
[S. 613]

To encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Tribal
Economic
Development and
Contract
Encouragement
Act of 2000.
25 USC 71 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Economic Development and Contract Encouragement Act of 2000”.

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows:

“SEC. 2103. (a) In this section:

“(1) The term ‘Indian lands’ means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.

“(2) The term ‘Indian tribe’ has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“(3) The term ‘Secretary’ means the Secretary of the Interior.

“(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

“(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

“(d) The Secretary (or a designee of the Secretary) shall refuse to approve an agreement or contract that is covered under subsection (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

“(1) violates Federal law; or

“(2) does not include a provision that—

“(A) provides for remedies in the case of a breach of the agreement or contract;

“(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

“(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense

in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

“(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 2000, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

Deadline.
Regulations.

“(f) Nothing in this section shall be construed to—

“(1) require the Secretary to approve a contract for legal services by an attorney;

“(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); or

“(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe.”.

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the “Indian Reorganization Act”) (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking “, the choice of counsel and fixing of fees to be subject to the approval of the Secretary”.

Approved March 14, 2000.

LEGISLATIVE HISTORY—S. 613:

HOUSE REPORTS: No. 106–501 (Comm. on Resources).

SENATE REPORTS: No. 106–150 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 15, considered and passed Senate.

Vol. 146 (2000): Feb. 29, considered and passed House.



Public Law 106–180
106th Congress

An Act

Mar. 17, 2000
[S. 376]

To amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Open-market
Reorganization
for the
Betterment of
International
Telecommunica-
tions Act.
47 USC 701 note.
47 USC 761 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Open-market Reorganization for the Betterment of International Telecommunications Act” or the “ORBIT Act”.

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 701) is amended by adding at the end the following new title:

**“TITLE VI—COMMUNICATIONS
COMPETITION AND PRIVATIZATION**

**“Subtitle A—Actions To Ensure Pro-
Competitive Privatization**

47 USC 761.

“SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

“(a) LICENSING FOR SEPARATED ENTITIES.—

“(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

“(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

“(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

“(1) COMPETITION TEST.—

“(A) IN GENERAL.—In considering the application of INTELSAT, Inmarsat, or their successor entities for a license or construction permit, or for the renewal or assignment or use of any such license or permit, or in considering the request of any entity subject to United States jurisdiction for authorization to use any space segment owned, leased, or operated by INTELSAT, Inmarsat, or their successor entities, to provide non-core services to, from, or within the United States, the Commission shall determine whether—

“(i) after April 1, 2001, in the case of INTELSAT and its successor entities, INTELSAT and any successor entities have been privatized in a manner that will harm competition in the telecommunications markets of the United States; or

“(ii) after April 1, 2000, in the case of Inmarsat and its successor entities, Inmarsat and any successor entities have been privatized in a manner that will harm competition in the telecommunications markets of the United States.

“(B) CONSEQUENCES OF DETERMINATION.—If the Commission determines that such competition will be harmed or that grant of such application or request for authority is not otherwise in the public interest, the Commission shall limit through conditions or deny such application or request, and limit or revoke previous authorizations to provide non-core services to, from, or within the United States. After due notice and opportunity for comment, the Commission shall apply the same limitations, restrictions, and conditions to all entities subject to United States jurisdiction using space segment owned, leased, or operated by INTELSAT, Inmarsat, or their successor entities.

Applicability.

“(C) NATIONAL SECURITY, LAW ENFORCEMENT, AND PUBLIC SAFETY.—The Commission shall not impose any limitation, condition, or restriction under subparagraph (B) in a manner that will, or is reasonably likely to, result in limitation, denial, or revocation of authority for non-core services that are used by and required for a national security agency or law enforcement department or agency of the United States, or used by and required for, and otherwise in the public interest, any other Department or Agency of the United States to protect the health and safety of the public. Such services may be obtained by the United States directly from INTELSAT, Inmarsat, or a successor entity, or indirectly through COMSAT, or authorized carriers or distributors of the successor entity.

“(D) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to preclude the Commission from acting upon applications of INTELSAT, Inmarsat, or their successor entities prior to the latest date set out in section 621(5)(A), including such actions as may be necessary for the United States to become the licensing jurisdiction for INTELSAT, but the Commission shall condition a grant of authority pursuant to this subsection upon compliance with sections 621 and 622.

“(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall determine that competition in the telecommunications markets of the United States will be harmed unless the Commission finds that the privatization referred to in paragraph (1) is consistent with such criteria.

“(3) CLARIFICATION: COMPETITIVE SAFEGUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

“(c) ADDITIONAL CONSIDERATIONS IN DETERMINATIONS.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall construe such subsections in a manner consistent with the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

“(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this section shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT and Inmarsat, and successor or separated entities. This subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

47 USC 761a.

“SEC. 602. INCENTIVES; LIMITATION ON EXPANSION PENDING PRIVATIZATION.

“(a) LIMITATION.—Until INTELSAT, Inmarsat, and their successor or separate entities are privatized in accordance with the requirements of this title, INTELSAT, Inmarsat, and their successor or separate entities, respectively, shall not be permitted to provide

additional services. The Commission shall take all necessary measures to implement this requirement, including denial by the Commission of licensing for such services.

“(b) ORBITAL LOCATION INCENTIVES.—Until such privatization is achieved, the United States shall oppose and decline to facilitate applications by such entities for new orbital locations to provide such services.

“Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

“SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT. 47 USC 763.

“The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A: President.

“(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

“(A) INTELSAT as soon as practicable, but no later than April 1, 2001; and

“(B) Inmarsat as soon as practicable, but no later than July 1, 2000.

“(2) INDEPENDENCE.—The privatized successor entities and separated entities of INTELSAT and Inmarsat shall operate as independent commercial entities, and have a pro-competitive ownership structure. The successor entities and separated entities of INTELSAT and Inmarsat shall conduct an initial public offering in accordance with paragraph (5) to achieve such independence. Such offering shall substantially dilute the aggregate ownership of such entities by such signatories or former signatories. In determining whether a public offering attains such substantial dilution, the Commission shall take into account the purposes and intent, privatization criteria, and other provisions of this title, as well as market conditions. No intergovernmental organization, including INTELSAT or Inmarsat, shall have—

“(A) an ownership interest in INTELSAT or the successor or separated entities of INTELSAT; or

“(B) more than minimal ownership interest in Inmarsat or the successor or separated entities of Inmarsat.

“(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

“(A) privileged or immune treatment by national governments;

“(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

“(C) preferential access to orbital locations.

Access to new, or renewal of access to, orbital locations shall be subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

“(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to privatization under this title, INTELSAT and Inmarsat shall be precluded from expanding into additional services.

“(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a national corporation or similar accepted commercial structure, subject to the laws of the nation in which incorporated, as follows:

Deadlines.

“(A) An initial public offering of securities of any successor entity or separated entity—

“(i) shall be conducted, for the successor entities of INTELSAT, on or about October 1, 2001, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but such extensions shall not permit such offering to be conducted later than December 31, 2002; and

“(ii) shall be conducted, for the successor entities of Inmarsat, on or about October 1, 2000, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but to no later than December 31, 2001.

“(B) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

“(C) A majority of the members of the board of directors of any successor entity or separated entity shall not be directors, employees, officers, or managers or otherwise serve as representatives of any signatory or former signatory. No member of the board of directors of any successor or separated entity shall be a director, employee, officer or manager of any intergovernmental organization remaining after the privatization.

“(D) Any successor entity or separated entity shall—

“(i) have a board of directors with a fiduciary obligation;

“(ii) have no officers or managers who (I) are officers or managers of any signatories or former signatories, or (II) have any direct financial interest in or financial relationship to any signatories or former signatories, except that such interest may be managed through a blind trust or similar mechanism;

“(iii) have no directors, officers, or managers who hold such positions in any intergovernmental organization; and

“(iv) in the case of a separated entity, have no officers or directors, who (I) are officers or managers of any intergovernmental organization, or (II) have any direct financial interest in or financial relationship

to any international organization, except that such interest may be managed through a blind trust or similar mechanism.

“(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or Inmarsat shall be conducted on an arm’s length basis.

“(6) REGULATORY TREATMENT.—Any successor entity or separated entity created after the date of enactment of this title shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

“(7) COMPETITION POLICIES IN DOMICILIARY COUNTRY.—Any successor entity or separated entity shall be subject to the jurisdiction of a nation or nations that—

“(A) have effective laws and regulations that secure competition in telecommunications services;

“(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

“(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

“SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

47 USC 763a.

“In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

“(1) TECHNICAL COORDINATION UNDER INTELSAT AGREEMENTS.—Technical coordination shall not be used to impair competition or competitors, and shall be conducted under International Telecommunication Union procedures and not under Article XIV(d) of the INTELSAT Agreement.

“SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

47 USC 763b.

“In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

“(1) DATE FOR PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted. In the case of a separated entity created before January 1, 1999, such public offering shall be conducted no later than July 1, 2000, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but such extensions shall not permit such offering to be conducted later than July 31, 2001.

“(2) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

“(3) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of enactment of this title to INTELSAT shall not be transferred between INTELSAT and any separated entity.

“(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 11 years after the completion of INTELSAT privatization under this title.

47 USC 763c.

“SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

“In securing the privatizations required by section 621, the following additional criteria with respect to Inmarsat privatization shall be applied as licensing criteria for purposes of subtitle A:

“(1) REAFFILIATION PROHIBITED.—Any merger, ownership of more than one percent of the voting securities, or management ties or exclusive arrangements between Inmarsat or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of Inmarsat privatization under this title.

“(2) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of Inmarsat or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

“(3) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

47 USC 763d.

“SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

“(a) NTIA DETERMINATION.—

Deadline.
Records.

“(1) DETERMINATION REQUIRED.—Within 180 days after the date of enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission—

“(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

“(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

“(2) CONSULTATION.—The Secretary’s determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the totality of a country’s actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

“(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

“(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

“(2) any transition period that would otherwise apply, the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

“(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy

in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

“Subtitle C—Deregulation and Other Statutory Changes

“SEC. 641. ACCESS TO INTELSAT.

47 USC 765.

“(a) ACCESS PERMITTED.—Beginning on the date of enactment of this title, users or providers of telecommunications services shall be permitted to obtain direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from INTELSAT. Such direct access shall be at the level commonly referred to by INTELSAT, on the date of enactment of this title, as ‘Level III’.

Effective date.

“(b) RULEMAKING.—Within 180 days after the date of enactment of this title, the Commission shall complete a rulemaking, with notice and opportunity for submission of comment by interested persons, to determine if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service or capacity requirements. If the Commission determines that such opportunity to access does not exist, the Commission shall take appropriate action to facilitate such direct access pursuant to its authority under this Act and the Communications Act of 1934. The Commission shall take such steps as may be necessary to prevent the circumvention of the intent of this section.

Deadline.
Notice.

“(c) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

“SEC. 642. SIGNATORY ROLE.

47 USC 765a.

“(a) LIMITATIONS ON SIGNATORIES.—

“(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that not to do so would constitute a threat to national security.

“(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatories to represent the United States in INTELSAT or Inmarsat or in any successor entities after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

“(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.—

“(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

“(2) LIMITED IMMUNITY.—COMSAT or any successor in interest shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign

governments, international entities, and the intergovernmental satellite organizations.

“(3) NO JOINT OR SEVERAL LIABILITY.—If COMSAT is found liable for any action taken in its status as a signatory or a representative of the party to INTELSAT, any such liability shall be limited to the portion of the judgment that corresponds to COMSAT’s percentage of the ownership of INTELSAT at the time the activity began which lead to the liability.

“(4) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of enactment of this title.

“(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

47 USC 765b.

“SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

“Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

47 USC 765c.

“SEC. 644. ITU FUNCTIONS.

“(a) TECHNICAL COORDINATION.—The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

President.

“(b) ITU NOTIFYING ADMINISTRATION.—The President and the Commission shall take the action necessary to ensure that the United States remains the ITU notifying administration for the privatized INTELSAT’s existing and future orbital slot registrations.

47 USC 765d.

“SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

“Effective on the dates specified, the following provisions of this Act shall cease to be effective:

“(1) Date of enactment of this title: Paragraphs (1), (5) and (6) of section 201(a); section 201(b); paragraphs (1), (3) through (5), and (8) through (10) of section 201(c); section 303; section 304; section 502; section 503; paragraphs (2) and (4) of section 504(a); and section 504(c).

“(2) Upon the transfer of assets to a successor entity and receipt by signatories or former signatories (including COMSAT) of ownership shares in the successor entity of INTELSAT in accordance with appropriate arrangements determined by INTELSAT to implement privatization: Section 305.

“(3) On the effective date of a Commission order determining under section 601(b)(2) that Inmarsat privatization is consistent with criteria in sections 621 and 624: Sections 504(b) and 504(d).

“(4) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Section 102; section 103(7); paragraphs (2) through (4) and (7) of section 201(a); paragraphs (2), (6), and (7) of section 201(c); section

301; section 302; section 401; section 402; section 403; and section 404.

“SEC. 646. REPORTS TO CONGRESS.

47 USC 765e.

“(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate within 90 calendar days of the enactment of this title, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this title. Such reports shall be made available immediately to the public.

President.
Deadline.
Public
information.

“(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

“(1) Progress with respect to each objective since the most recent preceding report.

“(2) Views of the Parties with respect to privatization.

“(3) Views of industry and consumers on privatization.

“(4) Impact privatization has had on United States industry, United States jobs, and United States industry’s access to the global marketplace.

“SEC. 647. SATELLITE AUCTIONS.

47 USC 765f.

“Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

President.

“SEC. 648. EXCLUSIVITY ARRANGEMENTS.

47 USC 765g.

“(a) IN GENERAL.—No satellite operator shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

“(b) EXCEPTION.—In enforcing the provisions of this section, the Commission—

“(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

“(2) may require the termination of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

“Subtitle D—Negotiations To Pursue Privatization

President.
47 USC 767.

“SEC. 661. METHODS TO PURSUE PRIVATIZATION.

“The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

“Subtitle E—Definitions

47 USC 769.

“SEC. 681. DEFINITIONS.

“(a) IN GENERAL.—As used in this title:

“(1) INTELSAT.—The term ‘INTELSAT’ means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

“(2) INMARSAT.—The term ‘Inmarsat’ means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

“(3) SIGNATORIES.—The term ‘signatories’—

“(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force; and

“(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

“(4) PARTY.—The term ‘Party’—

“(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force; and

“(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

“(5) COMMISSION.—The term ‘Commission’ means the Federal Communications Commission.

“(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term ‘International Telecommunication Union’ means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

“(7) SUCCESSOR ENTITY.—The term ‘successor entity’—

“(A) means any privatized entity created from the privatization of INTELSAT or Inmarsat or from the assets of INTELSAT or Inmarsat; but

“(B) does not include any entity that is a separated entity.

“(8) SEPARATED ENTITY.—The term ‘separated entity’ means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to full privatization of INTELSAT or Inmarsat, including in particular

the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

“(9) ORBITAL LOCATION.—The term ‘orbital location’ means the location for placement of a satellite on the geostationary orbital arc as defined in the International Telecommunication Union Radio Regulations.

“(10) SPACE SEGMENT.—The term ‘space segment’ means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

“(11) NON-CORE SERVICES.—The term ‘non-core services’ means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

“(12) ADDITIONAL SERVICES.—The term ‘additional services’ means—

“(A) for Inmarsat, those non-maritime or non-aeronautical mobile services in the 1.5 and 1.6 Ghz band on planned satellites or the 2 Ghz band; and

“(B) for INTELSAT, direct-to-home (DTH) or direct broadcast satellite (DBS) video services, or services in the Ka or V bands.

“(13) INTELSAT AGREEMENT.—The term ‘INTELSAT Agreement’ means the Agreement Relating to the International Telecommunications Satellite Organization (‘INTELSAT’), including all its annexes (TIAS 7532, 23 UST 3813).

“(14) HEADQUARTERS AGREEMENT.—The term ‘Headquarters Agreement’ means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

“(15) OPERATING AGREEMENT.—The term ‘Operating Agreement’ means—

“(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

“(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

“(16) INMARSAT CONVENTION.—The term ‘Inmarsat Convention’ means the Convention on the International Maritime Satellite Organization (Inmarsat) (TIAS 9605, 31 UST 1).

“(17) NATIONAL CORPORATION.—The term ‘national corporation’ means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

“(18) COMSAT.—The term ‘COMSAT’ means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.), or the successor in interest to such corporation.

“(19) ICO.—The term ‘ICO’ means the company known, as of the date of enactment of this title, as ICO Global Communications, Inc.

“(20) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDSS.—The term ‘global maritime distress and safety services’ or ‘GMDSS’ means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

“(21) NATIONAL SECURITY AGENCY.—The term ‘national security agency’ means the National Security Agency, the Director of Central Intelligence and the Central Intelligence Agency, the Department of Defense, and the Coast Guard.

“(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.”.

Approved March 17, 2000.

LEGISLATIVE HISTORY—S. 376 (H.R. 3261):

HOUSE REPORTS: No. 106–509 (Comm. of Conference).

SENATE REPORTS: No. 106–100 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): July 1, considered and passed Senate.

Nov. 10, considered and passed House, amended, in lieu of H.R. 3261.

Vol. 146 (2000): Mar. 2, Senate agreed to conference report.

Mar. 9, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Mar. 17, Presidential statement.



Public Law 106–181
106th Congress

An Act

To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

Apr. 5, 2000
[H.R. 1000]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Definitions.

Wendell H. Ford
Aviation
Investment and
Reform Act for
the 21st Century.
49 USC 40101
note.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

- Sec. 101. Airport improvement program.
- Sec. 102. Airway facilities improvement program.
- Sec. 103. FAA operations.
- Sec. 104. AIP formula changes.
- Sec. 105. Passenger facility fees.
- Sec. 106. Funding for aviation programs.
- Sec. 107. Adjustment to AIP program funding.
- Sec. 108. Reprogramming notification requirement.

Subtitle B—Airport Development

- Sec. 121. Runway incursion prevention devices and emergency call boxes.
- Sec. 122. Windshear detection equipment and adjustable lighting extensions.
- Sec. 123. Pavement maintenance.
- Sec. 124. Enhanced vision technologies.
- Sec. 125. Public notice before waiver with respect to land.
- Sec. 126. Matching share.
- Sec. 127. Letters of intent.
- Sec. 128. Grants from small airport fund.
- Sec. 129. Discretionary use of unused apportionments.
- Sec. 130. Designating current and former military airports.
- Sec. 131. Contract tower cost-sharing.
- Sec. 132. Innovative use of airport grant funds.
- Sec. 133. Inherently low-emission airport vehicle pilot program.
- Sec. 134. Airport security program.
- Sec. 135. Technical amendments.
- Sec. 136. Conveyances of airport property for public airports.
- Sec. 137. Intermodal connections.
- Sec. 138. State block grant program.
- Sec. 139. Design-build contracting.

Subtitle C—Miscellaneous

- Sec. 151. Treatment of certain facilities as airport-related projects.
- Sec. 152. Terminal development costs.
- Sec. 153. Continuation of ILS inventory program.

- Sec. 154. Aircraft noise primarily caused by military aircraft.
- Sec. 155. Competition plans.
- Sec. 156. Alaska rural aviation improvement.
- Sec. 157. Use of recycled materials.
- Sec. 158. Construction of runways.
- Sec. 159. Notice of grants.
- Sec. 160. Airfield pavement conditions.
- Sec. 161. Report on efforts to implement capacity enhancements.
- Sec. 162. Prioritization of discretionary projects.
- Sec. 163. Continuation of reports.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

- Sec. 201. Policy for air service to rural areas.
- Sec. 202. Waiver of local contribution.
- Sec. 203. Improved air carrier service to airports not receiving sufficient service.
- Sec. 204. Preservation of essential air service at single carrier dominated hub airports.
- Sec. 205. Determination of distance from hub airport.
- Sec. 206. Report on essential air service.
- Sec. 207. Marketing practices.
- Sec. 208. Definition of eligible place.
- Sec. 209. Maintaining the integrity of the essential air service program.
- Sec. 210. Regional jet service for small communities.

Subtitle B—Airline Customer Service

- Sec. 221. Consumer notification of E-ticket expiration dates.
- Sec. 222. Increased penalty for violation of aviation consumer protection laws.
- Sec. 223. Funding of enforcement of airline consumer protections.
- Sec. 224. Airline customer service reports.
- Sec. 225. Increased financial responsibility for lost baggage.
- Sec. 226. Comptroller General investigation.
- Sec. 227. Airline service quality performance reports.
- Sec. 228. National Commission To Ensure Consumer Information and Choice in the Airline Industry.

Subtitle C—Competition

- Sec. 231. Changes in, and phase-out of, slot rules.

TITLE III—FAA MANAGEMENT REFORM

- Sec. 301. Air traffic control system defined.
- Sec. 302. Air traffic control oversight.
- Sec. 303. Chief Operating Officer.
- Sec. 304. Pilot program to permit cost-sharing of air traffic modernization projects.
- Sec. 305. Clarification of regulatory approval process.
- Sec. 306. Failure to meet rulemaking deadline.
- Sec. 307. FAA personnel and acquisition management systems.
- Sec. 308. Right to contest adverse personnel actions.
- Sec. 309. Independent study of FAA costs and allocations.
- Sec. 310. Environmental review of airport improvement projects.
- Sec. 311. Cost allocation system.
- Sec. 312. Report on modernization of oceanic ATC system.

TITLE IV—FAMILY ASSISTANCE

- Sec. 401. Responsibilities of National Transportation Safety Board.
- Sec. 402. Air carrier plans.
- Sec. 403. Foreign air carrier plans.
- Sec. 404. Death on the high seas.

TITLE V—SAFETY

- Sec. 501. Airplane emergency locators.
- Sec. 502. Cargo collision avoidance systems deadlines.
- Sec. 503. Landfills interfering with air commerce.
- Sec. 504. Life-limited aircraft parts.
- Sec. 505. Counterfeit aircraft parts.
- Sec. 506. Prevention of frauds involving aircraft or space vehicle parts in interstate or foreign air commerce.
- Sec. 507. Transporting of hazardous material.
- Sec. 508. Employment investigations and restrictions.

- Sec. 509. Criminal penalty for pilots operating in air transportation without an airman's certificate.
- Sec. 510. Flight operations quality assurance rules.
- Sec. 511. Penalties for unruly passengers.
- Sec. 512. Deputizing of State and local law enforcement officers.
- Sec. 513. Air transportation oversight system.
- Sec. 514. Runway safety areas.
- Sec. 515. Precision approach path indicators.
- Sec. 516. Aircraft dispatchers.
- Sec. 517. Improved training for airframe and powerplant mechanics.
- Sec. 518. Small airport certification.
- Sec. 519. Protection of employees providing air safety information.
- Sec. 520. Occupational injuries of airport workers.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

- Sec. 601. Transfer of functions, powers, and duties.
- Sec. 602. Transfer of office, personnel and funds.
- Sec. 603. Amendment of title 49, United States Code.
- Sec. 604. Savings provision.
- Sec. 605. National ocean survey.
- Sec. 606. Sale and distribution of nautical and aeronautical products by NOAA.
- Sec. 607. Procurement of private enterprise mapping, charting, and geographic information systems.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Duties and powers of Administrator.
- Sec. 702. Public aircraft.
- Sec. 703. Prohibition on release of offeror proposals.
- Sec. 704. FAA evaluation of long-term capital leasing.
- Sec. 705. Severable services contracts for periods crossing fiscal years.
- Sec. 706. Prohibitions on discrimination.
- Sec. 707. Discrimination against handicapped individuals.
- Sec. 708. Prohibitions against smoking on scheduled flights.
- Sec. 709. Joint venture agreement.
- Sec. 710. Reports by carriers on incidents involving animals during air transport.
- Sec. 711. Extension of war risk insurance program.
- Sec. 712. General facilities and personnel authority.
- Sec. 713. Human factors program.
- Sec. 714. Implementation of Article 83 bis of the Chicago Convention.
- Sec. 715. Public availability of airmen records.
- Sec. 716. Review process for emergency orders.
- Sec. 717. Government and industry consortia.
- Sec. 718. Passenger manifest.
- Sec. 719. Cost recovery for foreign aviation services.
- Sec. 720. Technical corrections to civil penalty provisions.
- Sec. 721. Waiver under Airport Noise and Capacity Act.
- Sec. 722. Land use compliance report.
- Sec. 723. Charter airlines.
- Sec. 724. Credit for emergency services provided.
- Sec. 725. Passenger cabin air quality.
- Sec. 726. Standards for aircraft and aircraft engines to reduce noise levels.
- Sec. 727. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
- Sec. 728. Automated surface observation system stations.
- Sec. 729. Aircraft situational display data.
- Sec. 730. Elimination of backlog of equal employment opportunity complaints.
- Sec. 731. Grant of easement, Los Angeles, California.
- Sec. 732. Regulation of Alaska guide pilots.
- Sec. 733. National Transportation Data Center of Excellence.
- Sec. 734. Aircraft repair and maintenance advisory panel.
- Sec. 735. Operations of air taxi industry.
- Sec. 736. National airspace redesign.
- Sec. 737. Compliance with requirements.
- Sec. 738. FAA consideration of certain State proposals.
- Sec. 739. Cincinnati-Municipal Blue Ash Airport.
- Sec. 740. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
- Sec. 741. Discriminatory practices by computer reservations systems outside the United States.
- Sec. 742. Specialty metals consortium.
- Sec. 743. Alkali silica reactivity distress.
- Sec. 744. Rolling stock equipment.

- Sec. 745. General Accounting Office airport noise study.
- Sec. 746. Noise study of Sky Harbor Airport, Phoenix, Arizona.
- Sec. 747. Nonmilitary helicopter noise.
- Sec. 748. Newport News, Virginia.
- Sec. 749. Authority to waive terms of deed of conveyance, Yavapai County, Arizona.
- Sec. 750. Authority to waive terms of deed of conveyance, Pinal County, Arizona.
- Sec. 751. Conveyance of airport property to an institution of higher education in Oklahoma.
- Sec. 752. Former airfield lands, Grant Parish, Louisiana.
- Sec. 753. Raleigh County, West Virginia, Memorial Airport.
- Sec. 754. Iditarod area school district.
- Sec. 755. Alternative power sources for flight data recorders and cockpit voice recorders.
- Sec. 756. Terminal automated radar display and information system.
- Sec. 757. Streamlining seat and restraint system certification process and dynamic testing requirements.
- Sec. 758. Expressing the sense of the Senate concerning air traffic over northern Delaware.
- Sec. 759. Post Free Flight Phase I activities.
- Sec. 760. Sense of the Congress regarding protecting the frequency spectrum used for aviation communication.
- Sec. 761. Land exchanges, Fort Richardson and Elmendorf Air Force Base, Alaska.
- Sec. 762. Bilateral relationship.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

- Sec. 801. Short title.
- Sec. 802. Findings.
- Sec. 803. Air tour management plans for national parks.
- Sec. 804. Quiet aircraft technology for Grand Canyon.
- Sec. 805. Advisory group.
- Sec. 806. Prohibition of commercial air tour operations over the Rocky Mountain National Park.
- Sec. 807. Reports.
- Sec. 808. Methodologies used to assess air tour noise.
- Sec. 809. Alaska exemption.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

- Sec. 901. Authorization of appropriations.
- Sec. 902. Integrated national aviation research plan.
- Sec. 903. Internet availability of information.
- Sec. 904. Research on nonstructural aircraft systems.
- Sec. 905. Research program to improve airfield pavements.
- Sec. 906. Evaluation of research funding techniques.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

- Sec. 1001. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

49 USC 106 note.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

49 USC 40102 note.

SEC. 4. DEFINITIONS.

Except as otherwise provided in this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking “shall be” the last place it appears and all that follows and inserting the following: “shall be—

- “(1) \$2,410,000,000 for fiscal year 1999;
- “(2) \$2,475,000,000 for fiscal year 2000;
- “(3) \$3,200,000,000 for fiscal year 2001;
- “(4) \$3,300,000,000 for fiscal year 2002; and
- “(5) \$3,400,000,000 for fiscal year 2003.

Such sums shall remain available until expended.”.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking “After” and all that follows through “1999,” and inserting “After September 30, 2003,”.

(c) REIMBURSEMENT.—Upon enactment of this Act, amounts for administration funded by the appropriation for “Federal Aviation Administration, Operations”, pursuant to the third proviso under the heading “Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)” in the Department of Transportation and Related Agencies Appropriations Act, 2000, may be reimbursed from funds limited under such heading.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

- “(1) \$2,131,000,000 for fiscal year 1999.
- “(2) \$2,689,000,000 for fiscal year 2000.
- “(3) \$2,656,765,000 for fiscal year 2001.
- “(4) \$2,914,000,000 for fiscal year 2002.
- “(5) \$2,981,022,000 for fiscal year 2003.”.

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

“(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, \$8,000,000 may be used for the voluntary purchase and installation of universal access systems.”.

(c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

“(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, \$7,200,000 may be used by the Administrator of the Federal Aviation Administration for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.”.

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

“(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.”.

(e) LIFE-CYCLE COST ESTIMATES.—Section 48101 is further amended by adding at the end the following:

“(g) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed \$50,000,000.”.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

“(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration—

“(A) such sums as may be necessary for fiscal year 2000;

“(B) \$6,592,235,000 for fiscal year 2001;

“(C) \$6,886,000,000 for fiscal year 2002; and

“(D) \$7,357,000,000 for fiscal year 2003.

Such sums shall remain available until expended.

“(2) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

“(A) \$450,000 for each of fiscal years 2000 through 2003 for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

“(B) \$9,100,000 for the 3-fiscal-year period beginning with fiscal year 2001 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers, except that funds under this subparagraph—

“(i) may not be used for the construction of a building or other facility; and

“(ii) may only be awarded on the basis of open competition.

“(C) Such sums as may be necessary for fiscal years 2000 through 2003 to support infrastructure systems development for both general aviation and the vertical flight industry.

“(D) Such sums as may be necessary for fiscal years 2000 through 2003 to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients.

“(E) Such sums as may be necessary for fiscal years 2000 through 2003 to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to

improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft.

“(F) \$3,300,000 for fiscal year 2000 and \$3,000,000 for each of fiscal years 2001 through 2003 to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration.

“(G) \$9,100,000 for fiscal year 2001 to support air safety efforts through payment of United States membership obligations in the International Civil Aviation Organization, to be paid as soon as practicable.

“(H) Such sums as may be necessary for fiscal years 2000 through 2003 for the Secretary to hire additional inspectors in order to enhance air cargo security programs.

“(I) Such sums as may be necessary for fiscal years 2000 through 2003 to develop and improve training programs (including model training programs and curriculum) for security screening personnel at airports that will be used by airlines to meet regulatory requirements relating to the training and testing of such personnel.”.

(b) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary \$4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation. 49 USC 111 note.

SEC. 104. AIP FORMULA CHANGES.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Section 47114(c)(1) is amended—

(A) in subparagraph (B) by striking “\$500,000” and inserting “\$650,000”; and

(B) by adding at the end the following:

“(C) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more—

“(i) the amount to be apportioned to a sponsor under subparagraph (A) shall be increased by doubling the amount that would otherwise be apportioned;

“(ii) the minimum apportionment to a sponsor under subparagraph (B) shall be \$1,000,000 rather than \$650,000; and

“(iii) the maximum apportionment to a sponsor under subparagraph (B) shall be \$26,000,000 rather than \$22,000,000.

“(D) NEW AIRPORTS.—Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) or (C), as appropriate, to the sponsor of such airport.

“(E) USE OF PREVIOUS FISCAL YEAR’S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

“(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

“(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

“(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.”.

(2) CONFORMING AMENDMENTS.—Section 47114(c)(1) is amended—

(A) by striking “(1)(A) The Secretary” and inserting the following:

“(1) PRIMARY AIRPORTS.—

“(A) APPORTIONMENT.—The Secretary”;

(B) in subparagraph (B) by striking “(B) Not less” and inserting the following:

“(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—Not less”; and

(C) by aligning the left margin of subparagraph (A) (including clauses (i) through (v)) and subparagraph (B) with subparagraphs (C) and (D) (as added by paragraph (1)(B) of this subsection).

(b) CARGO ONLY AIRPORTS.—Section 47114(c)(2) is amended—

(1) in subparagraph (A) by striking “2.5 percent” and inserting “3 percent”; and

(2) in subparagraph (C) by striking “Not more than” and inserting “In any fiscal year in which the total amount made available under section 48103 is less than \$3,200,000,000, not more than”.

(c) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Section 47114(d) is amended to read as follows:

“(d) AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

“(1) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) AREA.—The term ‘area’ includes land and water.

“(B) POPULATION.—The term ‘population’ means the population stated in the latest decennial census of the United States.

“(2) APPORTIONMENT.—Except as provided in paragraph (3), the Secretary shall apportion to the States 18.5 percent of the amount subject to apportionment for each fiscal year as follows:

“(A) 0.66 percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

“(B) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the population of each of those States bears to the total population of all of those States.

“(C) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the area of each of those States bears to the total area of all of those States.

“(3) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, rather than making an apportionment under paragraph (2), the Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

“(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

“(i) \$150,000; or

“(ii) $\frac{1}{5}$ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

“(B) Any remaining amount to States as follows:

“(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

“(ii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

“(iii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.

“(4) AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under paragraph (2) or (3) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.

“(5) USE OF STATE HIGHWAY SPECIFICATIONS.—

“(A) IN GENERAL.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

“(i) safety will not be negatively affected; and

“(ii) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

“(B) LIMITATION.—An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction

of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed unless the Secretary determines that the rehabilitation or reconstruction is required for safety reasons.

“(6) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding any other provision of this subsection, funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.”.

(d) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) in the subsection heading by striking “ALTERNATIVE” and inserting “SUPPLEMENTAL”;

(2) in paragraph (1)—

(A) by striking “Instead of apportioning amounts for airports in Alaska under” and inserting “IN GENERAL.—Notwithstanding”; and

(B) by striking “those airports” and inserting “airports in Alaska”;

(3) in paragraph (2) by inserting “AUTHORITY FOR DISCRETIONARY GRANTS.—” before “This subsection”;

(4) by striking paragraph (3) and inserting the following:

“(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.

“(4) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, the amount that may be apportioned for airports in Alaska under paragraph (1) shall be increased by doubling the amount that would otherwise be apportioned.”; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraphs (3) and (4) (as added by paragraph (4) of this subsection).

(e) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1)(A) is amended by striking “31 percent” each place it appears and inserting “34 percent”.

(f) GRANTS FOR RELIEVER AIRPORTS.—Section 47117(e)(1) is amended by adding at the end the following:

“(C) In any fiscal year in which the total amount made available under section 48103 is \$3,200,000,000 or more, at least two-thirds of 1 percent for grants to sponsors of reliever airports which have—

“(i) more than 75,000 annual operations;

“(ii) a runway with a minimum usable landing distance of 5,000 feet;

“(iii) a precision instrument landing procedure;

“(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and

“(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.”.

(g) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) **AUTHORITY TO IMPOSE HIGHER FEE.**—Section 40117(b) is amended by adding at the end the following:

“(4) In lieu of authorizing a fee under paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee of \$4.00 or \$4.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

“(A) in the case of an airport that has more than .25 percent of the total number of annual boardings in the United States, that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport; and

“(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103.”.

(b) **LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.**—Section 40117(d) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) in the case of an application to impose a fee of more than \$3.00 for an eligible surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.”.

(c) **REDUCING APPORTIONMENTS.**—Section 47114(f) is amended—

(1) by striking “An amount” and inserting “(1) IN GENERAL.—Subject to paragraph (3), an amount”;

(2) by striking “an amount equal to” and all that follows through the period at the end and inserting the following: “an amount equal to—

“(A) in the case of a fee of \$3.00 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

“(B) in the case of a fee of more than \$3.00, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.”;

(3) by adding at the end the following:

“(2) **EFFECTIVE DATE OF REDUCTION.**—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.

“(3) **SPECIAL RULE FOR TRANSITIONING AIRPORTS.**—

“(A) **IN GENERAL.**—Beginning with the fiscal year following the first calendar year in which the sponsor of an airport has more than .25 percent of the total number of boardings in the United States, the sum of the amount

that would be apportioned under this section after application of paragraph (1) in a fiscal year to such sponsor and the projected revenues to be derived from the fee in such fiscal year shall not be less than the sum of the apportionment to such airport for the preceding fiscal year and the revenues derived from such fee in the preceding fiscal year.

“(B) EFFECTIVE PERIOD.—Subparagraph (A) shall be in effect for fiscal years 2000 through 2003.”; and

(4) by aligning paragraph (1) of such section (as designated by paragraph (1) of this section) with paragraph (2) of such section (as added by paragraph (3) of this section).

49 USC 48101
note.

SEC. 106. FUNDING FOR AVIATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2003 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2003, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term “total budget resources” means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

(A) 69–8106–0–7–402 (Grants in Aid for Airports).

(B) 69–8107–0–7–402 (Facilities and Equipment).

(C) 69–8108–0–7–402 (Research and Development).

(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term “level of receipts plus interest” means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President’s budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury

identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) **ENFORCEMENT OF GUARANTEES.**—

(1) **TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

(2) **CAPITAL PRIORITY.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2003 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.

(d) **CONFORMING AMENDMENT.**—Section 48104 is amended—

(1) by striking “Except as provided in this section,” in subsection (a); and

(2) by striking subsections (b) and (c).

SEC. 107. ADJUSTMENT TO AIP PROGRAM FUNDING.

(a) **IN GENERAL.**—Chapter 481 is amended by adding at the end the following:

“§ 48112. Adjustment to AIP program funding

“On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

“(1) the amount authorized to be appropriated under section 48101 for such fiscal year; exceeds

“(2) the amounts appropriated for programs funded under such section for such fiscal year.

Any contract authority made available by this section shall be subject to an obligation limitation.”.

(b) **CONFORMING AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“48112. Adjustment to AIP program funding.”.

SEC. 108. REPROGRAMMING NOTIFICATION REQUIREMENT.

(a) **IN GENERAL.**—Chapter 481 is further amended by adding at the end the following:

“§ 48113. Reprogramming notification requirement

“Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall transmit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate

and the Committee on Transportation and Infrastructure of the House of Representatives.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

“48113. Reprogramming notification requirement.”.

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES AND EMERGENCY CALL BOXES.

(a) POLICY.—Section 47101(a)(11) is amended by inserting “(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)” after “technology” the first place it appears.

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following:

“(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.”.

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking “and universal access systems,” and inserting “, universal access systems, and emergency call boxes,”; and

(B) by inserting “and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices” before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: “, including closed circuit weather surveillance equipment if the airport is located in Alaska”.

SEC. 122. WINDSHEAR DETECTION EQUIPMENT AND ADJUSTABLE LIGHTING EXTENSIONS.

Section 47102(3)(B) is amended—

(1) by striking “and” at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

“(vii) windshear detection equipment that is certified by the Administrator of the Federal Aviation Administration;

“(viii) stainless steel adjustable lighting extensions approved by the Administrator; and”.

SEC. 123. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) **ELIGIBILITY AS AIRPORT DEVELOPMENT.**—Section 47102(3) is amended by adding at the end the following:

“(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator of the Federal Aviation Administration.”.

SEC. 124. ENHANCED VISION TECHNOLOGIES.

(a) **STUDY.**—The Administrator shall enter into a cooperative research and development agreement to study the benefits of utilizing enhanced vision technologies to replace, enhance, or add to conventional airport approach and runway lighting systems.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a progress report on the work accomplished under the cooperative agreements detailing the evaluations performed to determine the potential of enhanced vision technology to meet the operational requirements of the intended application.

(c) **CERTIFICATION.**—Not later than 180 days after the conclusion of work under the research agreements, the Administrator shall transmit to Congress a report on the potential of enhanced vision technology to satisfy the operational requirements of the Federal Aviation Administration and a schedule for the development of performance standards for certification appropriate to the application of the enhanced vision technologies. If the Administrator certifies an enhanced vision technology as meeting such performance standards, the technology shall be treated as a navigation aid or other aid for purposes of section 47102(3)(B)(i) of title 49, United States Code.

49 USC 44502
note.
Deadlines.
Contracts.

SEC. 125. PUBLIC NOTICE BEFORE WAIVER WITH RESPECT TO LAND.

(a) **WAIVER OF GRANT ASSURANCE.**—Section 47107(h) is amended to read as follows:

“(h) **MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

“(A) publish notice of the proposed modification in the Federal Register; and

“(B) provide an opportunity for comment on the proposal.

“(2) **PUBLIC NOTICE BEFORE WAIVER OF AERONAUTICAL LAND-USE ASSURANCE.**—Before modifying an assurance under subsection (c)(2)(B) that requires any property to be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before making such modification.”.

(b) **WAIVER OF CONDITION ON CONVEYANCE OF LAND.**—Section 47125(a) is amended by adding at the end the following: “Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.”.

(c) **SURPLUS PROPERTY.**—Section 47151 is amended by adding at the end the following:

Federal Register,
publication.

Deadline.

Deadline.

Deadline.

“(d) **WAIVER OF CONDITION.**—Before the Secretary may waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such condition.”.

(d) **WAIVER OF CERTAIN TERM.**—Section 47153 is amended by adding at the end the following:

Deadline.

“(c) **PUBLIC NOTICE BEFORE WAIVER.**—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.”.

49 USC 47107
note.

(e) **LIMITATION.**—Nothing in any amendment made by this section shall be construed to authorize the Secretary to issue a waiver or make a modification referred to in such amendment.

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;”.

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

“(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly.”; and

(2) by striking paragraph (5) and inserting the following:

“(5) **LETTERS OF INTENT.**—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.”.

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) **SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.**—Section 47116 is amended by adding at the end the following:

“(e) **SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.**—In the first fiscal year beginning after the effective date of regulations issued to carry out section 44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of \$15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.”.

(b) **NOTIFICATION OF SOURCE OF GRANT.**—Section 47116 is further amended by adding at the end the following:

“(f) **NOTIFICATION OF SOURCE OF GRANT.**—Whenever the Secretary makes a grant under this section, the Secretary shall notify

the recipient of the grant, in writing, that the source of the grant is from the small airport fund.”.

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking “In making” and inserting the following:

“(1) CONSTRUCTION OF NEW RUNWAYS.—In making”;

(2) by adding at the end the following:

“(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft if the non-Federal share of the project is at least 40 percent.”; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(g) of this Act) is amended to read as follows:

“(f) DISCRETIONARY USE OF APPORTIONMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

“(2) RESTORATION OF APPORTIONMENTS.—

“(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

“(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

“(3) NEWLY AVAILABLE AMOUNTS.—

“(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

“(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary’s authority under paragraph

(1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

“(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.”.

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a)—

(A) by striking “12” and inserting “15”; and

(B) by striking paragraph (2) and inserting the following:

“(2) the airport is a military installation with both military and civil aircraft operations.”;

(2) by striking subsection (c) and inserting the following:

“(c) CONSIDERATIONS.—In carrying out this section, the Secretary shall consider only current or former military airports for designation under this section if a grant under section 47117(e)(1)(B) would—

“(1) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft take-offs and landings; or

“(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.”;

(3) in subsection (d)—

(A) by striking “47117(e)(1)(E)” and inserting “47117(e)(1)(B)”;

(B) by striking “5-fiscal-year periods” and inserting “periods, each not to exceed 5 fiscal years,”; and

(C) by striking “each such subsequent 5-fiscal-year period” and inserting “each such subsequent period”; and

(4) by adding at the end the following:

“(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, one of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation closed or realigned under a section referred to in subsection (a)(1).”.

(b) TERMINAL BUILDING FACILITIES.—Section 47118(e) is amended by striking “\$5,000,000” and inserting “\$7,000,000”.

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(f) is amended—

(1) in subsection heading by striking “AND HANGARS” and inserting “HANGARS, AND AIR CARGO TERMINALS”;

(2) by striking “\$4,000,000” and inserting “\$7,000,000”; and

(3) by inserting after “hangars” the following: “and air cargo terminals of an area that is 50,000 square feet or less”.

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

“(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level

I air traffic control towers, as defined by the Secretary, that do not qualify for the contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the ‘Contract Tower Program’).

“(B) PROGRAM COMPONENTS.—In carrying out the pilot program, the Secretary shall—

“(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Secretary; and

“(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

“(C) PRIORITY.—In selecting facilities to participate in the pilot program, the Secretary shall give priority to the following facilities:

“(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Secretary has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

“(ii) Air traffic control towers that the Secretary determines have a benefit-to-cost ratio of at least .50.

“(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

“(iv) Air traffic control towers located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

“(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

“(vi) Air traffic control towers located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

“(vii) Air traffic control towers located at an airport at which the community has been operating the tower at its own expense.

“(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

“(E) FUNDING.—Subject to paragraph (4)(D), of the amounts appropriated pursuant to section 106(k), not more than \$6,000,000 per fiscal year may be used to carry out this paragraph.

“(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Secretary may provide grants under this subchapter to not more than two airport sponsors for the construction of a low-level activity visual flight rule (level 1) air traffic control tower, as defined by the Secretary.

“(B) ELIGIBILITY.—A sponsor shall be eligible for a grant under this paragraph if—

“(i) the sponsor would otherwise be eligible to participate in the pilot program established under paragraph (3) except for the lack of the air traffic control tower proposed to be constructed under this subsection; and

“(ii) the sponsor agrees to fund not less than 25 percent of the costs of construction of the air traffic control tower.

“(C) PROJECT COSTS.—Grants under this paragraph shall be paid only from amounts apportioned to the sponsor under section 47114(c)(1).

“(D) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this paragraph may not exceed \$1,100,000.”.

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

“§ 47135. Innovative financing techniques

“(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 20 airport development projects for which grants received under this subchapter may be used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.

“(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

“(c) LIMITATIONS.—

“(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

“(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

“(A) payment of interest;

“(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

“(C) flexible non-Federal matching requirements; and

“(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of the enactment of this section.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

“47135. Innovative financing techniques.”.

SEC. 133. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

“§ 47136. Inherently low-emission airport vehicle pilot program

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

“(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

“(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

“(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

“(d) UNITED STATES GOVERNMENT’S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government’s share of the costs of a project carried out under the pilot program shall be 50 percent.

“(e) MAXIMUM AMOUNT.—Not more than \$2,000,000 may be expended under the pilot program at any single public-use airport.

“(f) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not more than 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

“(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

“(g) MATERIALS IDENTIFYING BEST PRACTICES.—The Administrator may develop and make available materials identifying best practices for carrying out low-emission vehicle activities based on the projects carried out under the pilot program and other sources.

Deadline.

“(h) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

“(1) an evaluation of the effectiveness of the pilot program;
 “(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

“(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

“(i) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term ‘inherently low-emission vehicle activity’ means—

“(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations and that—

“(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

“(B) are labeled in accordance with section 88.312–93(c) of such title; and

“(C) are located or primarily used at public-use airports;

“(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of nonroad vehicles that—

“(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

“(B) meet or exceed the standards set forth in section 86.1708–99 of such title or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

“(C) are located or primarily used at public-use airports;

“(3) the payment of that portion of the cost of acquiring vehicles described in this subsection that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

“(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

“47136. Inherently low-emission airport vehicle pilot program.”.

SEC. 134. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

“§ 47137. Airport security program

“(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than one project to test and evaluate innovative aviation security systems and related technology.

“(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

“(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

“(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

“(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government’s share of allowable project costs for a project under this section shall be 100 percent.

“(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

“(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term ‘eligible sponsor’ means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

“(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than \$5,000,000 for the purpose of carrying out this section.”

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

“47137. Airport security program.”.

SEC. 135. TECHNICAL AMENDMENTS.

(a) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) in subparagraph (B) by striking “and” at the end; and

(2) by adding at the end the following:

“(D) on flights, including flight segments, between 2 or more points in Hawaii; and

“(E) in Alaska aboard an aircraft having a seating capacity of less than 60 passengers.”.

(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117 is amended—

(1) in subsection (i)(1) by striking “and” at the end;

(2) in subsection (i)(2)(D) by striking the period at the end and inserting “; and”;

(3) by adding at the end of subsection (i) the following:
 “(3) may permit an eligible agency to request that collection of a passenger facility fee be waived for—

“(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

“(B) passengers enplaned on a flight to an airport—
 “(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or

“(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State.”; and

(4) by adding at the end the following:

“(j) LIMITATION ON CERTAIN ACTIONS.—A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.”.

(c) CONTINUATION OF PROJECT FUNDING.—Section 47108 is amended by adding at the end the following:

“(e) CHANGE IN AIRPORT STATUS.—

“(1) CHANGES TO NONPRIMARY AIRPORT STATUS.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

“(2) CHANGES TO NONCOMMERCIAL SERVICE AIRPORT STATUS.—If the status of a commercial service airport changes to a noncommercial service airport at a time when a terminal development project under a phased-funding arrangement is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the arrangement subject to the availability of funds.”.

(d) REFERENCES TO GIFTS.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking “give” and inserting “convey to”; and

(ii) in paragraph (2) by striking “gift” and inserting “conveyance”;

(B) in subsection (b)—

(i) by striking “giving” and inserting “conveying”; and

(ii) by striking “gift” and inserting “conveyance”;

(C) in subsection (c)—

(i) in the subsection heading by striking “GIVEN” and inserting “CONVEYED”; and

(ii) by striking “given” and inserting “conveyed”;

(2) in section 47152—

(A) in the section heading by striking “**gifts**” and inserting “**conveyances**”; and

(B) in the matter preceding paragraph (1) by striking “gift” and inserting “conveyance”;

(3) in section 47153(a)(1)—

(A) by striking “gift” each place it appears and inserting “conveyance”; and

(B) by striking “given” and inserting “conveyed”; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

“47152. Terms of conveyances.”.

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

Section 47151 (as amended by section 125(c) of this Act) is further amended by adding at the end the following:

“(e) REQUESTS BY PUBLIC AGENCIES.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) (other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)) for use at a public airport.”.

SEC. 137. INTERMODAL CONNECTIONS.

(a) AIRPORT IMPROVEMENT POLICY.—Section 47101(a)(5) is amended to read as follows:

“(5) to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;”.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) (as amended by section 123(b)) is further amended by adding at the end the following:

“(I) constructing, reconstructing, or improving an airport, or purchasing nonrevenue generating capital equipment to be owned by an airport, for the purpose of transferring passengers, cargo, or baggage between the aeronautical and ground transportation modes on airport property.”.

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking “8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter” and insert “9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter”.

SEC. 139. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Administrator may establish a pilot program under which design-build contracts may be used to carry out up to 7 projects at airports in the United States with a grant awarded under section 47104 of title 49, United States Code. A

49 USC 47104
note.

sponsor of an airport may submit an application to the Administrator to carry out a project otherwise eligible for assistance under chapter 471 of such title under the pilot program.

(b) **USE OF DESIGN-BUILD CONTRACTS.**—Under the pilot program, the Administrator may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the design-build contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

(4) use of a design-build contract will be cost effective and expedite the project;

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least three or more bids will be submitted for each project under the selection process.

(c) **REIMBURSEMENT OF COSTS.**—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under chapter 471 of title 49, United States Code, if the project were carried out after a grant agreement had been executed.

(d) **DESIGN-BUILD CONTRACT DEFINED.**—In this section, the term “design-build contract” means an agreement that provides for both design and construction of a project by a contractor.

(e) **EXPIRATION OF AUTHORITY.**—The authority of the Administrator to carry out the pilot program under this section shall expire on September 30, 2003.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a) is amended to read as follows:

“(a) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **AIRPORT, COMMERCIAL SERVICE AIRPORT, AND PUBLIC AGENCY.**—The terms ‘airport’, ‘commercial service airport’, and ‘public agency’ have the meaning those terms have under section 47102.

“(2) **ELIGIBLE AGENCY.**—The term ‘eligible agency’ means a public agency that controls a commercial service airport.

“(3) **ELIGIBLE AIRPORT-RELATED PROJECT.**—The term ‘eligible airport-related project’ means any of the following projects:

“(A) A project for airport development or airport planning under subchapter I of chapter 471.

“(B) A project for terminal development described in section 47110(d).

“(C) A project for airport noise capability planning under section 47505.

“(D) A project to carry out noise compatibility measures eligible for assistance under section 47504, whether or not a program for those measures has been approved under section 47504.

“(E) A project for constructing gates and related areas at which passengers board or exit aircraft. In the case of a project required to enable additional air service by an air carrier with less than 50 percent of the annual passenger boardings at an airport, the project for constructing gates and related areas may include structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service), and aircraft fueling facilities adjacent to the gate.

“(4) PASSENGER FACILITY FEE.—The term ‘passenger facility fee’ means a fee imposed under this section.

“(5) PASSENGER FACILITY REVENUE.—The term ‘passenger facility revenue’ means revenue derived from a passenger facility fee.”.

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) WITH RESPECT TO PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;”.

(b) NONPRIMARY COMMERCIAL SERVICE AIRPORTS.—Section 47119 is amended by adding at the end the following:

“(d) DETERMINATION OF PASSENGER BOARDING AT COMMERCIAL SERVICE AIRPORTS.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.”.

SEC. 153. CONTINUATION OF ILS INVENTORY PROGRAM.

Section 44502(a)(4)(B) is amended—

(1) by striking “each of fiscal years 1995 and 1996” and inserting “each of fiscal years 2000 through 2002”; and

(2) by inserting “under new or existing contracts” after “including acquisition”.

SEC. 154. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

“(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.”.

SEC. 155. COMPETITION PLANS.

49 USC 40117
note.

(a) FINDINGS.—The Congress makes the following findings:

(1) Major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

(3) The General Accounting Office has found that such levels of concentration lead to higher air fares.

(4) The United States Government must take every step necessary to reduce those levels of concentration.

(5) Consistent with air safety, spending at these airports must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.

(b) IN GENERAL.—Section 47106 is amended by adding at the end the following:

“(f) COMPETITION PLANS.—

“(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

“(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

“(3) COVERED AIRPORT DEFINED.—In this subsection, the term ‘covered airport’ means a commercial service airport—

“(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

“(B) at which one or two air carriers control more than 50 percent of the passenger boardings.”.

(c) CROSS REFERENCE.—Section 40117 (as amended by section 135(b) of this Act) is further amended by adding at the end the following:

“(k) COMPETITION PLANS.—

“(1) IN GENERAL.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the

Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of the enactment of this subsection.

“(2) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under paragraph (1) to ensure that it meets the requirements of this section, and shall review its implementation from time-to-time to ensure that each covered airport successfully implements its plan.”.

(d) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) of title 49, United States Code) where a “majority-in-interest clause” of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other facilities.

49 USC 47101
note.

SEC. 156. ALASKA RURAL AVIATION IMPROVEMENT.

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end the following:

“(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.”.

(b) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall continue efforts to develop and implement a “mike-in-hand” weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

SEC. 157. USE OF RECYCLED MATERIALS.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long-term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study, together with recommendations concerning the use of recycled materials in aviation pavement.

49 USC 44505
note.

Deadline.

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, not to exceed \$1,500,000 may be used to carry out this section.

49 USC 47101
note.

SEC. 158. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

49 USC 48103
note.

SEC. 159. NOTICE OF GRANTS.

(a) TIMELY ANNOUNCEMENT.—The Secretary shall announce a grant to be made with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation concerning the grant from the Administrator.

(b) NOTICE TO COMMITTEES.—If the Secretary provides any committee of Congress advance notice of a grant to be made with funds made available under section 48103 of title 49, United States Code, the Secretary shall provide, on the same date, such notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

49 USC 44505
note.

SEC. 160. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator shall evaluate options for improving the quality of information available to the Federal Aviation Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the airport safety data program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

Deadline.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 161. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Not later than 9 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the timeframe for implementation of such enhancements and improvements. Deadline.

SEC. 162. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended—

- (1) by inserting “(a) IN GENERAL.—” before “In”; and
- (2) by adding at the end the following:

“(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.”.

SEC. 163. CONTINUATION OF REPORTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

- (1) Section 44501 of title 49, United States Code.
- (2) Section 47103 of such title.
- (3) Section 47131 of such title.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

SEC. 201. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

“(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.”.

SEC. 202. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by inserting after paragraph (4) the following:

“Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.”.

SEC. 203. IMPROVED AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

“§ 41743. Airports not receiving sufficient service

“(a) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.—The Secretary of Transportation shall establish a pilot program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

“(b) APPLICATION REQUIRED.—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

“(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

“(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

“(c) CRITERIA FOR PARTICIPATION.—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

“(1) SIZE.—For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport (as that term is defined in section 41731(a)(5)), and—

“(A) had insufficient air carrier service; or

“(B) had unreasonably high air fares.

“(2) CHARACTERISTICS.—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

“(3) STATE LIMIT.—No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.

“(4) OVERALL LIMIT.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program.

“(5) PRIORITIES.—The Secretary shall give priority to communities or consortia of communities where—

“(A) air fares are higher than the average air fares for all communities;

“(B) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

“(C) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public; and

“(D) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited.

“(d) TYPES OF ASSISTANCE.—The Secretary may use amounts made available under this section—

“(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

“(2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and

“(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

“(e) AUTHORITY TO MAKE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may make agreements to provide assistance under this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$20,000,000 for fiscal year 2001 and \$27,500,000 for each of fiscal years 2002 and 2003 to carry out this section. Such sums shall remain available until expended.

“(f) ADDITIONAL ACTION.—Under the pilot program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint-fare arrangements consistent with normal industry practice.

“(g) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary shall designate an employee of the Department of Transportation—

“(1) to function as a facilitator between small communities and air carriers;

“(2) to carry out this section;

“(3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

“(4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

“(5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

“(h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

“41743. Airports not receiving sufficient service.”.

SEC. 204. PRESERVATION OF ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.

(a) IN GENERAL.—Subchapter II of chapter 417 (as amended by section 203 of this Act) is further amended by adding at the end the following:

“§ 41744. Preservation of basic essential air service at single carrier dominated hub airports

“(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, the Secretary may require an air carrier that has more than 60 percent of the total annual enplanements at the essential airport facility to take action to enable another air carrier to provide reliable essential air service to that community. Actions required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

“(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term ‘essential airport facility’ means a large hub airport (as defined in section 41731) in the contiguous 48 States at which one air carrier has more than 60 percent of the total annual enplanements at that airport.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

“41744. Preservation of basic essential air service at single carrier dominated hub airports.”.

49 USC 41731
note.

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary may provide assistance under subchapter II of chapter 417 of title 49, United States Code, with respect to a place that is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

SEC. 206. REPORT ON ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—The Secretary shall conduct an analysis of the difficulties faced by many smaller communities in retaining essential air service and shall develop a plan to facilitate the retention of such service.

(b) EXAMINATION OF NORTH DAKOTA COMMUNITIES.—In conducting the analysis and developing the plan under subsection (a), the Secretary shall pay particular attention to communities located in North Dakota.

Deadline.

(c) REPORT.—Not later than 60 days after the date of the enactment of this section, the Secretary shall transmit to Congress a report containing the analysis and plan described in subsection (a).

49 USC 41731
note.

SEC. 207. MARKETING PRACTICES.

(a) REVIEW OF MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

Deadline.

- (1) marketing arrangements between airlines and travel agents;
- (2) code-sharing partnerships;
- (3) computer reservation system displays;

- (4) gate arrangements at airports;
- (5) exclusive dealing arrangements; and
- (6) any other marketing practice that may have the same effect.

(b) REGULATIONS.—If the Secretary finds, after conducting the review, that marketing practices inhibit the availability of affordable air transportation services to small- and medium-sized communities, then, after public notice and an opportunity for comment, the Secretary may issue regulations that address the problem or take other appropriate action.

(c) STATUTORY CONSTRUCTION.—Nothing in this section expands the authority or jurisdiction of the Secretary to issue regulations under chapter 417 of title 49, United States Code, or under any other law.

SEC. 208. DEFINITION OF ELIGIBLE PLACE.

Section 41731(a)(1) is amended—

- (1) by inserting “(i)” after “(A)”;
- (2) by striking “(B)” and inserting “(ii)”;
- (3) by striking “(C)” and inserting “(iii)”;
- (4) by striking “subchapter.” and inserting “subchapter; or”; and
- (5) by adding at the end the following:

“(B) determined, on or after October 1, 1988, and before the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, under this subchapter by the Secretary to be eligible to receive subsidized small community air service under section 41736(a).”.

SEC. 209. MAINTAINING THE INTEGRITY OF THE ESSENTIAL AIR SERVICE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATION.—Section 41742(a) is amended—

- (1) by striking “Out of” and inserting the following:

“(1) AUTHORIZATION.—Out of”;

- (2) by adding at the end the following:

“(2) ADDITIONAL FUNDS.—In addition to amounts authorized under paragraph (1), there is authorized to be appropriated \$15,000,000 for each fiscal year to carry out the essential air service program under this subchapter.”; and

- (3) by aligning paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) LIMITATION ON ADJUSTMENTS TO LEVELS OF SERVICE.—Section 41733(e) is amended by striking the period at the end and inserting “, to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community.”.

(c) EFFECT ON CERTAIN ORDERS.—All orders issued by the Secretary after September 30, 1999, and before the date of the enactment of this Act establishing, modifying, or revoking essential air service levels shall be null and void beginning on the 90th day following such date of enactment. During the 90-day period, the Secretary shall reconsider such orders and shall issue new orders consistent with the amendments made by this section.

49 USC 41733
note.

SEC. 210. REGIONAL JET SERVICE FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

**“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE
PROGRAM**

“§ 41761. Purpose

“The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

“§ 41762. Definitions

“In this subchapter, the following definitions apply:

“(1) AIR CARRIER.—The term ‘air carrier’ means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

“(2) AIRCRAFT PURCHASE.—The term ‘aircraft purchase’ means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

“(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term ‘capital reserve subsidy amount’ means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on Government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(4) COMMUTER AIR CARRIER.—The term ‘commuter air carrier’ means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

“(5) FEDERAL CREDIT INSTRUMENT.—The term ‘Federal credit instrument’ means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

“(6) FINANCIAL OBLIGATION.—The term ‘financial obligation’ means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

“(7) LENDER.—The term ‘lender’ means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

“(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

“(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

“(8) LINE OF CREDIT.—The term ‘line of credit’ means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

“(9) LOAN GUARANTEE.—The term ‘loan guarantee’ means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

“(10) NEW ENTRANT AIR CARRIER.—The term ‘new entrant air carrier’ means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

“(11) NONHUB AIRPORT.—The term ‘nonhub airport’ means an airport that each year has less than .05 percent of the total annual boardings in the United States.

“(12) OBLIGOR.—The term ‘obligor’ means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

“(13) REGIONAL JET AIRCRAFT.—The term ‘regional jet aircraft’ means a civil aircraft—

“(A) powered by jet propulsion; and

“(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

“(14) SECURED LOAN.—The term ‘secured loan’ means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

“(15) SMALL HUB AIRPORT.—The term ‘small hub airport’ means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

“(16) UNDERSERVED MARKET.—The term ‘underserved market’ means a passenger air transportation market (as defined by the Secretary) that—

“(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

“(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

“(C) the Secretary determines does not have sufficient air service.

“§ 41763. Federal credit instruments

“(a) IN GENERAL.—Subject to this section and section 41766, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

“(b) SECURED LOANS.—

“(1) TERMS AND LIMITATIONS.—

“(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

“(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

“(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

“(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than \$100,000,000 of outstanding credit to any single obligor.

“(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

“(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

“(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

“(2) REPAYMENT.—

“(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

Deadline.

“(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

“(3) PREPAYMENT.—

“(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

“(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

“(c) LOAN GUARANTEES.—

“(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

“(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

“(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

“(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase

options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

“(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

“(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than \$100,000,000 of outstanding credit to any single obligor.

“(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

“(d) LINES OF CREDIT.—

“(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

“(2) TERMS AND LIMITATIONS.—

“(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

“(B) MAXIMUM AMOUNT.—

“(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

“(ii) 1-YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

“(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

“(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

“(E) RIGHTS OF THIRD-PARTY CREDITORS.—

“(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

“(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

“(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

“(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the administrative costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

“(3) REPAYMENT.—

“(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

Deadline.

“(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

“(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

“(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

“(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

“(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

“(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

“(A) reasonable assurances of the air carrier’s ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

“(i) to continue its operations as an air carrier; and

“(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

“(B) reasonable protection to the United States.

“(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

“(1) 50 percent of the cost of the aircraft purchase; or

“(2) \$100,000,000 for any single obligor.

“(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

“(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

“§ 41764. Use of Federal facilities and assistance

“(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

“(1) with the consent of the appropriate Federal officials; and

“(2) on a reimbursable basis.

“(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

“(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

“§ 41765. Administrative expenses

“In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

“§ 41766. Funding

“Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2003, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

“§ 41767. Termination

“(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

“(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the

program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

“SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

“Sec.

“41761. Purpose.

“41762. Definitions.

“41763. Federal credit instruments.

“41764. Use of Federal facilities and assistance.

“41765. Administrative expenses.

“41766. Funding.

“41767. Termination.”.

Subtitle B—Airline Customer Service

SEC. 221. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712 is amended—

(1) by inserting “(a) IN GENERAL.—” before “On”; and

(2) by adding at the end the following:

“(b) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent utilizing electronically transmitted tickets for air transportation to fail to notify the purchaser of such a ticket of its expiration date, if any.”.

SEC. 222. INCREASED PENALTY FOR VIOLATION OF AVIATION CONSUMER PROTECTION LAWS.

(a) IN GENERAL.—Section 46301(a) is amended by adding at the end the following:

“(7) CONSUMER PROTECTION.—Notwithstanding paragraphs (1) and (4), the maximum civil penalty for violating section 40127 or 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, shall be \$2,500 for each violation.”.

(b) TECHNICAL AMENDMENT.—Paragraph (6) of section 46301(a) is amended—

(1) by inserting “AIR SERVICE TERMINATION NOTICE.—” before “Notwithstanding”; and

(2) by aligning the left margin of such paragraph with paragraph (5) of such section.

SEC. 223. FUNDING OF ENFORCEMENT OF AIRLINE CONSUMER PROTECTIONS.

There are authorized to be appropriated to the Secretary for the purpose of ensuring compliance with, and enforcing, the rights of air travelers under sections 40127, 41705, and 41712 of title 49, United States Code—

(1) \$2,300,000 for fiscal year 2000;

(2) \$2,415,000 for fiscal year 2001;

(3) \$2,535,750 for fiscal year 2002; and

(4) \$2,662,500 for fiscal year 2003.

SEC. 224. AIRLINE CUSTOMER SERVICE REPORTS.

Deadlines.

(a) **SECRETARY TO REPORT PLANS RECEIVED.**—Not later than September 15, 1999, each air carrier that provides scheduled passenger air transportation and that is a member of the Air Transport Association, all of which have entered into the voluntary customer service commitments established by the Association on June 17, 1999 (in this section referred to as the “Airline Customer Service Commitment”), shall provide a copy of its individual customer service plan to the Secretary. Upon receipt of each individual plan, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of receipt of the plan, together with a copy of the plan.

(b) **IMPLEMENTATION.**—The Inspector General of the Department of Transportation shall monitor the implementation of any plan submitted by an air carrier to the Secretary under subsection (a) and evaluate the extent to which the carrier has met its commitments under its plan. The carrier shall provide such information to the Inspector General as may be necessary for the Inspector General to prepare the report required by subsection (c).

(c) **REPORTS TO CONGRESS.**—

(1) **INTERIM REPORT.**—

(A) **IN GENERAL.**—Not later than June 15, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the Inspector General’s findings under subsection (b).

(B) **CONTENTS.**—The report shall include a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual air carrier’s plans to carry it out. The report shall also include a review of whether each air carrier described in subsection (a) has modified its contract of carriage or conditions of contract to reflect each item of the Airline Customer Service Commitment.

(2) **FINAL REPORT; RECOMMENDATIONS.**—

(A) **IN GENERAL.**—Not later than December 31, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the effectiveness of the Airline Customer Service Commitment and the individual air carrier plans to carry it out, including recommendations for improving accountability, enforcement, and consumer protections afforded to commercial air passengers.

(B) **SPECIFIC CONTENT.**—In the final report under subparagraph (A), the Inspector General shall include the following:

(i) An evaluation of each carrier’s plan as to whether it is consistent with the voluntary commitments established by the Air Transport Association in the Airline Customer Service Commitment.

(ii) An evaluation of each carrier as to the extent to which, and the manner in which, it has performed in carrying out its plan.

(iii) A description, by air carrier, of how the air carrier has implemented each commitment covered by its plan.

(iv) An analysis, by air carrier, of the methods of meeting each such commitment and, in such analysis, provide information that allows consumers to make decisions on the quality of air transportation provided by such carriers.

(v) A comparison of each air carrier's plan and the implementation of that plan with the customer service provided by a representative sampling of other air carriers providing scheduled passenger air transportation with aircraft similar in size to the aircraft used by the carrier that submitted a plan so as to allow consumers to make decisions as to the relative quality of air transportation provided by each group of carriers. In making this comparison, the Inspector General shall give due regard to the differences in the fares charged and the size of the air carriers being compared.

SEC. 225. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.

Deadline.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to increase the domestic baggage liability limit in part 254 of title 14, Code of Federal Regulations.

SEC. 226. COMPTROLLER GENERAL INVESTIGATION.

(a) STUDY.—The Comptroller General shall conduct a study on the potential effects on aviation consumers, including the impact on fares and service to small communities, of a requirement that air carriers permit a ticketed passenger to use any portion of a multiple-stop or round-trip air fare for transportation independent of any other portion without penalty.

Deadline.

(b) REPORT.—Not later than June 15, 2000, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SEC. 227. AIRLINE SERVICE QUALITY PERFORMANCE REPORTS.

(a) MODIFICATION OF REPORTS.—In consultation with the task force to be established under subsection (b), the Secretary shall modify the regulations in part 234 of title 14, Code of Federal Regulations, relating to airline service quality performance reports, to disclose more fully to the public the nature and source of delays and cancellations experienced by air travelers.

Deadline.

(b) TASK FORCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall establish a task force including officials of the Federal Aviation Administration and representatives of airline consumers and air carriers to develop alternatives and criteria for the modifications to be made under subsection (a).

(c) USE OF CATEGORIES.—In making modifications under subsection (a), the Secretary shall—

(1) establish categories that reflect the reasons for delays and cancellations experienced by air travelers;

(2) require air carriers to use such categories in submitting information to be included in airline service quality performance reports; and

(3) use such categories in reports of the Department of Transportation on information received in airline service quality performance reports.

SEC. 228. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “National Commission to Ensure Consumer Information and Choice in the Airline Industry” (in this section referred to as the “Commission”).

(b) **DUTIES.**—

(1) **STUDY.**—The Commission shall undertake a study of—

(A) whether the financial condition of travel agents is declining and, if so, the effect that this will have on consumers; and

(B) whether there are impediments to information regarding the services and products offered by the airline industry and, if so, the effects of those impediments on travel agents, Internet-based distributors, and consumers.

(2) **SMALL TRAVEL AGENTS.**—In conducting the study, the Commission shall pay special attention to the condition of travel agencies with \$1,000,000 or less in annual revenues.

(c) **RECOMMENDATIONS.**—Based on the results of the study under subsection (b), the Commission shall make such recommendations as it considers necessary to improve the condition of travel agents, especially travel agents described in subsection (b)(2), and to improve consumer access to travel information.

(d) **MEMBERSHIP.**—

(1) **APPOINTMENT.**—The Commission shall be composed of nine members as follows:

(A) Three members appointed by the Secretary.

(B) Two members appointed by the Speaker of the House of Representatives.

(C) One member appointed by the minority leader of the House of Representatives.

(D) Two members appointed by the majority leader of the Senate.

(E) One member appointed by the minority leader of the Senate.

(2) **QUALIFICATIONS.**—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) one member shall be a representative of the travel agent industry;

(B) one member shall be a representative of the airline industry; and

(C) one member shall be an individual who is not a representative of either of the industries referred to in subparagraphs (A) and (B).

(3) **TERMS.**—Members shall be appointed for the life of the Commission.

(4) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The member appointed by the Secretary of Transportation under paragraph (2)(C) shall serve as the Chairperson of the Commission (referred to in this section as the “Chairperson”).

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

Deadline.

(j) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c).

(k) TERMINATION.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (j).

(l) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

Subtitle C—Competition

SEC. 231. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) RULES THAT APPLY TO ALL SLOT EXEMPTION REQUESTS.—

(1) PROMPT CONSIDERATION OF REQUESTS.—Section 41714(i) is amended to read as follows:

“(i) 60-DAY APPLICATION PROCESS.—

“(1) REQUEST FOR SLOT EXEMPTIONS.—Any slot exemption request filed with the Secretary under this section or section 41716 or 41717 (other than subsection (c)) shall include—

“(A) the names of the airports to be served;

“(B) the times requested; and

“(C) such additional information as the Secretary may require.

“(2) ACTION ON REQUEST; FAILURE TO ACT.—Within 60 days after a slot exemption request under this section or section 41716 or 41717 (other than subsection (c)) is received by the Secretary, the Secretary shall—

“(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

“(B) return the request to the applicant for additional information relating to the request to provide air transportation; or

“(C) deny the request and state the reasons for its denial.

“(3) 60-DAY PERIOD TOLLED FOR TIMELY REQUEST FOR MORE INFORMATION.—If the Secretary returns under paragraph (2)(B) the request for additional information during the first 20 days after the request is filed, then the 60-day period under paragraph (2) shall be tolled until the date on which the additional information is filed with the Secretary.

“(4) FAILURE TO DETERMINE DEEMED APPROVAL.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under paragraph (2)(C) within the 60-day period beginning on the date the request is received, excepting any days during which the 60-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 61st day, after the request was filed with the Secretary.”

(2) EXEMPTIONS MAY NOT BE TRANSFERRED.—Section 41714 is further amended by adding at the end the following:

“(j) EXEMPTIONS MAY NOT BE TRANSFERRED.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section or section 41716, 41717, or 41718 may be bought, sold, leased, or otherwise transferred by the carrier to which it is granted.”

(3) EQUAL TREATMENT OF AFFILIATED CARRIERS.—Section 41714 (as amended by paragraph (2) of this subsection) is further amended by adding at the end the following:

“(k) AFFILIATED CARRIERS.—For purposes of this section and sections 41716, 41717, and 41718, an air carrier that operates under the same designator code, or has or enters into a code-share agreement, with any other air carrier shall not qualify for a new slot or slot exemption as a new entrant or limited incumbent air carrier at an airport if the total number of slots and slot exemptions held by the two carriers at the airport exceed 20 slots and slot exemptions.”

(4) NEW ENTRANT SLOTS.—Section 41714(c) is amended—

(A) by striking the subsection designation and heading and “(1) IN GENERAL.—If the Secretary” and inserting the following:

“(c) SLOTS FOR NEW ENTRANTS.—If the Secretary”;

(B) by striking “and the circumstances to be exceptional”; and

(C) by striking paragraph (2).

(5) DEFINITIONS.—Section 41714(h) is amended—

(A) by striking “and section 41734(h)” and inserting “and sections 41715–41718 and 41734(h)”;

(B) in paragraph (3) by striking “as defined” and all that follows through “Federal Regulations”; and

(C) by adding at the end the following:

“(5) LIMITED INCUMBENT AIR CARRIER.—The term ‘limited incumbent air carrier’ has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations; except that—

“(A) ‘20’ shall be substituted for ‘12’ in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h);

“(B) for purposes of such sections, the term ‘slot’ shall include ‘slot exemptions’; and

“(C) for Ronald Reagan Washington National Airport, the Administrator shall not count, for the purposes of section 93.213(a)(5), slots currently held by an air carrier but leased out on a long-term basis by that carrier for use in foreign air transportation and renounced by the carrier for return to the Department of Transportation or the Federal Aviation Administration.

“(6) REGIONAL JET.—The term ‘regional jet’ means a passenger, turbofan-powered aircraft with a certificated maximum passenger seating capacity of less than 71.

“(7) NONHUB AIRPORT.—The term ‘nonhub airport’ means an airport that had less than .05 percent of the total annual boardings in the United States as determined under the Federal Aviation Administration’s Primary Airport Enplanement Activity Summary for Calendar Year 1997.

“(8) SMALL HUB AIRPORT.—The term ‘small hub airport’ means an airport that had at least .05 percent, but less than .25 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).

“(9) MEDIUM HUB AIRPORT.—The term ‘medium hub airport’ means an airport that each year has at least .25 percent, but less than 1.0 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).”.

(b) PHASE-OUT OF SLOT RULES.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41719 and 41720; and

(2) by inserting after section 41714 the following:

“§ 41715. Phase-out of slot rules at certain airports

“(a) TERMINATION.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

“(1) after July 1, 2002, at Chicago O’Hare International Airport; and

“(2) after January 1, 2007, at LaGuardia Airport or John F. Kennedy International Airport.

“(b) STATUTORY CONSTRUCTION.—Nothing in this section and sections 41714 and 41716–41718 shall be construed—

“(1) as affecting the Federal Aviation Administration’s authority for safety and the movement of air traffic; and

“(2) as affecting any other authority of the Secretary to grant exemptions under section 41714.

“(c) FACTORS TO CONSIDER.—

“(1) IN GENERAL.—Before the award of slot exemptions under sections 41714 and 41716–41718, the Secretary of Transportation may consider, among other determining factors, whether the petitioning air carrier’s proposal provides the maximum benefit to the United States economy, including the number of United States jobs created by the air carrier, its suppliers, and related activities. The Secretary should give equal consideration to the consumer benefits associated with the award of such exemptions.

“(2) APPLICABILITY.—Paragraph (1) does not apply in any case in which the air carrier requesting the slot exemption is proposing to use under the exemption a type of aircraft for which there is not a competing United States manufacturer.”.

(c) SPECIAL RULES AFFECTING LAGUARDIA AIRPORT AND JOHN F. KENNEDY INTERNATIONAL AIRPORT.—Chapter 417 (as amended by subsection (b) of this section) is amended by inserting after section 41715 the following:

“§ 41716. Interim slot rules at New York airports

“(a) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between LaGuardia Airport or John F. Kennedy International Airport and a small hub airport or nonhub airport—

“(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

“(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

“(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

“(b) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—Subject to section 41714(i), the Secretary shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from LaGuardia Airport or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20.

“(c) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(d) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from LaGuardia Airport or John F. Kennedy International Airport to a small hub airport or nonhub airport, or to an airport

that is smaller than a nonhub airport, on or before the date of the enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation for that route before July 1, 2003, unless—

“(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

“(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during any three quarters of the year immediately preceding the date of submission of the notice.”.

(d) SPECIAL RULES AFFECTING CHICAGO O’HARE INTERNATIONAL AIRPORT.—

(1) NONSTOP REGIONAL JET, NEW ENTRANTS, AND LIMITED INCUMBENTS.—Chapter 417 (as amended by subsection (c) of this section) is further amended by inserting after section 41716 the following:

“§ 41717. Interim application of slot rules at Chicago O’Hare International Airport

“(a) SLOT OPERATING WINDOW NARROWED.—Effective July 1, 2001, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:14 post meridiem at Chicago O’Hare International Airport.

“(b) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Effective May 1, 2000, subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between Chicago O’Hare International Airport and a small hub or nonhub airport—

“(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

“(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

“(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

“(c) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—

“(1) IN GENERAL.—The Secretary shall grant, by order, 30 exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from Chicago O’Hare International Airport.

“(2) DEADLINE FOR GRANTING EXEMPTIONS.—The Secretary shall grant an exemption under paragraph (1) within 45 days of the date of the request for such exemption if the person making the request qualifies as a new entrant air carrier or limited incumbent air carrier.

“(d) SLOTS USED TO PROVIDE TURBOPROP SERVICE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a slot used to provide turboprop air transportation that is replaced with regional jet air transportation under subsection (b)(3) may not be used, sold, leased, or otherwise transferred after the date the slot exemption is granted to replace the turboprop air transportation.

“(2) TWO-FOR-ONE EXCEPTION.—An air carrier that otherwise could not use 2 slots as a result of paragraph (1) may use 1 of such slots to provide air transportation.

“(3) WITHDRAWAL OF SLOT.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation, the Secretary shall withdraw the slot that is being used under paragraph (2).

“(4) CONTINUATION.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation with a regional jet, the Secretary shall withdraw the slot being used by the air carrier under paragraph (2) but shall allow the air carrier to continue to hold the exemption granted to the air carrier under subsection (b)(3).

“(e) INTERNATIONAL SERVICE AT O’HARE AIRPORT.—

“(1) TERMINATION OF REQUIREMENTS.—Subject to paragraph (2), the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, shall be of no force and effect at Chicago O’Hare International Airport after May 1, 2000, with respect to any aircraft providing foreign air transportation.

“(2) EXCEPTION RELATING TO RECIPROCITY.—The Secretary may limit access to Chicago O’Hare International Airport with respect to foreign air transportation being provided by a foreign air carrier domiciled in a country to which an air carrier provides nonstop air transportation from the United States if the country in which that carrier is domiciled does not provide reciprocal airport access for air carriers.

“(f) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(g) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from Chicago O’Hare International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of the enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 1 year after the date on which those requirements cease to apply to such airport unless—

“(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

“(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.”.

(2) ELIMINATION OF BASIC ESSENTIAL AIR SERVICE EXEMPTION LIMIT.—Section 41714(a)(3) is amended by striking “; except that” and all that follows through “132 slots”.

(3) PROHIBITION OF SLOT WITHDRAWALS.—Section 41714(b)(2) is amended—

(A) by inserting “at Chicago O’Hare International Airport” after “a slot”; and

(B) by striking “if the withdrawal” and all that follows through “1993”.

(4) CONVERSIONS.—Section 41714(b)(4) is amended to read as follows:

Effective date.

“(4) CONVERSIONS OF SLOTS.—Effective May 1, 2000, slots at Chicago O’Hare International Airport allocated to an air carrier as of November 1, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.”.

49 USC 41714
note.

(5) RETURN OF WITHDRAWN SLOTS.—The Secretary shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, before the date of the enactment of this Act, to that carrier on April 30, 2000.

(e) SPECIAL RULES AFFECTING REAGAN WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Chapter 417 (as amended by subsection (d) of this section) is further amended by inserting after section 41717 the following:

“§ 41718. Special rules for Ronald Reagan Washington National Airport

“(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

“(1) provide air transportation with domestic network benefits in areas beyond the perimeter described in that section;

“(2) increase competition by new entrant air carriers or in multiple markets;

“(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109; and

“(4) not result in meaningfully increased travel delays.

“(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for providing air transportation to airports that were designated

as medium hub or smaller airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

“(1) by new entrant air carriers and limited incumbent air carriers;

“(2) to communities without existing nonstop air transportation to Ronald Reagan Washington National Airport;

“(3) to small communities;

“(4) that will provide competitive nonstop air transportation on a monopoly nonstop route to Ronald Reagan Washington National Airport; or

“(5) that will produce the maximum competitive benefits, including low fares.

“(c) LIMITATIONS.—

“(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

“(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m. and may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than two operations.

“(3) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (b)—

“(A) four shall be for air transportation to small hub airports and nonhub airports; and

“(B) eight shall be for air transportation to medium hub and smaller airports.

“(4) APPLICABILITY TO EXEMPTION NO. 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

“(d) APPLICATION PROCESS.—

“(1) DEADLINE FOR SUBMISSION.—All requests for exemptions under this section must be submitted to the Secretary not later than the 30th day following the date of the enactment of this subsection.

“(2) DEADLINE FOR COMMENTS.—All comments with respect to any request for an exemption under this section must be submitted to the Secretary not later than the 45th day following the date of the enactment of this subsection.

“(3) DEADLINE FOR FINAL DECISION.—Not later than the 90th day following the date of the enactment of this Act, the Secretary shall make a decision regarding whether to approve or deny any request that is submitted to the Secretary in accordance with paragraph (1).

“(e) APPLICABILITY OF CERTAIN LAWS.—Neither the request for, nor the granting of an exemption, under this section shall be considered for purposes of any Federal law a major Federal action significantly affecting the quality of the human environment.”.

(2) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

“(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings

necessary to implement exemptions granted by the Secretary under section 41718.”.

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made for use at Ronald Reagan Washington National Airport for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under such chapter in an amount not less than 10 percent of the amount apportioned to the Ronald Reagan Washington National Airport under section 47114 of such title for that fiscal year; and

(ii) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(B) WAIVER.—The Secretary may waive the requirements of subparagraph (A) for any fiscal year for which the Secretary determines that the Authority is in compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(C) SUNSET.—This paragraph shall cease to be in effect 5 years after the date of the enactment of this Act if on that date the Secretary certifies that the Authority has achieved compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

Deadline.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the governments of Maryland, Virginia, and West Virginia, and the metropolitan planning organization for Washington, D.C., that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

(f) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

“(3) PRIORITY.—The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

“(A) Chicago O’Hare International Airport;

“(B) LaGuardia Airport;

“(C) John F. Kennedy International Airport; and

“(D) Ronald Reagan Washington National Airport.”.

(g) **STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.**—The Secretary shall study community noise levels in the areas surrounding the four high-density airports in fiscal year 2001 and compare those levels with the levels in such areas before 1991.

(h) **EXTENSION OF APPLICATION APPROVALS.**—Section 49108 is amended by striking “2001” and inserting “2004”.

(i) **ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.**—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(j) **CONFORMING AMENDMENTS.**—

(1) **OPERATION LIMITATIONS.**—Section 49111 is amended by striking subsection (e).

(2) **CHAPTER ANALYSIS.**—The analysis for subchapter I of chapter 417 is amended—

(A) redesignating the items relating to sections 41715 and 41716 as items relating to sections 41719 and 41720, respectively; and

(B) by inserting after the item relating to section 41714 the following:

“41715. Phase-out of slot rules at certain airports.

“41716. Interim slot rules at New York airports.

“41717. Interim application of slot rules at Chicago O’Hare International Airport.

“41718. Special Rules for Ronald Reagan Washington National Airport.”.

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended by adding at the end the following:

“(42) ‘air traffic control system’ means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

“(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

“(B) laws, regulations, orders, directives, agreements, and licenses;

“(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

“(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.”.

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT.

(a) **AVIATION MANAGEMENT ADVISORY COUNCIL.**—

(1) **MEMBERSHIP.**—Section 106(p)(2) is amended—

(A) by striking “and” at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

“(C) 10 members representing aviation interests, appointed by—

“(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

“(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation;

“(D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by—

“(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

“(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and

“(E) 5 members appointed by the Secretary after consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”.

(2) QUALIFICATIONS.—Section 106(p)(3) is amended—

(A) by inserting “(A) NO FEDERAL OFFICER OR EMPLOYEE.—” before “No member”;

(B) by inserting “or (2)(E)” after “paragraph (2)(C)”;

(C) by adding at the end the following:

“(B) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Members appointed under paragraph (2)(E) shall—

“(i) have a fiduciary responsibility to represent the public interest;

“(ii) be citizens of the United States; and

“(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

“(I) Management of large service organizations.

“(II) Customer service.

“(III) Management of large procurements.

“(IV) Information and communications technology.

“(V) Organizational development.

“(VI) Labor relations.

At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI).

“(C) PROHIBITIONS ON MEMBERS OF SUBCOMMITTEE.—No member appointed under paragraph (2)(E) may—

“(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

“(ii) engage in another business related to aviation or aeronautics; or

“(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.”; and

(D) by indenting subparagraph (A) (as designated by subparagraph (A) of this paragraph) and aligning it with subparagraph (B) of such section (as added by subparagraph (C) of this paragraph).

(b) TERMS OF MEMBERS.—Section 106(p)(6) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (J), (K), and (L), respectively; and

(2) by striking subparagraph (A) and inserting the following:

“(A) TERMS OF MEMBERS APPOINTED UNDER PARAGRAPH (2)(C).—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)—

“(i) 3 shall be appointed for terms of 1 year;

“(ii) 4 shall be appointed for terms of 2 years;

and

“(iii) 3 shall be appointed for terms of 3 years.

“(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

“(C) TERMS FOR AIR TRAFFIC SERVICES SUBCOMMITTEE MEMBERS.—The member appointed under paragraph (2)(E) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (2)(E)—

“(i) 2 members shall be appointed for a term of 3 years;

“(ii) 2 members shall be appointed for a term of 4 years; and

“(iii) 1 member shall be appointed for a term of 5 years.

“(D) REAPPOINTMENT.—An individual may not be appointed under paragraph (2)(E) to more than two 5-year terms.

“(E) VACANCY.—Any vacancy on the Council shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term.

“(F) CONTINUATION IN OFFICE.—A member whose term expires shall continue to serve until the date on which the member’s successor takes office.

“(G) REMOVAL.—Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the Council appointed under paragraph (2)(E) may be removed for cause by the Secretary.

“(H) CLAIMS AGAINST MEMBERS OF SUBCOMMITTEE.—

“(i) IN GENERAL.—A member appointed under paragraph (2)(E) shall have no personal liability under Federal law with respect to any claim arising out of

or resulting from an act or omission by such member within the scope of service as a member of the Air Traffic Services Subcommittee.

“(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

“(I) to affect any other immunity or protection that may be available to a member of the Subcommittee under applicable law with respect to such transactions;

“(II) to affect any other right or remedy against the United States under applicable law; or

“(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

“(I) ETHICAL CONSIDERATIONS.—

“(i) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under paragraph (2)(E) is a member of the Subcommittee, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

“(ii) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under paragraph (2)(E) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Subcommittee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.”.

(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p) is amended by adding at the end the following:

“(7) AIR TRAFFIC SERVICES SUBCOMMITTEE.—

“(A) IN GENERAL.—The Management Advisory Council shall have an air traffic services subcommittee (in this paragraph referred to as the ‘Subcommittee’) composed of the five members appointed under paragraph (2)(E).

“(B) GENERAL RESPONSIBILITIES.—

“(i) OVERSIGHT.—The Subcommittee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

“(ii) CONFIDENTIALITY.—The Subcommittee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

“(C) SPECIFIC RESPONSIBILITIES.—The Subcommittee shall have the following specific responsibilities:

“(i) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

“(I) a mission and objectives;

“(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

“(III) annual and long-range strategic plans.

“(ii) MODERNIZATION AND IMPROVEMENT.—To review and approve—

“(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

“(II) procurements of air traffic control equipment in excess of \$100,000,000.

“(iii) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

“(I) plans for modernization of the air traffic control system;

“(II) plans for increasing productivity or implementing cost-saving measures; and

“(III) plans for training and education.

“(iv) MANAGEMENT.—To—

“(I) review and approve the Administrator’s appointment of a Chief Operating Officer under section 106(r);

“(II) review the Administrator’s selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

“(III) review and approve the Administrator’s plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

“(IV) review and approve the Administrator’s cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

“(V) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

“(v) BUDGET.—To—

“(I) review and approve the budget request of the Administration related to the air traffic control system prepared by the Administrator;

“(II) submit such budget request to the Secretary; and

“(III) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in clause (v)(II) for any fiscal year to the President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President’s annual budget request for the Federal Aviation Administration for such fiscal year.

“(D) SUBCOMMITTEE PERSONNEL MATTERS.—

“(i) COMPENSATION OF MEMBERS.—Each member of the Subcommittee shall be compensated at a rate of \$25,000 per year.

“(ii) COMPENSATION OF CHAIRPERSON.—Notwithstanding clause (i), the chairperson of the Subcommittee shall be compensated at a rate of \$40,000 per year.

“(iii) STAFF.—The chairperson of the Subcommittee may appoint and terminate any personnel that may be necessary to enable the Subcommittee to perform its duties.

“(iv) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Subcommittee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(E) ADMINISTRATIVE MATTERS.—

“(i) TERM OF CHAIR.—The members of the Subcommittee shall elect for a 2-year term a chairperson from among the members of the Subcommittee.

“(ii) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Subcommittee, the powers of the chairperson shall include—

“(I) establishing committees;

“(II) setting meeting places and times;

“(III) establishing meeting agendas; and

“(IV) developing rules for the conduct of business.

“(iii) MEETINGS.—The Subcommittee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

“(iv) QUORUM.—Three members of the Subcommittee shall constitute a quorum. A majority of members present and voting shall be required for the Subcommittee to take action.

“(F) REPORTS.—

“(i) ANNUAL.—The Subcommittee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(ii) ADDITIONAL REPORT.—If a determination by the Subcommittee under subparagraph (B)(i) that the organization and operation of the air traffic control system are not allowing the Administration to carry out its mission, the Subcommittee shall report such determination to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

“(iii) ACTION OF ADMINISTRATOR ON REPORT.—Not later than 60 days after the date of a report of the Subcommittee under this subparagraph, the Administrator shall take action with respect to such report. If the Administrator overturns a recommendation of the Subcommittee, the Administrator shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

Deadline.

“(iv) COMPTROLLER GENERAL’S REPORT.—Not later than April 30, 2003, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of the Subcommittee in improving the performance of the air traffic control system.

“(8) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this section, the term ‘air traffic control system’ has the meaning such term has under section 40102(a).”.

(d) EFFECTIVE DATES.—

49 USC 106 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Secretary shall make the initial appointments of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council not later than 3 months after the date of the enactment of this Act.

Deadline.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF SUBCOMMITTEE.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Services Subcommittee.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

“(r) CHIEF OPERATING OFFICER.—

“(1) IN GENERAL.—

“(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with the approval of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

“(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

“(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

“(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

“(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(2) COMPENSATION.—

“(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay equal to the annual rate of basic pay of the Administrator. The Chief Operating Officer shall be subject to the post-employment provisions

of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

“(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Operating Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator’s evaluation of the Chief Operating Officer’s performance in relation to the performance goals set forth in the performance agreement described paragraph (3).

“(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Subcommittee of the Aviation Management Advisory Committee, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

“(4) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and transmit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.

“(5) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Administration responsibilities, including the following:

“(A) STRATEGIC PLANS.—To develop a strategic plan of the Administration for the air traffic control system, including the establishment of—

“(i) a mission and objectives;

“(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity;

“(iii) annual and long-range strategic plans; and

“(iv) methods of the Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

“(B) OPERATIONS.—To review the operational functions of the Administration, including—

“(i) modernization of the air traffic control system;

“(ii) increasing productivity or implementing cost-saving measures; and

“(iii) training and education.

“(C) BUDGET.—To—

“(i) develop a budget request of the Administration related to the air traffic control system prepared by the Administrator;

“(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

“(iii) ensure that the budget request supports the annual and long-range strategic plans developed under subparagraph (A) of this subsection.”.

SEC. 304. PILOT PROGRAM TO PERMIT COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the Nation’s air transportation

system by encouraging non-Federal investment on a pilot program basis in critical air traffic control facilities and equipment.

(b) IN GENERAL.—Subject to the requirements of this section, the Secretary shall carry out a pilot program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects.

(c) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of title 49, United States Code.

(d) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than \$15,000,000 under the program.

(e) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of title 49, United States Code, for fiscal years 2001 through 2003 to carry out the program.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT.—The term “eligible project” means a project relating to the Nation’s air traffic control system that is certified or approved by the Administrator and that promotes safety, efficiency, or mobility. Such projects may include—

(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements, and control towers;

(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

(2) PROJECT SPONSOR.—The term “project sponsor” means a public-use airport or a joint venture between a public-use airport and one or more air carriers.

(g) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, and automation tools, the purchase of which was assisted by a grant made under this section. The Administration shall accept such facilities, equipment, and automation tools, which shall thereafter be operated and maintained by the Administration in accordance with criteria of the Administration.

(h) GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall issue advisory guidelines on the implementation of the program. Deadline.

SEC. 305. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking “\$100,000,000” each place it appears and inserting “\$250,000,000”;

(2) by striking “Air Traffic Management System Performance Improvement Act of 1996” and inserting “Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”;

- (3) in subclause (I)—
 - (A) by inserting “substantial and” before “material”; and
 - (B) by inserting “or” after the semicolon at the end; and
- (4) by striking subclauses (II), (III), and (IV) and inserting the following:
 - “(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.”.

SEC. 306. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: “On February 1 and August 1 of each year the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.”.

SEC. 307. FAA PERSONNEL AND ACQUISITION MANAGEMENT SYSTEMS.

(a) PERSONNEL MANAGEMENT SYSTEM.—Section 40122 is amended by adding at the end the following:

“(g) PERSONNEL MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—In consultation with the employees of the Administration and such non-governmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency’s workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

“(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

“(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

“(B) sections 3308–3320, relating to veterans’ preference;

“(C) chapter 71, relating to labor-management relations;

“(D) section 7204, relating to antidiscrimination;

“(E) chapter 73, relating to suitability, security, and conduct;

“(F) chapter 81, relating to compensation for work injury;

“(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage; and

“(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.

“(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and

implemented under paragraph (1), an employee of the Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.

“(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.”.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110 is amended by adding at the end the following:

“(d) ACQUISITION MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement, not later than January 1, 1996, an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

Deadline.

“(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

“(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266).

“(B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

“(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

“(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

“(E) The Competition in Contracting Act.

“(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

“(G) The Brooks Automatic Data Processing Act (40 U.S.C. 759).

“(H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.

“(3) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding paragraph (2)(B), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under paragraph (1) with the following modifications:

“(A) Subsections (f) and (g) shall not apply.

“(B) Within 90 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

“(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

“(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration’s personnel management system.

“(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.”.

(c) CONFORMING AMENDMENTS.—

(1) SECTION 106.—Section 106(l)(1) is amended by striking “section 40122(a) of this title and section 347 of Public Law 104–50” and inserting “subsections (a) and (g) of section 40122”.

(2) SECTION 40121.—Section 40121(c)(2) is amended by striking “section 348(b) of Public Law 104–50” and inserting “section 40110(d)(2) of this title”.

(3) FEDERAL AVIATION REAUTHORIZATION ACT OF 1996.—Section 274(b)(6)(A)(ii)(II) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 40101 note) is amended by striking “sections 347 and 348 of Public Law 104–50” and inserting “sections 40110(d) and 40122(g) of title 49, United States Code”.

(d) REPEAL.—Sections 347 and 348 of Public Law 104–50 (109 Stat. 460–461; 49 U.S.C. 106 note; 49 U.S.C. 40110 note) are repealed.

SEC. 308. RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: “The 60-day period shall not include any period during which Congress has adjourned sine die.”.

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 (as amended by section 307(a) of this Act) is further amended by adding at the end the following:

“(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration’s internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

“(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration’s internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

“(j) DEFINITION.—In this section, the term ‘major adverse personnel action’ means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.”.

SEC. 309. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.49 USC 40101
note.**(a) INDEPENDENT ASSESSMENT.—**

(1) **IN GENERAL.**—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) **IN GENERAL.**—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) **COMPONENTS.**—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Administration's cost input data, including the reliability of the Administration's source documents and the integrity and reliability of the Administration's data collection process.

(ii) The Administration's system for tracking assets.

(iii) The Administration's bases for establishing asset values and depreciation rates.

(iv) The Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Administration's definition of the services to which the Administration ultimately attributes its costs.

(vi) The cost pools used by the Administration and the rationale for and reliability of the bases which the Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—

In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Administration services or activities (called “common and fixed costs” in the Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Administration.

(3) COST EFFECTIVENESS.—

(A) **IN GENERAL.**—The Inspector General shall assess the progress of the Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Administration.

(B) **ANNUAL REPORTS.**—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an

Deadline.

updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

49 USC 47106
note.

SEC. 310. ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS.

(a) STUDY.—The Secretary shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.

(b) CONTENTS.—In conducting the study, the Secretary, at a minimum, shall assess—

(1) the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;

(2) the role of public involvement in the planning and approval of airport improvement projects;

(3) the staffing and other resources associated with conducting such environmental reviews; and

(4) the time line for conducting such environmental reviews.

(c) CONSULTATION.—The Secretary shall conduct the study in consultation with the Administrator, the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.

Deadline.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.

SEC. 311. COST ALLOCATION SYSTEM.

Deadline.

(a) REPORT.—Not later than July 9, 2000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost allocation system currently under development by the Federal Aviation Administration.

(b) CONTENTS.—The report shall include a specific date for completion and implementation of the cost allocation system throughout the Administration and shall also include the timetable and plan for the implementation of a cost management system.

SEC. 312. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator shall report to Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) PROHIBITION ON UNSOLICITED COMMUNICATIONS.—

(1) IN GENERAL.—Section 1136(g)(2) is amended—

(A) by striking “transportation,” and inserting “transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,”;

(B) by inserting after “attorney” the following: “(including any associate, agent, employee, or other representative of an attorney)”; and

(C) by striking “30th day” and inserting “45th day”.

(2) ENFORCEMENT.—Section 1151 is amended by inserting “1136(g)(2),” before “or 1155(a)” each place it appears.

(b) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—Section 1136(g) is amended by adding at the end the following:

“(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.”.

(c) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is amended to read as follows:

“(2) PASSENGER.—The term ‘passenger’ includes—

“(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

“(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.”.

(d) STATUTORY CONSTRUCTION.—Section 1136 is amended by adding at the end the following:

“(i) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”.

SEC. 402. AIR CARRIER PLANS.

(a) CONTENTS OF PLANS.—

(1) FLIGHT RESERVATION INFORMATION.—Section 41113(b) is amended by adding at the end the following:

“(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger’s name appeared on a preliminary passenger manifest for the flight involved in the accident.”.

(2) TRAINING OF EMPLOYEES AND AGENTS.—Section 41113(b) is further amended by adding at the end the following:

“(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.”.

(3) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—Section 41113(b) is further amended by adding at the end the following:

“(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.”.

49 USC 41113
note.

(4) SUBMISSION OF UPDATED PLANS.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).

(5) CONFORMING AMENDMENTS.—Section 41113 is amended—

(A) in subsection (a) by striking “Not later than 6 months after the date of the enactment of this section, each air carrier” and inserting “Each air carrier”; and

(B) in subsection (c) by striking “After the date that is 6 months after the date of the enactment of this section, the Secretary” and inserting “The Secretary”.

(b) LIMITATION ON LIABILITY.—Section 41113(d) is amended by inserting “, or in providing information concerning a preliminary passenger manifest,” before “pursuant to a plan”.

(c) STATUTORY CONSTRUCTION.—Section 41113 is amended by adding at the end the following:

“(f) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”.

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) INCLUSION OF NONREVENUE PASSENGERS IN FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is amended to read as follows:

“(2) PASSENGER.—The term ‘passenger’ has the meaning given such term by section 1136.”.

(b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—Section 41313(b) is amended by striking “significant” and inserting “major”.

(c) CONTENTS OF PLANS.—

(1) IN GENERAL.—Section 41313(c) is amended by adding at the end the following:

“(15) TRAINING OF EMPLOYEES AND AGENTS.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

“(16) CONSULTATION ON CARRIER RESPONSE NOT COVERED BY PLAN.—An assurance that the foreign air carrier, in the

event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.”.

(2) SUBMISSION OF UPDATED PLANS.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of the enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).

49 USC 41313
note.

SEC. 404. DEATH ON THE HIGH SEAS.

(a) RIGHT OF ACTION IN COMMERCIAL AVIATION ACCIDENTS.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the “Death on the High Seas Act”) is amended—

(1) by inserting “(a) subject to subsection (b),” before “when-ever”; and

(2) by adding at the end the following:

“(b) In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas 12 nautical miles or closer to the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, this Act shall not apply and the rules applicable under Federal, State, and other appropriate law shall apply.”.

(b) COMPENSATION IN COMMERCIAL AVIATION ACCIDENTS.—Section 2 of such Act (46 U.S.C. App. 762) is amended—

(1) by inserting “(a)” before “the recovery”; and

(2) by adding at the end the following:

“(b)(1) If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable. Punitive damages are not recoverable.

“(2) In this subsection, the term ‘nonpecuniary damages’ means damages for loss of care, comfort, and companionship.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any death occurring after July 16, 1996.

46 USC app. 761
note.

TITLE V—SAFETY

SEC. 501. AIRPLANE EMERGENCY LOCATORS.

(a) REQUIREMENT.—Section 44712 is amended—

(1) in subsection (b) by striking “Subsection (a) of this section” and inserting “Prior to January 1, 2002, subsection (a)”;

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

“(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

“(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

“(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

“(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

“(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

“(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

“(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

“(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

“(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

“(H) aircraft equipped to carry only one individual.

“(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

“(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

“(B) other safety objectives.

“(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equipment approved by the Secretary for meeting the requirement of subsection (a).”.

(b) REGULATIONS.—The Secretary shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.

Deadline.
49 USC 44712
note.

SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

Section 44716 is amended by adding at the end the following:

“(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

“(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

“(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

“(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

“(B) other safety or public interest objectives.

“(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term ‘collision avoidance equipment’ means

Regulations.
Deadline.

equipment that provides protection from mid-air collisions using technology that provides—

“(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

“(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS-II.”.

SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport’s runway, it still poses a hazard because of the birds’ ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

“(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

“(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

“(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.”.

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking “or” at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

49 USC 44718
note.

“(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;”.

SEC. 504. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

“§ 44725. Life-limited aircraft parts

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

“(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

“(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

“(2) The part may be permanently marked to indicate its used life status.

“(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

“(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

“(5) Any other method approved by the Administrator.

“(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

“(1) not later than 180 days after the date of the enactment of this section, issue a notice of proposed rulemaking; and

“(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

“(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.”.

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 503(c) of this Act) is further amended by adding at the end the following:

“(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or”.

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

“44725. Life-limited aircraft parts.”.

SEC. 505. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

“§ 44726. Denial and revocation of certificate for counterfeit parts violations

“(a) DENIAL OF CERTIFICATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of

the Federal Aviation Administration may not issue a certificate under this chapter to any person—

“(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

“(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

“(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

“(b) REVOCATION OF CERTIFICATE.—

“(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

“(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

“(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

“(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

“(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

“(1) advise the holder of the certificate of the reason for the revocation; and

“(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

“(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, ‘person’ shall be substituted for ‘individual’ each place it appears.

“(e) ACQUITTAL OR REVERSAL.—

“(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

“(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

“(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

“(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

“(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

“(f) **WAIVER.**—The Administrator may waive revocation of a certificate under subsection (b) if—

“(1) a law enforcement official of the United States Government requests a waiver; and

“(2) the waiver will facilitate law enforcement efforts.

“(g) **AMENDMENT OF CERTIFICATE.**—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

“(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

“(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.”.

(2) **CONFORMING AMENDMENT.**—The analysis for such chapter is further amended by adding at the end the following:

“44726. Denial and revocation of certificate for counterfeit parts violations.”.

(b) **PROHIBITION ON EMPLOYMENT.**—Section 44711 is amended by adding at the end the following:

“(c) **PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.**—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.”.

Aircraft Safety
Act of 2000.

SEC. 506. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

18 USC 31 note.

(a) **SHORT TITLE.**—This section may be cited as the “Aircraft Safety Act of 2000”.

(b) **DEFINITIONS.**—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

“(a) **DEFINITIONS.**—In this chapter, the following definitions apply:

“(1) **AIRCRAFT.**—The term ‘aircraft’ means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

“(2) **AVIATION QUALITY.**—The term ‘aviation quality’, with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, maintained, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including applicable regulations).

“(3) **DESTRUCTIVE SUBSTANCE.**—The term ‘destructive substance’ means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive

device or matter of a combustible, contaminative, corrosive, or explosive nature.

“(4) IN FLIGHT.—The term ‘in flight’ means—

“(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

“(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

“(5) IN SERVICE.—The term ‘in service’ means—

“(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

“(B) in any event includes the entire period during which the aircraft is in flight.

“(6) MOTOR VEHICLE.—The term ‘motor vehicle’ means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

“(7) PART.—The term ‘part’ means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

“(8) SPACE VEHICLE.—The term ‘space vehicle’ means a man-made device, either manned or unmanned, designed for operation beyond the Earth’s atmosphere.

“(9) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(10) USED FOR COMMERCIAL PURPOSES.—The term ‘used for commercial purposes’ means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

“(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms ‘aircraft engine’, ‘air navigation facility’, ‘appliance’, ‘civil aircraft’, ‘foreign air commerce’, ‘interstate air commerce’, ‘landing area’, ‘overseas air commerce’, ‘propeller’, ‘spare part’, and ‘special aircraft jurisdiction of the United States’ have the meanings given those terms in sections 40102(a) and 46501 of title 49.”.

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

“(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly and with the intent to defraud—

“(1)(A) falsifies or conceals a material fact concerning any aircraft or space vehicle part;

“(B) makes any materially fraudulent representation concerning any aircraft or space vehicle part; or

“(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication concerning any aircraft or space vehicle part;

“(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

“(3) attempts or conspires to commit an offense described in paragraph (1) or (2),
shall be punished as provided in subsection (b).

“(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

“(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than \$500,000, imprisonment for not more than 15 years, or both.

“(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365), a fine of not more than \$1,000,000, imprisonment for not more than 20 years, or both.

“(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than \$1,000,000, imprisonment for any term of years or life, or both.

“(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

“(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

“(A) \$10,000,000 in the case of an offense described in paragraph (1) or (4); and

“(B) \$20,000,000 in the case of an offense described in paragraph (2) or (3).

“(c) CIVIL REMEDIES.—

“(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

“(A) ordering a person (convicted of an offense under this section) to divest any interest, direct or indirect, in any enterprise used to commit or facilitate the commission of the offense, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

“(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

“(C) ordering the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section making due provisions for the rights and interests of innocent persons.

“(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or

take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

“(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall stop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

“(d) CRIMINAL FORFEITURE.—

“(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

“(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

“(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property on the offense.

“(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

“(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

“(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

“(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

“(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

“(3) an act in furtherance of the offense was committed in the United States.”

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.”

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting “section 38 (relating to aircraft parts fraud),” after “section 32 (relating to destruction of aircraft or aircraft facilities).”

SEC. 507. TRANSPORTING OF HAZARDOUS MATERIAL.

Section 46312 is amended—

(1) by inserting “(a) IN GENERAL.—” before “A person”; and

(2) by adding at the end the following:

“(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.”.

SEC. 508. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS.—Section 44936(a)(1)(C) is amended—

(1) in clause (iii) by striking “or”;

(2) in clause (iv) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(v) the Administrator decides it is necessary to ensure air transportation security with respect to passenger, baggage, or property screening at airports.”.

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting “(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)” after “person” the first place it appears;

(2) in paragraph (1)(B)(ii) by striking “individual” the first place it appears and inserting “individual’s performance as a pilot”;

(3) in paragraph (5) by striking the period at the end of the first sentence and inserting “; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A).”;

(4) in paragraph (13)—

(A) by striking “may” and inserting “shall”; and

(B) before the semicolon in subparagraph (A)(i) insert “and disseminated under paragraph (15)”;

(5) in paragraph (14)(B) by inserting “or from a foreign government or entity that employed the individual” after “exists”; and

(6) by adding at the end the following:

“(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will

not be used for any purpose other than making the hiring decision.”.

SEC. 509. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN’S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

“§ 46317. Criminal penalty for pilots operating in air transportation without an airman’s certificate

“(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned for not more than 3 years, or both, if that individual—

“(1) knowingly and willfully serves or attempts to serve in any capacity as an airman operating an aircraft in air transportation without an airman’s certificate authorizing the individual to serve in that capacity; or

“(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman’s certificate authorizing the individual to serve in that capacity.

“(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

“(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term ‘controlled substance’ has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

“(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

“(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

“(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

“(3) TERMS OF IMPRISONMENT.—A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

“46317. Criminal penalty for pilots operating in air transportation without an airman’s certificate.”.

SEC. 510. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rule-making to develop procedures to protect air carriers and their employees from enforcement actions for violations of title 14, Code of Federal Regulations, (other than criminal or deliberate acts) that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program. Deadline.

SEC. 511. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 (as amended by section 509 of this Act) is further amended by adding at the end the following:

“§ 46318. Interference with cabin or flight crew

“(a) GENERAL RULE.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than \$25,000.

“(b) COMPROMISE AND SETOFF.—

“(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

“(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is further amended by adding at the end the following:

“46318. Interference with cabin or flight crew.”.

49 USC 44903
note.

SEC. 512. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT.—The term “aircraft” has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term “air transportation” has the meaning given that term in such section.

(3) PROGRAM.—The term “program” means the program established under subsection (b)(1)(A).

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—The Attorney General may—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program.

(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

(A) the United States Government (including the Administrator or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

(A) be considered to be an employee of the United States Government; or

(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,

Deadline.

and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.

Deadlines.

SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM.

(a) **REPORT.**—Not later than August 1, 2000, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

(b) **REQUIRED CONTENTS.**—At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

(c) **UPDATE.**—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).

SEC. 514. RUNWAY SAFETY AREAS.

(a) **ELIGIBILITY.**—Section 47102(3)(B) (as amended by section 122 of this Act) is further amended by adding at the end the following:

“(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220–22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular.”.

Deadline.

(b) **SOLICITATION OF COMMENTS.**—Not later than 6 months after the date of the enactment of this Act, the Administrator shall solicit comments on the need for the improvement of runway safety areas through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

49 USC 47106
note.

(c) **GRANTS FOR ENGINEERED MATERIALS ARRESTING SYSTEMS.**—In making grants under section 47104 of title 49, United States Code, for engineered materials arresting systems, the Secretary shall require the sponsor to demonstrate that the effects of jet blasts have been adequately considered.

49 USC 47106
note.

(d) **GRANTS FOR RUNWAY REHABILITATION.**—In any case in which an airport's runways are constrained by physical conditions, the Secretary shall consider alternative means for ensuring runway safety (other than a safety overrun area) when prescribing conditions for grants for runway rehabilitation.

SEC. 515. PRECISION APPROACH PATH INDICATORS.

Deadline.

Not later than 6 months after the date of the enactment of this Act, the Administrator shall solicit comments on the need for the installation of precision approach path indicators.

SEC. 516. AIRCRAFT DISPATCHERS.49 USC 44505
note.

(a) **STUDY.**—The Administrator shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

(b) **CONTENTS.**—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

Deadline.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.49 USC 44515
note.

The Administrator shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

SEC. 518. SMALL AIRPORT CERTIFICATION.49 USC 44706
note.
Deadlines.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

Regulations.

SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) **GENERAL RULE.**—Chapter 421 is amended by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION
PROGRAM

“§ 42121. Protection of employees providing air safety information

“(a) **DISCRIMINATION AGAINST AIRLINE EMPLOYEES.**—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any

other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

“(3) testified or is about to testify in such a proceeding; or

“(4) assisted or participated or is about to assist or participate in such a proceeding.

“(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

Deadline.

“(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—

Deadlines.

“(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary’s findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary’s findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed

under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

“(i) take affirmative action to abate the violation;

“(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

“(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney’s fee not exceeding \$1,000.

“(4) REVIEW.—

Deadline.

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—

Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

“(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person’s agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

“(e) **CONTRACTOR DEFINED.**—In this section, the term ‘contractor’ means a company that performs safety-sensitive functions by contract for an air carrier.”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 421 is amended by adding at the end the following:

“SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

“42121. Protection of employees providing air safety information.”

(c) **CIVIL PENALTY.**—Section 46301(a)(1)(A) is amended by striking “subchapter II of chapter 421” and inserting “subchapter II or III of chapter 421”.

SEC. 520. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

49 USC 44505
note.

(a) **STUDY.**—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

Deadline.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 601. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

49 USC 44721
note.
Effective date.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

SEC. 602. TRANSFER OF OFFICE, PERSONNEL, AND FUNDS.

49 USC 44721
note.
Effective dates.

(a) **TRANSFER OF OFFICE.**—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) **OTHER TRANSFERS.**—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.

SEC. 603. AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 44721 is amended to read as follows:

“§ 44721. Aeronautical charts and related products and services

“(a) PUBLICATION.—

“(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

“(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

“(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

“(1) prescribed by the Administrator;

“(2) depicted accurately on the map or chart; and

“(3) not obviously defective or deficient.

Effective date.

“(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

“(1) Sections 1 through 9 of the Act entitled ‘An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes’, approved August 6, 1947, (33 U.S.C. 883a–883h).

“(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

“(3) Section 1307 of title 44, United States Code.

“(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading ‘National Oceanic and Atmospheric Administration’ relating to aeronautical charts (44 U.S.C. 1307 note).

“(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

“(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

“(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

“(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

“(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

“(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

“(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

“(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

“(f) SPECIAL SERVICES AND PRODUCTS.—

“(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

“(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

“(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

“(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

“(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to: (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

“(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

“(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph

may not include costs attributable to the acquisition of aeronautical data.

“(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

“(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

“(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

“(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

“(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

“(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.”.

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 447 is amended by striking the item relating to section 44721 and inserting the following:

“44721. Aeronautical charts and related products and services.”.

49 USC 44721
note.

SEC. 604. SAVINGS PROVISION.

(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title; and

(2) are in effect on the date of transfer, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but

such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless

whether judgment has been entered, damages awarded, or appeal taken.

SEC. 605. NATIONAL OCEAN SURVEY.

(a) CHARTS AND PUBLICATIONS.—Section 2 of the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883b), is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking “charts of the United States, its Territories, and possessions;” in paragraph (3), as redesignated, and inserting “charts;”; and

(3) by striking “publications for the United States, its Territories, and possessions” in paragraph (4), as redesignated, and inserting “publications”.

(b) COOPERATIVE AND OTHER AGREEMENTS.—Section 5(1) of such Act (33 U.S.C. 883e(1)) is amended—

(1) by striking “cooperative agreements” and inserting “cooperative agreements, or any other agreements;”; and

(2) in paragraph (2) by striking “cooperative”.

SEC. 606. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) IN GENERAL.—Section 1307 of title 44, United States Code, is amended—

(1) in the section heading by striking “**and aeronautical**”; and

(2) by striking “and aeronautical” and “or aeronautical” each place they appear.

(b) PRICES.—Section 1307(a)(2)(B) of such title is amended by striking “aviation and”.

(c) FEES.—Section 1307(d) of such title 44 is amended by striking “aeronautical and”.

(d) CONFORMING AMENDMENT.—The analysis for chapter 13 of title 44, United States Code, is amended in the item relating to section 1307 by striking “and aeronautical”.

49 USC 44721
note.

SEC. 607. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking “40113(a), (c), and (d),” and all that follows through “45302–45304,” and inserting “40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter

447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections”.

SEC. 702. PUBLIC AIRCRAFT.

(a) **DEFINITION OF PUBLIC AIRCRAFT.**—Section 40102(a)(37) is amended to read as follows:

“(37) ‘public aircraft’ means any of the following:

“(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

“(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

“(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

“(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

“(E) An aircraft owned or operated by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(c).”.

(b) **QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.**—

(1) **IN GENERAL.**—Chapter 401 is further amended by adding at the end the following:

“§ 40125. Qualifications for public aircraft status

“(a) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **COMMERCIAL PURPOSES.**—The term ‘commercial purposes’ means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

“(2) **GOVERNMENTAL FUNCTION.**—The term ‘governmental function’ means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

“(3) QUALIFIED NON-CREWMEMBER.—The term ‘qualified non-crewmember’ means an individual, other than a member of the crew, aboard an aircraft—

“(A) operated by the armed forces or an intelligence agency of the United States Government; or

“(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

“(4) ARMED FORCES.—The term ‘armed forces’ has the meaning given such term by section 101 of title 10.

“(b) AIRCRAFT OWNED BY GOVERNMENTS.—An aircraft described in subparagraph (A), (B), (C), or (D) of section 40102(a)(37) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified non-crewmember.

“(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—

“(1) IN GENERAL.—Subject to paragraph (2), an aircraft described in section 40102(a)(37)(E) qualifies as a public aircraft if—

“(A) the aircraft is operated in accordance with title 10;

“(B) the aircraft is operated in the performance of a governmental function under title 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

“(C) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

“(2) LIMITATION.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40125. Qualifications for public aircraft status.”.

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 (as amended by section 307(b) of this Act) is further amended by adding at the end the following:

“(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

“(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror the disclosure of which is

Deadline.

Federal Register,
publication.

authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.

“(3) PROPOSAL DEFINED.—In this subsection, the term ‘proposal’ means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.”.

SEC. 704. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

49 USC 40110
note.

(a) IN GENERAL.—The Administrator may carry out a pilot program in fiscal years 2001 through 2003 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities.

(b) PERIOD OF CONTRACTS.—Notwithstanding any other provision of law, the Administrator may enter into a contract under the program to lease aviation equipment or facilities for a period of greater than 5 years.

(c) NUMBER OF CONTRACTS.—The Administrator may not enter into more than 10 contracts under the program.

(d) TYPES OF CONTRACTS.—The contracts to be evaluated under the program may include contracts for telecommunication services that are provided through the use of a satellite, requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 705. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) IN GENERAL.—Chapter 401 (as amended by section 702(b) of this Act) is further amended by adding at the end the following:

“§ 40126. Severable services contracts for periods crossing fiscal years

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed 1 year.

“(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

“40126. Severable services contracts for periods crossing fiscal years.”.

SEC. 706. PROHIBITIONS ON DISCRIMINATION.

(a) IN GENERAL.—Chapter 401 (as amended by section 705 of this Act) is further amended by adding at the end the following:

“§ 40127. Prohibitions on discrimination

“(a) PERSONS IN AIR TRANSPORTATION.—An air carrier or foreign air carrier may not subject a person in air transportation to

discrimination on the basis of race, color, national origin, religion, sex, or ancestry.

“(b) USE OF PRIVATE AIRPORTS.—Notwithstanding any other provision of law, no State or local government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person’s race, color, national origin, religion, sex, or ancestry.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is further amended by adding at the end the following:

“40127. Prohibitions on discrimination.”.

SEC. 707. DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—Section 41705 is amended—

(1) by inserting “(a) IN GENERAL.—” before “In providing”;

(2) by striking “carrier” and inserting “carrier, including (subject to section 40105(b)) any foreign air carrier,”; and

(3) by adding at the end the following:

“(b) EACH ACT CONSTITUTES SEPARATE OFFENSE.—For purposes of section 46301(a)(3)(E), a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

“(c) INVESTIGATION OF COMPLAINTS.—

“(1) IN GENERAL.—The Secretary shall investigate each complaint of a violation of subsection (a).

“(2) PUBLICATION OF DATA.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

“(3) REVIEW AND REPORT.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

“(4) TECHNICAL ASSISTANCE.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall—

“(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

“(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.”.

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 504(b) of this Act) is further amended by adding at the end the following:

“(E) a violation of section 41705, relating to discrimination against handicapped individuals.”.

(c) ESTABLISHMENT OF HIGHER INTERNATIONAL STANDARDS.—

The Secretary shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.

Deadline.

49 USC 41705
note.

SEC. 708. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Section 41706 is amended to read as follows:

“§ 41706. Prohibitions against smoking on scheduled flights

“(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.

“(c) LIMITATION ON APPLICABILITY.—

“(1) IN GENERAL.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

“(2) ALTERNATIVE PROHIBITION.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

“(d) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act.

49 USC 41706
note.

SEC. 709. JOINT VENTURE AGREEMENT.

Section 41720, as redesignated by section 231(b)(1) of this Act, is amended by striking “an agreement entered into by a major air carrier” and inserting “an agreement between two or more major air carriers”.

SEC. 710. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by section 231(b) of this Act) is further amended by adding at the end the following:

“§ 41721. Reports by carriers on incidents involving animals during air transport

“(a) IN GENERAL.—An air carrier that provides scheduled passenger air transportation shall submit monthly to the Secretary a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier. The report shall be in such form and contain such information as the Secretary determines appropriate.

“(b) TRAINING OF AIR CARRIER EMPLOYEES.—The Secretary shall work with air carriers to improve the training of employees with respect to the air transport of animals and the notification of passengers of the conditions under which the air transport of animals is conducted.

“(c) SHARING OF INFORMATION.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding to ensure the sharing of information that the Secretary receives under subsection (a).

“(d) PUBLICATION OF DATA.—The Secretary shall publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport in a manner comparable to other consumer complaint and incident data.

“(e) AIR TRANSPORT.—For purposes of this section, the air transport of an animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.”.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is further amended by adding at the end the following: “41721. Reports by carriers on incidents involving animals during air transportation.”.

SEC. 711. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking “after” and all that follows and inserting “after December 31, 2003.”.

SEC. 712. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is amended by adding at the end the following:

“(5) IMPROVEMENTS ON LEASED PROPERTIES.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

“(A) the improvements primarily benefit the Government;

“(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

“(C) the interest of the United States Government in the improvements is protected.”.

SEC. 713. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

“§ 44516. Human factors program

“(a) HUMAN FACTORS TRAINING.—

“(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration shall—

“(A) address the problems and concerns raised by the National Research Council in its report ‘The Future of Air Traffic Control’ on air traffic control automation; and

“(B) respond to the recommendations made by the National Research Council.

“(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

“(A) in recovering from loss of control of an aircraft, including handling unusual attitudes and mechanical malfunctions;

“(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

“(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

“(D) in landing and approaches, including nonprecision approaches and go-around procedures.

“(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration’s efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section.

Deadline.

“(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In this section, the term ‘advanced qualification program’ means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of parts 121 and 135 of title 14, Code of Federal Regulations.”.

(b) AUTOMATION AND ASSOCIATED TRAINING.—Not later than 12 months after the date of the enactment of this Act, the Administrator shall complete updating training practices for flight deck automation and associated training requirements.

Deadline.

(c) CONFORMING AMENDMENT.—The analysis for chapter 445 is further amended by adding at the end the following:

“44516. Human factors program.”.

SEC. 714. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

“(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

“(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

“(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

“(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term ‘registered aircraft’ means—

“(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

“(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.”.

SEC. 715. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

“(c) PUBLIC INFORMATION.—

“(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman’s name, address, and ratings held shall be made available to the public after the 120th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

“(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

“(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a one-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.”.

Deadline.
Notification.

SEC. 716. REVIEW PROCESS FOR EMERGENCY ORDERS.

Section 44709(e) is amended to read as follows:

“(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

“(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

“(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

“(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator’s order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator’s determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

Deadlines.

“(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.”.

Deadline.

SEC. 717. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

“(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).”.

SEC. 718. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking “shall” and inserting “should”.

SEC. 719. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States.”; and

(2) by adding at the end the following:

“(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term ‘production-certification related service’ has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.”.

SEC. 720. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking “46302, 46303, or”;

(2) in subsection (d)(7)(A) by striking “an individual” the first place it appears and inserting “a person”; and

(3) in subsection (g) by inserting “or the Administrator” after “Secretary”.

SEC. 721. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

49 USC 47528
and note.

(a) **REPEAL.**—Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.

(b) **EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.**—Section 47528 is amended—

(1) in subsection (a) by striking “subsection (b)” and inserting “subsection (b) or (f)”;

(2) in subsection (e) by adding at the end the following:

“(4) An air carrier operating stage 2 aircraft under this subsection may transport stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order—

“(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

“(B) conduct operations within the limitations of paragraph (2)(B).”; and

(3) by adding at the end the following:

“(f) **AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.**—

“(1) **IN GENERAL.**—The Secretary shall permit a person to operate after December 31, 1999, a stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

“(A) sell, lease, or use the aircraft outside the contiguous 48 States;

“(B) scrap the aircraft;

“(C) obtain modifications to the aircraft to meet stage 3 noise levels;

“(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

“(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

“(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

Deadline.

“(2) **PROCEDURE TO BE PUBLISHED.**—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall establish and publish a procedure to implement paragraph (1) through the use of categorical waivers, ferry permits, or other means.

“(g) **STATUTORY CONSTRUCTION.**—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting

determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.”.

(c) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) is amended by inserting “(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)” after “civil subsonic turbojet”.

(2) REGULATIONS.—Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) on the date of the enactment of this Act.

49 USC 47528
note.

(d) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended—

(1) in the first sentence by inserting “or foreign air carrier” after “air carrier”; and

(2) by inserting after “January 1, 1999,” the following: “or, in the case of a foreign air carrier, the 15th day following the date of the enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”.

SEC. 722. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by inserting “(a) GENERAL RULE.—” before “Not later”;

(2) by striking “and” at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting “; and”; and

(4) by adding at the end the following:

“(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

“(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—

The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).”.

SEC. 723. CHARTER AIRLINES.

Section 41104 is amended—

(1) by redesignating subsections (b) and (c) as (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) SCHEDULED OPERATIONS.—

“(1) IN GENERAL.—An air carrier, including an indirect air carrier, which operates aircraft designed for more than nine passenger seats, may not provide regularly scheduled charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights to or from an airport that is not located in Alaska and that does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations).

“(2) DEFINITION.—In this paragraph, the term ‘regularly scheduled charter air transportation’ does not include operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer’s representative.”.

SEC. 724. CREDIT FOR EMERGENCY SERVICES PROVIDED.

(a) STUDY.—The Administrator shall conduct a study of the appropriateness of allowing an airport that agrees to provide services to the Federal Emergency Management Agency or to a State or local agency in the event of an emergency a credit of the value of such services against the airport’s local share under the airport improvement program.

(b) NOTIFICATION.—The Administrator shall notify nonhub and general aviation airports that the Administrator is conducting the study under subsection (a) and give them an opportunity to explain how the credit described in subsection (a) would benefit such airports.

Deadline.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a). The report shall identify, at a minimum, the airports that would be affected by providing the credit described in subsection (a), explain what sort of emergencies could qualify for such credit, and explain how the costs would be quantified to determine the credit against the local share.

49 USC 40101
note.

SEC. 725. PASSENGER CABIN AIR QUALITY.

(a) STUDY OF AIR QUALITY IN PASSENGER CABINS IN COMMERCIAL AIRCRAFT.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall arrange for and provide necessary data to the National Academy of Sciences to conduct a 12-month, independent study of air quality in passenger cabins of aircraft used in air transportation and foreign air transportation, including the collection of new data, in coordination with the Federal Aviation Administration, to identify contaminants in the aircraft air and develop recommendations for means of reducing such contaminants.

(2) ALTERNATIVE AIR SUPPLY.—The study should examine whether contaminants would be reduced by the replacement of engine and auxiliary power unit bleed air with an alternative supply of air for the aircraft passengers and crew.

(3) SCOPE.—The study shall include an assessment and quantitative analysis of each of the following:

(A) Contaminants of concern, as determined by the National Academy of Sciences.

(B) The systems of air supply on aircraft, including the identification of means by which contaminants may enter such systems.

(C) The toxicological and health effects of the contaminants of concern, their byproducts, and the products of their degradation.

(D) Any contaminant used in the maintenance, operation, or treatment of aircraft, if a passenger or a member of the air crew may be directly exposed to the contaminant.

(E) Actual measurements of the contaminants of concern in the air of passenger cabins during actual flights

in air transportation or foreign air transportation, along with comparisons of such measurements to actual measurements taken in public buildings.

(4) **PROVISION OF CURRENT DATA.**—The Administrator shall collect all data of the Federal Aviation Administration that is relevant to the study and make the data available to the National Academy of Sciences in order to complete the study.

(b) **COLLECTION OF AIRCRAFT AIR QUALITY DATA.**—

(1) **IN GENERAL.**—The Administrator may consider the feasibility of using the flight data recording system on aircraft to monitor and record appropriate data related to air inflow quality, including measurements of the exposure of persons aboard the aircraft to contaminants during normal aircraft operation and during incidents involving air quality problems.

(2) **PASSENGER CABINS.**—The Administrator may also consider the feasibility of using the flight data recording system to monitor and record data related to the air quality in passengers cabins of aircraft.

SEC. 726. STANDARDS FOR AIRCRAFT AND AIRCRAFT ENGINES TO REDUCE NOISE LEVELS.

49 USC 47508
note.

(a) **DEVELOPMENT OF NEW STANDARDS.**—The Secretary shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) **GOALS TO BE CONSIDERED IN DEVELOPING NEW STANDARDS.**—In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that—

(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

(5) continue the use of a balanced approach to address aircraft environmental issues, taking into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.

(c) **ANNUAL REPORT.**—Not later than July 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

Deadline.

SEC. 727. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Deadline.
New Mexico.

Not later than 18 months after the date of the enactment of this Act, the Administrator shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level. In conducting the study, the Administrator shall determine whether itinerant general aviation aircraft should be exempt from any such requirement.

49 USC 44720
note.

SEC. 728. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

(2) 60 days have passed since the report was transmitted to Congress.

49 USC 44103
note.

SEC. 729. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

Deadline.

(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).

SEC. 730. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

Deadline.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2001, the Secretary may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for fiscal year 2001.

SEC. 731. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The Department of Airports of the City of Los Angeles may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation, if the Department of Airports can document or provide analysis that granting the easement will benefit the Department of Airports or local airport development to an extent equal to the value of the easement being granted.

49 USC 44701
note.
Effective date.

SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of the enactment of this Act, flight operations conducted by Alaska guide pilots shall

be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term “letter of authorization” means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term “Alaska guide pilot” means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed-wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.

SEC. 733. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed \$1,000,000 for

each of fiscal years 2000 and 2001 may be made available by the Secretary to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

49 USC 44707
note.

SEC. 734. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) **ESTABLISHMENT OF PANEL.**—The Administrator—

(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as “aircraft repair facilities”) located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) **MEMBERSHIP.**—The panel shall consist of—

(1) nine members appointed by the Administrator as follows:

(A) three representatives of labor organizations representing aviation mechanics;

(B) one representative of cargo air carriers;

(C) one representative of passenger air carriers;

(D) one representative of aircraft repair facilities;

(E) one representative of aircraft manufacturers;

(F) one representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) one representative of regional passenger air carriers;

(2) one representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) one representative from the Department of State, designated by the Secretary of State; and

(4) one representative from the Federal Aviation Administration, designated by the Administrator.

(c) **RESPONSIBILITIES.**—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) **DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.**—

(1) **COLLECTION OF INFORMATION.**—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers,

Regulations.

United States corporate operators, and foreign corporate operators.

(2) **DRUG AND ALCOHOL TESTING INFORMATION.**—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) **DESCRIPTION OF WORK DONE.**—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) **DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.**—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) **DOT TO MAKE INFORMATION AVAILABLE TO PUBLIC.**—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) **TERMINATION.**—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) December 31, 2001.

(h) **DEFINITIONS.**—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section. Applicability.

SEC. 735. OPERATIONS OF AIR TAXI INDUSTRY.

49 USC 40101
note.

(a) **STUDY.**—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) **CONTENTS.**—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study. Deadline.

SEC. 736. NATIONAL AIRSPACE REDESIGN.

49 USC 40103
note.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) REDESIGN.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

Deadline.

(c) REPORT.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Administrator to carry out this section \$12,000,000 for each of fiscal years 2000, 2001, and 2002.

49 USC 47106
note.

SEC. 737. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 738. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

Ohio.

SEC. 739. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) APPROVAL OF SALE.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the City of Cincinnati's grant obligations, the Secretary may approve the sale of Cincinnati-Municipal Blue Ash Airport from the City of Cincinnati to the City of Blue Ash upon a finding that the City of Blue Ash meets all applicable requirements for sponsorship and if the City of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the City of Cincinnati expire.

(b) TREATMENT OF PROCEEDS FROM SALE.—The Secretary and the Administrator are authorized to grant the City of Cincinnati an exemption from the provisions of sections 47107 and 47133 of title 49, United States Code, grant obligations of the City of Cincinnati, and regulations and policies of the Federal Aviation Administration, to the extent necessary to allow the City of Cincinnati to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the City of Cincinnati.

**SEC. 740. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR
USE IN RESPONDING TO OIL SPILLS.** 10 USC 2576
note.

(a) **AUTHORITY.**—

(1) **SALE OF AIRCRAFT AND AIRCRAFT PARTS.**—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may sell, during the period beginning on the date of the enactment of this Act and ending September 30, 2002, aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) **AIRCRAFT AND AIRCRAFT PARTS THAT MAY BE SOLD.**—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

- (A) excess to the needs of the Department; and
- (B) acceptable for commercial sale.

(b) **CONDITIONS OF SALE.**—Aircraft and aircraft parts sold under subsection (a)—

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan; and

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) **CERTIFICATION OF PERSONS AND ENTITIES.**—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) **REGULATIONS.**—

(1) **ISSUANCE.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) **CONTENTS.**—The regulations shall—

- (A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value, as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other operators in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

Deadline.

(f) **REPORT.**—Not later than March 31, 2002, the Secretary of Defense shall transmit to the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on National Security and Transportation and Infrastructure of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) **STATUTORY CONSTRUCTION.**—

(1) **AUTHORITY OF ADMINISTRATOR.**—Nothing in this section may be construed as affecting the authority of the Administrator under any other provision of law.

(2) **CERTIFICATION REQUIREMENTS.**—Nothing in this section may be construed to waive, with respect to an aircraft sold under the authority of this section, any requirement to obtain a certificate from the Administrator to operate the aircraft for any purpose (other than oil spill spotting, observation, and dispersant delivery) for which such a certificate is required.

(h) **PROCEEDS FROM SALE.**—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 741. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) **ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.**—Section 41310 is amended by adding at the end the following:

“(g) **ACTIONS AGAINST DISCRIMINATORY ACTIVITY BY FOREIGN CRS SYSTEMS.**—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets

a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

“(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

“(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.”

(b) COMPLAINTS BY CRS FIRMS.—Section 41310 is amended—
(1) in subsection (d)(1)—

(A) by striking “air carrier” in the first sentence and inserting “air carrier, computer reservations system firm,”;

(B) by striking “subsection (c)” and inserting “subsection (c) or (g)”;

(C) by striking “air carrier” in subparagraph (B) and inserting “air carrier or computer reservations system firm”;

(2) in subsection (e)(1) by inserting “or a computer reservations system firm is subject when providing services with respect to airline service” before the period at the end of the first sentence.

SEC. 742. SPECIALTY METALS CONSORTIUM.

49 USC 44504
note.

(a) IN GENERAL.—The Administrator may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements.

(b) REPORT.—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium.

Deadline.

SEC. 743. ALKALI SILICA REACTIVITY DISTRESS.

49 USC 44505
note.

(a) IN GENERAL.—The Administrator may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

(b) AUTHORITY TO MAKE GRANTS.—The Administrator may carry out the study by making a grant to, or entering into a cooperative agreement with, a nonprofit organization for the conduct of all or a part of the study.

(c) REPORT.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study.

Deadline.

SEC. 744. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

“§ 1168. Rolling stock equipment

“(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described

in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

“(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court’s approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

“(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

“(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

“(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

“(I) the date that is 30 days after the date of the default or event of the default; or

“(II) the expiration of such 60-day period; and

“(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

“(2) The equipment described in this paragraph—

“(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

“(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

Applicability.

“(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

“(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court’s approval, to extend the 60-day period specified in subsection (a)(1).

“(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

“(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

“(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

“(1) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

“(2) the term ‘security interest’ means a purchase-money equipment security interest.

“(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term ‘rolling stock equipment’ includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.”.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

“§ 1110. Aircraft equipment and vessels

“(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

“(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

“(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

“(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

“(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

“(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

“(I) the date that is 30 days after the date of the default; or

“(II) the expiration of such 60-day period; and

“(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

“(3) The equipment described in this paragraph—

“(A) is—

“(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

“(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

“(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

Applicability.

“(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

“(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

“(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

“(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

“(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

“(1) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

“(2) the term ‘security interest’ means a purchase-money equipment security interest.”.

49 USC 47501
note.

SEC. 745. GENERAL ACCOUNTING OFFICE AIRPORT NOISE STUDY.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study on airport noise in the United States.

(b) **CONTENTS OF STUDY.**—In conducting the study, the Comptroller General shall examine—

(1) the selection of noise measurement methodologies used by the Administrator;

(2) the threshold of noise at which health begins to be affected;

(3) the effectiveness of noise abatement programs at airports located in the United States;

(4) the impacts of aircraft noise on communities, including schools;

(5) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities; and

(6) the items requested to be examined by certain Members of the House of Representatives in a letter relating to aircraft noise to the Comptroller General dated April 30, 1999.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study. Deadline.

SEC. 746. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) **IN GENERAL.**—The Administrator shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region. Deadline.

(2) **AVAILABILITY TO THE PUBLIC.**—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 747. NONMILITARY HELICOPTER NOISE.

49 USC 47501
note.

(a) **IN GENERAL.**—The Secretary shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) **FOCUS.**—In conducting the study, the Secretary shall focus on air traffic control procedures to address helicopter noise problems and shall take into account the needs of law enforcement.

(c) **CONSIDERATION OF VIEWS.**—In conducting the study, the Secretary shall consider the views of representatives of the helicopter industry and organizations with an interest in reducing nonmilitary helicopter noise.

(d) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section. Deadline.

SEC. 748. NEWPORT NEWS, VIRGINIA.

(a) **AUTHORITY TO GRANT WAIVERS.**—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary may,

subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) **CONDITIONS.**—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 749. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) **IN GENERAL.**—Notwithstanding the Federal Airport Act (as in effect on October 31, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated October 31, 1956, by which the United States conveyed lands to the County of Yavapai, Arizona, for use by the county for airport purposes.

(b) **LIMITATION.**—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

Regulations.

(c) **CONDITION.**—The County of Yavapai, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 750. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, PINAL COUNTY, ARIZONA.

(a) **IN GENERAL.**—Notwithstanding the Federal Airport Act (as in effect on June 3, 1952) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated June 3, 1952, by which the United States conveyed lands to the County of Pinal, Arizona, for use by the county for airport purposes.

(b) **LIMITATION.**—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

Regulations.

(c) **CONDITION.**—The County of Pinal, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 751. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of the enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) **DEED OF CONVEYANCE.**—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of the enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) **USE OF LANDS SUBJECT TO WAIVER.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) **USE OF REVENUES.**—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) **CONDITION.**—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

Regulations.

(e) **GRANTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of the enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) **ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.**—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 752. FORMER AIRFIELD LANDS, GRANT PARISH, LOUISIANA.

(a) **IN GENERAL.**—Subject to the requirements of this section, the United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled “Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana”, dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) **CONDITIONS.**—Any release under subsection (a) shall be subject to the following conditions:

Regulations.

(1) In leasing or conveying any interest in the land with respect to which releases are granted under subsection (a), the party owning the property after the releases shall receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Any amount so received may be used only for the development, improvement, operation, or maintenance of the airport.

SEC. 753. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to which the release applies—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

(b) **CONDITION.**—The proceeds of the sale of any property to which a release under subsection (a) applies shall be used for airport purposes.

Alaska.

SEC. 754. IDITAROD AREA SCHOOL DISTRICT.

Notwithstanding any other provision of law (including section 47125 of title 49, United States Code), the Administrator of the Federal Aviation Administration, or the Administrator of General Services, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 755. ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

(a) **STUDY.**—The Administrator shall conduct a study on the need for an alternative power source for on-board flight data recorders and cockpit voice recorders.

Deadline.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(c) **COORDINATION WITH NTSB.**—If, before submitting the report, the Administrator determines, after consultation with the National Transportation Safety Board, that the Board is preparing

recommendations with respect to the matter to be studied under this section and will issue the recommendations within a reasonable period of time, the Administrator shall transmit to Congress a report containing the Administrator's comments on the Board's recommendations rather than conducting a separate study under this section.

SEC. 756. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM. Procedures.

The Administrator shall develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for visual flight rule air traffic control towers.

SEC. 757. STREAMLINING SEAT AND RESTRAINT SYSTEM CERTIFICATION PROCESS AND DYNAMIC TESTING REQUIREMENTS. Deadlines.

(a) **WORKING GROUPS.**—Not later than 3 months after the date of the enactment of this Act, the Administrator shall form a working group comprised of both government and industry representatives to make recommendations for streamlining the seat and restraint system certification process and the 16g dynamic testing requirements under part 25 of title 14, Code of Federal Regulations, to focus on reducing both the cost and the length of time associated with certification of aircraft seats and restraints.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the working group.

SEC. 758. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.

(a) **DEFINITION.**—The term “Brandywine Intercept” means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) **FINDINGS.**—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware, serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Secretary should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14, Code of Federal Regulations, required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

Deadline.

SEC. 759. POST FREE FLIGHT PHASE I ACTIVITIES.

Not later than August 1, 2000, the Administrator shall transmit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

SEC. 760. SENSE OF THE CONGRESS REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of the Congress that with the World Radio Communication Conference scheduled to begin in May 2000 and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration, working with appropriate Federal agencies and departments, should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

SEC. 761. LAND EXCHANGES, FORT RICHARDSON AND ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior and the Secretaries of the Army, Air Force, or such other military departments as may be necessary and appropriate may convey to the Alaska Railroad Corporation for purposes of track realignment all right, title, and interest of the United States in and to approximately 227 acres of land located on Fort Richardson and on Elmendorf Air Force Base, Alaska, in the vicinity of, and in exchange for all right, title, and interest of the Alaska Railroad Corporation in, approximately 229 acres of railroad right-of-way located between railroad mileposts 117 and 129.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to each Secretary. The cost of the surveys shall be borne by the Alaska Railroad Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—Each Secretary may require as to the real property under his jurisdiction such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. The interest conveyed by the Alaska Railroad Corporation to the United States under subsection (a) shall be the full title and interest received by the Corporation under the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The individual parcels of real property conveyed to the United States under this section shall be incorporated into the

appropriate land withdrawals for the military installation in which they are situated or which surround them. The interest conveyed to the Corporation by each Secretary under subsection (a) shall be subject to the same reservations and limitations under the Alaska Railroad Transfer Act of 1982 as are currently applicable to the right-of-way for which the land is being exchanged.

(d) SAVINGS CLAUSE.—Nothing in this section affects the duties, responsibilities, and liability of the Federal Government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) concerning any lands exchanged under this section.

SEC. 762. BILATERAL RELATIONSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) The current agreement between the United States and the United Kingdom for operating rights between the two countries, known as Bermuda II, is one of the most restrictive bilateral agreements the United States has with a developed aviation power that provides substantially greater opportunities and has resulted in a disproportionate market share in favor of United Kingdom carriers over United States carriers.

(2) The United States has attempted in good faith to negotiate a new bilateral agreement, but the United Kingdom has been unwilling to accept or introduce reasonable proposals for a new agreement.

(3) Because of the United Kingdom's unwillingness to accept reasonable proposals advanced by the United States, the latest rounds of negotiations between the United States and the United Kingdom for new operating rights have failed to produce an agreement between the two countries.

(4) The Secretary has the discretionary authority to revoke the exemption held by British carriers to operate the Concorde aircraft into the United States.

(b) CONSIDERATION OF EXERCISING AUTHORITY.—The Secretary should immediately consider whether exercise of his authority to revoke the Concorde exemption would be an appropriate and effective response to the present unsatisfactory situation.

(c) CONSIDERATION OF OTHER REMEDIES.—The Secretary should immediately consider whether it would be effective and appropriate to execute other remedies available to the United States Government, including—

(1) revoking all slots and slot exemptions held by British air carriers at all United States slot-restricted airports;

(2) rescinding current exemptions or permits under the Bermuda II bilateral to prohibit flights by British carriers to the United States; or

(3) renunciation of the current Bermuda II bilateral.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “National Parks Air Tour Management Act of 2000”.

National Parks
Air Tour
Management Act
of 2000.

49 USC 40128
note.

49 USC 40128
note.

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

49 USC 40128
note.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 (as amended by section 706(a) of this Act) is further amended by adding at the end the following:

“§ 40128. Overflights of national parks

“(a) IN GENERAL.—

“(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

“(A) in accordance with this section;

“(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

“(C) in accordance with any applicable air tour management plan for the park or tribal lands.

“(2) APPLICATION FOR OPERATING AUTHORITY.—

“(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

“(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons

interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

“(i) the safety record of the person submitting the proposal or pilots employed by the person;

“(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

“(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

“(iv) the financial capability of the person submitting the proposal;

“(v) any training programs for pilots provided by the person submitting the proposal; and

“(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

“(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

“(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

“(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—Deadline.
The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

“(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

“(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations if—

“(A) such activity is permitted under part 119 of such title;

“(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

“(C) the total number of operations under this exception is limited to not more than five flights in any 30-day period over a particular park.

Deadlines.

“(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of the enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

“(b) AIR TOUR MANAGEMENT PLANS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

“(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

“(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

“(3) CONTENTS.—An air tour management plan for a national park—

“(A) may prohibit commercial air tour operations in whole or in part;

“(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

“(C) shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park;

“(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

“(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period; and

“(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

“(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

“(A) hold at least one public meeting with interested parties to develop the air tour management plan;

Public
information.

“(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

Federal Register,
publication.

“(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

“(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflowed by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

Native
Americans.

“(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

“(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

Federal Register,
publication.

“(c) INTERIM OPERATING AUTHORITY.—

“(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

“(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

“(A) shall provide annual authorization only for the greater of—

“(i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of this section; or

“(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

“(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally

Federal Register,
publication.

Termination
date.

granted unless such an increase is agreed to by the Administrator and the Director;

“(C) shall be published in the Federal Register to provide notice and opportunity for comment;

“(D) may be revoked by the Administrator for cause;

“(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

“(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

“(G) shall promote safe commercial air tour operations;

“(H) shall promote the adoption of quiet technology, as appropriate; and

“(I) shall allow for modifications of the interim operating authority based on experience if the modification improves protection of national park resources and values and of tribal lands.

“(3) NEW ENTRANT AIR TOUR OPERATORS.—

“(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.

“(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

“(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of the enactment of this section.

“(d) EXEMPTIONS.—This section shall not apply to—

“(1) the Grand Canyon National Park; or

“(2) tribal lands within or abutting the Grand Canyon National Park.

“(e) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) COMMERCIAL AIR TOUR OPERATOR.—The term ‘commercial air tour operator’ means any person who conducts a commercial air tour operation.

“(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term ‘existing commercial air tour operator’ means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of the enactment of this section.

“(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term ‘new entrant commercial air tour operator’ means a commercial air tour operator that—

“(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

“(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

“(4) COMMERCIAL AIR TOUR OPERATION.—

“(A) IN GENERAL.—The term ‘commercial air tour operation’ means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

“(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

“(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

“(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider—

“(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

“(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

“(iii) the area of operation;

“(iv) the frequency of flights conducted by the person offering the flight;

“(v) the route of flight;

“(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

“(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

“(viii) any other factors that the Administrator and the Director consider appropriate.

“(5) NATIONAL PARK.—The term ‘national park’ means any unit of the National Park System.

“(6) TRIBAL LANDS.—The term ‘tribal lands’ means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

“(7) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Aviation Administration.

“(8) DIRECTOR.—The term ‘Director’ means the Director of the National Park Service.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 (as amended by section 706(b) of this Act) is further amended by adding at the end the following:

“40128. Overflights of national parks.”.

(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(1) regulations issued by the Secretary of Transportation and the Administrator under section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note); and

(2) commercial air tour operations carried out in compliance with the requirements of those regulations, shall be deemed to meet the requirements of such section 40126.

Arizona.
Nevada.
Deadline.

SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

Reports.

(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of the enactment of this Act, the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

Regulations.

(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40126(e)(4) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) tours of the Grand Canyon originating in Clark County, Nevada; and

(2) “local loop” tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona, provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation by a fixed-wing or helicopter aircraft in a commercial air tour operator’s fleet on the date of the enactment of this Act that meets the requirements designated under subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act shall be construed to relieve or diminish—

(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 (16 U.S.C. 1a–1 note) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

SEC. 805. ADVISORY GROUP.

49 USC 40128

note.
Deadline.

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) **EX OFFICIO MEMBERS.**—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) **CHAIRPERSON.**—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) **DUTIES.**—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

(d) **COMPENSATION; SUPPORT; FACA.**—

(1) **COMPENSATION AND TRAVEL.**—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their

homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

49 USC 40128
note.

SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective date.

Effective beginning on the date of the enactment of this Act, no commercial air tour operation may be conducted in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code.

Deadlines.
49 USC 40128
note.

SEC. 807. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

49 USC 40128
note.

SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

49 USC 40128
note.

SEC. 809. ALASKA EXEMPTION.

The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—
(1) by striking “and” at the end of paragraph (4)(J);

- (2) by striking the period at the end of paragraph (5) and inserting a semicolon; and
- (3) by adding at the end the following:
 - “(6) for fiscal year 2000, \$224,000,000, including—
 - “(A) \$17,269,000 for system development and infrastructure projects and activities;
 - “(B) \$33,042,500 for capacity and air traffic management technology projects and activities;
 - “(C) \$11,265,400 for communications, navigation, and surveillance projects and activities;
 - “(D) \$19,300,000 for weather projects and activities;
 - “(E) \$6,358,200 for airport technology projects and activities;
 - “(F) \$44,457,000 for aircraft safety technology projects and activities;
 - “(G) \$53,218,000 for system security technology projects and activities;
 - “(H) \$26,207,000 for human factors and aviation medicine projects and activities;
 - “(I) \$3,481,000 for environment and energy projects and activities; and
 - “(J) \$2,171,000 for innovative/cooperative research projects and activities, of which \$750,000 shall be for carrying out subsection (h);
 - “(7) for fiscal year 2001, \$237,000,000; and
 - “(8) for fiscal year 2002, \$249,000,000.”.

SEC. 902. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(B)—

(A) by striking “and” at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

“(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;”

(C) by striking the period at the end of clause (v) (as so redesignated) and inserting “; and”; and

(D) by adding at the end the following:

“(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.”; and

(2) in paragraph (3) by inserting “The report shall be prepared in accordance with requirements of section 1116 of title 31.” after “effect for the prior fiscal year.”.

Reports.

(b) REQUIREMENT.—Not later than October 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

Deadline.

(c) CONTENTS.—The plan required by subsection (b) shall include—

- (1) an identification of the respective research and development requirements, roles, and responsibilities of the National

Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

Records.
49 USC 106 note.

SEC. 903. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 904. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of title 49, United States Code, is amended by inserting “, including nonstructural aircraft systems,” after “life of aircraft”.

49 USC 44505
note.

SEC. 905. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.

SEC. 906. EVALUATION OF RESEARCH FUNDING TECHNIQUES.

(a) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences and representatives of airports, shall evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program to the research needs of airports.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the evaluation conducted under this section.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

26 USC 9502.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking “October 1, 1998” and inserting “October 1, 2003”; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: “or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act, Public Law 106–59, or the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century”.

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

“(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

“(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

“(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.”.

Approved April 5, 2000.

LEGISLATIVE HISTORY—H.R. 1000 (S. 82) (S. 1467):

HOUSE REPORTS: Nos. 106–167 and Pt. 2 (Comm. on Transportation and Infrastructure) and 106–513 (Comm. of Conference).

SENATE REPORTS: No. 106–9 accompanying S. 82 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): June 15, considered and passed House.

Oct. 5, considered and passed Senate, amended, in lieu of S. 82.

Vol. 146 (2000): Mar. 8, Senate agreed to conference report.

Mar. 15, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Apr. 5, Presidential statement.



Public Law 106–182
106th Congress

An Act

Apr. 7, 2000
[H.R. 5]

Senior Citizens’
Freedom to Work
Act of 2000.
42 USC 1305
note.

To amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Senior Citizens’ Freedom to Work Act of 2000”.

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking “the age of seventy” and inserting “retirement age (as defined in section 216(l))”;

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking “the age of seventy” each place it appears and inserting “retirement age (as defined in section 216(l))”;

(3) in subsection (f)(1)(B), by striking “was age seventy or over” and inserting “was at or above retirement age (as defined in section 216(l))”;

(4) in subsection (f)(3), by striking “age 70” and inserting “retirement age (as defined in section 216(l))”;

(5) in subsection (h)(1)(A), by striking “age 70” each place it appears and inserting “retirement age (as defined in section 216(l))”; and

(6) in subsection (j)—

(A) in the heading, by striking “age seventy” and inserting “retirement age”; and

(B) by striking “seventy years of age” and inserting “having attained retirement age (as defined in section 216(l))”.

SEC. 3. NONAPPLICATION OF RULES FOR COMPUTATION OF EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8) of the Social Security Act (42 U.S.C. 403(f)(8)) is amended by adding at the end the following new subparagraph:

“(E) Notwithstanding subparagraph (D), no deductions in benefits shall be made under subsection (b) with respect to the earnings of any individual in any month beginning with the month in which the individual attains retirement age (as defined in section 216(l)).”.

(b) CONFORMING AMENDMENT.—Section 203(f)(9) of the Social Security Act (42 U.S.C. 403(f)(9)) is amended by striking “and (8)(D),” and inserting “(8)(D), and (8)(E),”.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking “nor shall any deduction” and all that follows and inserting “nor shall any deduction be made under this subsection from any widow’s or widower’s insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.”; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: “(D) for which such individual is entitled to widow’s or widower’s insurance benefits if such individual became so entitled prior to attaining age 60,”.

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended by striking “or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit” and inserting “or, if so entitled, did not receive benefits pursuant to a request by such individual that benefits not be paid”.

SEC. 5. EFFECTIVE DATE.

42 USC 402 note.

The amendments made by this Act shall apply with respect to taxable years ending after December 31, 1999.

Approved April 7, 2000.

LEGISLATIVE HISTORY—H.R. 5 (S. 279):

HOUSE REPORTS: No. 106–507 (Comm. on Ways and Means).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 1, considered and passed House.

Mar. 21, 22, considered and passed Senate, amended.

Mar. 28, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Apr. 7, Presidential remarks.



Public Law 106–183
106th Congress

An Act

Apr. 13, 2000
[H.R. 1374]

To designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the “John K. Rafferty Hamilton Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOHN K. RAFFERTY HAMILTON POST OFFICE BUILDING.

The United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, shall be known and designated as the “John K. Rafferty Hamilton Post Office Building”.

SEC. 2. REFERENCES.

Any reference in any law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the “John K. Rafferty Hamilton Post Office Building”.

Approved April 13, 2000.

LEGISLATIVE HISTORY—H.R. 1374:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.
Vol. 146 (2000): Apr. 3, considered and passed Senate.



Public Law 106–184
106th Congress

An Act

To designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the “Joseph Ileta Post Office”.

Apr. 14, 2000
[H.R. 3189]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOSEPH ILETO POST OFFICE.

The United States post office located at 14071 Peyton Drive in Chino Hills, California, shall be known and designated as the “Joseph Ileta Post Office”.

SEC. 2. REFERENCES.

Any reference in any law, map, regulation, document, paper, or other record of the United States to the facility referred to in section (1) shall be deemed to be a reference to the “Joseph Ileta Post Office”.

Approved April 14, 2000.

LEGISLATIVE HISTORY—H.R. 3189:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 8, considered and passed House.
Vol. 146 (2000): Apr. 3, considered and passed Senate.



Public Law 106–185
106th Congress

An Act

Apr. 25, 2000
[H.R. 1658]

To provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil Asset
Forfeiture
Reform Act of
2000.

18 USC 981 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Civil Asset Forfeiture Reform Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
- Sec. 3. Compensation for damage to seized property.
- Sec. 4. Attorney fees, costs, and interest.
- Sec. 5. Seizure warrant requirement.
- Sec. 6. Use of forfeited funds to pay restitution to crime victims.
- Sec. 7. Civil forfeiture of real property.
- Sec. 8. Stay of civil forfeiture case.
- Sec. 9. Civil restraining orders.
- Sec. 10. Cooperation among Federal prosecutors.
- Sec. 11. Statute of limitations for civil forfeiture actions.
- Sec. 12. Destruction or removal of property to prevent seizure.
- Sec. 13. Fungible property in bank accounts.
- Sec. 14. Fugitive disentitlement.
- Sec. 15. Enforcement of foreign forfeiture judgment.
- Sec. 16. Encouraging use of criminal forfeiture as an alternative to civil forfeiture.
- Sec. 17. Access to records in bank secrecy jurisdictions.
- Sec. 18. Application to alien smuggling offenses.
- Sec. 19. Enhanced visibility of the asset forfeiture program.
- Sec. 20. Proceeds.
- Sec. 21. Effective date.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) **IN GENERAL.**—Chapter 46 of title 18, United States Code, is amended by inserting after section 982 the following:

“§ 983. General rules for civil forfeiture proceedings

Deadlines.

“(a) **NOTICE; CLAIM; COMPLAINT.**—

“(1)(A)(i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.

“(ii) No notice is required if, before the 60-day period expires, the Government files a civil judicial forfeiture action

against the property and provides notice of that action as required by law.

“(iii) If, before the 60-day period expires, the Government does not file a civil judicial forfeiture action, but does obtain a criminal indictment containing an allegation that the property is subject to forfeiture, the Government shall either—

“(I) send notice within the 60 days and continue the nonjudicial civil forfeiture proceeding under this section; or

“(II) terminate the nonjudicial civil forfeiture proceeding, and take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute.

“(iv) In a case in which the property is seized by a State or local law enforcement agency and turned over to a Federal law enforcement agency for the purpose of forfeiture under Federal law, notice shall be sent not more than 90 days after the date of seizure by the State or local law enforcement agency.

“(v) If the identity or interest of a party is not determined until after the seizure or turnover but is determined before a declaration of forfeiture is entered, notice shall be sent to such interested party not later than 60 days after the determination by the Government of the identity of the party or the party's interest.

“(B) A supervisory official in the headquarters office of the seizing agency may extend the period for sending notice under subparagraph (A) for a period not to exceed 30 days (which period may not be further extended except by a court), if the official determines that the conditions in subparagraph (D) are present.

“(C) Upon motion by the Government, a court may extend the period for sending notice under subparagraph (A) for a period not to exceed 60 days, which period may be further extended by the court for 60-day periods, as necessary, if the court determines, based on a written certification of a supervisory official in the headquarters office of the seizing agency, that the conditions in subparagraph (D) are present.

“(D) The period for sending notice under this paragraph may be extended only if there is reason to believe that notice may have an adverse result, including—

“(i) endangering the life or physical safety of an individual;

“(ii) flight from prosecution;

“(iii) destruction of or tampering with evidence;

“(iv) intimidation of potential witnesses; or

“(v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

“(E) Each of the Federal seizing agencies conducting nonjudicial forfeitures under this section shall report periodically to the Committees on the Judiciary of the House of Representatives and the Senate the number of occasions when an extension of time is granted under subparagraph (B).

“(F) If the Government does not send notice of a seizure of property in accordance with subparagraph (A) to the person from whom the property was seized, and no extension of time is granted, the Government shall return the property to that person without prejudice to the right of the Government to

commence a forfeiture proceeding at a later time. The Government shall not be required to return contraband or other property that the person from whom the property was seized may not legally possess.

“(2)(A) Any person claiming property seized in a nonjudicial civil forfeiture proceeding under a civil forfeiture statute may file a claim with the appropriate official after the seizure.

“(B) A claim under subparagraph (A) may be filed not later than the deadline set forth in a personal notice letter (which deadline may be not earlier than 35 days after the date the letter is mailed), except that if that letter is not received, then a claim may be filed not later than 30 days after the date of final publication of notice of seizure.

“(C) A claim shall—

“(i) identify the specific property being claimed;

“(ii) state the claimant’s interest in such property (and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous; and

“(iii) be made under oath, subject to penalty of perjury.

“(D) A claim need not be made in any particular form. Each Federal agency conducting nonjudicial forfeitures under this section shall make claim forms generally available on request, which forms shall be written in easily understandable language.

“(E) Any person may make a claim under subparagraph (A) without posting bond with respect to the property which is the subject of the claim.

“(3)(A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

Regulations.

“(B) If the Government does not—

“(i) file a complaint for forfeiture or return the property, in accordance with subparagraph (A); or

“(ii) before the time for filing a complaint has expired—

“(I) obtain a criminal indictment containing an allegation that the property is subject to forfeiture; and

“(II) take the steps necessary to preserve its right to maintain custody of the property as provided in the applicable criminal forfeiture statute,

the Government shall promptly release the property pursuant to regulations promulgated by the Attorney General, and may not take any further action to effect the civil forfeiture of such property in connection with the underlying offense.

“(C) In lieu of, or in addition to, filing a civil forfeiture complaint, the Government may include a forfeiture allegation in a criminal indictment. If criminal forfeiture is the only forfeiture proceeding commenced by the Government, the Government’s right to continued possession of the property shall be governed by the applicable criminal forfeiture statute.

“(D) No complaint may be dismissed on the ground that the Government did not have adequate evidence at the time

the complaint was filed to establish the forfeitability of the property.

“(4)(A) In any case in which the Government files in the appropriate United States district court a complaint for forfeiture of property, any person claiming an interest in the seized property may file a claim asserting such person’s interest in the property in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims, except that such claim may be filed not later than 30 days after the date of service of the Government’s complaint or, as applicable, not later than 30 days after the date of final publication of notice of the filing of the complaint.

“(B) A person asserting an interest in seized property, in accordance with subparagraph (A), shall file an answer to the Government’s complaint for forfeiture not later than 20 days after the date of the filing of the claim.

“(b) REPRESENTATION.—

Courts.

“(1)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the person is represented by counsel appointed under section 3006A of this title in connection with a related criminal case, the court may authorize counsel to represent that person with respect to the claim.

“(B) In determining whether to authorize counsel to represent a person under subparagraph (A), the court shall take into account such factors as—

“(i) the person’s standing to contest the forfeiture; and

“(ii) whether the claim appears to be made in good faith.

“(2)(A) If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the property subject to forfeiture is real property that is being used by the person as a primary residence, the court, at the request of the person, shall insure that the person is represented by an attorney for the Legal Services Corporation with respect to the claim.

“(B)(i) At appropriate times during a representation under subparagraph (A), the Legal Services Corporation shall submit a statement of reasonable attorney fees and costs to the court.

“(ii) The court shall enter a judgment in favor of the Legal Services Corporation for reasonable attorney fees and costs submitted pursuant to clause (i) and treat such judgment as payable under section 2465 of title 28, United States Code, regardless of the outcome of the case.

“(3) The court shall set the compensation for representation under this subsection, which shall be equivalent to that provided for court-appointed representation under section 3006A of this title.

“(c) BURDEN OF PROOF.—In a suit or action brought under any civil forfeiture statute for the civil forfeiture of any property—

“(1) the burden of proof is on the Government to establish, by a preponderance of the evidence, that the property is subject to forfeiture;

“(2) the Government may use evidence gathered after the filing of a complaint for forfeiture to establish, by a preponderance of the evidence, that property is subject to forfeiture; and

“(3) if the Government’s theory of forfeiture is that the property was used to commit or facilitate the commission of a criminal offense, or was involved in the commission of a criminal offense, the Government shall establish that there was a substantial connection between the property and the offense.

“(d) INNOCENT OWNER DEFENSE.—

“(1) An innocent owner’s interest in property shall not be forfeited under any civil forfeiture statute. The claimant shall have the burden of proving that the claimant is an innocent owner by a preponderance of the evidence.

“(2)(A) With respect to a property interest in existence at the time the illegal conduct giving rise to forfeiture took place, the term ‘innocent owner’ means an owner who—

“(i) did not know of the conduct giving rise to forfeiture;

or

“(ii) upon learning of the conduct giving rise to the forfeiture, did all that reasonably could be expected under the circumstances to terminate such use of the property.

“(B)(i) For the purposes of this paragraph, ways in which a person may show that such person did all that reasonably could be expected may include demonstrating that such person, to the extent permitted by law—

“(I) gave timely notice to an appropriate law enforcement agency of information that led the person to know the conduct giving rise to a forfeiture would occur or has occurred; and

“(II) in a timely fashion revoked or made a good faith attempt to revoke permission for those engaging in such conduct to use the property or took reasonable actions in consultation with a law enforcement agency to discourage or prevent the illegal use of the property.

“(ii) A person is not required by this subparagraph to take steps that the person reasonably believes would be likely to subject any person (other than the person whose conduct gave rise to the forfeiture) to physical danger.

“(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term ‘innocent owner’ means a person who, at the time that person acquired the interest in the property—

“(i) was a bona fide purchaser or seller for value (including a purchaser or seller of goods or services for value); and

“(ii) did not know and was reasonably without cause to believe that the property was subject to forfeiture.

“(B) An otherwise valid claim under subparagraph (A) shall not be denied on the ground that the claimant gave nothing of value in exchange for the property if—

“(i) the property is the primary residence of the claimant;

“(ii) depriving the claimant of the property would deprive the claimant of the means to maintain reasonable

shelter in the community for the claimant and all dependents residing with the claimant;

“(iii) the property is not, and is not traceable to, the proceeds of any criminal offense; and

“(iv) the claimant acquired his or her interest in the property through marriage, divorce, or legal separation, or the claimant was the spouse or legal dependent of a person whose death resulted in the transfer of the property to the claimant through inheritance or probate,

except that the court shall limit the value of any real property interest for which innocent ownership is recognized under this subparagraph to the value necessary to maintain reasonable shelter in the community for such claimant and all dependents residing with the claimant.

“(4) Notwithstanding any provision of this subsection, no person may assert an ownership interest under this subsection in contraband or other property that it is illegal to possess.

“(5) If the court determines, in accordance with this section, that an innocent owner has a partial interest in property otherwise subject to forfeiture, or a joint tenancy or tenancy by the entirety in such property, the court may enter an appropriate order—

“(A) severing the property;

“(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

“(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property.

“(6) In this subsection, the term ‘owner’—

“(A) means a person with an ownership interest in the specific property sought to be forfeited, including a leasehold, lien, mortgage, recorded security interest, or valid assignment of an ownership interest; and

“(B) does not include—

“(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

“(ii) a bailee unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

“(iii) a nominee who exercises no dominion or control over the property.

“(e) MOTION TO SET ASIDE FORFEITURE.—

Courts.

“(1) Any person entitled to written notice in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute who does not receive such notice may file a motion to set aside a declaration of forfeiture with respect to that person’s interest in the property, which motion shall be granted if—

“(A) the Government knew, or reasonably should have known, of the moving party’s interest and failed to take reasonable steps to provide such party with notice; and

“(B) the moving party did not know or have reason to know of the seizure within sufficient time to file a timely claim.

Deadlines.

“(2)(A) Notwithstanding the expiration of any applicable statute of limitations, if the court grants a motion under paragraph (1), the court shall set aside the declaration of forfeiture as to the interest of the moving party without prejudice to the right of the Government to commence a subsequent forfeiture proceeding as to the interest of the moving party.

“(B) Any proceeding described in subparagraph (A) shall be commenced—

“(i) if nonjudicial, within 60 days of the entry of the order granting the motion; or

“(ii) if judicial, within 6 months of the entry of the order granting the motion.

“(3) A motion under paragraph (1) may be filed not later than 5 years after the date of final publication of notice of seizure of the property.

“(4) If, at the time a motion made under paragraph (1) is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government may institute proceedings against a substitute sum of money equal to the value of the moving party’s interest in the property at the time the property was disposed of.

“(5) A motion filed under this subsection shall be the exclusive remedy for seeking to set aside a declaration of forfeiture under a civil forfeiture statute.

“(f) RELEASE OF SEIZED PROPERTY.—

“(1) A claimant under subsection (a) is entitled to immediate release of seized property if—

“(A) the claimant has a possessory interest in the property;

“(B) the claimant has sufficient ties to the community to provide assurance that the property will be available at the time of the trial;

“(C) the continued possession by the Government pending the final disposition of forfeiture proceedings will cause substantial hardship to the claimant, such as preventing the functioning of a business, preventing an individual from working, or leaving an individual homeless;

“(D) the claimant’s likely hardship from the continued possession by the Government of the seized property outweighs the risk that the property will be destroyed, damaged, lost, concealed, or transferred if it is returned to the claimant during the pendency of the proceeding; and

“(E) none of the conditions set forth in paragraph (8) applies.

“(2) A claimant seeking release of property under this subsection must request possession of the property from the appropriate official, and the request must set forth the basis on which the requirements of paragraph (1) are met.

“(3)(A) If not later than 15 days after the date of a request under paragraph (2) the property has not been released, the claimant may file a petition in the district court in which the complaint has been filed or, if no complaint has been filed, in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

“(B) The petition described in subparagraph (A) shall set forth—

“(i) the basis on which the requirements of paragraph (1) are met; and

“(ii) the steps the claimant has taken to secure release of the property from the appropriate official.

“(4) If the Government establishes that the claimant’s claim is frivolous, the court shall deny the petition. In responding to a petition under this subsection on other grounds, the Government may in appropriate cases submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

“(5) The court shall render a decision on a petition filed under paragraph (3) not later than 30 days after the date of the filing, unless such 30-day limitation is extended by consent of the parties or by the court for good cause shown.

Courts.
Deadline.

“(6) If—

“(A) a petition is filed under paragraph (3); and

“(B) the claimant demonstrates that the requirements of paragraph (1) have been met,
the district court shall order that the property be returned to the claimant, pending completion of proceedings by the Government to obtain forfeiture of the property.

“(7) If the court grants a petition under paragraph (3)—

“(A) the court may enter any order necessary to ensure that the value of the property is maintained while the forfeiture action is pending, including—

“(i) permitting the inspection, photographing, and inventory of the property;

“(ii) fixing a bond in accordance with rule E(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims; and

“(iii) requiring the claimant to obtain or maintain insurance on the subject property; and

“(B) the Government may place a lien against the property or file a lis pendens to ensure that the property is not transferred to another person.

“(8) This subsection shall not apply if the seized property—

“(A) is contraband, currency, or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business which has been seized;

“(B) is to be used as evidence of a violation of the law;

“(C) by reason of design or other characteristic, is particularly suited for use in illegal activities; or

“(D) is likely to be used to commit additional criminal acts if returned to the claimant.

“(g) PROPORTIONALITY.—

“(1) The claimant under subsection (a)(4) may petition the court to determine whether the forfeiture was constitutionally excessive.

“(2) In making this determination, the court shall compare the forfeiture to the gravity of the offense giving rise to the forfeiture.

“(3) The claimant shall have the burden of establishing that the forfeiture is grossly disproportional by a preponderance

of the evidence at a hearing conducted by the court without a jury.

“(4) If the court finds that the forfeiture is grossly disproportionate to the offense it shall reduce or eliminate the forfeiture as necessary to avoid a violation of the Excessive Fines Clause of the Eighth Amendment of the Constitution.

“(h) CIVIL FINE.—

“(1) In any civil forfeiture proceeding under a civil forfeiture statute in which the Government prevails, if the court finds that the claimant’s assertion of an interest in the property was frivolous, the court may impose a civil fine on the claimant of an amount equal to 10 percent of the value of the forfeited property, but in no event shall the fine be less than \$250 or greater than \$5,000.

“(2) Any civil fine imposed under this subsection shall not preclude the court from imposing sanctions under rule 11 of the Federal Rules of Civil Procedure.

“(3) In addition to the limitations of section 1915 of title 28, United States Code, in no event shall a prisoner file a claim under a civil forfeiture statute or appeal a judgment in a civil action or proceeding based on a civil forfeiture statute if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous or malicious, unless the prisoner shows extraordinary and exceptional circumstances.

“(i) CIVIL FORFEITURE STATUTE DEFINED.—In this section, the term ‘civil forfeiture statute’—

“(1) means any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense; and

“(2) does not include—

“(A) the Tariff Act of 1930 or any other provision of law codified in title 19;

“(B) the Internal Revenue Code of 1986;

“(C) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

“(D) the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.); or

“(E) section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 982 the following:

“983. General rules for civil forfeiture proceedings.”.

(c) STRIKING SUPERSEDED PROVISIONS.—

(1) CIVIL FORFEITURE.—Section 981(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking “Except as provided in paragraph (2), the” and inserting “The”; and

(B) by striking paragraph (2).

(2) DRUG FORFEITURES.—Paragraphs (4), (6), and (7) of section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)(4), (6), and (7)) are each amended by striking “, except that” and all that follows before the period at the end.

(3) AUTOMOBILES.—Section 518 of the Controlled Substances Act (21 U.S.C. 888) is repealed.

(4) FORFEITURES IN CONNECTION WITH SEXUAL EXPLOITATION OF CHILDREN.—Paragraphs (2) and (3) of section 2254(a) of title 18, United States Code, are each amended by striking “, except that” and all that follows before the period at the end.

(d) LEGAL SERVICES CORPORATION REPRESENTATION.—Section 1007(a) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)) is amended—

(1) in paragraph (9), by striking “and” after the semicolon;

(2) in paragraph (10), by striking the period and inserting “, and”; and

(3) by adding at the end the following:

“(11) ensure that an indigent individual whose primary residence is subject to civil forfeiture is represented by an attorney for the Corporation in such civil action.”.

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) TORT CLAIMS ACT.—Section 2680(c) of title 28, United States Code, is amended—

(1) by striking “any goods or merchandise” and inserting “any goods, merchandise, or other property”;

(2) by striking “law-enforcement” and inserting “law enforcement”; and

(3) by inserting before the period at the end the following: “, except that the provisions of this chapter and section 1346(b) of this title apply to any claim based on injury or loss of goods, merchandise, or other property, while in the possession of any officer of customs or excise or any other law enforcement officer, if—

“(1) the property was seized for the purpose of forfeiture under any provision of Federal law providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense;

“(2) the interest of the claimant was not forfeited;

“(3) the interest of the claimant was not remitted or mitigated (if the property was subject to forfeiture); and

“(4) the claimant was not convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.”.

(b) DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—With respect to a claim that cannot be settled under chapter 171 of title 28, United States Code, the Attorney General may settle, for not more than \$50,000 in any case, a claim for damage to, or loss of, privately owned property caused by an investigative or law enforcement officer (as defined in section 2680(h) of title 28, United States Code) who is employed by the Department of Justice acting within the scope of his or her employment.

(2) LIMITATIONS.—The Attorney General may not pay a claim under paragraph (1) that—

(A) is presented to the Attorney General more than 1 year after it accrues; or

(B) is presented by an officer or employee of the Federal Government and arose within the scope of employment.

SEC. 4. ATTORNEY FEES, COSTS, AND INTEREST.

(a) IN GENERAL.—Section 2465 of title 28, United States Code, is amended to read as follows:

31 USC 3724
note.

“§ 2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest

“(a) Upon the entry of a judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law—

“(1) such property shall be returned forthwith to the claimant or his agent; and

“(2) if it appears that there was reasonable cause for the seizure or arrest, the court shall cause a proper certificate thereof to be entered and, in such case, neither the person who made the seizure or arrest nor the prosecutor shall be liable to suit or judgment on account of such suit or prosecution, nor shall the claimant be entitled to costs, except as provided in subsection (b).

“(b)(1) Except as provided in paragraph (2), in any civil proceeding to forfeit property under any provision of Federal law in which the claimant substantially prevails, the United States shall be liable for—

“(A) reasonable attorney fees and other litigation costs reasonably incurred by the claimant;

“(B) post-judgment interest, as set forth in section 1961 of this title; and

“(C) in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale—

“(i) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

“(ii) an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid (not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence), commencing 15 days after the property was seized by a Federal law enforcement agency, or was turned over to a Federal law enforcement agency by a State or local law enforcement agency.

“(2)(A) The United States shall not be required to disgorge the value of any intangible benefits nor make any other payments to the claimant not specifically authorized by this subsection.

“(B) The provisions of paragraph (1) shall not apply if the claimant is convicted of a crime for which the interest of the claimant in the property was subject to forfeiture under a Federal criminal forfeiture law.

“(C) If there are multiple claims to the same property, the United States shall not be liable for costs and attorneys fees associated with any such claim if the United States—

“(i) promptly recognizes such claim;

“(ii) promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;

“(iii) does not cause the claimant to incur additional, reasonable costs or fees; and

“(iv) prevails in obtaining forfeiture with respect to one or more of the other claims.

“(D) If the court enters judgment in part for the claimant and in part for the Government, the court shall reduce the award of costs and attorney fees accordingly.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by striking the item relating to section 2465 and inserting the following:

“2465. Return of property to claimant; liability for wrongful seizure; attorney fees, costs, and interest.”.

SEC. 5. SEIZURE WARRANT REQUIREMENT.

(a) IN GENERAL.—Section 981(b) of title 18, United States Code, is amended to read as follows:

“(b)(1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

“(2) Seizures pursuant to this section shall be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, except that a seizure may be made without a warrant if—

“(A) a complaint for forfeiture has been filed in the United States district court and the court issued an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims;

“(B) there is probable cause to believe that the property is subject to forfeiture and—

“(i) the seizure is made pursuant to a lawful arrest or search; or

“(ii) another exception to the Fourth Amendment warrant requirement would apply; or

“(C) the property was lawfully seized by a State or local law enforcement agency and transferred to a Federal agency.

“(3) Notwithstanding the provisions of rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against the property may be filed under section 1355(b) of title 28, and may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement. Any motion for the return of property seized under this section shall be filed in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

“(4)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted

in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure.

“(B) The application for the restraining order shall set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.”.

(b) DRUG FORFEITURES.—Section 511(b) of the Controlled Substances Act (21 U.S.C. 881(b)) is amended to read as follows:

“(b) SEIZURE PROCEDURES.—Any property subject to forfeiture to the United States under this section may be seized by the Attorney General in the manner set forth in section 981(b) of title 18, United States Code.”.

SEC. 6. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS.

Section 981(e) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

“(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or”.

SEC. 7. CIVIL FORFEITURE OF REAL PROPERTY.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting after section 984 the following:

“§ 985. Civil forfeiture of real property

“(a) Notwithstanding any other provision of law, all civil forfeitures of real property and interests in real property shall proceed as judicial forfeitures.

“(b)(1) Except as provided in this section—

“(A) real property that is the subject of a civil forfeiture action shall not be seized before entry of an order of forfeiture; and

“(B) the owners or occupants of the real property shall not be evicted from, or otherwise deprived of the use and enjoyment of, real property that is the subject of a pending forfeiture action.

“(2) The filing of a lis pendens and the execution of a writ of entry for the purpose of conducting an inspection and inventory of the property shall not be considered a seizure under this subsection.

“(c)(1) The Government shall initiate a civil forfeiture action against real property by—

“(A) filing a complaint for forfeiture;

“(B) posting a notice of the complaint on the property; and

“(C) serving notice on the property owner, along with a copy of the complaint.

“(2) If the property owner cannot be served with the notice under paragraph (1) because the owner—

“(A) is a fugitive;

“(B) resides outside the United States and efforts at service pursuant to rule 4 of the Federal Rules of Civil Procedure are unavailing; or

“(C) cannot be located despite the exercise of due diligence, constructive service may be made in accordance with the laws of the State in which the property is located.

“(3) If real property has been posted in accordance with this subsection, it shall not be necessary for the court to issue an arrest warrant in rem, or to take any other action to establish in rem jurisdiction over the property.

“(d)(1) Real property may be seized prior to the entry of an order of forfeiture if—

“(A) the Government notifies the court that it intends to seize the property before trial; and

“(B) the court—

“(i) issues a notice of application for warrant, causes the notice to be served on the property owner and posted on the property, and conducts a hearing in which the property owner has a meaningful opportunity to be heard; or

“(ii) makes an ex parte determination that there is probable cause for the forfeiture and that there are exigent circumstances that permit the Government to seize the property without prior notice and an opportunity for the property owner to be heard.

“(2) For purposes of paragraph (1)(B)(ii), to establish exigent circumstances, the Government shall show that less restrictive measures such as a lis pendens, restraining order, or bond would not suffice to protect the Government’s interests in preventing the sale, destruction, or continued unlawful use of the real property.

“(e) If the court authorizes a seizure of real property under subsection (d)(1)(B)(ii), it shall conduct a prompt post-seizure hearing during which the property owner shall have an opportunity to contest the basis for the seizure.

“(f) This section—

“(1) applies only to civil forfeitures of real property and interests in real property; Applicability.

“(2) does not apply to forfeitures of the proceeds of the sale of such property or interests, or of money or other assets intended to be used to acquire such property or interests; and

“(3) shall not affect the authority of the court to enter a restraining order relating to real property.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 46 of title 18, United States Code, is amended by inserting after the item relating to section 984 the following:

“985. Civil forfeiture of real property.”.

SEC. 8. STAY OF CIVIL FORFEITURE CASE.

(a) IN GENERAL.—Section 981(g) of title 18, United States Code, is amended to read as follows:

“(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case. Courts.

“(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

“(A) the claimant is the subject of a related criminal investigation or case;

“(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

“(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

“(3) With respect to the impact of civil discovery described in paragraphs (1) and (2), the court may determine that a stay is unnecessary if a protective order limiting discovery would protect the interest of one party without unfairly limiting the ability of the opposing party to pursue the civil case. In no case, however, shall the court impose a protective order as an alternative to a stay if the effect of such protective order would be to allow one party to pursue discovery while the other party is substantially unable to do so.

“(4) In this subsection, the terms ‘related criminal case’ and ‘related criminal investigation’ mean an actual prosecution or investigation in progress at the time at which the request for the stay, or any subsequent motion to lift the stay is made. In determining whether a criminal case or investigation is ‘related’ to a civil forfeiture proceeding, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the two proceedings, without requiring an identity with respect to any one or more factors.

“(5) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

“(6) Whenever a civil forfeiture proceeding is stayed pursuant to this subsection, the court shall enter any order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect.

Applicability.

“(7) A determination by the court that the claimant has standing to request a stay pursuant to paragraph (2) shall apply only to this subsection and shall not preclude the Government from objecting to the standing of the claimant by dispositive motion or at the time of trial.”

(b) DRUG FORFEITURES.—Section 511(i) of the Controlled Substances Act (21 U.S.C. 881(i)) is amended to read as follows:

Applicability.

“(i) The provisions of section 981(g) of title 18, United States Code, regarding the stay of a civil forfeiture proceeding shall apply to forfeitures under this section.”

SEC. 9. CIVIL RESTRAINING ORDERS.

Section 983 of title 18, United States Code, as added by this Act, is amended by adding at the end the following:

“(j) RESTRAINING ORDERS; PROTECTIVE ORDERS.—

“(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians, appraisers, accountants, or trustees,

or take any other action to seize, secure, maintain, or preserve the availability of property subject to civil forfeiture—

“(A) upon the filing of a civil forfeiture complaint alleging that the property with respect to which the order is sought is subject to civil forfeiture; or

“(B) prior to the filing of such a complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

“(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

“(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

“(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days, unless extended by the court for good cause shown, or unless a complaint described in paragraph (1)(A) has been filed.

“(3) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when a complaint has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought is subject to civil forfeiture and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

Expiration date.

“(4) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.”.

SEC. 10. COOPERATION AMONG FEDERAL PROSECUTORS.

Section 3322(a) of title 18, United States Code, is amended—

(1) by striking “civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title” and inserting “any civil forfeiture provision of Federal law”; and

(2) by striking “concerning a banking law violation”.

SEC. 11. STATUTE OF LIMITATIONS FOR CIVIL FORFEITURE ACTIONS.

Section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) is amended by inserting “, or in the case of forfeiture, within 2 years after the time when the involvement of the property in the alleged offense was discovered, whichever was later” after “within five years after the time when the alleged offense was discovered”.

SEC. 12. DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.

Section 2232 of title 18, United States Code, is amended—

- (1) by striking subsections (a) and (b);
- (2) by inserting “(e) FOREIGN INTELLIGENCE SURVEILLANCE.—” before “Whoever, having knowledge that a Federal officer”;
- (3) by redesignating subsection (c) as subsection (d); and
- (4) by inserting before subsection (d), as redesignated, the following:

“(a) DESTRUCTION OR REMOVAL OF PROPERTY TO PREVENT SEIZURE.—Whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government’s lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) IMPAIRMENT OF IN REM JURISDICTION.—Whoever, knowing that property is subject to the in rem jurisdiction of a United States court for purposes of civil forfeiture under Federal law, knowingly and without authority from that court, destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of impairing or defeating the court’s continuing in rem jurisdiction over the property, shall be fined under this title or imprisoned not more than 5 years, or both.

“(c) NOTICE OF SEARCH OR EXECUTION OF SEIZURE WARRANT OR WARRANT OF ARREST IN REM.—Whoever, having knowledge that any person authorized to make searches and seizures, or to execute a seizure warrant or warrant of arrest in rem, in order to prevent the authorized seizing or securing of any person or property, gives notice or attempts to give notice in advance of the search, seizure, or execution of a seizure warrant or warrant of arrest in rem, to any person shall be fined under this title or imprisoned not more than 5 years, or both.”.

SEC. 13. FUNGIBLE PROPERTY IN BANK ACCOUNTS.

(a) IN GENERAL.—Section 984 of title 18, United States Code, is amended—

- (1) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;
- (2) in subsection (a), as redesignated—
 - (A) by striking “or other fungible property” and inserting “or precious metals”; and
 - (B) in paragraph (2), by striking “subsection (c)” and inserting “subsection (b)”;
- (3) in subsection (c), as redesignated—
 - (A) by striking paragraph (1) and inserting the following: “(1) Subsection (a) does not apply to an action against funds held by a financial institution in an interbank account unless the account holder knowingly engaged in the offense that is the basis for the forfeiture.”; and

(B) in paragraph (2), by striking “(2) As used in this section, the term” and inserting the following:

“(2) In this subsection—

“(A) the term ‘financial institution’ includes a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7))); and

“(B) the term”; and

(4) by adding at the end the following:

“(d) Nothing in this section may be construed to limit the ability of the Government to forfeit property under any provision of law if the property involved in the offense giving rise to the forfeiture or property traceable thereto is available for forfeiture.”.

SEC. 14. FUGITIVE DISENTITLEMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“§ 2466. Fugitive disentitlement

“A judicial officer may disallow a person from using the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action upon a finding that such person—

“(1) after notice or knowledge of the fact that a warrant or process has been issued for his apprehension, in order to avoid criminal prosecution—

“(A) purposely leaves the jurisdiction of the United States;

“(B) declines to enter or reenter the United States to submit to its jurisdiction; or

“(C) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person; and

“(2) is not confined or held in custody in any other jurisdiction for commission of criminal conduct in that jurisdiction.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“2466. Fugitive disentitlement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any case pending on or after the date of the enactment of this Act.

Applicability.
28 USC 2466
note.

SEC. 15. ENFORCEMENT OF FOREIGN FORFEITURE JUDGMENT.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“§ 2467. Enforcement of foreign judgment

“(a) DEFINITIONS.—In this section—

“(1) the term ‘foreign nation’ means a country that has become a party to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (referred to in this section as the ‘United Nations Convention’) or a foreign jurisdiction with which the United States has a treaty or other formal international agreement in effect providing for mutual forfeiture assistance; and

“(2) the term ‘forfeiture or confiscation judgment’ means a final order of a foreign nation compelling a person or entity—

“(A) to pay a sum of money representing the proceeds of an offense described in Article 3, Paragraph 1, of the United Nations Convention, or any foreign offense described in section 1956(c)(7)(B) of title 18, or property the value of which corresponds to such proceeds; or

“(B) to forfeit property involved in or traceable to the commission of such offense.

“(b) REVIEW BY ATTORNEY GENERAL.—

“(1) IN GENERAL.—A foreign nation seeking to have a forfeiture or confiscation judgment registered and enforced by a district court of the United States under this section shall first submit a request to the Attorney General or the designee of the Attorney General, which request shall include—

“(A) a summary of the facts of the case and a description of the proceedings that resulted in the forfeiture or confiscation judgment;

“(B) certified copy of the forfeiture or confiscation judgment;

“(C) an affidavit or sworn declaration establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant to defend against the charges and that the judgment rendered is in force and is not subject to appeal; and

“(D) such additional information and evidence as may be required by the Attorney General or the designee of the Attorney General.

“(2) CERTIFICATION OF REQUEST.—The Attorney General or the designee of the Attorney General shall determine whether, in the interest of justice, to certify the request, and such decision shall be final and not subject to either judicial review or review under subchapter II of chapter 5, or chapter 7, of title 5 (commonly known as the ‘Administrative Procedure Act’).

“(c) JURISDICTION AND VENUE.—

“(1) IN GENERAL.—If the Attorney General or the designee of the Attorney General certifies a request under subsection (b), the United States may file an application on behalf of a foreign nation in district court of the United States seeking to enforce the foreign forfeiture or confiscation judgment as if the judgment had been entered by a court in the United States.

“(2) PROCEEDINGS.—In a proceeding filed under paragraph (1)—

“(A) the United States shall be the applicant and the defendant or another person or entity affected by the forfeiture or confiscation judgment shall be the respondent;

“(B) venue shall lie in the district court for the District of Columbia or in any other district in which the defendant or the property that may be the basis for satisfaction of a judgment under this section may be found; and

“(C) the district court shall have personal jurisdiction over a defendant residing outside of the United States if the defendant is served with process in accordance with rule 4 of the Federal Rules of Civil Procedure.

“(d) ENTRY AND ENFORCEMENT OF JUDGMENT.—

“(1) IN GENERAL.—The district court shall enter such orders as may be necessary to enforce the judgment on behalf of the foreign nation unless the court finds that— Courts.

“(A) the judgment was rendered under a system that provides tribunals or procedures incompatible with the requirements of due process of law;

“(B) the foreign court lacked personal jurisdiction over the defendant;

“(C) the foreign court lacked jurisdiction over the subject matter;

“(D) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend; or

“(E) the judgment was obtained by fraud.

“(2) PROCESS.—Process to enforce a judgment under this section shall be in accordance with rule 69(a) of the Federal Rules of Civil Procedure.

“(e) FINALITY OF FOREIGN FINDINGS.—In entering orders to enforce the judgment, the court shall be bound by the findings of fact to the extent that they are stated in the foreign forfeiture or confiscation judgment. Courts.

“(f) CURRENCY CONVERSION.—The rate of exchange in effect at the time the suit to enforce is filed by the foreign nation shall be used in calculating the amount stated in any forfeiture or confiscation judgment requiring the payment of a sum of money submitted for registration.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

“2467. Enforcement of foreign judgment.”.

SEC. 16. ENCOURAGING USE OF CRIMINAL FORFEITURE AS AN ALTERNATIVE TO CIVIL FORFEITURE.

Section 2461 of title 28, United States Code, is amended by adding at the end the following:

“(c) If a forfeiture of property is authorized in connection with a violation of an Act of Congress, and any person is charged in an indictment or information with such violation but no specific statutory provision is made for criminal forfeiture upon conviction, the Government may include the forfeiture in the indictment or information in accordance with the Federal Rules of Criminal Procedure, and upon conviction, the court shall order the forfeiture of the property in accordance with the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section.”. Courts.

SEC. 17. ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.

Section 986 of title 18, United States Code, is amended by adding at the end the following:

“(d) ACCESS TO RECORDS IN BANK SECRECY JURISDICTIONS.—

“(1) IN GENERAL.—In any civil forfeiture case, or in any ancillary proceeding in any criminal forfeiture case governed by section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)), in which—

“(A) financial records located in a foreign country may be material—

“(i) to any claim or to the ability of the Government to respond to such claim; or

“(ii) in a civil forfeiture case, to the ability of the Government to establish the forfeitability of the property; and

“(B) it is within the capacity of the claimant to waive the claimant’s rights under applicable financial secrecy laws, or to obtain the records so that such records can be made available notwithstanding such secrecy laws, the refusal of the claimant to provide the records in response to a discovery request or to take the action necessary otherwise to make the records available shall be grounds for judicial sanctions, up to and including dismissal of the claim with prejudice.

“(2) PRIVILEGE.—This subsection shall not affect the right of the claimant to refuse production on the basis of any privilege guaranteed by the Constitution of the United States or any other provision of Federal law.”.

SEC. 18. APPLICATION TO ALIEN SMUGGLING OFFENSES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 274(b) of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended to read as follows:

“(b) SEIZURE AND FORFEITURE.—

“(1) IN GENERAL.—Any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of a violation of subsection (a), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds, shall be seized and subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Attorney General.

“(3) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—In determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

“(A) Records of any judicial or administrative proceeding in which that alien’s status was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

“(B) Official records of the Service or of the Department of State showing that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

“(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien’s status,

that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.”.

(b) TECHNICAL CORRECTIONS TO EXISTING CRIMINAL FORFEITURE AUTHORITY.—Section 982(a)(6) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting “section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or” before “section 1425” the first place it appears;

(B) in clause (i), by striking “a violation of, or a conspiracy to violate, subsection (a)” and inserting “the offense of which the person is convicted”; and

(C) in subclauses (I) and (II) of clause (ii), by striking “a violation of, or a conspiracy to violate, subsection (a)” and all that follows through “of this title” each place it appears and inserting “the offense of which the person is convicted”;

(2) by striking subparagraph (B); and

(3) in the second sentence—

(A) by striking “The court, in imposing sentence on such person” and inserting the following:

“(B) The court, in imposing sentence on a person described in subparagraph (A)”;

(B) by striking “this subparagraph” and inserting “that subparagraph”.

SEC. 19. ENHANCED VISIBILITY OF THE ASSET FORFEITURE PROGRAM.

Section 524(c)(6) of title 28, United States Code, is amended to read as follows:

“(6)(A) The Attorney General shall transmit to Congress and make available to the public, not later than 4 months after the end of each fiscal year, detailed reports for the prior fiscal year as follows:

Public
information.
Deadlines.
Reports.

“(i) A report on total deposits to the Fund by State of deposit.

“(ii) A report on total expenses paid from the Fund, by category of expense and recipient agency, including equitable sharing payments.

“(iii) A report describing the number, value, and types of properties placed into official use by Federal agencies, by recipient agency.

“(iv) A report describing the number, value, and types of properties transferred to State and local law enforcement agencies, by recipient agency.

“(v) A report, by type of disposition, describing the number, value, and types of forfeited property disposed of during the year.

“(vi) A report on the year-end inventory of property under seizure, but not yet forfeited, that reflects the type of property, its estimated value, and the estimated value of liens and mortgages outstanding on the property.

“(vii) A report listing each property in the year-end inventory, not yet forfeited, with an outstanding equity of not less than \$1,000,000.

“(B) The Attorney General shall transmit to Congress and make available to the public, not later than 2 months after final issuance, the audited financial statements for each fiscal year for the Fund.

“(C) Reports under subparagraph (A) shall include information with respect to all forfeitures under any law enforced or administered by the Department of Justice.

“(D) The transmittal and publication requirements in subparagraphs (A) and (B) may be satisfied by—

“(i) posting the reports on an Internet website maintained by the Department of Justice for a period of not less than 2 years; and

“(ii) notifying the Committees on the Judiciary of the House of Representatives and the Senate when the reports are available electronically.”.

SEC. 20. PROCEEDS.

(a) **FORFEITURE OF PROCEEDS.**—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking “or a violation of section 1341” and all that follows and inserting “or any offense constituting ‘specified unlawful activity’ (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.”.

(b) **DEFINITION OF PROCEEDS.**—Section 981(a) of title 18, United States Code, is amended by adding at the end the following:

“(2) For purposes of paragraph (1), the term ‘proceeds’ is defined as follows:

“(A) In cases involving illegal goods, illegal services, unlawful activities, and telemarketing and health care fraud schemes, the term ‘proceeds’ means property of any kind obtained directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the offense.

“(B) In cases involving lawful goods or lawful services that are sold or provided in an illegal manner, the term ‘proceeds’ means the amount of money acquired through the illegal transactions resulting in the forfeiture, less the direct costs incurred in providing the goods or services. The claimant shall have the burden of proof with respect to the issue of direct costs. The direct costs shall not include any part of the overhead expenses of the entity providing the goods or services, or any part of the income taxes paid by the entity.

“(C) In cases involving fraud in the process of obtaining a loan or extension of credit, the court shall allow the claimant a deduction from the forfeiture to the extent that the loan was repaid, or the debt was satisfied, without any financial loss to the victim.”.

SEC. 21. EFFECTIVE DATE.

Except as provided in section 14(c), this Act and the amendments made by this Act shall apply to any forfeiture proceeding commenced on or after the date that is 120 days after the date of the enactment of this Act.

Applicability.
8 USC 1324 note.

Approved April 25, 2000.

LEGISLATIVE HISTORY—H.R. 1658:

HOUSE REPORTS: No. 106–192 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 145 (1999): June 24, considered and passed House.

Vol. 146 (2000): Mar. 27, considered and passed Senate, amended.

Apr. 11, House concurred in Senate amendment.



Public Law 106–186
106th Congress

Joint Resolution

Apr. 25, 2000
[S.J. Res. 43]

Expressing the sense of Congress that the President of the United States should encourage free and fair elections and respect for democracy in Peru.

Whereas presidential and congressional elections are scheduled to occur in Peru on April 9, 2000;

Whereas independent election monitors, including the Organization of American States, the National Democratic Institute, and the Carter Center, have expressed grave doubts about the fairness of the electoral process due to the Peruvian Government's control of key official electoral agencies, systematic restrictions on freedom of the press, manipulation of the judicial processes to stifle independent reporting on radio, television, and newspaper outlets, and harassment and intimidation of opposition politicians, which have greatly limited the ability of opposing candidates to campaign freely; and

Whereas the absence of free and fair elections in Peru would constitute a major setback for the Peruvian people and for democracy in the hemisphere, could result in instability in Peru, and could jeopardize United States antinarcotics objectives in Peru and the region: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that the President of the United States should promptly convey to the President of Peru that if the April 9, 2000, elections are not deemed by the international community to have been free and fair, the United States will review and modify as appropriate its political, economic, and military relations with Peru, and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru.

Approved April 25, 2000.

LEGISLATIVE HISTORY—S.J. Res. 43:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 7, considered and passed Senate.

Apr. 11, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Apr. 25, Presidential statement.



Public Law 106–187
106th Congress

An Act

To direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

Apr. 28, 2000
[H.R. 1231]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) **REQUIREMENT TO CONVEY.**—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) **DESCRIPTION OF PROPERTY.**—

(1) **IN GENERAL.**—The property referred to in subsection (a) consists of: (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetery; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled “Elko County Road and Bridge Conveyance” dated July 27, 1999.

(2) **SURVEY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

Approved April 28, 2000.

LEGISLATIVE HISTORY—H.R. 1231:

HOUSE REPORTS: No. 106–308 (Comm. on Resources).

SENATE REPORTS: No. 106–238 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 21, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–188
106th Congress

An Act

Apr. 28, 2000
[H.R. 2368]

To assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands.

Bikini
Resettlement and
Relocation Act of
2000.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bikini Resettlement and Relocation Act of 2000”.

SEC. 2. PARTIAL DISTRIBUTION OF TRUST FUND AMOUNTS.

Three percent of the market value as of June 1, 1999, of the Resettlement Trust Fund for the People of Bikini, established pursuant to Public Law 97–257, shall be made available for immediate ex gratia distribution to the people of Bikini, provided such distribution does not reduce the corpus of the trust fund. The amount of such distribution shall be deducted from any additional ex gratia payments that may be made by the Congress into the Resettlement Trust Fund.

Approved April 28, 2000.

LEGISLATIVE HISTORY—H.R. 2368:

HOUSE REPORTS: No. 106–267 (Comm. on Resources).

SENATE REPORTS: No. 106–240 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 13, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–189
106th Congress

An Act

To direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange.

Apr. 28, 2000
[H.R. 2862]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF REVERSIONARY INTERESTS IN CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) **RELEASE REQUIRED.**—The Secretary of the Interior shall release, without consideration, the reversionary interests of the United States in certain real property located in Washington County, Utah, and depicted on the map entitled “Exchange Parcels, Gardner & State of Utah Property”, dated April 21, 1999, to facilitate a land exchange to be conducted by the State of Utah involving the property.

(b) **INSTRUMENT OF RELEASE.**—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interests required by this section.

Approved April 28, 2000.

LEGISLATIVE HISTORY—H.R. 2862:

SENATE REPORTS: No. 106–241 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 16, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–190
106th Congress

An Act

Apr. 28, 2000
[H.R. 2863]

To clarify the legal effect on the United States of the acquisition of a parcel
of land in the Red Cliffs Desert Reserve in the State of Utah.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF CERTAIN LAND IN RED CLIFFS DESERT
RESERVE, UTAH, ACQUIRED BY EXCHANGE.**

(a) **LIMITATION ON LIABILITY.**—In support of the habitat conservation plan of Washington County, Utah, for the protection of the desert tortoise and surrounding habitat, the transfer of the land described in subsection (b) from the City of St. George, Utah, to the United States shall convey no liability on the United States that did not already exist with the United States on the date of the transfer of the land.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is a parcel of approximately 15 acres of land located within the Red Cliffs Desert Reserve in Washington County, Utah, that was formerly used as a landfill by the City of St. George.

Approved April 28, 2000.

LEGISLATIVE HISTORY—H.R. 2863:

SENATE REPORTS: No. 106–242 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 16, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–191
106th Congress

An Act

To amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes.

Apr. 28, 2000
[H.R. 3063]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

30 USC 184 note.

The Congress finds and declares that—

(1) The Federal lands contain commercial deposits of trona, with the world's largest body of this mineral located on such lands in southwestern Wyoming.

(2) Trona is mined on Federal lands through Federal sodium leases issued under the Mineral Leasing Act of 1920.

(3) The primary product of trona mining is soda ash (sodium carbonate), a basic industrial chemical that is used for glass making and a variety of consumer products, including baking soda, detergents, and pharmaceuticals.

(4) The Mineral Leasing Act sets for each leasable mineral limitations on the amount of acreage of Federal leases any one producer may hold in any one State or nationally.

(5) The present acreage limitation for Federal sodium (trona) leases has been in place for over five decades, since 1948, and is the oldest acreage limitation in the Mineral Leasing Act. Over this time frame Congress and/or the BLM has revised acreage limits for other minerals to meet the needs of the respective industries. Currently, the sodium lease acreage limitation of 15,360 acres per State is approximately one-third of the per State Federal lease acreage cap for coal (46,080 acres) and potassium (51,200 acres) and one-sixteenth that of oil and gas (246,080 acres).

(6) Three of the four trona producers in Wyoming are operating mines on Federal leaseholds that contain total acreage close to the sodium lease acreage ceiling.

(7) The same reasons that Congress cited in enacting increases in other minerals' per State lease acreage caps apply to trona: the advent of modern mine technology, changes in industry economics, greater global competition, and need to conserve the Federal resource.

(8) Existing trona mines require additional lease acreage to avoid premature closure, and are unable to relinquish mined-out areas to lease new acreage because those areas continue to be used for mine access, ventilation, and tailings disposal and may provide future opportunities for secondary recovery by solution mining.

(9) Existing trona producers are having to make long term business decisions affecting the type and amount of additional infrastructure investments based on the certainty that sufficient acreage of leaseable trona will be available for mining in the future.

(10) To maintain the vitality of the domestic trona industry and ensure the continued flow of valuable revenues to the Federal and State governments and products to the American public from trona production on Federal lands, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal sodium leases.

SEC. 2. AMENDMENT OF MINERAL LEASING ACT.

Paragraph (2) of subsection (b) of section 27 of the Mineral Leasing Act (41 Stat. 448; 30 U.S.C. 184(b)(2)) is amended by striking “fifteen thousand three hundred and sixty acres” and inserting “30,720 acres”.

Approved April 28, 2000.

LEGISLATIVE HISTORY—H.R. 3063:

HOUSE REPORTS: No. 106–469 (Comm. on Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 16, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–192
106th Congress

An Act

To amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

May 2, 2000
[H.R. 1615]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lamprey Wild and Scenic River Extension Act”.

Lamprey Wild
and Scenic River
Extension Act.
16 USC 1271
note.

SEC. 2. LAMPREY RECREATIONAL RIVER, NEW HAMPSHIRE.

(a) **ADDITIONAL SEGMENT.**—The paragraph entitled “LAMPREY RIVER, NEW HAMPSHIRE” in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by striking “11.5-mile segment extending from the southern Lee town line” and inserting “23.5-mile segment extending from the Bunker Pond Dam in Epping”; and

(2) by striking “towns of” and inserting “towns of Epping,”.

(b) **MANAGEMENT.**—Section 405 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4149; 16 U.S.C. 1274 note) is amended—

(1) in subsection (b)(2), by inserting “Epping,” before “Durham”; and

(2) by striking subsection (c).

Approved May 2, 2000.

LEGISLATIVE HISTORY—H.R. 1615:

HOUSE REPORTS: No. 106–368 (Comm. on Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–193
106th Congress

An Act

May 2, 2000
[H.R. 1753]

To promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

Methane Hydrate
Research and
Development Act
of 2000.
30 USC 1902
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Methane Hydrate Research and Development Act of 2000”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CONTRACT.**—The term “contract” means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) **COOPERATIVE AGREEMENT.**—The term “cooperative agreement” means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation.

(4) **GRANT.**—The term “grant” means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) **INDUSTRIAL ENTERPRISE.**—The term “industrial enterprise” means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” means an institution of higher education, within the meaning of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(8) **SECRETARY OF COMMERCE.**—The term “Secretary of Commerce” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(9) **SECRETARY OF DEFENSE.**—The term “Secretary of Defense” means the Secretary of Defense, acting through the Secretary of the Navy.

(10) **SECRETARY OF THE INTERIOR.**—The term “Secretary of the Interior” means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.**(a) IN GENERAL.—**

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section. Deadline.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of the enactment of this Act and not less frequently than every 120 days thereafter to— Deadline.

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTER-AGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

Establishment.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industrial enterprises, institutions of higher education, and Federal agencies to—

Deadline.
Reports.

(1) advise the Secretary on potential applications of methane hydrate;

(2) assist in developing recommendations and priorities for the methane hydrate research and development program carried out under subsection (a)(1); and

(3) not later than 2 years after the date of the enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(A) methane hydrate formation;

(B) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(C) the consumption of natural gas produced from methane hydrates.

Not more than 25 percent of the individuals serving on the advisory panel shall be Federal employees.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

Reports.

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

(A) in subparagraph (F), by striking “and” at the end;

(B) by redesignating subparagraph (G) as subparagraph (H); and

(C) by inserting after subparagraph (F) the following:
“(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and”;
(2) by redesignating paragraph (7) as paragraph (8); and
(3) by inserting after paragraph (6) the following:
“(7) The term ‘methane hydrate’ means—
“(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and
“(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

- (1) \$5,000,000 for fiscal year 2001;
- (2) \$7,500,000 for fiscal year 2002;
- (3) \$11,000,000 for fiscal year 2003;
- (4) \$12,000,000 for fiscal year 2004; and
- (5) \$12,000,000 for fiscal year 2005.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2005.

SEC. 7. NATIONAL RESEARCH COUNCIL STUDY.

The Secretary shall enter into an agreement with the National Research Council for such council to conduct a study of the progress made under the methane hydrate research and development program implemented pursuant to this Act, and to make recommendations for future methane hydrate research and development needs. The Secretary shall transmit to the Congress, not later than September 30, 2004, a report containing the findings and recommendations of the National Research Council under this section.

Deadline.
Reports.

SEC. 8. REPORTS AND STUDIES.

The Secretary of Energy shall provide to the Committee on Science of the House of Representatives copies of any report or

study that the Department of Energy prepares at the direction of any committee of the Congress.

Approved May 2, 2000.

LEGISLATIVE HISTORY—H.R. 1753 (S. 330):

HOUSE REPORTS: No. 106–377, Pt. 1 (Comm. on Science) and Pt. 2 (Comm. on Resources).

SENATE REPORTS: No. 106–33 accompanying S. 330 (Comm. on Energy and Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 26, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): Apr. 3, House concurred in Senate amendments with an amendment pursuant to H. Res. 453.

Apr. 13, Senate concurred in House amendment.



Public Law 106–194
106th Congress

An Act

To amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes.

May 2, 2000
[H.R. 3090]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ELIM NATIVE CORPORATION LAND RESTORATION.

Section 19 of the Alaska Native Claims Settlement Act (43 U.S.C. 1618) is amended by adding at the end the following new subsection:

“(c)(1) FINDINGS.—The Congress finds that—

“(A) approximately 350,000 acres of land were withdrawn by Executive orders in 1917 for the use of the United States Bureau of Education and of the Natives of Indigenous Alaskan race;

“(B) these lands comprised the Norton Bay Reservation (later referred to as Norton Bay Native Reserve) and were set aside for the benefit of the Native inhabitants of the Eskimo Village of Elim, Alaska;

“(C) in 1929, 50,000 acres of land were deleted from the Norton Bay Reservation by Executive order;

“(D) the lands were deleted from the Reservation for the benefit of others;

“(E) the deleted lands were not available to the Native inhabitants of Elim under subsection (b) of this section at the time of passage of this Act;

“(F) the deletion of these lands has been and continues to be a source of deep concern to the indigenous people of Elim; and

“(G) until this matter is dealt with, it will continue to be a source of great frustration and sense of loss among the shareholders of the Elim Native Corporation and their descendants.

“(2) WITHDRAWAL.—The lands depicted and designated ‘Withdrawal Area’ on the map dated October 19, 1999, along with their legal descriptions, on file with the Bureau of Land Management, and entitled ‘Land Withdrawal Elim Native Corporation’, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation or disposition under the public land laws, including the mining and mineral leasing laws, for a period of 2 years from the date of the enactment of this subsection, for selection by the Elim Native Corporation (hereinafter referred to as ‘Elim’).

“(3) AUTHORITY TO SELECT AND CONVEY.—Elim is authorized to select in accordance with the rules set out in this paragraph, 50,000 acres of land (hereinafter referred to as ‘Conveyance Lands’)

within the boundary of the Withdrawal Area described in paragraph (2). The Secretary is authorized and directed to convey to Elim in fee the surface and subsurface estates to 50,000 acres of valid selections in the Withdrawal Area, subject to the covenants, reservations, terms and conditions and other provisions of this subsection.

Deadline.

“(A) Elim shall have 2 years from the date of the enactment of this subsection in which to file its selection of no more than 60,000 acres of land from the area described in paragraph (2). The selection application shall be filed with the Bureau of Land Management, Alaska State Office, shall describe a single tract adjacent to United States Survey No. 2548, Alaska, and shall be reasonably compact, contiguous, and in whole sections except when separated by unavailable land or when the remaining entitlement is less than a whole section. Elim shall prioritize its selections made pursuant to this subsection at the time such selections are filed, and such prioritization shall be irrevocable. Any lands selected shall remain withdrawn until conveyed or full entitlement has been achieved.

“(B) The selection filed by Elim pursuant to this subsection shall be subject to valid existing rights and may not supercede prior selections of the State of Alaska, any Native corporation, or valid entries of any private individual unless such selection or entry is relinquished, rejected, or abandoned prior to conveyance to Elim.

“(C) Upon receipt of the Conveyance Lands, Elim shall have all legal rights and privileges as landowner, subject only to the covenants, reservations, terms and conditions specified in this subsection.

“(D) Selection by Elim of lands under this subsection and final conveyance of those lands to Elim shall constitute full satisfaction of any claim of entitlement of Elim with respect to its land entitlement.

“(4) COVENANTS, RESERVATIONS, TERMS AND CONDITIONS.—The covenants, reservations, terms and conditions set forth in this paragraph and in paragraphs (5) and (6) with respect to the Conveyance Lands shall run with the land and shall be incorporated into the interim conveyance, if any, and patent conveying the lands to Elim.

“(A) Consistent with paragraph (3)(C) and subject to the applicable covenants, reservations, terms and conditions contained in this paragraph and paragraphs (5) and (6), Elim shall have all rights to the timber resources of the Conveyance Lands for any use including, but not limited to, construction of homes, cabins, for firewood and other domestic uses on any Elim lands: *Provided*, That cutting and removal of Merchantable Timber from the Conveyance Lands for sale shall not be permitted: *Provided further*, That Elim shall not construct roads and related infrastructure for the support of such cutting and removal of timber for sale or permit others to do so. ‘Merchantable Timber’ means timber that can be harvested and marketed by a prudent operator.

“(B) Public Land Order 5563 of December 16, 1975, which made hot or medicinal springs available to other Native Corporations for selection and conveyance, is hereby modified to the extent necessary to permit the selection by Elim of the lands heretofore encompassed in any withdrawal of hot or medicinal springs and is withdrawn pursuant to this subsection.

The Secretary is authorized and directed to convey such selections of hot or medicinal springs (hereinafter referred to as 'hot springs') subject to applicable covenants, reservations, terms and conditions contained in paragraphs (5) and (6).

“(C) Should Elim select and have conveyed to it lands encompassing portions of the Tubutulik River or Clear Creek, or both, Elim shall not permit surface occupancy or knowingly permit any other activity on those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of either or both of these water courses for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to an extent that would significantly adversely impact water quality or fish habitat.

“(5) RIGHTS RETAINED BY THE UNITED STATES.—With respect to conveyances authorized in paragraph (3), the following rights are retained by the United States:

“(A) To enter upon the conveyance lands, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6).

“(B) To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove Merchantable Timber for sale.

“(C) In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing Merchantable Timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the Conveyance Lands).

“(D) The right of ingress and egress over easements under section 17(b) for the public to visit, for noncommercial purposes, hot springs located on the Conveyance Lands and to use any part of the hot springs that is not commercially developed.

“(E) The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use the results of such research without compensation to the United States.

“(F) A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within $\frac{1}{4}$ mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within $\frac{1}{4}$ mile of the hot springs shall be left in their natural state.

“(G) The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition shall not waive the right to enforce any covenant, reservation, term or condition.

“(6) GENERAL.—

“(A) MEMORANDUM OF UNDERSTANDING.—The Secretary and Elim shall, acting in good faith, enter into a Memorandum

of Understanding (hereinafter referred to as the 'MOU') to implement the provisions of this subsection. The MOU shall include among its provisions reasonable measures to protect plants and animals in the hot springs on the Conveyance Lands and on the land within $\frac{1}{4}$ mile of the hot springs. The parties shall agree to meet periodically to review the matters contained in the MOU and to exercise their right to amend, replace, or extend the MOU. Such reviews shall include the authority to relocate any of the easements set forth in subparagraph (D) if the parties deem it advisable.

“(B) INCORPORATION OF TERMS.—Elim shall incorporate the covenants, reservations, terms and conditions, in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Conveyance Lands, including without limitation, a leasehold interest.

“(C) SECTION 17(b) EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve in the conveyance to Elim easements to the United States pursuant to subsection 17(b) that are not in conflict with other easements specified in this paragraph.

“(D) OTHER EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve easements which shall include the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. Such easements shall also include easements for trails confined to foot travel along, and which may be established along each bank of, the Tubutulik River and Clear Creek. Such trails shall be 25 feet wide and upland of the ordinary high waterline of the water courses. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. The easements shall also include one-acre sites along the water courses at reasonable intervals, selected in consultation with Elim, which may be used to launch or take out water craft from the water courses and to camp in non-permanent structures for a period not to exceed 24 hours without the consent of Elim.

“(E) INHOLDERS.—The owners of lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder's agents, employees, co-venturers, licensees, subsequent grantees, or invitees, and such easements shall be reserved in the conveyance to Elim. The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on Conveyance Lands without the prior consent of Elim.

“(F) IDITAROD TRAIL.—The Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the conveyance to Elim.

“(7) IMPLEMENTATION.—There are authorized to be appropriated such sums as may be necessary to implement this subsection.”.

SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by inserting before the period at the end the following: “, notwithstanding an adoption,

relinquishment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient”.

SEC. 3. DEFINITION OF SETTLEMENT TRUST.

Section 3(t)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)(2)) is amended by striking “sole” and all that follows through “Stock” and inserting “benefit of shareholders, Natives, and descendants of Natives,”.

Approved May 2, 2000.

LEGISLATIVE HISTORY—H.R. 3090:

HOUSE REPORTS: No. 106–452 (Comm. on Resources).

SENATE REPORTS: No. 106–258 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 9, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate.



Public Law 106–195
106th Congress

Joint Resolution

May 2, 2000
[H.J. Res. 86]

Recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 90,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry S Truman ordered military intervention in Korea;

Whereas approximately 5,720,000 members of the Armed Forces served during the Korean War to defeat the spread of communism in Korea and throughout the world;

Whereas casualties of the United States during the Korean War included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

Whereas service by members of the Armed Forces in the Korean War should never be forgotten: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 50th anniversary of the Korean War;

(2) expresses the gratitude of the people of the United States to the members of the Armed Forces who served in the Korean War;

(3) honors the memory of service members who paid the ultimate price for the cause of freedom, including those who remain unaccounted for; and

(4) calls upon the President to issue a proclamation—

(A) recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism; and

(B) calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

Approved May 2, 2000.

LEGISLATIVE HISTORY—H.J. Res. 86 (S.J. Res. 39):

CONGRESSIONAL RECORD, Vol. 146 (2000):

Mar. 8, considered and passed House.

Apr. 13, considered and passed Senate.



Public Law 106–196
106th Congress

An Act

To designate the United States courthouse located at 223 Broad Avenue in Albany, Georgia, as the “C.B. King United States Courthouse”.

May 2, 2000
[S. 1567]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 223 Broad Avenue in Albany, Georgia, shall be known and designated as the “C.B. King United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “C.B. King United States Courthouse”.

Approved May 2, 2000.

LEGISLATIVE HISTORY—S. 1567:

HOUSE REPORTS: No. 106–552 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 8, considered and passed Senate.

Vol. 146 (2000): Apr. 3, considered and passed House, amended.

Apr. 13, Senate concurred in House amendments.



Public Law 106–197
106th Congress

An Act

May 2, 2000
[S. 1769]

To exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

31 USC 1113
note.

SECTION 1. EXEMPTION OF CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 18, United States Code: sections 2519(3), 2709(e), 3126, and 3525(b).

(2) The following sections of title 28, United States Code: sections 522, 524(c)(6), 529, 589a(d), and 594.

(3) Section 3718(c) of title 31, United States Code.

(4) Section 9 of the Child Protection Act of 1984 (28 U.S.C. 522 note).

(5) Section 8 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997f).

(6) The following provisions of the Omnibus Crime Control and Safe Streets Act of 1968: sections 102(b) (42 U.S.C. 3712(b)), 520 (42 U.S.C. 3766), 522 (42 U.S.C. 3766b), and 810 (42 U.S.C. 3789e).

(7) The following provisions of the Immigration and Nationality Act: sections 103 (8 U.S.C. 1103), 207(c)(3) (8 U.S.C. 1157(c)(3)), 412(b) (8 U.S.C. 1522(b)), and 413 (8 U.S.C. 1523), and subsections (h), (l), (o), (q), and (r) of section 286 (8 U.S.C. 1356).

(8) Section 3 of the International Claims Settlement Act of 1949 (22 U.S.C. 1622).

(9) Section 9 of the War Claims Act of 1948 (50 U.S.C. App. 2008).

(10) Section 13(c) of the Act of September 11, 1957 (8 U.S.C. 1255b(c)).

(11) Section 203(b) of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. App. 1989c–2(b)).

(12) Section 801(e) of the Immigration Act of 1990 (29 U.S.C. 2920(e)).

(13) Section 401 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1364).

(14) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(15) Section 201(b) of the Privacy Protection Act of 1980 (42 U.S.C. 2000aa–11(b)).

(16) Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509).

(17) Section 13(a) of the Classified Information Procedures Act (18 U.S.C. App.).

(18) Section 1004 of the Civil Rights Act of 1964 (42 U.S.C. 2000g–3).

(19) Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414).

(20) Section 11 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 621).

(21) The following provisions of the Foreign Intelligence Surveillance Act of 1978: sections 107 (50 U.S.C. 1807) and 108 (50 U.S.C. 1808).

(22) Section 102(b)(5) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note).

SEC. 2. ENCRYPTION REPORTING REQUIREMENTS.

(a) Section 2519(2)(b) of title 18, United States Code, is amended by striking “and (iv)” and inserting “(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)”.

(b) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

Effective date.
18 USC 2519
note.

SEC. 3. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 3126 of title 18, United States Code, is amended by striking the period and inserting “, which report shall include information concerning—

“(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

“(2) the offense specified in the order or application, or extension of an order;

“(3) the number of investigations involved;

“(4) the number and nature of the facilities affected; and

“(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.”.

Approved May 2, 2000.

LEGISLATIVE HISTORY—S. 1769:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 5, considered and passed Senate.

Nov. 18, considered and passed House, amended.

Vol. 146 (2000): Apr. 13, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

May 2, Presidential statement.



Public Law 106–198
106th Congress

Joint Resolution

Providing for the appointment of Alan G. Spoon as a citizen regent of the Board
of Regents of the Smithsonian Institution.

May 5, 2000

[S.J. Res. 40]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

Effective date.

Approved May 5, 2000.

LEGISLATIVE HISTORY—S.J. Res. 40:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 12, considered and passed Senate.

May 2, considered and passed House.



Public Law 106–199
106th Congress

Joint Resolution

May 5, 2000
[S.J. Res. 42]

Providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

Effective date.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibanez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

Approved May 5, 2000.

LEGISLATIVE HISTORY—S.J. Res. 42:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 12, considered and passed Senate.

May 2, considered and passed House.



Public Law 106–200
106th Congress

An Act

To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

May 18, 2000
[H.R. 434]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Trade and Development Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Trade and
Development Act
of 2000.
19 USC 3701
note.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

- Sec. 101. Short title; table of contents.
- Sec. 102. Findings.
- Sec. 103. Statement of policy.
- Sec. 104. Eligibility requirements.
- Sec. 105. United States-Sub-Saharan Africa Trade and Economic Cooperation Forum.
- Sec. 106. Reporting requirement.
- Sec. 107. Sub-Saharan Africa defined.

Subtitle B—Trade Benefits

- Sec. 111. Eligibility for certain benefits.
- Sec. 112. Treatment of certain textiles and apparel.
- Sec. 113. Protections against transshipment.
- Sec. 114. Termination.
- Sec. 115. Clerical amendments.
- Sec. 116. Free trade agreements with sub-Saharan African countries.
- Sec. 117. Assistant United States Trade Representative for African Affairs.

Subtitle C—Economic Development Related Issues

- Sec. 121. Sense of the Congress regarding comprehensive debt relief for the world’s poorest countries.
- Sec. 122. Executive branch initiatives.
- Sec. 123. Overseas Private Investment Corporation initiatives.
- Sec. 124. Export-Import Bank initiatives.
- Sec. 125. Expansion of the United States and Foreign Commercial Service in sub-Saharan Africa.
- Sec. 126. Donation of air traffic control equipment to eligible sub-Saharan African countries.
- Sec. 127. Additional authorities and increased flexibility to provide assistance under the Development Fund for Africa.
- Sec. 128. Assistance from United States private sector to prevent and reduce HIV/AIDS in sub-Saharan Africa.
- Sec. 129. Sense of the Congress relating to HIV/AIDS crisis in sub-Saharan Africa.
- Sec. 130. Study on improving African agricultural practices.
- Sec. 131. Sense of the Congress regarding efforts to combat desertification in Africa and other countries.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

Subtitle A—Trade Policy for Caribbean Basin Countries

- Sec. 201. Short title.
 Sec. 202. Findings and policy.
 Sec. 203. Definitions.

Subtitle B—Trade Benefits for Caribbean Basin Countries

- Sec. 211. Temporary provisions to provide additional trade benefits to certain beneficiary countries.
 Sec. 212. Duty-free treatment for certain beverages made with Caribbean rum.
 Sec. 213. Meetings of trade ministers and USTR.

TITLE III—NORMAL TRADE RELATIONS

- Sec. 301. Normal trade relations for Albania.
 Sec. 302. Normal trade relations for Kyrgyzstan.

TITLE IV—OTHER TRADE PROVISIONS

- Sec. 401. Report on employment and trade adjustment assistance.
 Sec. 402. Trade adjustment assistance.
 Sec. 403. Reliquidation of certain nuclear fuel assemblies.
 Sec. 404. Reports to the Finance and Ways and Means committees.
 Sec. 405. Clarification of section 334 of the Uruguay Round Agreements Act.
 Sec. 406. Chief agricultural negotiator.
 Sec. 407. Revision of retaliation list or other remedial action.
 Sec. 408. Report on trade adjustment assistance for agricultural commodity producers.
 Sec. 409. Agricultural trade negotiating objectives and consultations with Congress.
 Sec. 410. Entry procedures for foreign trade zone operations.
 Sec. 411. Goods made with forced or indentured child labor.
 Sec. 412. Worst forms of child labor.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

- Sec. 501. Temporary duty reductions.
 Sec. 502. Temporary duty suspensions.
 Sec. 503. Separate tariff line treatment for wool yarn and men's or boys' suits and suit-type jackets and trousers of worsted wool fabric.
 Sec. 504. Monitoring of market conditions and authority to modify tariff reductions.
 Sec. 505. Refund of duties paid on imports of certain wool articles.
 Sec. 506. Wool research, development, and promotion trust fund.

TITLE VI—REVENUE PROVISIONS

- Sec. 601. Application of denial of foreign tax credit regarding trade and investment with respect to certain foreign countries.
 Sec. 602. Acceleration of cover over payments to Puerto Rico and Virgin Islands.

African Growth
and Opportunity
Act.

TITLE I—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA

Subtitle A—Trade Policy for Sub-Saharan Africa

19 USC 3701
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “African Growth and Opportunity Act”.

19 USC 3701.

SEC. 102. FINDINGS.

Congress finds that—

(1) it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development in sub-Saharan Africa;

(2) the 48 countries of sub-Saharan Africa form a region richly endowed with both natural and human resources;

(3) sub-Saharan Africa represents a region of enormous economic potential and of enduring political significance to the United States;

(4) the region has experienced the strengthening of democracy as countries in sub-Saharan Africa have taken steps to encourage broader participation in the political process;

(5) certain countries in sub-Saharan Africa have increased their economic growth rates, taken significant steps towards liberalizing their economies, and made progress toward regional economic integration that can have positive benefits for the region;

(6) despite those gains, the per capita income in sub-Saharan Africa averages approximately \$500 annually;

(7) trade and investment, as the American experience has shown, can represent powerful tools both for economic development and for encouraging broader participation in a political process in which political freedom can flourish;

(8) increased trade and investment flows have the greatest impact in an economic environment in which trading partners eliminate barriers to trade and capital flows and encourage the development of a vibrant private sector that offers individual African citizens the freedom to expand their economic opportunities and provide for their families;

(9) offering the countries of sub-Saharan Africa enhanced trade preferences will encourage both higher levels of trade and direct investment in support of the positive economic and political developments under way throughout the region; and

(10) encouraging the reciprocal reduction of trade and investment barriers in Africa will enhance the benefits of trade and investment for the region as well as enhance commercial and political ties between the United States and sub-Saharan Africa.

SEC. 103. STATEMENT OF POLICY.

19 USC 3702.

Congress supports—

(1) encouraging increased trade and investment between the United States and sub-Saharan Africa;

(2) reducing tariff and nontariff barriers and other obstacles to sub-Saharan African and United States trade;

(3) expanding United States assistance to sub-Saharan Africa's regional integration efforts;

(4) negotiating reciprocal and mutually beneficial trade agreements, including the possibility of establishing free trade areas that serve the interests of both the United States and the countries of sub-Saharan Africa;

(5) focusing on countries committed to the rule of law, economic reform, and the eradication of poverty;

(6) strengthening and expanding the private sector in sub-Saharan Africa, especially enterprises owned by women and small businesses;

(7) facilitating the development of civil societies and political freedom in sub-Saharan Africa;

(8) establishing a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum; and

(9) the accession of the countries in sub-Saharan Africa to the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

President.
19 USC 3703.

SEC. 104. ELIGIBILITY REQUIREMENTS.

(a) **IN GENERAL.**—The President is authorized to designate a sub-Saharan African country as an eligible sub-Saharan African country if the President determines that the country—

(1) has established, or is making continual progress toward establishing—

(A) a market-based economy that protects private property rights, incorporates an open rules-based trading system, and minimizes government interference in the economy through measures such as price controls, subsidies, and government ownership of economic assets;

(B) the rule of law, political pluralism, and the right to due process, a fair trial, and equal protection under the law;

(C) the elimination of barriers to United States trade and investment, including by—

(i) the provision of national treatment and measures to create an environment conducive to domestic and foreign investment;

(ii) the protection of intellectual property; and

(iii) the resolution of bilateral trade and investment disputes;

(D) economic policies to reduce poverty, increase the availability of health care and educational opportunities, expand physical infrastructure, promote the development of private enterprise, and encourage the formation of capital markets through micro-credit or other programs;

(E) a system to combat corruption and bribery, such as signing and implementing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; and

(F) protection of internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age for the employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

(2) does not engage in activities that undermine United States national security or foreign policy interests; and

(3) does not engage in gross violations of internationally recognized human rights or provide support for acts of international terrorism and cooperates in international efforts to eliminate human rights violations and terrorist activities.

(b) **CONTINUING COMPLIANCE.**—If the President determines that an eligible sub-Saharan African country is not making continual progress in meeting the requirements described in subsection (a)(1), the President shall terminate the designation of the country made pursuant to subsection (a).

SEC. 105. UNITED STATES-SUB-SAHARAN AFRICA TRADE AND ECONOMIC COOPERATION FORUM.President.
19 USC 3704.

(a) **DECLARATION OF POLICY.**—The President shall convene annual high-level meetings between appropriate officials of the United States Government and officials of the governments of sub-Saharan African countries in order to foster close economic ties between the United States and sub-Saharan Africa.

(b) **ESTABLISHMENT.**—Not later than 12 months after the date of the enactment of this Act, the President, after consulting with Congress and the governments concerned, shall establish a United States-Sub-Saharan Africa Trade and Economic Cooperation Forum (in this section referred to as the “Forum”).

Deadline.

(c) **REQUIREMENTS.**—In creating the Forum, the President shall meet the following requirements:

(1) The President shall direct the Secretary of Commerce, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative to host the first annual meeting with their counterparts from the governments of sub-Saharan African countries eligible under section 104, and those sub-Saharan African countries that the President determines are taking substantial positive steps towards meeting the eligibility requirements in section 104. The purpose of the meeting shall be to discuss expanding trade and investment relations between the United States and sub-Saharan Africa and the implementation of this title including encouraging joint ventures between small and large businesses. The President shall also direct the Secretaries and the United States Trade Representative to invite to the meeting representatives from appropriate sub-Saharan African regional organizations and government officials from other appropriate countries in sub-Saharan Africa.

(2)(A) The President, in consultation with the Congress, shall encourage United States nongovernmental organizations to host annual meetings with nongovernmental organizations from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(B) The President, in consultation with the Congress, shall encourage United States representatives of the private sector to host annual meetings with representatives of the private sector from sub-Saharan Africa in conjunction with the annual meetings of the Forum for the purpose of discussing the issues described in paragraph (1).

(3) The President shall, to the extent practicable, meet with the heads of governments of sub-Saharan African countries eligible under section 104, and those sub-Saharan African countries that the President determines are taking substantial positive steps toward meeting the eligibility requirements in section 104, not less than once every 2 years for the purpose of discussing the issues described in paragraph (1). The first such meeting should take place not later than 12 months after the date of the enactment of this Act.

Deadline.

(d) **DISSEMINATION OF INFORMATION BY USIS.**—In order to assist in carrying out the purposes of the Forum, the United States Information Service shall disseminate regularly, through multiple media, economic information in support of the free market economic reforms described in this title.

(e) HIV/AIDS EFFECT ON THE SUB-SAHARAN AFRICAN WORKFORCE.—In selecting issues of common interest to the United States-Sub-Saharan Africa Trade and Economic Cooperation Forum, the President shall instruct the United States delegates to the Forum to promote a review by the Forum of the HIV/AIDS epidemic in each sub-Saharan African country and the effect of the HIV/AIDS epidemic on economic development in each country.

President.
Deadline.
19 USC 3705.

SEC. 106. REPORTING REQUIREMENT.

The President shall submit to the Congress, not later than 1 year after the date of the enactment of this Act, and annually thereafter through 2008, a comprehensive report on the trade and investment policy of the United States for sub-Saharan Africa, and on the implementation of this title and the amendments made by this title.

19 USC 3706.

SEC. 107. SUB-SAHARAN AFRICA DEFINED.

For purposes of this title, the terms “sub-Saharan Africa”, “sub-Saharan African country”, “country in sub-Saharan Africa”, and “countries in sub-Saharan Africa” refer to the following or any successor political entities:

- Republic of Angola (Angola).
- Republic of Benin (Benin).
- Republic of Botswana (Botswana).
- Burkina Faso (Burkina).
- Republic of Burundi (Burundi).
- Republic of Cameroon (Cameroon).
- Republic of Cape Verde (Cape Verde).
- Central African Republic.
- Republic of Chad (Chad).
- Federal Islamic Republic of the Comoros (Comoros).
- Democratic Republic of Congo.
- Republic of the Congo (Congo).
- Republic of Cote d’Ivoire (Cote d’Ivoire).
- Republic of Djibouti (Djibouti).
- Republic of Equatorial Guinea (Equatorial Guinea).
- State of Eritrea (Eritrea).
- Ethiopia.
- Gabonese Republic (Gabon).
- Republic of the Gambia (Gambia).
- Republic of Ghana (Ghana).
- Republic of Guinea (Guinea).
- Republic of Guinea-Bissau (Guinea-Bissau).
- Republic of Kenya (Kenya).
- Kingdom of Lesotho (Lesotho).
- Republic of Liberia (Liberia).
- Republic of Madagascar (Madagascar).
- Republic of Malawi (Malawi).
- Republic of Mali (Mali).
- Islamic Republic of Mauritania (Mauritania).
- Republic of Mauritius (Mauritius).
- Republic of Mozambique (Mozambique).
- Republic of Namibia (Namibia).
- Republic of Niger (Niger).
- Federal Republic of Nigeria (Nigeria).
- Republic of Rwanda (Rwanda).
- Democratic Republic of Sao Tome and Principe (Sao Tome and Principe).

Republic of Senegal (Senegal).
Republic of Seychelles (Seychelles).
Republic of Sierra Leone (Sierra Leone).
Somalia.
Republic of South Africa (South Africa).
Republic of Sudan (Sudan).
Kingdom of Swaziland (Swaziland).
United Republic of Tanzania (Tanzania).
Republic of Togo (Togo).
Republic of Uganda (Uganda).
Republic of Zambia (Zambia).
Republic of Zimbabwe (Zimbabwe).

Subtitle B—Trade Benefits

SEC. 111. ELIGIBILITY FOR CERTAIN BENEFITS.

(a) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 506 the following new section:

“SEC. 506A. DESIGNATION OF SUB-SAHARAN AFRICAN COUNTRIES FOR CERTAIN BENEFITS.

19 USC 2466a.

“(a) AUTHORITY TO DESIGNATE.—

President.

“(1) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to designate a country listed in section 107 of the African Growth and Opportunity Act as a beneficiary sub-Saharan African country eligible for the benefits described in subsection (b)—

“(A) if the President determines that the country meets the eligibility requirements set forth in section 104 of that Act, as such requirements are in effect on the date of the enactment of that Act; and

“(B) subject to the authority granted to the President under subsections (a), (d), and (e) of section 502, if the country otherwise meets the eligibility criteria set forth in section 502.

“(2) MONITORING AND REVIEW OF CERTAIN COUNTRIES.—The President shall monitor, review, and report to Congress annually on the progress of each country listed in section 107 of the African Growth and Opportunity Act in meeting the requirements described in paragraph (1) in order to determine the current or potential eligibility of each country to be designated as a beneficiary sub-Saharan African country for purposes of this section. The President’s determinations, and explanations of such determinations, with specific analysis of the eligibility requirements described in paragraph (1)(A), shall be included in the annual report required by section 106 of the African Growth and Opportunity Act.

“(3) CONTINUING COMPLIANCE.—If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the requirements described in paragraph (1), the President shall terminate the designation of that country as a beneficiary sub-Saharan African country for purposes of this section, effective on January 1 of the year following the year in which such determination is made.

“(b) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—

“(1) IN GENERAL.—The President may provide duty-free treatment for any article described in section 503(b)(1)(B) through (G) that is the growth, product, or manufacture of a beneficiary sub-Saharan African country described in subsection (a), if, after receiving the advice of the International Trade Commission in accordance with section 503(e), the President determines that such article is not import-sensitive in the context of imports from beneficiary sub-Saharan African countries.

“(2) RULES OF ORIGIN.—The duty-free treatment provided under paragraph (1) shall apply to any article described in that paragraph that meets the requirements of section 503(a)(2), except that—

“(A) if the cost or value of materials produced in the customs territory of the United States is included with respect to that article, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (A) of section 503(a)(2); and

“(B) the cost or value of the materials included with respect to that article that are produced in one or more beneficiary sub-Saharan African countries shall be applied in determining such percentage.

“(c) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES, ETC.—For purposes of this title, the terms ‘beneficiary sub-Saharan African country’ and ‘beneficiary sub-Saharan African countries’ mean a country or countries listed in section 107 of the African Growth and Opportunity Act that the President has determined is eligible under subsection (a) of this section.”.

(b) WAIVER OF COMPETITIVE NEED LIMITATION.—Section 503(c)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2463(c)(2)(D)) is amended to read as follows:

“(D) LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES AND BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Subparagraph (A) shall not apply to any least-developed beneficiary developing country or any beneficiary sub-Saharan African country.”.

19 USC 3721.

SEC. 112. TREATMENT OF CERTAIN TEXTILES AND APPAREL.

(a) PREFERENTIAL TREATMENT.—Textile and apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from a beneficiary sub-Saharan African country described in section 506A(c) of the Trade Act of 1974, shall enter the United States free of duty and free of any quantitative limitations in accordance with the provisions set forth in subsection (b), if the country has satisfied the requirements set forth in section 113.

(b) PRODUCTS COVERED.—The preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) APPAREL ARTICLES ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading

5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States) that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

(2) APPAREL ARTICLES CUT AND ASSEMBLED IN BENEFICIARY SUB-SAHARAN AFRICAN COUNTRIES.—Apparel articles cut in one or more beneficiary sub-Saharan African countries from fabric wholly formed in the United States from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in the United States) if such articles are assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States.

(3) APPAREL ARTICLES ASSEMBLED FROM REGIONAL AND OTHER FABRIC.—Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries from yarn originating either in the United States or one or more beneficiary sub-Saharan African countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in one or more beneficiary sub-Saharan African countries), subject to the following:

(A) LIMITATIONS ON BENEFITS.—

(i) IN GENERAL.—Preferential treatment under this paragraph shall be extended in the 1-year period beginning on October 1, 2000, and in each of the seven succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

(ii) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the term “applicable percentage” means 1.5 percent for the 1-year period beginning October 1, 2000, increased in each of the seven succeeding 1-year periods by equal increments, so that for the period beginning October 1, 2007, the applicable percentage does not exceed 3.5 percent.

(B) SPECIAL RULE FOR LESSER DEVELOPED COUNTRIES.—

(i) IN GENERAL.—Subject to subparagraph (A), preferential treatment shall be extended through September 30, 2004, for apparel articles wholly assembled

in one or more lesser developed beneficiary sub-Saharan African countries regardless of the country of origin of the fabric used to make such articles.

(ii) LESSER DEVELOPED BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY.—For purposes of this subparagraph the term “lesser developed beneficiary sub-Saharan African country” means a beneficiary sub-Saharan African country that had a per capita gross national product of less than \$1,500 a year in 1998, as measured by the World Bank.

(C) SURGE MECHANISM.—

(i) IMPORT MONITORING.—The Secretary of Commerce shall monitor imports of articles described in this paragraph on a monthly basis to determine if there has been a surge in imports of such articles. In order to permit public access to preliminary international trade data and to facilitate the early identification of potentially disruptive import surges, the Director of the Office of Management and Budget may grant an exception to the publication dates established for the release of data on United States international trade in covered articles, if the Director notifies Congress of the early release of the data.

(ii) DETERMINATION OF DAMAGE OR THREAT THEREOF.—Whenever the Secretary of Commerce determines, based on the data described in clause (i), or pursuant to a written request made by an interested party, that there has been a surge in imports of an article described in this paragraph from a beneficiary sub-Saharan African country, the Secretary shall determine whether such article from such country is being imported in such increased quantities as to cause serious damage, or threat thereof, to the domestic industry producing a like or directly competitive article. If the Secretary’s determination is affirmative, the President shall suspend the duty-free treatment provided for such article under this paragraph. If the inquiry is initiated at the request of an interested party, the Secretary shall make the determination within 60 days after the date of the request.

(iii) FACTORS TO CONSIDER.—In determining whether a domestic industry has been seriously damaged, or is threatened with serious damage, the Secretary shall examine the effect of the imports on relevant economic indicators such as domestic production, sales, market share, capacity utilization, inventories, employment, profits, exports, prices, and investment.

(iv) PROCEDURE.—

(I) INITIATION.—The Secretary of Commerce shall initiate an inquiry within 10 days after receiving a written request and supporting information for an inquiry from an interested party. Notice of initiation of an inquiry shall be published in the Federal Register.

Deadline

Federal Register,
publication.

(II) PARTICIPATION BY INTERESTED PARTIES.—The Secretary of Commerce shall establish procedures to ensure participation in the inquiry by interested parties.

(III) NOTICE OF DETERMINATION.—The Secretary shall publish the determination described in clause (ii) in the Federal Register.

Federal Register,
publication.

(IV) INFORMATION AVAILABLE.—If relevant information is not available on the record or any party withholds information that has been requested by the Secretary, the Secretary shall make the determination on the basis of the facts available. When the Secretary relies on information submitted in the inquiry as facts available, the Secretary shall, to the extent practicable, corroborate the information from independent sources that are reasonably available to the Secretary.

(v) INTERESTED PARTY.—For purposes of this subparagraph, the term “interested party” means any producer of a like or directly competitive article, a certified union or recognized union or group of workers which is representative of an industry engaged in the manufacture, production, or sale in the United States of a like or directly competitive article, a trade or business association representing producers or sellers of like or directly competitive articles, producers engaged in the production of essential inputs for like or directly competitive articles, a certified union or group of workers which is representative of an industry engaged in the manufacture, production, or sale of essential inputs for the like or directly competitive article, or a trade or business association representing companies engaged in the manufacture, production, or sale of such essential inputs.

(4) SWEATERS KNIT-TO-SHAPE FROM CASHMERE OR MERINO WOOL.—

(A) CASHMERE.—Sweaters, in chief weight of cashmere, knit-to-shape in one or more beneficiary sub-Saharan African countries and classifiable under subheading 6110.10 of the Harmonized Tariff Schedule of the United States.

(B) MERINO WOOL.—Sweaters, 50 percent or more by weight of wool measuring 18.5 microns in diameter or finer, knit-to-shape in one or more beneficiary sub-Saharan African countries.

(5) APPAREL ARTICLES WHOLLY ASSEMBLED FROM FABRIC OR YARN NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—

(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, from fabric or yarn that is not formed in the United States or a beneficiary sub-Saharan African country, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabric or yarn, under Annex 401 to the NAFTA.

President.

(B) ADDITIONAL APPAREL ARTICLES.—At the request of any interested party and subject to the following requirements, the President is authorized to proclaim the treatment provided under subparagraph (A) for yarns or fabrics not described in subparagraph (A) if—

(i) the President determines that such yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner;

(ii) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

Deadline.
Reports.

(iii) within 60 calendar days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(I) the action proposed to be proclaimed and the reasons for such action; and

(II) the advice obtained under clause (ii);

(iv) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of subclauses (I) and (II) of clause (iii), has expired; and

(v) the President has consulted with such committees regarding the proposed action during the period referred to in clause (iii).

President.

(6) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a beneficiary sub-Saharan African country or countries that is certified as such by the competent authority of such beneficiary country or countries. For purposes of this paragraph, the President, after consultation with the beneficiary sub-Saharan African country or countries concerned, shall determine which, if any, particular textile and apparel goods of the country (or countries) shall be treated as being handloomed, handmade, or folklore articles.

President.
Deadlines.

(c) TREATMENT OF QUOTAS ON TEXTILE AND APPAREL IMPORTS FROM KENYA AND MAURITIUS.—The President shall eliminate the existing quotas on textile and apparel articles imported into the United States—

(1) from Kenya within 30 days after that country adopts an effective visa system to prevent unlawful transshipment of textile and apparel articles and the use of counterfeit documents relating to the importation of the articles into the United States; and

(2) from Mauritius within 30 days after that country adopts such a visa system.

The Customs Service shall provide the necessary technical assistance to Kenya and Mauritius in the development and implementation of the visa systems.

(d) SPECIAL RULES.—

(1) FINDINGS AND TRIMMINGS.—

(A) GENERAL RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains

findings or trimmings of foreign origin, if the value of such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled article. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, “bow buds”, decorative lace trim, elastic strips, and zippers, including zipper tapes and labels. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and used in the production of brassieres.

(B) CERTAIN INTERLININGS.—

(i) GENERAL RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

(ii) INTERLININGS DESCRIBED.—Interlinings eligible for the treatment described in clause (i) include only a chest type plate, a “hymo” piece, or “sleeve header”, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

(iii) TERMINATION OF TREATMENT.—The treatment described in this subparagraph shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

(C) EXCEPTION.—In the case of an article described in subsection (b)(2), sewing thread shall not be treated as findings or trimmings under subparagraph (A).

(2) DE MINIMIS RULE.—An article otherwise eligible for preferential treatment under this section shall not be ineligible for such treatment because the article contains fibers or yarns not wholly formed in the United States or one or more beneficiary sub-Saharan African countries if the total weight of all such fibers and yarns is not more than 7 percent of the total weight of the article.

(e) DEFINITIONS.—In this section and section 113:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term “Agreement on Textiles and Clothing” means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY, ETC.—The terms “beneficiary sub-Saharan African country” and “beneficiary sub-Saharan African countries” have the same meaning as such terms have under section 506A(c) of the Trade Act of 1974.

(3) NAFTA.—The term “NAFTA” means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(f) EFFECTIVE DATE.—This section takes effect on October 1, 2000, and shall remain in effect through September 30, 2008.

Termination
date.

SEC. 113. PROTECTIONS AGAINST TRANSSHIPMENT.

19 USC 3722.

(a) PREFERENTIAL TREATMENT CONDITIONED ON ENFORCEMENT MEASURES.—

(1) IN GENERAL.—The preferential treatment under section 112(a) shall not be provided to textile and apparel articles that are imported from a beneficiary sub-Saharan African country unless that country—

(A) has adopted an effective visa system, domestic laws, and enforcement procedures applicable to covered articles to prevent unlawful transshipment of the articles and the use of counterfeit documents relating to the importation of the articles into the United States;

(B) has enacted legislation or promulgated regulations that would permit United States Customs Service verification teams to have the access necessary to investigate thoroughly allegations of transshipment through such country;

(C) agrees to report, on a timely basis, at the request of the United States Customs Service, on the total exports from and imports into that country of covered articles, consistent with the manner in which the records are kept by that country;

(D) will cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing;

(E) agrees to require all producers and exporters of covered articles in that country to maintain complete records of the production and the export of covered articles, including materials used in the production, for at least 2 years after the production or export (as the case may be); and

(F) agrees to report, on a timely basis, at the request of the United States Customs Service, documentation establishing the country of origin of covered articles as used by that country in implementing an effective visa system.

(2) COUNTRY OF ORIGIN DOCUMENTATION.—For purposes of paragraph (1)(F), documentation regarding the country of origin of the covered articles includes documentation such as production records, information relating to the place of production, the number and identification of the types of machinery used in production, the number of workers employed in production, and certification from both the manufacturer and the exporter.

(b) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) IN GENERAL.—

(A) REGULATIONS.—Any importer that claims preferential treatment under section 112 shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

(B) DETERMINATION.—

(i) IN GENERAL.—In order to qualify for the preferential treatment under section 112 and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in clause (ii)—

(I) has implemented and follows; or

President.

(II) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

(ii) COUNTRY DESCRIBED.—A country is described in this clause if it is a beneficiary sub-Saharan African country—

(I) from which the article is exported; or

(II) in which materials used in the production of the article originate or in which the article or such materials, undergo production that contributes to a claim that the article is eligible for preferential treatment.

(2) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of paragraph (1) shall not be required in the case of an article imported under section 112 if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

(3) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment as defined in paragraph (4), then the President shall deny for a period of 5 years all benefits under section 112 to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(4) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subsection has occurred when preferential treatment for a textile or apparel article under this Act has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this paragraph, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under section 112.

(5) MONITORING AND REPORTS TO CONGRESS.—The Customs Service shall monitor and the Commissioner of Customs shall submit to Congress, not later than March 31 of each year, a report on the effectiveness of the visa systems and the implementation of legislation and regulations described in subsection (a) and on measures taken by countries in sub-Saharan Africa which export textiles or apparel to the United States to prevent circumvention as described in Article 5 of the Agreement on Textiles and Clothing.

Deadline.

(c) CUSTOMS SERVICE ENFORCEMENT.—The Customs Service shall—

(1) make available technical assistance to the beneficiary sub-Saharan African countries—

(A) in the development and implementation of visa systems, legislation, and regulations described in subsection (a)(1)(A); and

(B) to train their officials in anti-transshipment enforcement;

(2) send production verification teams to at least four beneficiary sub-Saharan African countries each year; and

(3) to the extent feasible, place beneficiary sub-Saharan African countries on the Electronic Visa (ELVIS) program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsection (c) the sum of \$5,894,913.

SEC. 114. TERMINATION.

Title V of the Trade Act of 1974 is amended by inserting after section 506A the following new section:

19 USC 2466b.

“SEC. 506B. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

“In the case of a beneficiary sub-Saharan African country, as defined in section 506A(c), duty-free treatment provided under this title shall remain in effect through September 30, 2008.”.

SEC. 115. CLERICAL AMENDMENTS.

The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 506 the following new items:

“Sec. 506A. Designation of sub-Saharan African countries for certain benefits.

“Sec. 506B. Termination of benefits for sub-Saharan African countries.”.

19 USC 3723.

SEC. 116. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) **DECLARATION OF POLICY.**—Congress declares that free trade agreements should be negotiated, where feasible, with interested countries in sub-Saharan Africa, in order to serve as the catalyst for increasing trade between the United States and sub-Saharan Africa and increasing private sector investment in sub-Saharan Africa.

(b) **PLAN REQUIREMENT.**—

President.

(1) **IN GENERAL.**—The President, taking into account the provisions of the treaty establishing the African Economic Community and the willingness of the governments of sub-Saharan African countries to engage in negotiations to enter into free trade agreements, shall develop a plan for the purpose of negotiating and entering into one or more trade agreements with interested beneficiary sub-Saharan African countries.

(2) **ELEMENTS OF PLAN.**—The plan shall include the following:

(A) The specific objectives of the United States with respect to negotiations described in paragraph (1) and a suggested timetable for achieving those objectives.

(B) The benefits to both the United States and the relevant sub-Saharan African countries with respect to the applicable free trade agreement or agreements.

(C) A mutually agreed-upon timetable for the negotiations.

(D) The implications for and the role of regional and sub-regional organizations in sub-Saharan Africa with respect to such free trade agreement or agreements.

(E) Subject matter anticipated to be covered by the negotiations and United States laws, programs, and policies, as well as the laws of participating eligible African

countries and existing bilateral and multilateral and economic cooperation and trade agreements, that may be affected by the agreement or agreements.

(F) Procedures to ensure the following:

(i) Adequate consultation with the Congress and the private sector during the negotiations.

(ii) Consultation with the Congress regarding all matters relating to implementation of the agreement or agreements.

(iii) Approval by the Congress of the agreement or agreements.

(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement or agreements.

(c) **REPORTING REQUIREMENT.**—Not later than 12 months after the date of the enactment of this Act, the President shall prepare and transmit to the Congress a report containing the plan developed pursuant to subsection (b).

Deadline.
President.

SEC. 117. ASSISTANT UNITED STATES TRADE REPRESENTATIVE FOR AFRICAN AFFAIRS.

19 USC 3724.

It is the sense of the Congress that—

(1) the position of Assistant United States Trade Representative for African Affairs is integral to the United States commitment to increasing United States-sub-Saharan African trade and investment;

(2) the position of Assistant United States Trade Representative for African Affairs should be maintained within the Office of the United States Trade Representative to direct and coordinate interagency activities on United States-Africa trade policy and investment matters and serve as—

(A) a primary point of contact in the executive branch for those persons engaged in trade between the United States and sub-Saharan Africa; and

(B) the chief advisor to the United States Trade Representative on issues of trade and investment with Africa; and

(3) the United States Trade Representative should have adequate funding and staff to carry out the duties of the Assistant United States Trade Representative for African Affairs described in paragraph (2), subject to the availability of appropriations.

Subtitle C—Economic Development Related Issues

SEC. 121. SENSE OF THE CONGRESS REGARDING COMPREHENSIVE DEBT RELIEF FOR THE WORLD'S POOREST COUNTRIES.

19 USC 3731.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The burden of external debt has become a major impediment to economic growth and poverty reduction in many of the world's poorest countries.

(2) Until recently, the United States Government and other official creditors sought to address this problem by rescheduling loans and in some cases providing limited debt reduction.

(3) Despite such efforts, the cumulative debt of many of the world's poorest countries continued to grow beyond their capacity to repay.

(4) In 1997, the Group of Seven, the World Bank, and the International Monetary Fund adopted the Heavily Indebted Poor Countries Initiative (HIPC), a commitment by the international community that all multilateral and bilateral creditors, acting in a coordinated and concerted fashion, would reduce poor country debt to a sustainable level.

(5) The HIPC Initiative is currently undergoing reforms to address concerns raised about country conditionality, the amount of debt forgiven, and the allocation of savings realized through the debt forgiveness program to ensure that the Initiative accomplishes the goals of economic growth and poverty alleviation in the world's poorest countries.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) Congress and the President should work together, without undue delay and in concert with the international community, to make comprehensive debt relief available to the world's poorest countries in a manner that promotes economic growth and poverty alleviation;

(2) this program of bilateral and multilateral debt relief should be designed to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth in beneficiary countries;

(3) this program of debt relief should also support the adoption of policies to alleviate poverty and to ensure that benefits are shared widely among the population, such as through initiatives to advance education, improve health, combat AIDS, and promote clean water and environmental protection;

(4) these debt relief agreements should be designed and implemented in a transparent manner and with the broad participation of the citizenry of the debtor country and should ensure that country circumstances are adequately taken into account;

(5) no country should receive the benefits of debt relief if that country does not cooperate with the United States on terrorism or narcotics enforcement, is a gross violator of the human rights of its citizens, or is engaged in conflict or spends excessively on its military; and

(6) in order to prevent adverse impact on a key industry in many developing countries, the International Monetary Fund must mobilize its own resources for providing debt relief to eligible countries without allowing gold to reach the open market, or otherwise adversely affecting the market price of gold.

19 USC 3732.

SEC. 122. EXECUTIVE BRANCH INITIATIVES.

(a) STATEMENT OF THE CONGRESS.—The Congress recognizes that the stated policy of the executive branch in 1997, the “Partnership for Growth and Opportunity in Africa” initiative, is a step toward the establishment of a comprehensive trade and development policy for sub-Saharan Africa. It is the sense of the Congress

that this Partnership is a companion to the policy goals set forth in this title.

(b) **TECHNICAL ASSISTANCE TO PROMOTE ECONOMIC REFORMS AND DEVELOPMENT.**—In addition to continuing bilateral and multilateral economic and development assistance, the President shall target technical assistance toward—

(1) developing relationships between United States firms and firms in sub-Saharan Africa through a variety of business associations and networks;

(2) providing assistance to the governments of sub-Saharan African countries to—

(A) liberalize trade and promote exports;

(B) bring their legal regimes into compliance with the standards of the World Trade Organization in conjunction with membership in that Organization;

(C) make financial and fiscal reforms; and

(D) promote greater agribusiness linkages;

(3) addressing such critical agricultural policy issues as market liberalization, agricultural export development, and agribusiness investment in processing and transporting agricultural commodities;

(4) increasing the number of reverse trade missions to growth-oriented countries in sub-Saharan Africa;

(5) increasing trade in services; and

(6) encouraging greater sub-Saharan African participation in future negotiations in the World Trade Organization on services and making further commitments in their schedules to the General Agreement on Trade in Services in order to encourage the removal of tariff and nontariff barriers.

SEC. 123. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES. 19 USC 3733.

(a) **INITIATION OF FUNDS.**—It is the sense of the Congress that the Overseas Private Investment Corporation should exercise the authorities it has to initiate an equity fund or equity funds in support of projects in the countries in sub-Saharan Africa, in addition to the existing equity fund for sub-Saharan Africa created by the Corporation.

(b) **STRUCTURE AND TYPES OF FUNDS.**—

(1) **STRUCTURE.**—Each fund initiated under subsection (a) should be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) **CAPITALIZATION.**—Each fund should be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) **INFRASTRUCTURE FUND.**—One or more of the funds, with combined assets of up to \$500,000,000, should be used in support of infrastructure projects in countries of sub-Saharan Africa.

(4) **EMPHASIS.**—The Corporation shall ensure that the funds are used to provide support in particular to women entrepreneurs and to innovative investments that expand opportunities for women and maximize employment opportunities for poor individuals.

(c) **OVERSEAS PRIVATE INVESTMENT CORPORATION.**—

- 22 USC 2193. (1) INVESTMENT ADVISORY COUNCIL.—Section 233 of the Foreign Assistance Act of 1961 is amended by adding at the end the following:
“(e) INVESTMENT ADVISORY COUNCIL.—The Board shall take prompt measures to increase the loan, guarantee, and insurance programs, and financial commitments, of the Corporation in sub-Saharan Africa, including through the use of an investment advisory council to assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa. In addition, the investment advisory council shall make recommendations to the Board on how the Corporation can facilitate greater support by the United States for trade and investment with and in sub-Saharan Africa. The investment advisory council shall terminate 4 years after the date of the enactment of this subsection.”.
- Termination date.
- Deadline. (2) REPORTS TO CONGRESS.—Within 6 months after the date of the enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Overseas Private Investment Corporation shall submit to Congress a report on the steps that the Board has taken to implement section 233(e) of the Foreign Assistance Act of 1961 (as added by paragraph (1)) and any recommendations of the investment advisory council established pursuant to such section.
- 19 USC 3734. **SEC. 124. EXPORT-IMPORT BANK INITIATIVES.**
(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Board of Directors of the Bank shall continue to take comprehensive measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank’s financial commitments in sub-Saharan Africa under the loan, guarantee and insurance programs of the Bank.
(b) SUB-SAHARAN AFRICA ADVISORY COMMITTEE.—The sub-Saharan Africa Advisory Committee (SAAC) is to be commended for aiding the Bank in advancing the economic partnership between the United States and the nations of sub-Saharan Africa by doubling the number of sub-Saharan African countries in which the Bank is open for traditional financing and by increasing by tenfold the Bank’s support for sales to sub-Saharan Africa from fiscal year 1998 to fiscal year 1999. The Board of Directors of the Bank and its staff shall continue to review carefully the sub-Saharan Africa Advisory Committee recommendations on the development and implementation of new and innovative policies and programs designed to promote the Bank’s expansion in sub-Saharan Africa.
- 19 USC 3735. **SEC. 125. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.**
(a) FINDINGS.—The Congress makes the following findings:
(1) The United States and Foreign Commercial Service (hereafter in this section referred to as the “Commercial Service”) plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.
(2) During the 1980s, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in eight countries. By early 1997, that presence had been reduced by half to seven professionals in only four countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding five full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

(5) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe or Asia to promote greater United States export activity in those markets, and similar encouragement should be provided for countries in sub-Saharan Africa as well.

(6) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2001, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

Deadline.

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than 10 different sub-Saharan African countries.

(c) INITIATIVE FOR SUB-SAHARAN AFRICA.—In order to encourage the export of United States goods and services to sub-Saharan African countries, the International Trade Administration shall make a special effort to—

(1) identify United States goods and services which are the best prospects for export by United States companies to sub-Saharan Africa;

(2) identify, where appropriate, tariff and nontariff barriers that are preventing or hindering sales of United States goods and services to, or the operation of United States companies in, sub-Saharan Africa;

(3) hold discussions with appropriate authorities in sub-Saharan Africa on the matters described in paragraphs (1) and (2) with a view to securing increased market access for United States exporters of goods and services;

(4) identify current resource allocations and personnel levels in sub-Saharan Africa for the Commercial Service and consider plans for the deployment of additional resources or personnel to that region; and

(5) make available to the public, through printed and electronic means of communication, the information derived pursuant to paragraphs (1) through (4) for each of the 4 years after the date of the enactment of this Act.

Public information.

SEC. 126. DONATION OF AIR TRAFFIC CONTROL EQUIPMENT TO ELIGIBLE SUB-SAHARAN AFRICAN COUNTRIES.

19 USC 3736.

It is the sense of the Congress that, to the extent appropriate, the United States Government should make every effort to donate to governments of sub-Saharan African countries determined to

be eligible under section 104 air traffic control equipment that is no longer in use, including appropriate related reimbursable technical assistance.

19 USC 3737.

SEC. 127. ADDITIONAL AUTHORITIES AND INCREASED FLEXIBILITY TO PROVIDE ASSISTANCE UNDER THE DEVELOPMENT FUND FOR AFRICA.

(a) **USE OF SUSTAINABLE DEVELOPMENT ASSISTANCE TO SUPPORT FURTHER ECONOMIC GROWTH.**—It is the sense of the Congress that sustained economic growth in sub-Saharan Africa depends in large measure upon the development of a receptive environment for trade and investment, and that to achieve this objective the United States Agency for International Development should continue to support programs which help to create this environment. Investments in human resources, development, and implementation of free market policies, including policies to liberalize agricultural markets and improve food security, and the support for the rule of law and democratic governance should continue to be encouraged and enhanced on a bilateral and regional basis.

(b) **DECLARATIONS OF POLICY.**—The Congress makes the following declarations:

(1) The Development Fund for Africa established under chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2293 et seq.) has been an effective tool in providing development assistance to sub-Saharan Africa since 1988.

(2) The Development Fund for Africa will complement the other provisions of this title and lay a foundation for increased trade and investment opportunities between the United States and sub-Saharan Africa.

(3) Assistance provided through the Development Fund for Africa will continue to support programs and activities that promote the long term economic development of sub-Saharan Africa, such as programs and activities relating to the following:

(A) Strengthening primary and vocational education systems, especially the acquisition of middle-level technical skills for operating modern private businesses and the introduction of college level business education, including the study of international business, finance, and stock exchanges.

(B) Strengthening health care systems.

(C) Supporting democratization, good governance and civil society and conflict resolution efforts.

(D) Increasing food security by promoting the expansion of agricultural and agriculture-based industrial production and productivity and increasing real incomes for poor individuals.

(E) Promoting an enabling environment for private sector-led growth through sustained economic reform, privatization programs, and market-led economic activities.

(F) Promoting decentralization and local participation in the development process, especially linking the rural production sectors and the industrial and market centers throughout Africa.

(G) Increasing the technical and managerial capacity of sub-Saharan African individuals to manage the economy of sub-Saharan Africa.

(H) Ensuring sustainable economic growth through environmental protection.

(4) The African Development Foundation has a unique congressional mandate to empower the poor to participate fully in development and to increase opportunities for gainful employment, poverty alleviation, and more equitable income distribution in sub-Saharan Africa. The African Development Foundation has worked successfully to enhance the role of women as agents of change, strengthen the informal sector with an emphasis on supporting micro and small sized enterprises, indigenous technologies, and mobilizing local financing. The African Development Foundation should develop and implement strategies for promoting participation in the socioeconomic development process of grassroots and informal sector groups such as nongovernmental organizations, cooperatives, artisans, and traders into the programs and initiatives established under this title.

(c) ADDITIONAL AUTHORITIES.—

(1) IN GENERAL.—Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

“(3) DEMOCRATIZATION AND CONFLICT RESOLUTION CAPABILITIES.—Assistance under this section may also include program assistance—

“(A) to promote democratization, good governance, and strong civil societies in sub-Saharan Africa; and

“(B) to strengthen conflict resolution capabilities of governmental, intergovernmental, and nongovernmental entities in sub-Saharan Africa.”.

(2) CONFORMING AMENDMENT.—Section 496(h)(4) of such Act, as amended by paragraph (1), is further amended by striking “paragraphs (1) and (2)” in the first sentence and inserting “paragraphs (1), (2), and (3)”.

SEC. 128. ASSISTANCE FROM UNITED STATES PRIVATE SECTOR TO PREVENT AND REDUCE HIV/AIDS IN SUB-SAHARAN AFRICA. 19 USC 3738.

It is the sense of the Congress that United States businesses should be encouraged to provide assistance to sub-Saharan African countries to prevent and reduce the incidence of HIV/AIDS in sub-Saharan Africa. In providing such assistance, United States businesses should be encouraged to consider the establishment of an HIV/AIDS Response Fund in order to provide for coordination among such businesses in the collection and distribution of the assistance to sub-Saharan African countries.

SEC. 129. SENSE OF THE CONGRESS RELATING TO HIV/AIDS CRISIS IN SUB-SAHARAN AFRICA. 19 USC 3739.

(a) FINDINGS.—The Congress finds the following:

(1) Sustained economic development in sub-Saharan Africa depends in large measure upon successful trade with and foreign assistance to the countries of sub-Saharan Africa.

(2) The HIV/AIDS crisis has reached epidemic proportions in sub-Saharan Africa, where more than 21,000,000 men, women, and children are infected with HIV.

(3) Eighty-three percent of the estimated 11,700,000 deaths from HIV/AIDS worldwide have been in sub-Saharan Africa.

(4) The HIV/AIDS crisis in sub-Saharan Africa is weakening the structure of families and societies.

(5)(A) The HIV/AIDS crisis threatens the future of the workforce in sub-Saharan Africa.

(B) Studies show that HIV/AIDS in sub-Saharan Africa most severely affects individuals between the ages of 15 and 49—the age group that provides the most support for the economies of sub-Saharan African countries.

(6) Clear evidence demonstrates that HIV/AIDS is destructive to the economies of sub-Saharan African countries.

(7) Sustained economic development is critical to creating the public and private sector resources in sub-Saharan Africa necessary to fight the HIV/AIDS epidemic.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) addressing the HIV/AIDS crisis in sub-Saharan Africa should be a central component of United States foreign policy with respect to sub-Saharan Africa;

(2) significant progress needs to be made in preventing and treating HIV/AIDS in sub-Saharan Africa in order to sustain a mutually beneficial trade relationship between the United States and sub-Saharan African countries; and

(3) the HIV/AIDS crisis in sub-Saharan Africa is a global threat that merits further attention through greatly expanded public, private, and joint public-private efforts, and through appropriate United States legislation.

19 USC 3740.

SEC. 130. STUDY ON IMPROVING AFRICAN AGRICULTURAL PRACTICES.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with American Land Grant Colleges and Universities and not-for-profit international organizations, is authorized to conduct a 2-year study on ways to improve the flow of American farming techniques and practices to African farmers. The study shall include an examination of ways of improving or utilizing—

(1) knowledge of insect and sanitation procedures;

(2) modern farming and soil conservation techniques;

(3) modern farming equipment (including maintaining the equipment);

(4) marketing crop yields to prospective purchasers; and

(5) crop maximization practices.

Deadline.

The Secretary of Agriculture shall submit the study to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives not later than September 30, 2001.

(b) LAND GRANT COLLEGES AND NOT-FOR-PROFIT INSTITUTIONS.—In conducting the study under subsection (a), the Secretary of Agriculture is encouraged to consult with American Land Grant Colleges and not-for-profit international organizations that have firsthand knowledge of current African farming practices.

19 USC 3741.

SEC. 131. SENSE OF THE CONGRESS REGARDING EFFORTS TO COMBAT DESERTIFICATION IN AFRICA AND OTHER COUNTRIES.

(a) FINDINGS.—The Congress finds that—

(1) desertification affects approximately one-sixth of the world's population and one-quarter of the total land area;

(2) over 1,000,000 hectares of Africa are affected by desertification;

(3) dryland degradation is an underlying cause of recurrent famine in Africa;

(4) the United Nations Environment Programme estimates that desertification costs the world \$42,000,000,000 a year, not including incalculable costs in human suffering; and

(5) the United States can strengthen its partnerships throughout Africa and other countries affected by desertification, help alleviate social and economic crises caused by misuse of natural resources, and reduce dependence on foreign aid, by taking a leading role to combat desertification.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should expeditiously work with the international community, particularly Africa and other countries affected by desertification, to—

(1) strengthen international cooperation to combat desertification;

(2) promote the development of national and regional strategies to address desertification and increase public awareness of this serious problem and its effects;

(3) develop and implement national action programs that identify the causes of desertification and measures to address it; and

(4) recognize the essential role of local governments and nongovernmental organizations in developing and implementing measures to address desertification.

TITLE II—TRADE BENEFITS FOR CARIBBEAN BASIN

United States-
Caribbean Basin
Trades
Partnership Act.

Subtitle A—Trade Policy for Caribbean Basin Countries

SEC. 201. SHORT TITLE.

This title may be cited as the “United States-Caribbean Basin Trade Partnership Act”.

19 USC 2701
note.

SEC. 202. FINDINGS AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act (in this title referred to as “CBERA”) represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) In 1998, Hurricane Mitch and Hurricane Georges devastated areas in the Caribbean Basin region, killing more than 10,000 people and leaving 3,000,000 homeless.

(3) The total direct impact of Hurricanes Mitch and Georges on Honduras, Nicaragua, the Dominican Republic, El Salvador, and Guatemala amounts to \$4,200,000,000, representing a severe loss to income levels in this underdeveloped region.

(4) In addition to short term disaster assistance, United States policy toward the region should focus on expanding

19 USC 2701
note.

international trade with the Caribbean Basin region as an enduring solution for successful economic growth and recovery.

(5) Thirty-four democratically elected leaders agreed at the 1994 Summit of the Americas to conclude negotiation of a Free Trade Area of the Americas (in this title referred to as “FTAA”) by the year 2005.

(6) The economic security of the countries in the Caribbean Basin will be enhanced by the completion of the FTAA.

(7) Offering temporary benefits to Caribbean Basin countries will preserve the United States commitment to Caribbean Basin beneficiary countries, promote the growth of free enterprise and economic opportunity in these neighboring countries, and thereby enhance the national security interests of the United States.

(8) Given the greater propensity of countries located in the Western Hemisphere to use United States components and to purchase United States products compared to other countries, increased trade and economic activity between the United States and countries in the Western Hemisphere will create new jobs in the United States as a result of expanding export opportunities.

(b) POLICY.—It is the policy of the United States—

(1) to offer Caribbean Basin beneficiary countries willing to prepare to become a party to the FTAA or another free trade agreement, tariff treatment essentially equivalent to that accorded to products of NAFTA countries for certain products not currently eligible for duty-free treatment under the CBERA; and

(2) to seek the participation of Caribbean Basin beneficiary countries in the FTAA or another free trade agreement at the earliest possible date, with the goal of achieving full participation in such agreement not later than 2005.

19 USC 2701
note.

SEC. 203. DEFINITIONS.

In this title:

(1) NAFTA.—The term “NAFTA” means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(2) NAFTA COUNTRY.—The term “NAFTA country” means any country with respect to which the NAFTA is in force.

(3) WTO AND WTO MEMBER.—The terms “WTO” and “WTO member” have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

Subtitle B—Trade Benefits for Caribbean Basin Countries

SEC. 211. TEMPORARY PROVISIONS TO PROVIDE ADDITIONAL TRADE BENEFITS TO CERTAIN BENEFICIARY COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

“(b) IMPORT-SENSITIVE ARTICLES.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

“(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

“(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

“(C) tuna, prepared or preserved in any manner, in airtight containers;

“(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

“(E) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

“(F) articles to which reduced rates of duty apply under subsection (h).

“(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

“(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

“(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles assembled in one or more CBTPA beneficiary countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States) that are—

“(I) entered under subheading 9802.00.80 of the HTS; or

“(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

“(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE CBTPA BENEFICIARY COUNTRIES.—Apparel articles cut in one or more CBTPA beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States), if such articles are assembled in one or more such countries with thread formed in the United States.

“(iii) CERTAIN KNIT APPAREL ARTICLES.—(I) Apparel articles knit to shape (other than socks provided for in heading 6115 of the HTS) in a CBTPA beneficiary country from yarns wholly formed in the United States,

and knit apparel articles (other than t-shirts described in subclause (III)) cut and wholly assembled in one or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries or the United States from yarns wholly formed in the United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in one or more CBTPA beneficiary countries), in an amount not exceeding the amount set forth in subclause (II).

“(II) The amount referred to in subclause (I) is—

“(aa) 250,000,000 square meter equivalents during the 1-year period beginning on October 1, 2000, increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004; and

“(bb) in each 1-year period thereafter through September 30, 2008, the amount in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law.

“(III) T-shirts, other than underwear, classifiable under subheadings 6109.10.00 and 6109.90.10 of the HTS, made in one or more CBTPA beneficiary countries from fabric formed in one or more CBTPA beneficiary countries from yarns wholly formed in the United States, in an amount not exceeding the amount set forth in subclause (IV).

“(IV) the amount referred to in subclause (III) is—

“(aa) 4,200,000 dozen during the 1-year period beginning on October 1, 2000, increased by 16 percent, compounded annually, in each succeeding 1-year period through September 30, 2004; and

“(bb) in each 1-year period thereafter, the amount in effect for the 1-year period ending on September 30, 2004, or such other amount as may be provided by law.

“(V) It is the sense of the Congress that the Congress should determine, based on the record of expansion of exports from the United States as a result of the preferential treatment of articles under this clause, the percentage by which the amount provided in subclauses (II) and (IV) should be compounded for the 1-year periods occurring after the 1-year period ending on September 30, 2004.

“(iv) CERTAIN OTHER APPAREL ARTICLES.—(I) Subject to subclause (II), any apparel article classifiable under subheading 6212.10 of the HTS, if the article is both cut and sewn or otherwise assembled in the United States, or one or more of the CBTPA beneficiary countries, or both.

“(II) During the 1-year period beginning on October 1, 2001, and during each of the six succeeding 1-year periods, apparel articles described in subclause (I) of a producer or an entity controlling production shall

be eligible for preferential treatment under subparagraph (B) only if the aggregate cost of fabric components formed in the United States that are used in the production of all such articles of that producer or entity during the preceding 1-year period is at least 75 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

“(III) The United States Customs Service shall develop and implement methods and procedures to ensure ongoing compliance with the requirement set forth in subclause (II). If the Customs Service finds that a producer or an entity controlling production has not satisfied such requirement in a 1-year period, then apparel articles described in subclause (I) of that producer or entity shall be ineligible for preferential treatment under subparagraph (B) during any succeeding 1-year period until the aggregate cost of fabric components formed in the United States used in the production of such articles of that producer or entity in the preceding 1-year period is at least 85 percent of the aggregate declared customs value of the fabric contained in all such articles of that producer or entity that are entered during the preceding 1-year period.

“(v) APPAREL ARTICLES ASSEMBLED FROM FABRICS OR YARN NOT WIDELY AVAILABLE IN COMMERCIAL QUANTITIES.—(I) Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries, from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries, to the extent that apparel articles of such fabrics or yarn would be eligible for preferential treatment, without regard to the source of the fabrics or yarn, under Annex 401 of the NAFTA.

“(II) At the request of any interested party, the President is authorized to proclaim additional fabrics and yarn as eligible for preferential treatment under subclause (I) if—

“(aa) the President determines that such fabrics or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner;

“(bb) the President has obtained advice regarding the proposed action from the appropriate advisory committee established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) and the United States International Trade Commission;

“(cc) within 60 days after the request, the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth the action proposed to be proclaimed and the reasons for such actions, and the advice obtained under division (bb);

Deadline.
Reports.

“(dd) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of division (cc), has expired; and

“(ee) the President has consulted with such committees regarding the proposed action during the period referred to in division (cc).

“(vi) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—A handloomed, handmade, or folklore article of a CBTPA beneficiary country identified under subparagraph (C) that is certified as such by the competent authority of such beneficiary country.

“(vii) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

“(bb) In the case of an article described in clause (ii) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

“(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains fibers or yarns not wholly formed in the United States or in one or more CBTPA beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is

not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

“(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) or (ii) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

“(viii) TEXTILE LUGGAGE.—Textile luggage—

“(I) assembled in a CBTPA beneficiary country from fabric wholly formed and cut in the United States, from yarns wholly formed in the United States, that is entered under subheading 9802.00.80 of the HTS; or

“(II) assembled from fabric cut in a CBTPA beneficiary country from fabric wholly formed in the United States from yarns wholly formed in the United States.

“(B) PREFERENTIAL TREATMENT.—Except as provided in subparagraph (E), during the transition period, the articles to which this subparagraph applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

“(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A)(vi), the President shall consult with representatives of the CBTPA beneficiary countries concerned for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3(a), (b), or (c) of the Annex or Appendix 3.1.B.11 of the Annex.

“(D) PENALTIES FOR TRANSSHIPMENTS.—

“(i) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipment with respect to textile or apparel articles from a CBTPA beneficiary country, then the President shall deny all benefits under this title to such exporter, and any successor of such exporter, for a period of 2 years.

“(ii) PENALTIES FOR COUNTRIES.—Whenever the President finds, based on sufficient evidence, that transshipment has occurred, the President shall request that the CBTPA beneficiary country or countries through whose territory the transshipment has occurred take all necessary and appropriate actions

President.

to prevent such transshipment. If the President determines that a country is not taking such actions, the President shall reduce the quantities of textile and apparel articles that may be imported into the United States from such country by the quantity of the transshipped articles multiplied by 3, to the extent consistent with the obligations of the United States under the WTO.

“(iii) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this subparagraph has occurred when preferential treatment under subparagraph (B) has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of this clause, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under subparagraph (B).

“(E) BILATERAL EMERGENCY ACTIONS.—

“(i) IN GENERAL.—The President may take bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any apparel article imported from a CBTPA beneficiary country if the application of tariff treatment under subparagraph (B) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article described in the same 8-digit subheading of the HTS that is imported from Mexico.

“(ii) RULES RELATING TO BILATERAL EMERGENCY ACTION.—For purposes of applying bilateral emergency action under this subparagraph—

“(I) the requirements of paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not apply;

“(II) the term ‘transition period’ in section 4 of the Annex shall have the meaning given that term in paragraph (5)(D) of this subsection; and

“(III) the requirements to consult specified in section 4 of the Annex shall be treated as satisfied if the President requests consultations with the CBTPA beneficiary country in question and the country does not agree to consult within the time period specified under section 4.

“(3) TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

“(A) EQUIVALENT TARIFF TREATMENT.—

“(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that is a CBTPA originating good shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

“(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

“(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

“(4) CUSTOMS PROCEDURES.—

“(A) IN GENERAL.—

“(i) REGULATIONS.—Any importer that claims preferential treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

“(ii) DETERMINATION.—

“(I) IN GENERAL.—In order to qualify for the preferential treatment under paragraph (2) or (3) and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that each country described in subclause (II)—

“(aa) has implemented and follows; or

“(bb) is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

“(II) COUNTRY DESCRIBED.—A country is described in this subclause if it is a CBTPA beneficiary country—

“(aa) from which the article is exported;

or

“(bb) in which materials used in the production of the article originate or in which the article or such materials undergo production that contributes to a claim that the article is eligible for preferential treatment under paragraph (2) or (3).

“(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

“(C) REPORT BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each CBTPA beneficiary country—

“(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

“(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

“(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

Deadline.
Reports.

The Trade Representative shall submit to Congress, not later than October 1, 2001, a report on the study conducted under this subparagraph.

“(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) ANNEX.—The term ‘the Annex’ means Annex 300-B of the NAFTA.

“(B) CBTPA BENEFICIARY COUNTRY.—The term ‘CBTPA beneficiary country’ means any ‘beneficiary country’, as defined in section 212(a)(1)(A) of this title, which the President designates as a CBTPA beneficiary country, taking into account the criteria contained in subsections (b) and (c) of section 212 and other appropriate criteria, including the following:

“(i) Whether the beneficiary country has demonstrated a commitment to—

“(I) undertake its obligations under the WTO, including those agreements listed in section 101(d) of the Uruguay Round Agreements Act, on or ahead of schedule; and

“(II) participate in negotiations toward the completion of the FTAA or another free trade agreement.

“(ii) The extent to which the country provides protection of intellectual property rights consistent with or greater than the protection afforded under the Agreement on Trade-Related Aspects of Intellectual Property Rights described in section 101(d)(15) of the Uruguay Round Agreements Act.

“(iii) The extent to which the country provides internationally recognized worker rights, including—

“(I) the right of association;

“(II) the right to organize and bargain collectively;

“(III) a prohibition on the use of any form of forced or compulsory labor;

“(IV) a minimum age for the employment of children; and

“(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health;

“(iv) Whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.

“(v) The extent to which the country has met the counter-narcotics certification criteria set forth in section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) for eligibility for United States assistance.

“(vi) The extent to which the country has taken steps to become a party to and implements the Inter-American Convention Against Corruption.

“(vii) The extent to which the country—

“(I) applies transparent, nondiscriminatory, and competitive procedures in government procurement equivalent to those contained in the Agreement on Government Procurement described in section 101(d)(17) of the Uruguay Round Agreements Act; and

“(II) contributes to efforts in international fora to develop and implement international rules in transparency in government procurement.

“(C) CBTPA ORIGINATING GOOD.—

“(i) IN GENERAL.—The term ‘CBTPA originating good’ means a good that meets the rules of origin for a good set forth in chapter 4 of the NAFTA as implemented pursuant to United States law.

“(ii) APPLICATION OF CHAPTER 4.—In applying chapter 4 of the NAFTA with respect to a CBTPA beneficiary country for purposes of this subsection—

“(I) no country other than the United States and a CBTPA beneficiary country may be treated as being a party to the NAFTA;

“(II) any reference to trade between the United States and Mexico shall be deemed to refer to trade between the United States and a CBTPA beneficiary country;

“(III) any reference to a party shall be deemed to refer to a CBTPA beneficiary country or the United States; and

“(IV) any reference to parties shall be deemed to refer to any combination of CBTPA beneficiary countries or to the United States and one or more CBTPA beneficiary countries (or any combination thereof).

“(D) TRANSITION PERIOD.—The term ‘transition period’ means, with respect to a CBTPA beneficiary country, the period that begins on October 1, 2000, and ends on the earlier of—

“(i) September 30, 2008; or

“(ii) the date on which the FTAA or another free trade agreement that makes substantial progress in achieving the negotiating objectives set forth in 108(b)(5) of Public Law 103-182 (19 U.S.C. 3317(b)(5)) enters into force with respect to the United States and the CBTPA beneficiary country.

“(E) CBTPA.—The term ‘CBTPA’ means the United States-Caribbean Basin Trade Partnership Act.

“(F) FTAA.—The term ‘FTAA’ means the Free Trade Area of the Americas.”

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” after “(1)”; and

(C) by adding at the end the following:

“(B) The President may, after the requirements of subsection (a)(2) and paragraph (2) have been met—

“(i) withdraw or suspend the designation of any country as a CBTPA beneficiary country; or

“(ii) withdraw, suspend, or limit the application of preferential treatment under section 213(b)(2) and (3) to any article of any country,

if, after such designation, the President determines that, as a result of changed circumstances, the performance of such country is not satisfactory under the criteria set forth in section 213(b)(5)(B).”; and

(2) by adding after paragraph (2) the following new paragraph:

“(3) If preferential treatment under section 213(b)(2) and (3) is withdrawn, suspended, or limited with respect to a CBTPA beneficiary country, such country shall not be deemed to be a ‘party’ for the purposes of applying section 213(b)(5)(C) to imports of articles for which preferential treatment has been withdrawn, suspended, or limited with respect to such country.”.

(c) REPORTING REQUIREMENTS.—

(1) Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

“(f) REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—Not later than December 31, 2001, and every 2 years thereafter during the period this title is in effect, the United States Trade Representative shall submit to Congress a report regarding the operation of this title, including—

“(A) with respect to subsections (b) and (c), the results of a general review of beneficiary countries based on the considerations described in such subsections; and

“(B) the performance of each beneficiary country or CBTPA beneficiary country, as the case may be, under the criteria set forth in section 213(b)(5)(B).

“(2) PUBLIC COMMENT.—Before submitting the report described in paragraph (1), the United States Trade Representative shall publish a notice in the Federal Register requesting public comments on whether beneficiary countries are meeting the criteria listed in section 213(b)(5)(B).”.

Deadline.

Federal Register,
publication.

(2) Section 203(f) of the Andean Trade Preference Act (19 U.S.C. 3202(f)) is amended—

(A) by striking “TRIENNIAL REPORT” in the heading and inserting “REPORT”; and

(B) by striking “On or before” and all that follows through “enactment of this title” and inserting “Not later than January 31, 2001”.

(d) INTERNATIONAL TRADE COMMISSION REPORTS.—

(1) Section 215(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2704(a)) is amended to read as follows: “(a) REPORTING REQUIREMENT.—

“(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the ‘Commission’) shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers and on the economy of the beneficiary countries.

“(2) FIRST REPORT.—The first report shall be submitted not later than September 30, 2001. Deadline.

“(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.”.

(2) Section 206(a) of the Andean Trade Preference Act (19 U.S.C. 3204(a)) is amended to read as follows:

“(a) REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—The United States International Trade Commission (in this section referred to as the ‘Commission’) shall submit to Congress and the President biennial reports regarding the economic impact of this title on United States industries and consumers, and, in conjunction with other agencies, the effectiveness of this title in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.

“(2) SUBMISSION.—During the period that this title is in effect, the report required by paragraph (1) shall be submitted on December 31 of each year that the report required by section 215 of the Caribbean Basin Economic Recovery Act is not submitted.

“(3) TREATMENT OF PUERTO RICO, ETC.—For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States are considered to be United States industries.”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) Section 211 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701) is amended by inserting “(or other preferential treatment)” after “treatment”.

(B) Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by inserting “and except as provided in subsection (b)(2) and (3),” after “Tax Reform Act of 1986,”.

(2) DEFINITIONS.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraphs:

“(D) The term ‘NAFTA’ means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

“(E) The terms ‘WTO’ and ‘WTO member’ have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).”.

SEC. 212. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking “chapter” and inserting “title”; and

(2) by adding at the end the following new paragraph:

“(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

“(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

“(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

“(C) when imported into the customs territory of the United States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

“(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spirituous beverages.”.

19 USC 2701
note.
President.

SEC. 213. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the CBTPA beneficiary countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach agreement between the United States and CBTPA beneficiary countries on the likely timing and procedures for initiating negotiations for CBTPA beneficiary countries to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of Public Law 103–182 (19 U.S.C. 3317(b)(5)).

(c) DEFINITION.—In this section, the term “CBTPA beneficiary country” has the meaning given that term in section 213(b)(5)(B) of the Caribbean Basin Economic Recovery Act.

TITLE III—NORMAL TRADE RELATIONS

19 USC 2434
note.

SEC. 301. NORMAL TRADE RELATIONS FOR ALBANIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Albania has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its emergence from communism, Albania has made progress toward democratic rule and the creation of a free-market economy.

(3) Albania has concluded a bilateral investment treaty with the United States.

(4) Albania has demonstrated a strong desire to build a friendly relationship with the United States and has been very cooperative with NATO and the international community during and after the Kosova crisis.

(5) The extension of unconditional normal trade relations treatment to the products of Albania will enable the United States to avail itself of all rights under the World Trade Organization with respect to Albania when that country becomes a member of the World Trade Organization.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ALBANIA.—

(1) **PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Albania; and

(B) after making a determination under subparagraph (A) with respect to Albania, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) **TERMINATION OF APPLICATION OF TITLE IV.**—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Albania, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 302. NORMAL TRADE RELATIONS FOR KYRGYZSTAN.

19 USC 2434
note.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Kyrgyzstan has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Since its independence from the Soviet Union in 1991, Kyrgyzstan has made great progress toward democratic rule and toward creating a free-market economic system.

(3) Kyrgyzstan concluded a bilateral investment treaty with the United States in 1994.

(4) Kyrgyzstan has demonstrated a strong desire to build a friendly and cooperative relationship with the United States.

(5) The extension of unconditional normal trade relations treatment to the products of Kyrgyzstan will enable the United States to avail itself of all rights under the World Trade Organization with respect to Kyrgyzstan.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO KYRGYZSTAN.—

(1) **PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Kyrgyzstan; and

(B) after making a determination under subparagraph (A) with respect to Kyrgyzstan, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Kyrgyzstan, title IV of the Trade Act of 1974 shall cease to apply to that country.

TITLE IV—OTHER TRADE PROVISIONS

SEC. 401. REPORT ON EMPLOYMENT AND TRADE ADJUSTMENT ASSISTANCE.

Deadline.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this section, the Comptroller General of the United States shall submit to Congress a report regarding the efficiency and effectiveness of Federal and State coordination of employment and retraining activities associated with the following programs and legislation:

(1) Trade adjustment assistance (including NAFTA trade adjustment assistance) provided for under title II of the Trade Act of 1974.

(2) The Job Training Partnership Act.

(3) The Workforce Investment Act of 1998.

(4) Unemployment insurance.

(b) PERIOD COVERED.—The report shall cover the activities involved in the programs and legislation listed in subsection (a) from January 1, 1994, to December 31, 1999.

(c) DATA AND RECOMMENDATIONS.—The report shall at a minimum include specific data and recommendations regarding—

(1) the compatibility of program requirements related to the employment and retraining of dislocated workers in the United States, with particular emphasis on the trade adjustment assistance programs provided for under title II of the Trade Act of 1974;

(2) the compatibility of application procedures related to the employment and retraining of dislocated workers in the United States;

(3) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on workers in the United States measured in terms of loss of employment and wages;

(4) the capacity of the programs in addressing foreign trade and the transfer of production to other countries on secondary workers in the United States measured in terms of loss of employment and wages;

(5) how the impact of foreign trade and the transfer of production to other countries would have changed the number of beneficiaries covered under the trade adjustment assistance program if the trade adjustment assistance program covered secondary workers in the United States; and

(6) the effectiveness of the programs described in subsection (a) in achieving reemployment of United States workers and

maintaining wage levels of United States workers who have been dislocated as a result of foreign trade and the transfer of production to other countries.

SEC. 402. TRADE ADJUSTMENT ASSISTANCE.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR DECOMMISSIONING OR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a “qualified worker” means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA-W-28,438; and

(B) was necessary for the decommissioning or closure of a nuclear power facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 403. RELIQUIDATION OF CERTAIN NUCLEAR FUEL ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Secretary of the Treasury not later than 90 days after the date of the enactment of this Act, the Secretary shall—

(1) reliquidate as free of duty the entries listed in subsection (b); and

(2) refund any duties paid with respect to such entries as shown on Customs Service Collection Receipt Number 527006753.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
062-2320014-5	January 16, 1996
062-2320085-5	February 13, 1996
839-4030989-7	November 25, 1996
839-4031053-1	December 2, 1996
839-4031591-0	January 21, 1997.

SEC. 404. REPORTS TO THE FINANCE AND WAYS AND MEANS COMMITTEES.

(a) REPORTS REGARDING INITIATIVES TO UPDATE THE INTERNATIONAL MONETARY FUND.—Section 607 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105-277; 112 Stat. 2681-224), relating to international financial programs and reform, is amended—

(1) by inserting “Finance,” after “Foreign Relations,”; and

(2) by inserting “, Ways and Means,” before “and Banking and Financial Services”.

Deadline.

22 USC 262r
note.

Deadline.

(b) **REPORTS ON FINANCIAL STABILIZATION PROGRAMS.**—Section 1704(b) of the International Financial Institutions Act (22 U.S.C. 262r-3(b)) is amended to read as follows:

“(b) **TIMING.**—Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services, Ways and Means, and International Relations of the House of Representatives and the Committees on Finance, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).”.

(c) **ANNUAL REPORT ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.**—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r-4(a)) is amended by striking “Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate” and inserting “Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate”.

(d) **AUDITS OF THE IMF.**—Section 1706(a) of the International Financial Institutions Act (22 U.S.C. 262r-5(a)) is amended by striking “Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate” and inserting “Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate”.

(e) **REPORT ON PROTECTION OF BORDERS AGAINST DRUG TRAFFIC.**—Section 629 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105-277; 112 Stat. 2681-522), relating to general provisions, is amended by adding at the end the following new paragraph:

“(3) For purposes of paragraph (1), the term ‘appropriate congressional committees’ includes the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.”.

SEC. 405. CLARIFICATION OF SECTION 334 OF THE URUGUAY ROUND AGREEMENTS ACT.

(a) **IN GENERAL.**—Section 334(b)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the matter preceding clause (i) (as redesignated), by striking “Notwithstanding paragraph (1)(D)” and inserting “(A) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (B) and (C)”; and

(3) by adding at the end the following:

“(B) Notwithstanding paragraph (1)(C), fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by two or more of the following finishing operations: bleaching,

shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

“(C) Notwithstanding paragraph (1)(D), goods classified under HTS heading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95, except for goods classified under such headings as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to originate in, and be the growth, product, or manufacture of, the country, territory, or possession in which the fabric is both dyed and printed when accompanied by two or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.”.

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

Applicability.
19 USC 3592
note.

SEC. 406. CHIEF AGRICULTURAL NEGOTIATOR.

Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) by amending subsection (b)(2) to read as follows:

“(2) There shall be in the Office three Deputy United States Trade Representatives and one Chief Agricultural Negotiator who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rule-making power of the Senate, any nomination of a Deputy United States Trade Representative or the Chief Agricultural Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative and the Chief Agricultural Negotiator shall hold office at the pleasure of the President and shall have the rank of Ambassador.”; and

President.

(2) in subsection (c), by adding at the end the following new paragraph:

“(5) The principal function of the Chief Agricultural Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States agricultural products and services. The Chief Agricultural Negotiator shall be a vigorous advocate on behalf of United States agricultural interests. The Chief Agricultural Negotiator shall perform such other functions as the United States Trade Representative may direct.”.

SEC. 407. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking “If the” and inserting the following:

“(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the”; and

(2) by adding at the end the following:

“(B) REVISION OF RETALIATION LIST AND ACTION.—

“(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in

section 301(c)(1)(A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

“(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

“(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

“(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

Deadline.

“(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

“(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

“(E) RETALIATION LIST.—The term ‘retaliation list’ means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.

“(F) REQUIREMENT TO INCLUDE RECIPROCAL GOODS ON RETALIATION LIST.—The Trade Representative shall include on the retaliation list, and on any revised lists, reciprocal goods of the industries affected by the failure of the foreign country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, except in cases where existing retaliation and its corresponding preliminary retaliation list do not already meet this requirement.”.

SEC. 408. REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR AGRICULTURAL COMMODITY PRODUCERS.

Deadline.

(a) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of Labor, in consultation

with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that—

(1) examines the applicability to agricultural commodity producers of trade adjustment assistance programs established under title II of the Trade Act of 1974; and

(2) sets forth recommendations to improve the operation of those programs as the programs apply to agricultural commodity producers or to establish a new trade adjustment assistance program for agricultural commodity producers.

(b) CONTENTS.—In preparing the report required by subsection (a), the Secretary of Labor shall—

(1) assess the degree to which the existing trade adjustment assistance programs address the adverse effects on agricultural commodity producers due to price suppression caused by increased imports of like or directly competitive agricultural commodities; and

(2) examine the effectiveness of the program benefits authorized under subchapter B of chapter 2 and chapter 3 of title II of the Trade Act of 1974 in remedying the adverse effects, including price suppression, caused by increased imports of like or directly competitive agricultural commodities.

(c) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” means any agricultural commodity, including livestock, fish or harvested seafood in its raw or natural state.

(2) AGRICULTURAL COMMODITY PRODUCER.—The term “agricultural commodity producer” means any person who is engaged in the production and sale of an agricultural commodity in the United States and who owns or shares the ownership and risk of loss of the agricultural commodity.

SEC. 409. AGRICULTURAL TRADE NEGOTIATING OBJECTIVES AND CONSULTATIONS WITH CONGRESS.

7 USC 1736r
note.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture contributes positively to the United States balance of trade and United States agricultural exports support in excess of 1,000,000 United States jobs;

(2) United States agriculture competes successfully worldwide despite the fact that United States producers are at a competitive disadvantage because of the trade distorting support and subsidy practices of other countries and despite the fact that significant tariff and nontariff barriers exist to United States exports; and

(3) a successful conclusion of the current World Trade Organization agricultural negotiations is critically important to the United States agricultural sector.

(b) OBJECTIVES.—The agricultural trade negotiating objectives of the United States with respect to the current World Trade Organization agricultural negotiations include as matters of the highest priority—

(1) the expeditious elimination of all export subsidies worldwide while maintaining bona fide food aid and preserving United States market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(2) leveling the playing field for United States producers of agricultural products by eliminating blue box subsidies and disciplining domestic supports in a way that forces producers to face world prices on all production in excess of domestic food security needs while allowing the preservation of nontrade distorting programs to support family farms and rural communities;

(3) the elimination of state trading enterprises or the adoption of rigorous disciplines that ensure operational transparency, competition, and the end of discriminatory pricing practices, including policies supporting cross-subsidization and price undercutting in export markets;

(4) affirming that the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures applies to new technologies, including biotechnology, and that labeling requirements to allow consumers to make choices regarding biotechnology products or other regulatory requirements may not be used as disguised barriers to trade;

(5) increasing opportunities for United States exports of agricultural products by reducing tariffs to the same levels that exist in the United States or to lower levels and by eliminating all nontariff barriers, including—

(A) restrictive or trade distorting practices, including those that adversely impact perishable or cyclical products;

(B) restrictive rules in the administration of tariff-rate quotas; and

(C) other barriers to agriculture trade, including unjustified restrictions or commercial requirements affecting new technologies, including biotechnology;

(6) eliminating government policies that create price-depressing surpluses; and

(7) strengthening dispute settlement procedures to ensure prompt compliance by foreign governments with their World Trade Organization obligations including commitments not to maintain unjustified restrictions on United States exports.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—

(1) CONSULTATION BEFORE OFFER MADE.—In developing and before submitting an initial or revised negotiating proposal that would reduce United States tariffs on agricultural products or require a change in United States agricultural law, the United States Trade Representative shall consult with the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate and the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives.

(2) CONSULTATION WITH CONGRESSIONAL TRADE ADVISERS.—Prior to and during the course of current negotiations on agricultural trade, the United States Trade Representative shall consult closely with the congressional trade advisers.

(3) CONSULTATION BEFORE AGREEMENT INITIALED.—Not less than 48 hours before initialing an agreement reached as part of current World Trade Organization agricultural negotiations, the United States Trade Representative shall consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

(B) the potential impact of the agreement on United States agricultural producers; and

(C) any changes in United States law necessary to implement the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding addressing agricultural trade with a foreign government or governments (whether oral or in writing) that relates to a trade agreement with respect to which Congress must enact implementing legislation and that is not disclosed to Congress before legislation implementing that agreement is introduced in either House of Congress shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) granting the President trade negotiating authority is essential to the successful conclusion of the new round of World Trade Organization agricultural negotiations;

(2) reaching a successful agreement on agriculture should be the top priority of United States negotiators; and

(3) if by the conclusion of the negotiations, the primary agricultural competitors of the United States do not agree to reduce their trade distorting domestic supports and eliminate export subsidies in accordance with the negotiating objectives expressed in this section, the United States should take steps to increase the leverage of United States negotiators and level the playing field for United States producers.

SEC. 410. ENTRY PROCEDURES FOR FOREIGN TRADE ZONE OPERATIONS.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following new subsection:

“(i) SPECIAL RULE FOR FOREIGN TRADE ZONE OPERATIONS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), all merchandise (including merchandise of different classes, types, and categories), withdrawn from a foreign trade zone during any 7-day period, shall, at the option of the operator or user of the zone, be the subject of a single estimated entry or release filed on or before the first day of the 7-day period in which the merchandise is to be withdrawn from the zone. The estimated entry or release shall be treated as a single entry and a single release of merchandise for purposes of section 13031(a)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)(A)) and all fee exclusions and limitations of such section 13031 shall apply, including the maximum and minimum fee amounts provided for under subsection (b)(8)(A)(i) of such section. The entry summary for the estimated entry or release shall cover only the merchandise actually withdrawn from the foreign trade zone during the 7-day period.

“(2) OTHER REQUIREMENTS.—The Secretary of the Treasury may require that the operator or user of the zone—

“(A) use an electronic data interchange approved by the Customs Service—

“(i) to file the entries described in paragraph (1); and

“(ii) to pay the applicable duties, fees, and taxes with respect to the entries; and

“(B) satisfy the Customs Service that accounting, transportation, and other controls over the merchandise are adequate to protect the revenue and meet the requirements of other Federal agencies.

“(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to merchandise the entry of which is prohibited by law or merchandise for which the filing of an entry summary is required before the merchandise is released from customs custody.

“(4) FOREIGN TRADE ZONE; ZONE.—In this subsection, the terms ‘foreign trade zone’ and ‘zone’ mean a zone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).”

19 USC 1484
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

SEC. 411. GOODS MADE WITH FORCED OR INDENTURED CHILD LABOR.

(a) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by adding at the end the following new sentence: “For purposes of this section, the term ‘forced labor or/ and indentured labor’ includes forced or indentured child labor.”

19 USC 1307
note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 412. WORST FORMS OF CHILD LABOR.

(a) IN GENERAL.—Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended—

(1) by inserting after subparagraph (G) the following new subparagraph:

“(H) Such country has not implemented its commitments to eliminate the worst forms of child labor.”; and
(2) in the flush paragraph at the end, by striking “and (G)” and inserting “(G), and (H) (to the extent described in section 507(6)(D))”.

(b) DEFINITION OF WORST FORMS OF CHILD LABOR.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following new paragraph:

“(6) WORST FORMS OF CHILD LABOR.—The term ‘worst forms of child labor’ means—

“(A) all forms of slavery or practices similar to slavery, such as the sale or trafficking of children, debt bondage and serfdom, or forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;

“(B) the use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic purposes;

“(C) the use, procuring, or offering of a child for illicit activities in particular for the production and trafficking of drugs; and

“(D) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

The work referred to in subparagraph (D) shall be determined by the laws, regulations, or competent authority of the beneficiary developing country involved.”.

(c) ANNUAL REPORT.—Section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended by inserting “, including the findings of the Secretary of Labor with respect to the beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor” before the end period.

TITLE V—IMPORTS OF CERTAIN WOOL ARTICLES

SEC. 501. TEMPORARY DUTY REDUCTIONS.

(a) CERTAIN WORSTED WOOL FABRICS WITH AVERAGE FIBER DIAMETERS GREATER THAN 18.5 MICRON.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.51.11	Fabrics, of worsted wool, with average fiber diameters greater than 18.5 micron, all the foregoing certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheading 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	19.3%	No change	No change	On or before 12/31/2003	”.
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(2) STAGED RATE REDUCTIONS.—Any staged rate reduction of a rate of duty set forth in subheading 6203.31.00 of the Harmonized Tariff Schedule of the United States that is proclaimed by the President shall also apply to the corresponding rate of duty set forth in heading 9902.51.11 of such Schedule, as added by paragraph (1).

Applicability.

(b) CERTAIN WORSTED WOOL FABRICS WITH AVERAGE FIBER DIAMETERS OF 18.5 MICRON OR LESS.—

(1) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.51.12	Fabrics, of worsted wool, with average fiber diameters of 18.5 micron or less, all the foregoing certified by the importer as suitable for use in making suits, suit-type jackets, or trousers (provided for in subheading 5111.11.70, 5111.19.60, 5112.11.20, or 5112.19.90)	6%	No change	No change	On or before 12/31/2003	”.
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(2) EQUALIZATION WITH CANADIAN DUTY RATES.—The President is authorized to proclaim a reduction in the rate of duty applicable to imports of worsted wool fabrics classified under subheading 9902.51.12 of the Harmonized Tariff Schedule of the United States, as added by paragraph (1), that is necessary to equalize such rate of duty with the most favored nation

rate of duty applicable to imports of worsted wool fabrics of the kind described in such subheading imported into Canada.

(c) DEFINITIONS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following:

“13. For purposes of headings 9902.51.11 and 9902.51.12, the term ‘suit’ has the meaning given such term under note 3(a) of chapter 62 for purposes of headings 6203 and 6204.

“14. For purposes of headings 9902.51.11 and 9902.51.12, the term ‘making’ means cut and sewn in the United States.”

(d) LIMITATION ON QUANTITY OF IMPORTS.—The U.S. Notes to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States, as amended by subsection (c), are further amended by adding at the end the following:

“15. The aggregate quantity of worsted wool fabrics entered under heading 9902.51.11 from January 1 to December 31 of each year, inclusive, shall be limited to 2,500,000 square meter equivalents, or such other quantity proclaimed by the President pursuant to section 504(b)(3) of the Trade and Development Act of 2000.

“16. The aggregate quantity of worsted wool fabrics entered under subheading 9902.51.12 from January 1 to December 31 of each year, inclusive, shall be limited to 1,500,000 square meter equivalents, or such other quantity proclaimed by the President pursuant to section 504(b)(3) of the Trade and Development Act of 2000.”

President.

(e) ALLOCATION OF TARIFF-RATE QUOTAS.—In implementing the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States, as required by U.S. Notes 15 and 16 of subchapter II of chapter 99 of such Schedule, respectively, for the entry, or withdrawal from warehouse for consumption, the President, consistent with United States international obligations, shall take such action as determined appropriate by the President to ensure that such fabrics are fairly allocated to persons (including firms, corporations, or other legal entities) who cut and sew men’s and boys’ worsted wool suits and suit-like jackets and trousers in the United States and who apply for an allocation based on the amount of such suits cut and sewn during the prior calendar year.

Applicability.

(f) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

SEC. 502. TEMPORARY DUTY SUSPENSIONS.

(a) WOOL YARN WITH AVERAGE FIBER DIAMETERS OF 18.5 MICRON OR LESS.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.51.13	Yarn, of combed wool, not put up for retail sale, containing 85 percent or more by weight of wool, formed with wool fibers having diameters of 18.5 micron or less (provided for in subheading 5107.10.00)	Free	No change	No change	On or before 12/31/2003	”.
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(b) **WOOL FIBER AND WOOL TOP WITH AVERAGE DIAMETERS OF 18.5 MICRON OR LESS.**—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.51.14	Wool fiber, waste, garnetted stock, combed wool, or wool top, having average fiber diameters of 18.5 micron or less (provided for in subheading 5101.11, 5101.19, 5101.21, 5101.29, 5101.30, 5103.10, 5103.20, 5104.00, 5105.21, or 5105.29)	Free	No change	No change	On or before 12/31/2003	”.
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(c) **EFFECTIVE DATE.**—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001. Applicability.

SEC. 503. SEPARATE TARIFF LINE TREATMENT FOR WOOL YARN AND MEN’S OR BOYS’ SUITS AND SUIT-TYPE JACKETS AND TROUSERS OF WORSTED WOOL FABRIC. President.

(a) **SEPARATE TARIFF LINE TREATMENT.**—The President shall proclaim 8-digit tariff categories, without changes in existing duty rates, in chapters 51 and 62 of the Harmonized Tariff Schedule of the United States in order to provide separate tariff treatment for—

(1) wool yarn made of wool fiber with an average fiber diameter of 18.5 micron or less, and wool fabrics made from yarns with an average fiber diameter of 18.5 micron or less; and

(2) men’s or boys’ suits, suit-type jackets, and trousers of worsted wool fabric, made of wool yarn having an average diameter of 18.5 micron or less.

(b) **CONFORMING CHANGES.**—The President is authorized to make conforming changes in headings 9902.51.11, 9902.51.12, 9902.51.13, and 9902.51.14 of the Harmonized Tariff Schedule of the United States to take into account the new permanent tariff categories proclaimed under subsection (a).

SEC. 504. MONITORING OF MARKET CONDITIONS AND AUTHORITY TO MODIFY TARIFF REDUCTIONS.

(a) **MONITORING OF MARKET CONDITIONS.**—Beginning on the date of the enactment of this Act, the President shall monitor market conditions in the United States, including domestic demand, domestic supply, and increases in domestic production, of worsted wool fabrics and their components in the market for— President.
Effective date.

(1) men’s or boys’ worsted wool suits, suit-type jackets, and trousers;

(2) worsted wool fabric and yarn used in the manufacture of such suits, jackets, and trousers; and

(3) wool used in the production of such fabrics and yarn.

(b) **AUTHORITY TO MODIFY LIMITATION ON QUANTITY OF WORSTED WOOL FABRICS SUBJECT TO TARIFF REDUCTION.**—

(1) **IN GENERAL.**—The President shall, on an annual basis, consider requests made by United States manufacturers of apparel products made of worsted wool fabrics described in subsection (a) to modify the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and

9902.51.12 of the Harmonized Tariff Schedule of the United States, as required by U.S. Notes 15 and 16 of subchapter II of chapter 99 of such Schedule, respectively.

(2) CONSIDERATION OF CERTAIN MARKET CONDITIONS.—In determining whether to modify the limitation on the quantity of imports of worsted wool fabrics described in paragraph (1), the President shall consider the following United States market conditions:

(A) Increases or decreases in sales of the domestically-produced worsted wool fabrics described in subsection (a).

(B) Increases or decreases in domestic production of such fabrics.

(C) Increases or decreases in domestic production and consumption of the apparel items described in subsection (a).

(D) The ability of domestic producers of worsted wool fabrics described in subsection (a) to meet the needs of domestic manufacturers of the apparel items described in subsection (a) in terms of quantity and ability to meet market demands for the apparel items.

(E) Evidence that domestic manufacturers of worsted wool fabrics have lost sales due to the temporary duty reductions on certain worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States (as added by subsections (a) and (b) of section 501).

(F) Evidence that domestic manufacturers of apparel items described in subsection (a) have lost sales due to the inability to purchase adequate supplies of worsted wool fabrics on a cost competitive basis.

(G) Price per square meter of imports and domestic sales of worsted wool fabrics.

(3) MODIFICATION OF LIMITATION ON QUANTITY OF FABRICS.—

(A) IN GENERAL.—If the President determines that the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States should be modified, the President shall proclaim such changes to U.S. Note 15 or 16 to subchapter II of chapter 99 of such Schedule (as added by section 501(d)), as the President determines to be appropriate.

(B) ADDITIONAL REQUIREMENT.—In any calendar year, any modification of the limitation on the quantity of imports of worsted wool fabrics under headings 9902.51.11 and 9902.51.12 of the Harmonized Tariff Schedule of the United States shall not exceed—

(i) 1,000,000 square meter equivalents for worsted wool fabrics under heading 9902.51.11; and

(ii) 1,000,000 square meter equivalents for worsted wool fabrics under heading 9902.51.12.

Regulations.

(c) IMPLEMENTATION.—The President shall issue regulations necessary to implement the provisions of this section.

SEC. 505. REFUND OF DUTIES PAID ON IMPORTS OF CERTAIN WOOL ARTICLES.

(a) **WORSTED WOOL FABRICS.**—In each of the calendar years 2000, 2001, and 2002, a manufacturer of men's or boys' suits, suit-type jackets, or trousers (not a broker or other individual acting on behalf of the manufacturer to process the import) of imported worsted wool fabrics of the kind described in heading 9902.51.11 or 9902.51.12 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such fabrics in each such calendar year in an amount equal to one-third of the amount of duties paid by the importer on such worsted wool fabrics (without regard to micron level) imported in calendar year 1999.

(b) **WOOL YARN.**—In each of the calendar years 2000, 2001, and 2002, a manufacturer of worsted wool fabrics who imports wool yarn of the kind described in heading 9902.51.13 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such wool yarn in each such calendar year in an amount equal to one-third of the amount of duties paid by the manufacturer on such wool yarn (without regard to micron level) imported in calendar year 1999.

(c) **WOOL FIBER AND WOOL TOP.**—In each of the calendar years 2000, 2001, and 2002, a manufacturer of wool yarn or wool fabric who imports wool fiber or wool top of the kind described in heading 9902.51.14 of the Harmonized Tariff Schedule of the United States shall be eligible for a refund of duties paid on entries of such wool fiber in each such calendar year in an amount equal to one-third of the amount of duties paid by the manufacturer on such wool fiber (without regard to micron level) imported in calendar year 1999.

(d) **PROPER IDENTIFICATION AND APPROPRIATE CLAIM.**—Any person applying for a rebate under this section shall properly identify and make appropriate claim to the United States Customs Service for each entry involved.

SEC. 506. WOOL RESEARCH, DEVELOPMENT, AND PROMOTION TRUST FUND. 7 USC 7101 note.

(a) **ESTABLISHMENT.**—There is hereby established within the Treasury of the United States a trust fund to be known as the Wool Research, Development, and Promotion Trust Fund (hereafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts as may be credited to the Trust Fund under subsection (c)(2).

(b) **TRANSFER OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the duty received on articles under chapters 51 and 52 of the Harmonized Tariff Schedule of the United States, subject to the limitation in paragraph (2).

(2) **LIMITATION.**—The Secretary shall not transfer more than \$2,250,000 to the Trust Fund in any fiscal year.

(3) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—From amounts available in the Trust Fund (including any amounts not obligated in previous fiscal years), the Secretary of Agriculture is authorized to provide grants to a nationally-recognized council established for the development of the United States wool market for the following purposes:

(1) Assist United States wool producers to improve the quality of wool produced in the United States, including to improve wool production methods.

(2) Disseminate information on improvements described in paragraph (1) to United States wool producers generally.

(3) Assist United States wool producers in the development and promotion of the wool market.

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall prepare and submit to Congress an annual report on the financial condition and the results of the operations of the Trust Fund, including a description of the use of amounts of grants provided under subsection (d), during the preceding fiscal year and on its expected condition and operations during the next fiscal year.

(f) SUNSET PROVISION.—Effective January 1, 2004, the Trust Fund shall be abolished and all amounts in the Trust Fund on such date shall be transferred to the general fund of the Treasury of the United States.

Effective date.

TITLE VI—REVENUE PROVISIONS**SEC. 601. APPLICATION OF DENIAL OF FOREIGN TAX CREDIT REGARDING TRADE AND INVESTMENT WITH RESPECT TO CERTAIN FOREIGN COUNTRIES.**

(a) IN GENERAL.—Section 901(j) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., regarding trade and investment with respect to certain foreign countries) is amended by adding at the end the following new paragraph:

26 USC 901.

“(5) WAIVER OF DENIAL.—

“(A) IN GENERAL.—Paragraph (1) shall not apply with respect to taxes paid or accrued to a country if the President—

“(i) determines that a waiver of the application of such paragraph is in the national interest of the United States and will expand trade and investment opportunities for United States companies in such country; and

“(ii) reports such waiver under subparagraph (B).

“(B) REPORT.—Not less than 30 days before the date on which a waiver is granted under this paragraph, the President shall report to Congress—

Deadline.

“(i) the intention to grant such waiver; and

“(ii) the reason for the determination under subparagraph (A)(i).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply on or after February 1, 2001.

Deadline.
26 USC 901 note.**SEC. 602. ACCELERATION OF COVER OVER PAYMENTS TO PUERTO RICO AND VIRGIN ISLANDS.**

(a) INITIAL PAYMENT.—Section 512(b) of the Ticket to Work and Work Incentives Improvement Act of 1999 is amended—

26 USC 7652
note.

(1) by striking “October 1, 2000,” in the matter preceding paragraph (1) and inserting “the first day of the month within which the date of the enactment of the Trade and Development Act of 2000 occurs,”; and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) SECOND TRANSFER OF INCREMENTAL INCREASE IN COVER OVER ATTRIBUTABLE TO PERIODS BEFORE RESUMPTION OF REGULAR PAYMENTS.—The Secretary of the Treasury shall transfer on the first payment date after the date of the enactment of the Trade and Development Act of 2000 an amount equal to the excess of—

“(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before the first day of the month within which such date of enactment occurs, over

“(B) the amount of the transfer described in paragraph (1).”.

(b) CLARIFICATION OF DISPOSITION OF TAXES TO VIRGIN ISLANDS.—So much of paragraph (3) of section 7652(b) of the Internal Revenue Code of 1986 (relating to Virgin Islands) as precedes subparagraph (B) thereof is amended to read as follows:

26 USC 7652.

“(3) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—The Secretary shall determine the amount of all taxes imposed

by, and collected under the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 percent and less the estimated amount of refunds or credits shall be subject to disposition as follows:

“(A) The payment of an estimated amount shall be made to the government of the Virgin Islands before the commencement of each fiscal year as set forth in section 4(c)(2) of the Act entitled ‘An Act to authorize appropriations for certain insular areas of the United States, and for other purposes’, approved August 18, 1978 (48 U.S.C. 1645), as in effect on the date of the enactment of the Trade and Development Act of 2000. The payment so made shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine.”.

26 USC 7652. (c) RESOLUTION OF STATUTORY CONFLICT.—Section 7652 of the Internal Revenue Code of 1986 (relating to shipments to the United States) is amended by adding at the end the following new subsection:

“(h) MANNER OF COVER OVER OF TAX MUST BE DERIVED FROM THIS TITLE.—No amount shall be covered into the treasury of Puerto Rico or the Virgin Islands with respect to taxes for which cover over is provided under this section unless made in the manner specified in this section without regard to—

“(1) any provision of law which is not contained in this title or in a revenue Act; and

“(2) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.”.

Applicability.
26 USC 7652
note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers or payments made after the date of the enactment of this Act.

Approved May 18, 2000.

LEGISLATIVE HISTORY—H.R. 434 (S. 1387):

HOUSE REPORTS: Nos. 106–19, Pt. 1 (Comm. on International Relations) and, Pt. 2 (Comm. on Ways and Means), and 106–606 (Comm. of Conference).

SENATE REPORTS: No. 106–112 accompanying S. 1387 (Comm. on Finance).

CONGRESSIONAL RECORD:

Vol. 145 (1999): July 16, considered and passed House.
Oct. 27–29, Nov. 1–3, considered and passed Senate,
amended.

Vol. 146 (2000): May 4, House agreed to conference report.
May 10, 11, Senate considered and agreed to conference
report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):
May 18, Presidential remarks.



Public Law 106–201
106th Congress

An Act

To amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

May 18, 2000
[S. 1744]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF SUBMISSION OF CERTAIN SPECIES CONSERVATION REPORTS.

(a) ANNUAL COST ANALYSIS.—Section 18 of the Endangered Species Act of 1973 (16 U.S.C. 1544) is amended by striking “On” and inserting “Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), on”.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the earlier of—

16 USC 1544
note.

- (1) the date of enactment of this Act; or
- (2) December 19, 1999.

Approved May 18, 2000.

LEGISLATIVE HISTORY—S. 1744:

SENATE REPORTS: No. 106–194 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 27, considered and passed Senate.

May 2, 3, considered and passed House.



Public Law 106–202
106th Congress

An Act

May 18, 2000
[S. 2323]

To amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

Worker Economic
Opportunity Act.
29 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Worker Economic Opportunity Act”.

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) **EXCLUSION FROM REGULAR RATE.**—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

“(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee’s participation in the program or at the time of the grant;

“(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee’s death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

“(C) exercise of any grant or right is voluntary; and

“(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

“(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

“(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.”.

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking “Extra” and inserting the following:

“(2) Extra”; and

(2) by inserting after the subsection designation the following:

“(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act. 29 USC 207 note.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee’s regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if— 29 USC 207 note.

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act. 29 USC 207 note.

Approved May 18, 2000.

LEGISLATIVE HISTORY—S. 2323:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 12, considered and passed Senate.

May 3, considered and passed House.



Public Law 106–203
106th Congress

An Act

May 22, 2000
[H.R. 2412]

To designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the “E. Ross Adair Federal Building and United States Courthouse”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, shall be known and designated as the “E. Ross Adair Federal Building and United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the “E. Ross Adair Federal Building and United States Courthouse”.

Approved May 22, 2000.

LEGISLATIVE HISTORY—H.R. 2412:

HOUSE REPORTS: No. 106–540 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 28, considered and passed House.

May 4, considered and passed Senate.



Public Law 106–204
106th Congress

An Act

To designate the Federal building located at 500 Pearl Street in New York City,
New York, as the “Daniel Patrick Moynihan United States Courthouse”.

May 23, 2000
[S. 2370]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN UNITED
STATES COURTHOUSE.**

The Federal building located at 500 Pearl Street in New York
City, New York, shall be known and designated as the “Daniel
Patrick Moynihan United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper,
or other record of the United States to the Federal building referred
to in section 1 shall be deemed to be a reference to the Daniel
Patrick Moynihan United States Courthouse.

Approved May 23, 2000.

LEGISLATIVE HISTORY—S. 2370:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 4, considered and passed Senate.

May 15, considered and passed House.



Public Law 106–205
106th Congress

Joint Resolution

May 26, 2000
[S.J. Res. 44]

Supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, “E Pluribus Unum” (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian, Pacific Islanders, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the “Day of Honor 2000” in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

Approved May 26, 2000.

LEGISLATIVE HISTORY—S.J. Res. 44 (H.J. Res. 98):

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 18, considered and passed Senate.

May 23, considered and passed House.



Public Law 106–206
106th Congress

An Act

May 26, 2000
[H.R. 154]

To allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 460l–6d.

SECTION 1. COMMERCIAL FILMING.

(a) **COMMERCIAL FILMING FEE.**—The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary’s jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) **RECOVERY OF COSTS.**—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) **STILL PHOTOGRAPHY.**—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site’s natural or cultural resources or administrative facilities.

(d) **PROTECTION OF RESOURCES.**—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 154:

HOUSE REPORTS: No. 106–75 (Comm. on Resources).

SENATE REPORTS: No. 106–67 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Apr. 12, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): May 22, House concurred in Senate amendments.



Public Law 106–207
106th Congress

An Act

May 26, 2000
[H.R. 371]

To facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

Hmong Veterans’
Naturalization
Act of 2000.
8 USC 1423 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hmong Veterans’ Naturalization Act of 2000”.

8 USC 1423 note.

SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to the naturalization of any person—

(1) who—

(A) was admitted into the United States as a refugee from Laos pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978; or

(2) who—

(A) satisfies the requirement of paragraph (1)(A); and

(B) was the spouse of a person described in paragraph (1) on the day on which such described person applied for admission into the United States as a refugee.

8 USC 1423 note.

SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The Attorney General shall provide for special consideration, as determined by the Attorney General, concerning the requirement of paragraph (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(2)) with respect to the naturalization of any person described in paragraph (1) or (2) of section 2 of this Act.

8 USC 1423 note.

SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.

A person seeking an exemption under section 2 or special consideration under section 3 shall submit to the Attorney General documentation of their, or their spouse’s, service with a special guerrilla unit, or irregular forces, described in section 2(1)(B), in the form of—

(1) original documents;

(2) an affidavit of the serving person’s superior officer;

(3) two affidavits from other individuals who also were serving with such a special guerrilla unit, or irregular forces, and who personally knew of the person’s service; or

(4) other appropriate proof.

SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION AND SPECIAL CONSIDERATION. 8 USC 1423 note.

(a) In determining a person's eligibility for an exemption under section 2 or special consideration under section 3, the Attorney General—

(1) shall review the refugee processing documentation for the person, or, in an appropriate case, for the person and the person's spouse, to verify that the requirements of section 2 relating to refugee applications and admissions have been satisfied;

(2) shall consider the documentation submitted by the person under section 4;

(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and

(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

(b) The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF FEES.

8 USC 1423 note.

This Act shall apply to a person only if the person's application for naturalization is filed, as provided in section 334 of the Immigration and Nationality Act (8 U.S.C. 1445), with appropriate fees not later than 18 months after the date of the enactment of this Act.

SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.

Notwithstanding any other provision of this Act, the total number of aliens who may be granted an exemption under section 2 or special consideration under section 3, or both, may not exceed 45,000.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 371:

HOUSE REPORTS: No. 106–563 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 2, considered and passed House.

May 18, considered and passed Senate, amended.

May 23, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

May 26, Presidential statement.



Public Law 106–208
106th Congress

An Act

May 26, 2000
[H.R. 834]

To extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

National Historic
Preservation Act
Amendments of
2000.
16 USC 470 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Historic Preservation Act Amendments of 2000”.

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking “1997” and inserting “2005”.

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking “2000” and inserting “2005”.

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h–2(a)(1)) is amended in the second sentence by striking “agency.” and inserting “agency, in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071).”.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking “Officer;” and inserting “Officer; and”;

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

“(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.”;

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking “preservation; and” and inserting “preservation, and”;

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking “programs;” and inserting “programs; and”;

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking “year.” and inserting “year.”;

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking “purposes this Act” and inserting “purposes of this Act”; and

- (B) by striking “him:.” and inserting “him.”;
- (7) in section 108 (16 U.S.C. 470h)) by striking “(43 U.S.C. 338)” and inserting “(43 U.S.C. 1338)”;
- (8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking “with the Council” and inserting “pursuant to regulations issued by the Council”;
- (9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking “(25 U.S.C. 3001(3) and (9))” and inserting “(25 U.S.C. 3001 (3) and (9)))”;
- (10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking “Officer, and” and inserting “Officer; and”;
- (11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking “Except as provided in subsection (b) of this section, no” and inserting “No”;
- (12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking “Except as provided in subsection (b) of this section, the” and inserting “The”;
- (13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and
- (14) in subsection 404(c)(2) (16 U.S.C. 470x–3(c)(2)) by striking “organizations, and” and inserting “organizations; and”.
- (b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking “subsection 6(c)” and inserting “subsection 206(c)”. 16 USC 470n.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 834:

HOUSE REPORTS: No. 106–241 (Comm. on Resources).

SENATE REPORTS: No. 106–237 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 21, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate, amended.

May 22, House concurred in Senate amendments.



Public Law 106–209
106th Congress

An Act

May 26, 2000
[H.R. 1377]

To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the “John J. Buchanan Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service, located at 9308 South Chicago Avenue, Chicago, Illinois, 60617, is designated as the “John J. Buchanan Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the facility referred to in section 1 shall be considered to be a reference to the “John J. Buchanan Post Office Building”.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 1377:

CONGRESSIONAL RECORD:

Vol. 145 (1999): May 24, considered and passed House.

Nov. 19, considered and passed Senate, amended.

Vol. 146 (2000): May 15, House concurred in Senate amendments.



Public Law 106–210
106th Congress

An Act

To reform unfair and anticompetitive practices in the professional boxing industry.

May 26, 2000

[H.R. 1832]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Muhammad Ali Boxing Reform Act”.

Muhammad Ali
Boxing Reform
Act.
15 USC 6301
note.

SEC. 2. FINDINGS.

15 USC 6301
note.

The Congress makes the following findings:

(1) Professional boxing differs from other major, interstate professional sports industries in the United States in that it operates without any private sector association, league, or centralized industry organization to establish uniform and appropriate business practices and ethical standards. This has led to repeated occurrences of disreputable and coercive business practices in the boxing industry, to the detriment of professional boxers nationwide.

(2) State officials are the proper regulators of professional boxing events, and must protect the welfare of professional boxers and serve the public interest by closely supervising boxing activity in their jurisdiction. State boxing commissions do not currently receive adequate information to determine whether boxers competing in their jurisdiction are being subjected to contract terms and business practices which may violate State regulations, or are onerous and confiscatory.

(3) Promoters who engage in illegal, coercive, or unethical business practices can take advantage of the lack of equitable business standards in the sport by holding boxing events in States with weaker regulatory oversight.

(4) The sanctioning organizations which have proliferated in the boxing industry have not established credible and objective criteria to rate professional boxers, and operate with virtually no industry or public oversight. Their ratings are susceptible to manipulation, have deprived boxers of fair opportunities for advancement, and have undermined public confidence in the integrity of the sport.

(5) Open competition in the professional boxing industry has been significantly interfered with by restrictive and anti-competitive business practices of certain promoters and sanctioning bodies, to the detriment of the athletes and the ticket-buying public. Common practices of promoters and sanctioning organizations represent restraints of interstate trade in the United States.

(6) It is necessary and appropriate to establish national contracting reforms to protect professional boxers and prevent exploitive business practices, and to require enhanced financial disclosures to State athletic commissions to improve the public oversight of the sport.

15 USC 6301
note.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to protect the rights and welfare of professional boxers on an interstate basis by preventing certain exploitive, oppressive, and unethical business practices;

(2) to assist State boxing commissions in their efforts to provide more effective public oversight of the sport; and

(3) to promote honorable competition in professional boxing and enhance the overall integrity of the industry.

SEC. 4. PROTECTING BOXERS FROM EXPLOITATION.

The Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.) is amended—

15 USC
6308–6313, 6301
note.

(1) by redesignating sections 9 through 15 as sections 17 through 23, respectively; and

(2) by inserting after section 8 the following new sections:

Deadline.
Guidelines.
15 USC 6307a.

“SEC. 9. CONTRACT REQUIREMENTS.

“Within 2 years after the date of the enactment of the Muhammad Ali Boxing Reform Act, the Association of Boxing Commissions (ABC) shall develop and shall approve by a vote of no less than a majority of its member State boxing commissioners, guidelines for minimum contractual provisions that should be included in bout agreements and boxing contracts. It is the sense of the Congress that State boxing commissions should follow these ABC guidelines.

15 USC 6307b.

“SEC. 10. PROTECTION FROM COERCIVE CONTRACTS.

“(a) GENERAL RULE.—

“(1)(A) A contract provision shall be considered to be in restraint of trade, contrary to public policy, and unenforceable against any boxer to the extent that it—

“(i) is a coercive provision described in subparagraph (B) and is for a period greater than 12 months; or

“(ii) is a coercive provision described in subparagraph (B) and the other boxer under contract to the promoter came under that contract pursuant to a coercive provision described in subparagraph (B).

“(B) A coercive provision described in this subparagraph is a contract provision that grants any rights between a boxer and a promoter, or between promoters with respect to a boxer, if the boxer is required to grant such rights, or a boxer’s promoter is required to grant such rights with respect to a boxer to another promoter, as a condition precedent to the boxer’s participation in a professional boxing match against another boxer who is under contract to the promoter.

Applicability.

“(2) This subsection shall only apply to contracts entered into after the date of the enactment of the Muhammad Ali Boxing Reform Act.

“(3) No subsequent contract provision extending any rights or compensation covered in paragraph (1) shall be enforceable against a boxer if the effective date of the contract containing

such provision is earlier than 3 months before the expiration of the relevant time period set forth in paragraph (1).

“(b) **PROMOTIONAL RIGHTS UNDER MANDATORY BOUT CONTRACTS.**—No boxing service provider may require a boxer to grant any future promotional rights as a requirement of competing in a professional boxing match that is a mandatory bout under the rules of a sanctioning organization.

“(c) **PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.**—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this subsection, any reference in subsection (a)(1)(B) to ‘promoter’ shall be considered a reference to ‘commercial broadcaster’.

“SEC. 11. SANCTIONING ORGANIZATIONS.

15 USC 6307c.

“(a) **OBJECTIVE CRITERIA.**—Within 2 years after the date of the enactment of the Muhammad Ali Boxing Reform Act, the Association of Boxing Commissions shall develop and shall approve by a vote of no less than a majority of its member State boxing commissioners, guidelines for objective and consistent written criteria for the ratings of professional boxers. It is the sense of the Congress that sanctioning bodies and State boxing commissions should follow these ABC guidelines.

Deadline.
Guidelines.

“(b) **APPEALS PROCESS.**—A sanctioning organization shall not be entitled to receive any compensation, directly or indirectly, in connection with a boxing match, until it provides the boxers with notice that the sanctioning organization shall, within 7 days after receiving a request from a boxer questioning that organization’s rating of the boxer—

“(1) provide to the boxer a written explanation of the organization’s criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

“(2) submit a copy of its explanation to the Association of Boxing Commissions.

“(c) **NOTIFICATION OF CHANGE IN RATING.**—A sanctioning organization shall not be entitled to receive any compensation, directly or indirectly, in connection with a boxing match, until, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers, the organization—

“(1) posts a copy, within 7 days of such change, on its Internet website or home page, if any, including an explanation of such change, for a period of not less than 30 days; and

“(2) provides a copy of the rating change and explanation to an association to which at least a majority of the State boxing commissions belong.

“(d) **PUBLIC DISCLOSURE.**—

“(1) **FEDERAL TRADE COMMISSION FILING.**—A sanctioning organization shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match unless, not later than January 31 of each year, it submits to the Federal Trade Commission and to the ABC—

“(A) a complete description of the organization’s ratings criteria, policies, and general sanctioning fee schedule;

“(B) the bylaws of the organization;

“(C) the appeals procedure of the organization for a boxer’s rating; and

“(D) a list and business address of the organization’s officials who vote on the ratings of boxers.

“(2) **FORMAT; UPDATES.**—A sanctioning organization shall—

“(A) provide the information required under paragraph (1) in writing, and, for any document greater than 2 pages in length, also in electronic form; and

Notification.

“(B) promptly notify the Federal Trade Commission of any material change in the information submitted.

“(3) **FEDERAL TRADE COMMISSION TO MAKE INFORMATION AVAILABLE TO PUBLIC.**—The Federal Trade Commission shall make information received under this subsection available to the public. The Commission may assess sanctioning organizations a fee to offset the costs it incurs in processing the information and making it available to the public.

“(4) **INTERNET ALTERNATIVE.**—In lieu of submitting the information required by paragraph (1) to the Federal Trade Commission, a sanctioning organization may provide the information to the public by maintaining a website on the Internet that—

“(A) is readily accessible by the general public using generally available search engines and does not require a password or payment of a fee for full access to all the information;

“(B) contains all the information required to be submitted to the Federal Trade Commission by paragraph (1) in an easy to search and use format; and

“(C) is updated whenever there is a material change in the information.

15 USC 6307d.

“SEC. 12. REQUIRED DISCLOSURES TO STATE BOXING COMMISSIONS BY SANCTIONING ORGANIZATIONS.

“A sanctioning organization shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match until it provides to the boxing commission responsible for regulating the match in a State a statement of—

“(1) all charges, fees, and costs the organization will assess any boxer participating in that match;

“(2) all payments, benefits, complimentary benefits, and fees the organization will receive for its affiliation with the event, from the promoter, host of the event, and all other sources; and

“(3) such additional information as the commission may require.

15 USC 6307e.

“SEC. 13. REQUIRED DISCLOSURES FOR PROMOTERS.

“(a) **DISCLOSURES TO THE BOXING COMMISSIONS.**—A promoter shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match until it provides to the boxing commission responsible for regulating the match in a State a statement of—

“(1) a copy of any agreement in writing to which the promoter is a party with any boxer participating in the match;

“(2) a statement made under penalty of perjury that there are no other agreements, written or oral, between the promoter and the boxer with respect to that match; and

“(3)(A) all fees, charges, and expenses that will be assessed by or through the promoter on the boxer pertaining to the event, including any portion of the boxer’s purse that the promoter will receive, and training expenses;

“(B) all payments, gifts, or benefits the promoter is providing to any sanctioning organization affiliated with the event; and

“(C) any reduction in a boxer’s purse contrary to a previous agreement between the promoter and the boxer or a purse bid held for the event.

“(b) DISCLOSURES TO THE BOXER.—A promoter shall not be entitled to receive any compensation directly or indirectly in connection with a boxing match until it provides to the boxer it promotes—

“(1) the amounts of any compensation or consideration that a promoter has contracted to receive from such match;

“(2) all fees, charges, and expenses that will be assessed by or through the promoter on the boxer pertaining to the event, including any portion of the boxer’s purse that the promoter will receive, and training expenses; and

“(3) any reduction in a boxer’s purse contrary to a previous agreement between the promoter and the boxer or a purse bid held for the event.

“(c) INFORMATION TO BE AVAILABLE TO STATE ATTORNEY GENERAL.—A promoter shall make information required to be disclosed under this section available to the chief law enforcement officer of the State in which the match is to be held upon request of such officer.

“SEC. 14. REQUIRED DISCLOSURES FOR JUDGES AND REFEREES.

15 USC 6307f.

“A judge or referee shall not be entitled to receive any compensation, directly or indirectly, in connection with a boxing match until it provides to the boxing commission responsible for regulating the match in a State a statement of all consideration, including reimbursement for expenses, that will be received from any source for participation in the match.

“SEC. 15. CONFIDENTIALITY.

15 USC 6307g.

“(a) IN GENERAL.—Neither a boxing commission or an Attorney General may disclose to the public any matter furnished by a promoter under section 13 except to the extent required in a legal, administrative, or judicial proceeding.

“(b) EFFECT OF CONTRARY STATE LAW.—If a State law governing a boxing commission requires that information that would be furnished by a promoter under section 13 shall be made public, then a promoter is not required to file such information with such State if the promoter files such information with the ABC.

“SEC. 16. JUDGES AND REFEREES.

15 USC 6307h.

“No person may arrange, promote, organize, produce, or fight in a professional boxing match unless all referees and judges participating in the match have been certified and approved by the boxing commission responsible for regulating the match in the State where the match is held.”.

SEC. 5. CONFLICT OF INTEREST.

Section 17 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6308) (as redesignated by section 4 of this Act) is amended—

(1) in the first sentence by striking “No member” and inserting “(a) REGULATORY PERSONNEL.—No member”; and

(2) by adding at the end the following:

“(b) FIREWALL BETWEEN PROMOTERS AND MANAGERS.—

“(1) IN GENERAL.—It is unlawful for—

“(A) a promoter to have a direct or indirect financial interest in the management of a boxer; or

“(B) a manager—

“(i) to have a direct or indirect financial interest in the promotion of a boxer; or

“(ii) to be employed by or receive compensation or other benefits from a promoter, except for amounts received as consideration under the manager’s contract with the boxer.

“(2) EXCEPTIONS.—Paragraph (1)—

“(A) does not prohibit a boxer from acting as his own promoter or manager; and

“(B) only applies to boxers participating in a boxing match of 10 rounds or more.

“(c) SANCTIONING ORGANIZATIONS.—

“(1) PROHIBITION ON RECEIPTS.—Except as provided in paragraph (2), no officer or employee of a sanctioning organization may receive any compensation, gift, or benefit, directly or indirectly, from a promoter, boxer, or manager.

“(2) EXCEPTIONS.—Paragraph (1) does not apply to—

“(A) the receipt of payment by a promoter, boxer, or manager of a sanctioning organization’s published fee for sanctioning a professional boxing match or reasonable expenses in connection therewith if the payment is reported to the responsible boxing commission; or

“(B) the receipt of a gift or benefit of de minimis value.”.

SEC. 6. ENFORCEMENT.

Subsection (b) of section 18 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6309) (as redesignated by section 4 of this Act) is amended—

(1) in paragraph (1) by inserting a comma and “other than section 9(b), 10, 11, 12, 13, 14, or 16,” after “this Act”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

“(2) VIOLATION OF ANTIEXPLOITATION, SANCTIONING ORGANIZATION, OR DISCLOSURE PROVISIONS.—Any person who knowingly violates any provision of section 9(b), 10, 11, 12, 13, 14, or 16 of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than—

“(A) \$100,000; and

“(B) if a violation occurs in connection with a professional boxing match the gross revenues for which exceed \$2,000,000, an additional amount which bears the same ratio to \$100,000 as the amount of such revenues compared to \$2,000,000, or both.”; and

(4) in paragraph (3) (as redesignated by paragraph 2 of this subsection) by striking “section 9” and inserting “section 17(a)”;

(5) by adding at the end the following:

“(c) ACTIONS BY STATES.—Whenever the chief law enforcement officer of any State has reason to believe that a person or organization is engaging in practices which violate any requirement of this Act, the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States—

“(1) to enjoin the holding of any professional boxing match which the practice involves;

“(2) to enforce compliance with this Act;

“(3) to obtain the fines provided under subsection (b) or appropriate restitution; or

“(4) to obtain such other relief as the court may deem appropriate.

“(d) PRIVATE RIGHT OF ACTION.—Any boxer who suffers economic injury as a result of a violation of any provision of this Act may bring an action in the appropriate Federal or State court and recover the damages suffered, court costs, and reasonable attorneys fees and expenses.

“(e) ENFORCEMENT AGAINST FEDERAL TRADE COMMISSION, STATE ATTORNEYS GENERAL, ETC.—Nothing in this Act authorizes the enforcement of—

“(1) any provision of this Act against the Federal Trade Commission, the United States Attorney General, or the chief legal officer of any State for acting or failing to act in an official capacity;

“(2) subsection (d) of this section against a State or political subdivision of a State, or any agency or instrumentality thereof; or

“(3) section 10 against a boxer acting in his capacity as a boxer.”.

SEC. 7. ADDITIONAL AMENDMENTS.

(a) DEFINITIONS.—Section 2(a) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301(a)) is amended—

(1) in paragraph (9) by inserting after “match.” the following: “The term ‘promoter’ does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

“(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

“(B) there is no other person primarily responsible for organizing, promoting, and producing the match.”;

(2) in paragraph (10) by striking the period at the end and inserting “, including the Virgin Islands.”; and

(3) by adding at the end the following:

“(11) EFFECTIVE DATE OF THE CONTRACT.—The term ‘effective date of the contract’ means the day upon which a boxer becomes legally bound by the contract.

“(12) BOXING SERVICE PROVIDER.—The term ‘boxing service provider’ means a promoter, manager, sanctioning body, licensee, or matchmaker.

“(13) CONTRACT PROVISION.—The term ‘contract provision’ means any legal obligation between a boxer and a boxing service provider.

“(14) SANCTIONING ORGANIZATION.—The term ‘sanctioning organization’ means an organization that sanctions professional boxing matches in the United States—

“(A) between boxers who are residents of different States; or

“(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

“(15) SUSPENSION.—The term ‘suspension’ includes within its meaning the revocation of a boxing license.”.

(b) STATE BOXING COMMISSION PROCEDURES.—Section 7(a)(2) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6306(a)(2)) is amended—

(1) in subparagraph (C) by striking “or”;

(2) in subparagraph (D) by striking “documents.” at the end and inserting “documents; or”; and

(3) by adding at the end the following:

“(E) unsportsmanlike conduct or other inappropriate behavior inconsistent with generally accepted methods of competition in a professional boxing match.”.

(c) RENEWAL PERIOD FOR IDENTIFICATION CARDS.—Section 6(b)(2) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6305(b)(2)) is amended by striking “2 years.” and inserting “4 years.”.

(d) REVIEW OF SUSPENSIONS.—Section 7(a)(3) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6306(a)(3)) is amended by striking “boxer” and inserting “boxer, licensee, manager, matchmaker, promoter, or other boxing service provider”.

(e) ALTERNATIVE SUPERVISION.—Section 4 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6303) is amended—

(1) by striking “No person” and inserting “(a) No person”;

and

(2) by inserting at the end thereof the following:

“(b) For the purpose of this Act, if no State commission is available to supervise a boxing match according to subsection (a), then—

“(1) the match may not be held unless it is supervised by an association of boxing commissions to which at least a majority of the States belong; and

“(2) any reporting or other requirement relating to a supervising commission allowed under this section shall be deemed to refer to the entity described in paragraph (1).”.

(f) HEALTH AND SAFETY DISCLOSURES.—Section 6 of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6305) is amended by adding at the end the following new subsection:

“(c) HEALTH AND SAFETY DISCLOSURES.—It is the sense of the Congress that a boxing commission should, upon issuing an identification card to a boxer under subsection (b)(1), make a health and safety disclosure to that boxer as that commission considers appropriate. The health and safety disclosure should include the health and safety risks associated with boxing, and, in particular, the risk and frequency of brain injury and the advisability that a boxer periodically undergo medical procedures designed to detect brain injury.”.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 1832 (S. 305):

HOUSE REPORTS: No. 106–449, Pt. 1 (Comm. on Commerce).

SENATE REPORTS: No. 106–83 accompanying S. 305 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 8, considered and passed House.

Vol. 146 (2000): Apr. 7, considered and passed Senate, amended.

May 22, House concurred in Senate amendments.



Public Law 106–211
106th Congress

An Act

May 26, 2000
[H.R. 3629]

To amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATIONS FOR AND AWARD OF GRANTS.

(a) **SIMPLIFICATION OF APPLICATIONS.**—Sections 316(d)(2) and 317(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059c(d)(2), 1059d(d)(2)) are each amended by inserting after the first sentence the following: “The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.”

(b) **SPECIAL RULES FOR AWARDS.**—

(1) **TRIBAL COLLEGES AND UNIVERSITIES.**—Section 316(d) of such Act is further amended by striking paragraph (3) and inserting the following:

“(3) **SPECIAL RULES.**—

“(A) **ELIGIBILITY.**—No Tribal College or University that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

“(B) **EXEMPTION.**—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

“(C) **DISTRIBUTION.**—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.”

(2) **ALASKAN NATIVE AND NATIVE HAWAIIAN INSTITUTIONS.**—Section 317 of such Act is further amended by striking subsection (e) and by inserting at the end of subsection (d) the following new paragraph:

“(3) **SPECIAL RULES.**—

“(A) **ELIGIBILITY.**—No Alaskan Native-serving institution or Native Hawaiian-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

“(B) **EXEMPTION.**—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

“(C) **DISTRIBUTION.**—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such

grants are awarded, ensure maximum and equitable distribution among all eligible institutions.”.

(c) **EFFECTIVE DATE.**—The amendments made by this Act shall be effective on the date of the enactment of this Act. 20 USC 1059c note.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 3629:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 2, considered and passed House.

May 18, considered and passed Senate.



Public Law 106–212
106th Congress

An Act

May 26, 2000
[H.R. 3707]

To authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American
Institute in
Taiwan Facilities
Enhancement
Act.
Foreign relations.

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Institute in Taiwan Facilities Enhancement Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as “AIT”), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;

(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;

(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;

(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT’s American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;

(5) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT’s current and future needs; and

(6) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure that AIT’s requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of \$75,000,000 to AIT—

(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such

facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.

Certification.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

Approved May 26, 2000.

LEGISLATIVE HISTORY—H.R. 3707:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Mar. 28, considered and passed House.

May 2, considered and passed Senate, amended.

May 18, House concurred in Senate amendment.



Public Law 106–213
106th Congress

An Act

May 26, 2000
[S. 1836]

To extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

Approved May 26, 2000.

LEGISLATIVE HISTORY—S. 1836 (H.R. 3852):

SENATE REPORTS: No. 106–265 accompanying S. 1836 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

May 22, considered and passed House.



Public Law 106–214
106th Congress

An Act

To amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

June 15, 2000
[H.R. 3293]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF COMMEMORATIVE PLAQUE, VIETNAM VETERANS MEMORIAL.

Public Law 96–297 (94 Stat. 827; 16 U.S.C. 431 note), which authorized the Vietnam Veterans Memorial in the District of Columbia, is amended by adding at the end the following new section:

“SEC. 5. PLAQUE TO HONOR OTHER VIETNAM VETERANS WHO DIED AS A RESULT OF SERVICE IN THE VIETNAM WAR.

“(a) **PLAQUE AUTHORIZED.**—Notwithstanding section 3(c) of the Commemorative Works Act (40 U.S.C. 1003(c)), the American Battle Monuments Commission is authorized to place within the Vietnam Veterans Memorial a suitable plaque containing an inscription intended to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall.

“(b) **SPECIFICATIONS.**—The plaque shall be at least 6 square feet in size and not larger than 18 square feet in size, and of whatever shape as the American Battle Monuments Commission determines to be appropriate for the site. The plaque shall bear an inscription prepared by the American Battle Monuments Commission.

“(c) **RELATION TO COMMEMORATIVE WORKS ACT.**—Except as provided in subsection (a), the Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the site of the Vietnam Veterans Memorial.

“(d) **CONSULTATION.**—In designing the plaque, preparing the inscription, and selecting the specific location for the plaque within the Vietnam Veterans Memorial, the American Battle Monuments Commission shall consult with the architects of the Vietnam Veterans Memorial Fund, Inc., and the Vietnam Women’s Memorial, Inc.

“(e) **FUNDS FOR PLAQUE.**—

“(1) **PROHIBITION ON USE OF FEDERAL FUNDS.**—Federal funds may not be used to design, procure, or install the plaque. However, the preceding sentence does not apply to the payment

of the salaries, expenses, and other benefits otherwise authorized by law for members of the American Battle Monuments Commission or other personnel (including detailees) of the American Battle Monuments Commission who carry out this section.

“(2) PRIVATE FUNDRAISING AUTHORITY.—The American Battle Monuments Commission shall solicit and accept private contributions for the design, procurement, and installation of the plaque. The American Battle Monuments Commission shall establish an account into which the contributions will be deposited and shall maintain documentation of the contributions. Contributions in excess of the amounts necessary for the design, procurement, and installation of the plaque shall be deposited in the United States Treasury.

“(f) VIETNAM VETERANS MEMORIAL DEFINED.—In this section, the term ‘Vietnam Veterans Memorial’ means the structures and adjacent areas extending to and bounded by the south curb of Constitution Avenue on the north, the east curb of Henry Bacon Drive on the west, the north side of the north Reflecting Pool walkway on the south and a line drawn perpendicular to Constitution Avenue 200 feet from the east tip of the memorial wall on the east (this is also a line extended from the east side of the western concrete border of the steps to the west of the center steps to the Federal Reserve Building extending to the Reflecting pool walkway). This is the same definition used by the National Park Service as of the date of the enactment of this section, as contained in section 7.96(g)(1)(x) of title 36, Code of Federal Regulations.”.

Approved June 15, 2000.

LEGISLATIVE HISTORY—H.R. 3293:

HOUSE REPORTS: No. 106–585 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

May 25, considered and passed Senate.



Public Law 106–215
106th Congress

An Act

To amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

June 15, 2000
[H.R. 4489]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Immigration and Naturalization Service Data Management Improvement Act of 2000”.

Immigration and
Naturalization
Service Data
Management
Improvement Act
of 2000.
8 USC 1101 note.

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

“SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

8 USC 1365a.

“(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

“(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term ‘integrated entry and exit data system’ means an electronic system that—

“(1) provides access to, and integrates, alien arrival and departure data that are—

“(A) authorized or required to be created or collected under law;

“(B) in an electronic format; and

“(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

“(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

“(3) matches an alien’s available arrival data with the alien’s available departure data;

“(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary’s obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

“(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

“(c) CONSTRUCTION.—

“(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

“(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

“(B) requirements that are inconsistent with the North American Free Trade Agreement.

“(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

“(d) DEADLINES.—

“(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

“(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

“(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

“(e) REPORTS.—

“(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

Deadline.

“(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

“(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

“(B) The number of departing aliens whose departure data was successfully matched to the alien’s arrival data, with an accounting by the alien’s country of nationality and by the alien’s classification as an immigrant or non-immigrant.

“(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien’s authorized period of stay, with an accounting by the alien’s country of nationality and date of arrival in the United States.

“(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien’s country of nationality.

“(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

“(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

“(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

“(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

“Sec. 110. Integrated entry and exit data system.”.

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the “Task Force”).

(b) MEMBERSHIP.—

8 USC 1365a
note.
Deadline.

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in—

- (i) immigration and naturalization;
- (ii) travel and tourism;
- (iii) transportation;
- (iv) trade;
- (v) law enforcement;
- (vi) national security; or
- (vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF THE CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Approved June 15, 2000.

LEGISLATIVE HISTORY—H.R. 4489:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 23, considered and passed House.

May 25, considered and passed Senate.



Public Law 106–216
106th Congress

An Act

To authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

June 20, 2000
[H.R. 1953]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF 99-YEAR LEASES.

(a) IN GENERAL.—The first section of the Act entitled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955 (25 U.S.C. 415(a)), is amended by inserting “lands held in trust for the Torres Martinez Desert Cahuilla Indians, lands held in trust for the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria, lands held in trust for the Confederated Tribes of the Umatilla Indian Reservation” after “Sparks Indian Colony,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

Applicability.
25 USC 415 note.

SEC. 2. REVOCATION OF CHARTER OF INCORPORATION.

The request of the Stockbridge-Munsee Community of Wisconsin to surrender the charter of incorporation issued to the Community on May 21, 1938, pursuant to section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) is hereby accepted and that charter of incorporation is hereby revoked.

Approved June 20, 2000.

LEGISLATIVE HISTORY—H.R. 1953:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 17, considered and passed House.
Vol. 146 (2000): June 8, considered and passed Senate.



Public Law 106–217
106th Congress

An Act

June 20, 2000
[H.R. 2484]

To provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Lower Sioux Indian Community in the State of Minnesota, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Community's interest in any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Lower Sioux Indian Community in the State of Minnesota to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

Approved June 20, 2000.

LEGISLATIVE HISTORY—H.R. 2484:

HOUSE REPORTS: No. 106–502 (Comm. on Resources).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Feb. 29, considered and passed House.

June 8, considered and passed Senate.



Public Law 106–218
106th Congress

An Act

To designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the “Harry S Truman Federal Building”.

June 20, 2000
[H.R. 3639]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

22 USC 2713
note.

The Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, shall be known and designated as the “Harry S Truman Federal Building”.

SEC. 2. REFERENCES.

22 USC 2713 and
note.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Harry S Truman Federal Building”.

Approved June 20, 2000.

LEGISLATIVE HISTORY—H.R. 3639:

CONGRESSIONAL RECORD, Vol. 146 (2000):
May 23, considered and passed House.
June 8, considered and passed Senate.



Public Law 106–219
106th Congress

An Act

June 20, 2000
[H.R. 4542]

To designate the Washington Opera in Washington, D.C., as the National Opera.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

20 USC 956a
note.

SECTION 1. DESIGNATION.

The Washington Opera, organized under the laws of the District of Columbia, is designated as the “National Opera”.

20 USC 956a and
note.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper or other record of the United States to the Washington Opera referred to in section 1 shall be deemed to be a reference to the “National Opera”.

Approved June 20, 2000.

LEGISLATIVE HISTORY—H.R. 4542:

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 6, considered and passed House.

June 7, considered and passed Senate.



Public Law 106–220
106th Congress

An Act

To convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

June 20, 2000
[S. 291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Carlsbad Irrigation Project Acquired Land Transfer Act”.

Carlsbad
Irrigation Project
Acquired Land
Transfer Act.

SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the “Secretary”) may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the “District”), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the “acquired lands”) and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) LIMITATION.—

(A) RETAINED SURFACE RIGHTS.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) STORAGE AND FLOW EASEMENT.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the “Status of Lands and Title Report: Carlsbad Project” as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) MANAGEMENT AND USE, GENERALLY.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized,

based on historic operations and consistent with the management of other adjacent project lands.

(2) ASSUMED RIGHTS AND OBLIGATIONS.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

Deadlines.
Reports.

(d) COMPLETION OF CONVEYANCE.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

Deadline.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—

(1) EXISTING RECEIPTS.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed \$200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

Effective date.

SEC. 6. FUTURE BENEFITS.

Effective date.

Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

Approved June 20, 2000.

LEGISLATIVE HISTORY—S. 291 (H.R. 1019):

HOUSE REPORTS: No. 106–260 accompanying H.R. 1019 (Comm. on Resources).

SENATE REPORTS: No. 106–19 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Mar. 25, considered and passed Senate.

Vol. 146 (2000): June 6, 7, considered and passed House.



Public Law 106–221
106th Congress

An Act

To authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

June 20, 2000
[S. 356]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Wellton-Mohawk
Transfer Act.

SECTION 1. SHORT TITLE.

This Act may be referred to as the “Wellton-Mohawk Transfer Act”.

SEC. 2. TRANSFER.

The Secretary of the Interior (“Secretary”) is authorized to carry out the terms of the Memorandum of Agreement No. 8-AA-34-WAO14 (“Agreement”) dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District (“District”) providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS.

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS.

Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 5. REPORT.

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

Deadline.

SEC. 6. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved June 20, 2000.

LEGISLATIVE HISTORY—S. 356 :

SENATE REPORTS: No. 106–21 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Mar. 25, considered and passed Senate.

Vol. 146 (2000): June 6, 7, considered and passed House.



Public Law 106–222
106th Congress

An Act

To require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

June 20, 2000
[S. 777]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Freedom to E-File Act”.

Freedom to
E-File Act.
7 USC 6901 note.

SEC. 2. ELECTRONIC FILING AND RETRIEVAL.

7 USC 7031.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the “Secretary”) shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the “Department”) specified in subsection (b).

Deadline.

(b) **APPLICABILITY.**—The agencies referred to in subsection (a) are the following:

- (1) The Farm Service Agency.
- (2) The Natural Resources Conservation Service.
- (3) The rural development components of the Department included in the Secretary’s service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).
- (4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) **IMPLEMENTATION.**—In carrying out subsection (a), the Secretary shall—

- (1) provide a method by which agricultural producers may—
 - (A) download from the Internet the forms of the agencies specified in subsection (b); and
 - (B) submit completed forms via electronic facsimile, mail, or similar means;
- (2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and
- (3) ensure that the agencies specified in subsection (b)—
 - (A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

- (B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.
- Deadline. (d) **PROGRESS REPORTS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.
- 7 USC 7032. **SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.**
- Deadline. (a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).
- (b) **IMPLEMENTATION.**—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—
- (1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);
- (2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and
- (3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.
- 7 USC 7033. **SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.**
- (a) **RESERVATION OF FUNDS.**—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:
- (1) For fiscal year 2001, \$3,000,000.
- (2) For each subsequent fiscal year, \$2,000,000.
- Notification. (b) **TIME FOR RESERVATION.**—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.
- (c) **USE OF FUNDS.**—
- (1) **ESTABLISHMENT.**—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.
- (2) **MAINTENANCE.**—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.
- (d) **RETURN OF FUNDS.**—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY. 7 USC 7034.

(a) **IN GENERAL.**—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

Deadline.

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) **ADMINISTRATION.**—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) **IMPLEMENTATION.**—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

Deadline.

SEC. 6. CONFIDENTIALITY.

7 USC 7035.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

Approved June 20, 2000.

LEGISLATIVE HISTORY—S. 777 (H.R. 852):

HOUSE REPORTS: No. 106-565 accompanying H.R. 852 (Comm. on Agriculture).
CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 4, considered and passed Senate.

Vol. 146 (2000): Apr. 10, considered and passed House, amended.

May 18, Senate concurred in House amendments with an amendment.

June 6, House concurred in Senate amendment.



Public Law 106–223
106th Congress

An Act

June 20, 2000
[S. 2722]

To authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AWARD MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH.

(a) **INAPPLICABILITY OF TIME LIMITATIONS.**—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor under section 3741 of such title to the persons specified in subsection (b) for the acts specified in that subsection, the award of the Medal of Honor to such persons having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of such title.

(b) **PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF HONOR.**—The persons referred to in subsection (a) are the following:

(1) Ed W. Freeman, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 14, 1965, as flight leader and second-in-command of a helicopter lift unit at landing zone X-Ray in the Battle of the Ia Drang Valley, Republic of Vietnam, during the Vietnam War, while serving in the grade of Captain in Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

(2) James K. Okubo, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on October 28 and 29, and November 4, 1944, at Foret Domaniale de Champ, near Biffontaine, France, during World War II, while serving as an Army medic in the grade of Technician Fifth Grade in the medical detachment, 442d Regimental Combat Team.

(3) Andrew J. Smith, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 30, 1864, in the Battle of Honey Hill, South Carolina, during the Civil War, while serving as a corporal in the 55th Massachusetts Voluntary Infantry Regiment.

(c) **POSTHUMOUS AWARD.**—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Silver Star, or other award, has been awarded.

Approved June 20, 2000.

LEGISLATIVE HISTORY—S. 2722:

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13, considered and passed Senate.

June 15, considered and passed House.



Public Law 106–224
106th Congress

An Act

June 20, 2000
[H.R. 2559]

Agricultural Risk
Protection Act of
2000.

7 USC 1501 note.

To amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Agricultural Risk Protection Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

TITLE I—CROP INSURANCE COVERAGE

SUBTITLE A—CROP INSURANCE COVERAGE

- Sec. 101. Premium schedule for additional coverage.
- Sec. 102. Premium schedule for other plans of insurance.
- Sec. 103. Catastrophic risk protection.
- Sec. 104. Administrative fee for additional coverage.
- Sec. 105. Assigned yields and actual production history adjustments.
- Sec. 106. Review and adjustment in rating methodologies.
- Sec. 107. Quality adjustment.
- Sec. 108. Double insurance and prevented planting.
- Sec. 109. Noninsured crop disaster assistance program.

SUBTITLE B—IMPROVING PROGRAM INTEGRITY

- Sec. 121. Improving program compliance and integrity.
- Sec. 122. Protection of confidential information.
- Sec. 123. Good farming practices.
- Sec. 124. Records and reporting.

SUBTITLE C—RESEARCH AND PILOT PROGRAMS

- Sec. 131. Research and development.
- Sec. 132. Pilot programs.
- Sec. 133. Education and risk management assistance.
- Sec. 134. Options pilot program.

SUBTITLE D—ADMINISTRATION

- Sec. 141. Relation to other laws.
- Sec. 142. Management of Corporation.
- Sec. 143. Contracting for rating of plans of insurance.
- Sec. 144. Electronic availability of crop insurance information.
- Sec. 145. Adequate coverage for States.
- Sec. 146. Submission of policies and materials to Board.
- Sec. 147. Funding.
- Sec. 148. Standard Reinsurance Agreement.

SUBTITLE E—MISCELLANEOUS

- Sec. 161. Limitation on revenue coverage for potatoes.
- Sec. 162. Crop insurance coverage for cotton and rice.

- Sec. 163. Indemnity payments for certain producers.
- Sec. 164. Sense of the Congress regarding the Federal crop insurance program.
- Sec. 165. Sense of the Congress on rural America, including minority and limited-resource farmers.

SUBTITLE F—EFFECTIVE DATES AND IMPLEMENTATION

- Sec. 171. Effective dates.
- Sec. 172. Regulations.
- Sec. 173. Savings clause.

TITLE II—AGRICULTURAL ASSISTANCE

SUBTITLE A—MARKET LOSS ASSISTANCE

- Sec. 201. Market loss assistance.
- Sec. 202. Oilseeds.
- Sec. 203. Specialty crops.
- Sec. 204. Other commodities.
- Sec. 205. Payments in lieu of loan deficiency payments.
- Sec. 206. Expansion of producers eligible for loan deficiency payments.

SUBTITLE B—CONSERVATION

- Sec. 211. Conservation assistance.
- Sec. 212. Condition on development of Little Darby National Wildlife Refuge, Ohio.

SUBTITLE C—RESEARCH

- Sec. 221. Carbon cycle research.
- Sec. 222. Tobacco research for medicinal purposes.
- Sec. 223. Research on soil science and forest health management.
- Sec. 224. Research on waste streams from livestock production.
- Sec. 225. Improved storage and management of livestock and poultry waste.
- Sec. 226. Ethanol research pilot plant.
- Sec. 227. Bioinformatics Institute for Model Plant Species.

SUBTITLE D—AGRICULTURAL MARKETING

- Sec. 231. Value-added agricultural product market development grants.

SUBTITLE E—NUTRITION PROGRAMS

- Sec. 241. Calculation of minimum amount of commodities for school lunch requirements.
- Sec. 242. School lunch data.
- Sec. 243. Child and adult care food program integrity.
- Sec. 244. Adjustments to WIC program.

SUBTITLE F—OTHER PROGRAMS

- Sec. 251. Authority to provide loan in connection with boll weevil eradication.
- Sec. 252. Animal disease control.
- Sec. 253. Emergency loans for seed producers.
- Sec. 254. Temporary suspension of authority to combine certain offices.
- Sec. 255. Farm operating loan eligibility.
- Sec. 256. Water systems for rural and Native villages in Alaska.
- Sec. 257. Crop and pasture flood compensation program.
- Sec. 258. Flood mitigation near Pierre, South Dakota.
- Sec. 259. Restoration of eligibility for crop loss assistance.

SUBTITLE G—ADMINISTRATION

- Sec. 261. Funding.
- Sec. 262. Obligation period.
- Sec. 263. Regulations.
- Sec. 264. Paygo adjustment.
- Sec. 265. Commodity Credit Corporation reimbursement.

TITLE III—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000

- Sec. 301. Short title.
- Sec. 302. Findings.
- Sec. 303. Definitions.
- Sec. 304. Cooperation and coordination in biomass research and development.
- Sec. 305. Biomass Research and Development Board.
- Sec. 306. Biomass Research and Development Technical Advisory Committee.
- Sec. 307. Biomass Research And Development Initiative.
- Sec. 308. Administrative support and funds.

- Sec. 309. Reports.
- Sec. 310. Termination of authority.

TITLE IV—PLANT PROTECTION ACT

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Definitions.

SUBTITLE A—PLANT PROTECTION

- Sec. 411. Regulation of movement of plant pests.
- Sec. 412. Regulation of movement of plants, plant products, biological control organisms, noxious weeds, articles, and means of conveyance.
- Sec. 413. Notification and holding requirements upon arrival.
- Sec. 414. General remedial measures for new plant pests and noxious weeds.
- Sec. 415. Declaration of extraordinary emergency and resulting authorities.
- Sec. 416. Recovery of compensation for unauthorized activities.
- Sec. 417. Control of grasshoppers and mormon crickets.
- Sec. 418. Certification for exports.

SUBTITLE B—INSPECTION AND ENFORCEMENT

- Sec. 421. Inspections, seizures, and warrants.
- Sec. 422. Collection of information.
- Sec. 423. Subpoena authority.
- Sec. 424. Penalties for violation.
- Sec. 425. Enforcement actions of Attorney General.
- Sec. 426. Court jurisdiction.

SUBTITLE C—MISCELLANEOUS PROVISIONS

- Sec. 431. Cooperation.
- Sec. 432. Buildings, land, people, claims, and agreements.
- Sec. 433. Reimbursable agreements.
- Sec. 434. Regulations and orders.
- Sec. 435. Protection for mail handlers.
- Sec. 436. Preemption.
- Sec. 437. Severability.
- Sec. 438. Repeal of superseded laws.

SUBTITLE D—AUTHORIZATION OF APPROPRIATIONS

- Sec. 441. Authorization of appropriations.
- Sec. 442. Transfer authority.

TITLE V—INSPECTION ANIMALS

- Sec. 501. Civil penalty.
- Sec. 502. Subpoena authority.

TITLE I—CROP INSURANCE

Subtitle A—Crop Insurance Coverage

SEC. 101. PREMIUM SCHEDULE FOR ADDITIONAL COVERAGE.

(a) EXPECTED MARKET PRICE.—Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (5) and inserting the following:

“(5) EXPECTED MARKET PRICE.—

“(A) ESTABLISHMENT OR APPROVAL.—For the purposes of this title, the Corporation shall establish or approve the price level (referred to in this title as the ‘expected market price’) of each agricultural commodity for which insurance is offered.

“(B) GENERAL RULE.—Except as otherwise provided in subparagraph (C), the expected market price of an agricultural commodity shall be not less than the projected market price of the agricultural commodity, as determined by the Corporation.

“(C) OTHER AUTHORIZED APPROACHES.—The expected market price of an agricultural commodity—

“(i) may be based on the actual market price of the agricultural commodity at the time of harvest, as determined by the Corporation;

“(ii) in the case of revenue and other similar plans of insurance, may be the actual market price of the agricultural commodity, as determined by the Corporation;

“(iii) in the case of cost of production or similar plans of insurance, shall be the projected cost of producing the agricultural commodity, as determined by the Corporation; or

“(iv) in the case of other plans of insurance, may be an appropriate amount, as determined by the Corporation.”.

(b) PREMIUM AMOUNTS.—Section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) is amended—

(1) in paragraph (2), by striking subparagraphs (B) and

(C) and inserting the following:

“(B) In the case of additional coverage equal to or greater than 50 percent of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount of the premium shall—

“(i) be sufficient to cover anticipated losses and a reasonable reserve; and

“(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percentage of the amount of the premium used to define loss ratio.”; and

(2) by adding at the end the following:

“(3) PERFORMANCE-BASED DISCOUNT.—The Corporation may provide a performance-based premium discount for a producer of an agricultural commodity who has good insurance or production experience relative to other producers of that agricultural commodity in the same area, as determined by the Corporation.”.

(c) PAYMENT SCHEDULE.—Section 508(e)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(2)) is amended—

(1) in the matter preceding the subparagraphs, by striking “The amount” and inserting “Subject to paragraph (4), the amount”; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

“(B) In the case of additional coverage equal to or greater than 50 percent, but less than 55 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

“(i) 67 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

“(C) In the case of additional coverage equal to or greater than 55 percent, but less than 65 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

“(i) 64 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

“(D) In the case of additional coverage equal to or greater than 65 percent, but less than 75 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

“(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

“(E) In the case of additional coverage equal to or greater than 75 percent, but less than 80 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

“(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

“(F) In the case of additional coverage equal to or greater than 80 percent, but less than 85 percent, of the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

“(i) 48 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

“(G) Subject to subsection (c)(4), in the case of additional coverage equal to or greater than 85 percent of

the recorded or appraised average yield indemnified at not greater than 100 percent of the expected market price, or a comparable coverage for a policy or plan of insurance that is not based on individual yield, the amount shall be equal to the sum of—

“(i) 38 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

“(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.”.

(d) TEMPORARY PROHIBITION ON CONTINUOUS COVERAGE.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by striking paragraph (4) and inserting the following:

“(4) TEMPORARY PROHIBITION ON CONTINUOUS COVERAGE.—Notwithstanding paragraph (2), during each of the 2001 through 2005 reinsurance years, additional coverage under subsection (c) shall be available only in 5 percent increments beginning at 50 percent of the recorded or appraised average yield.”.

(e) PREMIUM PAYMENT DISCLOSURE.—Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

“(5) PREMIUM PAYMENT DISCLOSURE.—Each policy or plan of insurance under this title shall prominently indicate the dollar amount of the portion of the premium paid by the Corporation.”.

(f) CONFORMING AMENDMENT.—Section 508(g)(2)(D) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(D)) is amended by striking “(as provided in subsection (e)(4))”.

SEC. 102. PREMIUM SCHEDULE FOR OTHER PLANS OF INSURANCE.

(a) PREMIUM SCHEDULE.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (2), by striking the second sentence; and

(2) by striking paragraph (5) and inserting the following:

“(5) PREMIUM SCHEDULE.—

“(A) PAYMENT BY CORPORATION.—In the case of a policy or plan of insurance developed and approved under this subsection or section 522, or conducted under section 523 (other than a policy or plan of insurance applicable to livestock), the Corporation shall pay a portion of the premium of the policy or plan of insurance that is equal to—

“(i) the percentage, specified in subsection (e) for a similar level of coverage, of the total amount of the premium used to define loss ratio; and

“(ii) an amount for administrative and operating expenses determined in accordance with subsection (k)(4).

“(B) TRANSITIONAL SCHEDULE.—Effective only during the 2001 reinsurance year, in the case of a policy or plan of insurance developed and approved under this subsection or section 522, or conducted under section 523 (other than a policy or plan of insurance applicable to livestock), and first approved by the Board after the date of the enactment of this subparagraph, the payment by the Corporation of

a portion of the premium of the policy may not exceed the dollar amount that would otherwise be authorized under subsection (e) (consistent with subsection (c)(5), as in effect on the day before the date of the enactment of this subparagraph).”.

(b) REIMBURSEMENT RATE.—Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

“(C) OTHER REDUCTIONS.—Beginning with the 2002 reinsurance year, in the case of a policy or plan of insurance approved by the Board that was not reinsured during the 1998 reinsurance year but, had it been reinsured, would have received a reduced rate of reimbursement during the 1998 reinsurance year, the rate of reimbursement for administrative and operating costs established for the policy or plan of insurance shall take into account the factors used to determine the rate of reimbursement for administrative and operating costs during the 1998 reinsurance year, including the expected difference in premium and actual administrative and operating costs of the policy or plan of insurance relative to an individual yield policy or plan of insurance and other appropriate factors, as determined by the Corporation.”.

SEC. 103. CATASTROPHIC RISK PROTECTION.

(a) ALTERNATIVE COVERAGE.—Section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is amended by striking paragraph (3) and inserting the following:

“(3) ALTERNATIVE CATASTROPHIC COVERAGE.—Beginning with the 2001 crop year, the Corporation shall offer producers of an agricultural commodity the option of selecting either of the following:

“(A) The catastrophic risk protection coverage available under paragraph (2)(A).

“(B) An alternative catastrophic risk protection coverage that—

“(i) indemnifies the producer on an area yield and loss basis if such a policy or plan of insurance is offered for the agricultural commodity in the county in which the farm is located;

“(ii) provides, on a uniform national basis, a higher combination of yield and price protection than the coverage available under paragraph (2)(A); and

“(iii) the Corporation determines is comparable to the coverage available under paragraph (2)(A) for purposes of subsection (e)(2)(A).”.

(b) ADMINISTRATIVE FEE.—

(1) REVISED FEE.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(A) in subparagraph (A), by striking “\$50” and inserting “\$100”;

(B) by striking subparagraph (B); and

(C) in subparagraph (C), by striking “amounts required under subparagraphs (A) and (B)” and inserting “administrative fee required by this paragraph”.

(2) CONFORMING AMENDMENT.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration,

and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105-277; 7 U.S.C. 1508 note), is amended by striking “\$50” and inserting “\$100”.

(c) PAYMENT OF ADMINISTRATIVE FEE ON BEHALF OF PRODUCERS.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)), as amended by subsection (b)(1)(B), is amended by inserting after subparagraph (A) the following:

“(B) PAYMENT ON BEHALF OF PRODUCERS.—

“(i) PAYMENT AUTHORIZED.—If State law permits a licensing fee or other payment to be paid by an insurance provider to a cooperative association or trade association and rebated to a producer with catastrophic risk protection or additional coverage, a cooperative association or trade association located in that State may pay, on behalf of a member of the association in that State or a contiguous State who consents to be insured under such an arrangement, all or a portion of the administrative fee required by this paragraph for catastrophic risk protection.

“(ii) TREATMENT OF LICENSING FEES.—A licensing fee or other payment made by an insurance provider to the cooperative association or trade association in connection with the issuance of catastrophic risk protection or additional coverage to members of the cooperative association or trade association shall be subject to the laws regarding rebates of the State in which the fee or other payment is made.

“(iii) SELECTION OF PROVIDER.—Nothing in this subparagraph limits the option of a producer to select the licensed insurance agent or other approved insurance provider from whom the producer will purchase a policy or plan of insurance or to refuse coverage for which a payment is offered to be made under clause (i).

“(iv) DELIVERY OF INSURANCE.—A policy or plan of insurance for which a payment is made under clause (i) shall be delivered by a licensed insurance agent or other approved insurance provider.

“(v) ADDITIONAL COVERAGE ENCOURAGED.—A cooperative association or trade association, and any approved insurance provider with whom a licensing fee or other arrangement under this subparagraph is made, shall encourage producer members to purchase appropriate levels of additional coverage in order to meet the risk management needs of the member producers.

“(vi) REPORT.—Not later than April 1, 2002, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates—

Deadline.

“(I) the operation of this subparagraph; and

“(II) the impact of this subparagraph on participation in the Federal crop insurance program, including the impact on levels of coverage purchased.”.

(d) REIMBURSEMENT RATE CHANGE.—Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking “11 percent” and inserting “8 percent”.

SEC. 104. ADMINISTRATIVE FEE FOR ADDITIONAL COVERAGE.

Section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) is amended by striking paragraph (10) and inserting the following:

“(10) ADMINISTRATIVE FEE.—

“(A) FEE REQUIRED.—If a producer elects to purchase coverage for a crop at a level in excess of catastrophic risk protection, the producer shall pay an administrative fee for the additional coverage of \$30 per crop per county.

“(B) USE OF FEES; WAIVER.—Subparagraphs (D) and (E) of subsection (b)(5) shall apply with respect to the collection and use of administrative fees under this paragraph.”.

SEC. 105. ASSIGNED YIELDS AND ACTUAL PRODUCTION HISTORY ADJUSTMENTS.

(a) ASSIGNED YIELDS.—Section 508(g)(2)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(2)(B)) is amended—

(1) by striking “assigned a yield” and inserting “assigned—
“(i) a yield”;

(2) by striking the period at the end and inserting “; or”;
and

(3) by adding at the end the following:

“(ii) a yield determined by the Corporation, in the case of—

“(I) a producer that has not had a share of the production of the insured crop for more than two crop years, as determined by the Secretary;

“(II) a producer that produces an agricultural commodity on land that has not been farmed by the producer; or

“(III) a producer that rotates a crop produced on a farm to a crop that has not been produced on the farm.”.

(b) ACTUAL PRODUCTION HISTORY ADJUSTMENTS.—Section 508(g) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)) is amended by adding at the end the following:

“(4) ADJUSTMENT IN ACTUAL PRODUCTION HISTORY TO ESTABLISH INSURABLE YIELDS.—

“(A) APPLICATION.—This paragraph shall apply whenever the Corporation uses the actual production records of the producer to establish the producer’s actual production history for an agricultural commodity for any of the 2001 and subsequent crop years.

“(B) ELECTION TO USE PERCENTAGE OF TRANSITIONAL YIELD.—If, for one or more of the crop years used to establish the producer’s actual production history of an agricultural commodity, the producer’s recorded or appraised yield of the commodity was less than 60 percent of the applicable transitional yield, as determined by the Corporation, the Corporation shall, at the election of the producer—

“(i) exclude any of such recorded or appraised yield;
and

“(ii) replace each excluded yield with a yield equal to 60 percent of the applicable transitional yield.

“(C) PREMIUM ADJUSTMENT.—In the case of a producer that makes an election under subparagraph (B), the Corporation shall adjust the premium to reflect the risk associated with the adjustment made in the actual production history of the producer.

“(5) ADJUSTMENT TO REFLECT INCREASED YIELDS FROM SUCCESSFUL PEST CONTROL EFFORTS.—

“(A) SITUATIONS JUSTIFYING ADJUSTMENT.—The Corporation shall develop a methodology for adjusting the actual production history of a producer when each of the following apply:

“(i) The producer’s farm is located in an area where systematic, area-wide efforts have been undertaken using certain operations or measures, or the producer’s farm is a location at which certain operations or measures have been undertaken, to detect, eradicate, suppress, or control, or at least to prevent or retard the spread of, a plant disease or plant pest, including a plant pest (as defined in section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a)).

“(ii) The presence of the plant disease or plant pest has been found to adversely affect the yield of the agricultural commodity for which the producer is applying for insurance.

“(iii) The efforts described in clause (i) have been effective.

“(B) ADJUSTMENT AMOUNT.—The amount by which the Corporation adjusts the actual production history of a producer of an agricultural commodity shall reflect the degree to which the success of the systematic, area-wide efforts described in subparagraph (A), on average, increases the yield of the commodity on the producer’s farm, as determined by the Corporation.”.

SEC. 106. REVIEW AND ADJUSTMENT IN RATING METHODOLOGIES.

Section 508(i) of the Federal Crop Insurance Act (7 U.S.C. 1508(i)) is amended—

(1) by striking “The Corporation” and inserting the following:

“(1) IN GENERAL.—The Corporation”; and

(2) by adding at the end the following:

“(2) REVIEW OF RATING METHODOLOGIES.—To maximize participation in the Federal crop insurance program and to ensure equity for producers, the Corporation shall periodically review the methodologies employed for rating plans of insurance under this title consistent with section 507(c)(2).

“(3) ANALYSIS OF RATING AND LOSS HISTORY.—The Corporation shall analyze the rating and loss history of approved policies and plans of insurance for agricultural commodities by area.

“(4) PREMIUM ADJUSTMENT.—If the Corporation makes a determination that premium rates are excessive for an agricultural commodity in an area relative to the requirements of subsection (d)(2) for that area, then, for the 2002 crop year (and as necessary thereafter), the Corporation shall make

appropriate adjustments in the premium rates for that area for that agricultural commodity.”.

SEC. 107. QUALITY ADJUSTMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by striking subsection (m) and inserting the following:

“(m) QUALITY LOSS ADJUSTMENT COVERAGE.—

“(1) EFFECT OF COVERAGE.—If a policy or plan of insurance offered under this title includes quality loss adjustment coverage, the coverage shall provide for a reduction in the quantity of production of the agricultural commodity considered produced during a crop year, or a similar adjustment, as a result of the agricultural commodity not meeting the quality standards established in the policy or plan of insurance.

“(2) ADDITIONAL QUALITY LOSS ADJUSTMENT.—

“(A) PRODUCER OPTION.—Notwithstanding any other provision of law, in addition to the quality loss adjustment coverage available under paragraph (1), the Corporation shall offer producers the option of purchasing quality loss adjustment coverage on a basis that is smaller than a unit with respect to an agricultural commodity that satisfies each of the following:

“(i) The agricultural commodity is sold on an identity-preserved basis.

“(ii) All quality determinations are made solely by the Federal agency designated to grade or classify the agricultural commodity.

“(iii) All quality determinations are made in accordance with standards published by the Federal agency in the Federal Register.

“(iv) The discount schedules that reflect the reduction in quality of the agricultural commodity are established by the Secretary.

“(B) BASIS FOR ADJUSTMENT.—Under this paragraph, the Corporation shall set the quality standards below which quality losses will be paid based on the variability of the grade of the agricultural commodity from the base quality for the agricultural commodity.

“(3) REVIEW OF CRITERIA AND PROCEDURES.—The Corporation shall contract with a qualified person to review the quality loss adjustment procedures of the Corporation so that the procedures more accurately reflect local quality discounts that are applied to agricultural commodities insured under this title. Based on the review, the Corporation shall make adjustments in the procedures, taking into consideration the actuarial soundness of the adjustment and the prevention of fraud, waste, and abuse.”.

SEC. 108. DOUBLE INSURANCE AND PREVENTED PLANTING.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by inserting after section 508 (7 U.S.C. 1508) the following:

“SEC. 508A. DOUBLE INSURANCE AND PREVENTED PLANTING.

“(a) DEFINITIONS.—In this section:

“(1) FIRST CROP.—The term ‘first crop’ means the first crop of the first agricultural commodity planted for harvest, or prevented from being planted, on specific acreage during a crop year and insured under this title.

“(2) SECOND CROP.—The term ‘second crop’ means a second crop of the same agricultural commodity as the first crop, or a crop of a different agricultural commodity following the first crop, planted on the same acreage as the first crop for harvest in the same crop year, except the term does not include a replanted crop.

“(3) REPLANTED CROP.—The term ‘replanted crop’ means any agricultural commodity replanted on the same acreage as the first crop for harvest in the same crop year if the replanting is required by the terms of the policy of insurance covering the first crop.

“(b) DOUBLE INSURANCE.—

“(1) OPTIONS ON LOSS TO FIRST CROP.—Except as provided in subsections (d) and (e), if a first crop insured under this title in a crop year has a total or partial insurable loss, the producer of the first crop may elect one of the following options:

“(A) NO SECOND CROP PLANTED.—The producer may—

“(i) elect to not plant a second crop on the same acreage for harvest in the same crop year; and

“(ii) collect an indemnity payment that is equal to 100 percent of the insurable loss for the first crop.

“(B) SECOND CROP PLANTED.—The producer may—

“(i) plant a second crop on the same acreage for harvest in the same crop year; and

“(ii) collect an indemnity payment established by the Corporation for the first crop, but not to exceed 35 percent of the insurable loss for the first crop.

“(2) EFFECT OF NO LOSS TO SECOND CROP.—If a producer makes an election under paragraph (1)(B) and the producer does not suffer an insurable loss to the second crop, the producer may collect an indemnity payment for the first crop that is equal to—

“(A) 100 percent of the insurable loss for the first crop; less

“(B) the amount previously collected under paragraph (1)(B)(ii).

“(3) PREMIUM FOR FIRST CROP IF SECOND CROP PLANTED.—

“(A) INITIAL PREMIUM.—If a producer makes an election under paragraph (1)(B), the producer shall be responsible for a premium for the first crop that is commensurate with the indemnity paid under paragraph (1)(B)(ii). The Corporation shall adjust the total premium for the first crop to reflect the reduced indemnity.

“(B) EFFECT OF NO LOSS TO SECOND CROP.—If the producer makes an election under paragraph (1)(B) and the producer does not suffer an insurable loss to the second crop, the producer shall be responsible for a premium for the first crop that is equal to—

“(i) the full premium owed by the producer for the first crop; less

“(ii) the amount of premium previously paid under subparagraph (A).

“(c) PREVENTED PLANTING COVERAGE.—

“(1) OPTIONS ON LOSS TO FIRST CROP.—Except as provided in subsections (d) and (e), if a first crop insured under this title in a crop year is prevented from being planted, the producer of the first crop may elect one of the following options:

“(A) NO SECOND CROP PLANTED.—The producer may—

“(i) elect to not plant a second crop on the same acreage for harvest in the same crop year; and

“(ii) subject to paragraph (4), collect an indemnity payment that is equal to 100 percent of the prevented planting guarantee for the acreage for the first crop.

“(B) SECOND CROP PLANTED.—The producer may—

“(i) plant a second crop on the same acreage for harvest in the same crop year; and

“(ii) subject to paragraphs (4) and (5), collect an indemnity payment established by the Corporation for the first crop, but not to exceed 35 percent of the prevented planting guarantee for the acreage for the first crop.

“(2) PREMIUM FOR FIRST CROP IF SECOND PLANTED.—If the producer makes an election under paragraph (1)(B), the producer shall pay a premium for the first crop that is commensurate with the indemnity paid under paragraph (1)(B)(ii). The Corporation shall adjust the total premium for the first crop to reflect the reduced indemnity.

“(3) EFFECT ON ACTUAL PRODUCTION HISTORY.—Except in the case of double cropping described in subsection (d), if a producer make an election under paragraph (1)(B) for a crop year, the Corporation shall assign the producer a recorded yield for that crop year for the first crop equal to 60 percent of the producer’s actual production history for the agricultural commodity involved, for purposes of determining the producer’s actual production history for subsequent crop years.

“(4) AREA CONDITIONS REQUIRED FOR PAYMENT.—The Corporation shall limit prevented planting payments for producers to those situations in which other producers, in the area where a first crop is prevented from being planted is located, are also generally affected by the conditions that prevented the first crop from being planted.

“(5) PLANTING DATE.—If a producer plants the second crop before the latest planting date established by the Corporation for the first crop, the Corporation shall not make a prevented planting payment with regard to the first crop.

“(d) EXCEPTION FOR ESTABLISHED DOUBLE CROPPING PRACTICES.—A producer may receive full indemnity payments on two or more crops planted for harvest in the same crop year and insured under this title if each of the following conditions are met:

“(1) There is an established practice of planting two or more crops for harvest in the same crop year in the area, as determined by the Corporation.

“(2) An additional coverage policy or plan of insurance is offered with respect to the agricultural commodities planted on the same acreage for harvest in the same crop year in the area.

“(3) The producer has a history of planting two or more crops for harvest in the same crop year or the applicable acreage has historically had two or more crops planted for harvest in the same crop year.

“(4) The second or more crops are customarily planted after the first crop for harvest on the same acreage in the same year in the area.

“(e) SUBSEQUENT CROPS.—Except in the case of double cropping described in subsection (d), if a producer elects to plant a crop (other than a replanted crop) subsequent to a second crop on the same acreage as the first crop and second crop for harvest in the same crop year, the producer shall not be eligible for insurance under this title, or noninsured crop assistance under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), for the subsequent crop.”.

SEC. 109. NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

(a) OPERATION AND ADMINISTRATION OF PROGRAM.—Section 196(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7333(a)(2)) is amended by adding at the end the following:

“(C) COMBINATION OF SIMILAR TYPES OR VARIETIES.—

At the option of the Secretary, all types or varieties of a crop or commodity, described in subparagraphs (A) and (B), may be considered to be a single eligible crop under this section.”.

(b) TIMELY APPLICATION.—Section 196(b)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(b)(1)) is amended in the second sentence by striking “at such time as the Secretary may require” and inserting “not later than 30 days before the beginning of the coverage period, as determined by the Secretary”.

(c) RECORDS AND REPORTS.—Section 196(b) of the Agricultural Market Transition Act (7 U.S.C. 7333(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) RECORDS.—To be eligible for assistance under this section, a producer shall provide annually to the Secretary records of crop acreage, acreage yields, and production for each crop, as required by the Secretary.”; and

(2) in paragraph (3), by inserting “annual” after “shall provide”.

(d) LOSS REQUIREMENTS.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) is amended by striking subsection (c) and inserting the following:

“(c) LOSS REQUIREMENTS.—

“(1) CAUSE.—To be eligible for assistance under this section, a producer of an eligible crop shall have suffered a loss of a noninsured commodity as the result of a cause described in subsection (a)(3).

“(2) ASSISTANCE.—On making a determination described in subsection (a)(3), the Secretary shall provide assistance under this section to producers of an eligible crop that have suffered a loss as a result of the cause described in subsection (a)(3).

“(3) PREVENTED PLANTING.—Subject to paragraph (1), the Secretary shall make a prevented planting noninsured crop disaster assistance payment if the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop because of drought, flood, or other natural disaster, as determined by the Secretary.

“(4) AREA TRIGGER.—The Secretary shall provide assistance to individual producers without any requirement of an area loss.”.

(e) SERVICE FEE.—Section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) is amended by adding at the end the following:

“(k) SERVICE FEE.—

“(1) IN GENERAL.—To be eligible to receive assistance for an eligible crop for a crop year under this section, a producer shall pay to the Secretary (at the time at which the producer submits the application under subsection (b)(1)) a service fee for the eligible crop in an amount that is equal to the lesser of—

“(A) \$100 per crop per county; or

“(B) \$300 per producer per county, but not to exceed a total of \$900 per producer.

“(2) WAIVER.—The Secretary shall waive the service fee required under paragraph (1) in the case of a limited resource farmer, as defined by the Secretary.

“(3) USE.—The Secretary shall deposit service fees collected under this subsection in the Commodity Credit Corporation Fund.”.

Subtitle B—Improving Program Integrity

SEC. 121. IMPROVING PROGRAM COMPLIANCE AND INTEGRITY.

(a) ADDITIONAL METHODS OF ENSURING PROGRAM COMPLIANCE AND INTEGRITY.—Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1514) is amended to read as follows:

“SEC. 515. PROGRAM COMPLIANCE AND INTEGRITY.

“(a) PURPOSE.—

“(1) IN GENERAL.—The purpose of this section is to improve compliance with, and the integrity of, the Federal crop insurance program.

“(2) ROLE OF INSURANCE PROVIDERS.—The Corporation shall work actively with approved insurance providers to address program compliance and integrity issues as such issues develop.

“(b) NOTIFICATION OF COMPLIANCE PROBLEMS.—

“(1) NOTIFICATION OF ERRORS, OMISSIONS, AND FAILURES.—The Corporation shall notify in writing an approved insurance provider of any error, omission, or failure to follow Corporation regulations or procedures for which the approved insurance provider may be responsible and which may result in a debt owed the Corporation.

“(2) TIME FOR NOTIFICATION.—Notice under paragraph (1) shall be given within 3 years after the end of the insurance period during which the error, omission, or failure is alleged to have occurred, except that this time limitation shall not apply with respect to an error, omission, or procedural violation that is willful or intentional.

“(3) EFFECT OF FAILURE TO TIMELY NOTIFY.—Except as provided in paragraph (2), the failure to timely provide the notice required under this subsection shall relieve the approved insurance provider from the debt owed the Corporation.

“(c) RECONCILING PRODUCER INFORMATION.—The Secretary shall develop and implement a coordinated plan for the Corporation and the Farm Service Agency to reconcile all relevant information received by the Corporation or the Farm Service Agency from a producer who obtains crop insurance coverage under this title. Beginning with the 2001 crop year, the Secretary shall require that the Corporation and the Farm Service Agency reconcile such

producer-derived information on at least an annual basis in order to identify and address any discrepancies.

“(d) IDENTIFICATION AND ELIMINATION OF FRAUD, WASTE, AND ABUSE.—

“(1) FSA MONITORING PROGRAM.—The Secretary shall develop and implement a coordinated plan for the Farm Service Agency to assist the Corporation in the ongoing monitoring of programs carried out under this title, including—

“(A) at the request of the Corporation or, subject to paragraph (2), on its own initiative if the Farm Service Agency has reason to suspect the existence of program fraud, waste, or abuse, conducting fact finding relative to allegations of program fraud, waste, or abuse;

“(B) reporting to the Corporation, in writing in a timely manner, the results of any fact finding conducted pursuant to subparagraph (A), any allegation of fraud, waste, or abuse, and any identified program vulnerabilities; and

“(C) assisting the Corporation and approved insurance providers in auditing a statistically appropriate number of claims made under any policy or plan of insurance under this title.

“(2) FSA INQUIRY.—If, within five calendar days after receiving a report submitted under paragraph (1)(B), the Corporation does not provide a written response that describes the intended actions of the Corporation, the Farm Service Agency may conduct its own inquiry into the alleged program fraud, waste, or abuse on approval from the State director of the Farm Service Agency of the State in which the alleged fraud, waste, or abuse occurred. If as a result of the inquiry, the Farm Service Agency concludes further investigation is warranted, but the Corporation declines to proceed with the investigation, the Farm Service Agency may refer the matter to the Inspector General of the Department of Agriculture.

“(3) USE OF FIELD INFRASTRUCTURE.—The plan required by paragraph (1) shall provide for the use of the field infrastructure of the Farm Service Agency. The Secretary shall ensure that relevant Farm Service Agency personnel are appropriately trained for any responsibilities assigned to the personnel under the plan. At a minimum, the personnel shall receive the same level of training and pass the same basic competency tests as required of loss adjusters of approved insurance providers.

“(4) MAINTENANCE OF PROVIDER EFFORT.—

“(A) IN GENERAL.—The activities of the Farm Service Agency under this subsection do not affect the responsibility of approved insurance providers to conduct any audits of claims or other program reviews required by the Corporation.

“(B) NOTIFICATION OF PROVIDERS.—The Corporation shall notify the appropriate approved insurance provider of a report from the Farm Service Agency regarding alleged program fraud, waste, or abuse, unless the provider is suspected to be included in, or a party to, the alleged fraud, waste, or abuse.

“(C) RESPONSE.—An approved insurance provider that receives a notice under subparagraph (B) shall submit a report to the Corporation, within an appropriate time period determined by the Secretary, describing the actions

taken by the provider to investigate the allegations of program fraud, waste, or abuse contained in the notice.

“(5) CORPORATION RESPONSE TO PROVIDER REPORTS.—

“(A) PROMPT RESPONSE.—If an approved insurance provider reports to the Corporation that the approved insurance provider suspects intentional misrepresentation, fraud, waste, or abuse, the Corporation shall make a determination and provide, within 90 calendar days after receiving the report, a written response that describes the intended actions of the Corporation.

“(B) COOPERATIVE EFFORT.—The approved insurance provider and the Corporation shall take coordinated action in any case where misrepresentation, fraud, waste, or abuse is alleged.

“(C) FAILURE TO TIMELY RESPOND.—If the Corporation fails to respond as required by subparagraph (A), an approved insurance provider may request the Farm Service Agency to assist the provider in an inquiry into the alleged program fraud, waste, or abuse.

“(e) CONSULTATION WITH STATE FSA COMMITTEES.—The Secretary shall establish procedures under which the Corporation shall consult with the State committee of the Farm Service Agency for a State with respect to policies, plans of insurance, and material related to such policies or plans of insurance (including applicable sales closing dates, assigned yields, and transitional yields) offered in that State under this title.

“(f) DETECTION OF DISPARATE PERFORMANCE.—

“(1) COVERED ACTIVITIES.—The Secretary shall establish procedures under which the Corporation will be able to identify the following:

“(A) Any agent engaged in the sale of coverage offered under this title where the loss claims associated with such sales by the agent are equal to or greater than 150 percent (or an appropriate percentage specified by the Corporation) of the mean for all loss claims associated with such sales by all other agents operating in the same area, as determined by the Corporation.

“(B) Any person performing loss adjustment services relative to coverage offered under this title where such loss adjustments performed by the person result in accepted or denied claims equal to or greater than 150 percent (or an appropriate percentage specified by the Corporation) of the mean for accepted or denied claims (as applicable) for all other persons performing loss adjustment services in the same area, as determined by the Corporation.

“(2) REVIEW.—

“(A) REVIEW REQUIRED.—The Corporation shall conduct a review of any agent identified pursuant to paragraph (1)(A), and any person identified pursuant to paragraph (1)(B), to determine whether the higher loss claims associated with the agent or the higher number of accepted or denied claims (as applicable) associated with the person are the result of fraud, waste, or abuse.

“(B) REMEDIAL ACTION.—The Corporation shall take appropriate remedial action with respect to any occurrence of fraud, waste, or abuse identified in a review conducted under this paragraph.

“(3) OVERSIGHT OF AGENTS AND LOSS ADJUSTERS.—The Corporation shall develop procedures to require an annual review by an approved insurance provider of the performance of each agent and loss adjuster used by the approved insurance provider. The Corporation shall oversee the conduct of annual reviews and may consult with an approved insurance provider regarding any remedial action that is determined to be necessary as a result of the annual review of an agent or loss adjuster.

“(g) SUBMISSION OF INFORMATION TO CORPORATION TO SUPPORT COMPLIANCE EFFORTS.—

“(1) TYPES OF INFORMATION REQUIRED.—The Secretary shall establish procedures under which approved insurance providers shall submit to the Corporation the following information with respect to each policy or plan of insurance offered under this title:

“(A) The name and identification number of the insured.

“(B) The agricultural commodity to be insured.

“(C) The elected coverage level, including the price election, of the insured.

“(2) TIME FOR SUBMISSION.—The information required by paragraph (1) with respect to a policy or plan of insurance shall be submitted so as to ensure receipt by the Corporation not later than the Saturday of the week containing the calendar day that is 30 days after the applicable sales closing date for the crop to be insured. Deadline.

“(h) SANCTIONS FOR PROGRAM NONCOMPLIANCE AND FRAUD.—

“(1) FALSE INFORMATION.—A producer, agent, loss adjuster, approved insurance provider, or other person that willfully and intentionally provides any false or inaccurate information to the Corporation or to an approved insurance provider with respect to a policy or plan of insurance under this title may, after notice and an opportunity for a hearing on the record, be subject to one or more of the sanctions described in paragraph (3).

“(2) COMPLIANCE.—A person may, after notice and an opportunity for a hearing on the record, be subject to one or more of the sanctions described in paragraph (3) if the person is a producer, agent, loss adjuster, approved insurance provider, or other person that willfully and intentionally fails to comply with a requirement of the Corporation.

“(3) AUTHORIZED SANCTIONS.—If the Secretary determines that a person covered by this subsection has committed a material violation under paragraph (1) or (2), the following sanctions may be imposed:

“(A) CIVIL FINES.—A civil fine may be imposed for each violation in an amount not to exceed the greater of—

“(i) the amount of the pecuniary gain obtained as a result of the false or inaccurate information provided or the noncompliance with a requirement of this title; or

“(ii) \$10,000.

“(B) PRODUCER DISQUALIFICATION.—In the case of a violation committed by a producer, the producer may be disqualified for a period of up to 5 years from receiving

any monetary or nonmonetary benefit provided under each of the following:

“(i) This title.

“(ii) The Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), including the noninsured crop disaster assistance program under section 196 of that Act (7 U.S.C. 7333).

“(iii) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

“(iv) The Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

“(v) The Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.).

“(vi) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

“(vii) The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

“(viii) Any law that provides assistance to a producer of an agricultural commodity affected by a crop loss or a decline in the prices of agricultural commodities.

“(C) DISQUALIFICATION OF OTHER PERSONS.—In the case of a violation committed by an agent, loss adjuster, approved insurance provider, or other person (other than a producer), the violator may be disqualified for a period of up to 5 years from participating in any program, or receiving any benefit, under this title.

“(4) ASSESSMENT OF SANCTION.—The Secretary shall consider the gravity of the violation of the person covered by this subsection in determining—

“(A) whether to impose a sanction under this subsection; and

“(B) the type and amount of the sanction to be imposed.

“(5) DISCLOSURE OF SANCTIONS.—Each policy or plan of insurance under this title shall provide notice describing the sanctions prescribed under paragraph (3) for willfully and intentionally—

“(A) providing false or inaccurate information to the Corporation or to an approved insurance provider; or

“(B) failing to comply with a requirement of the Corporation.

“(6) INSURANCE FUND.—Any funds collected under this subsection shall be deposited into the insurance fund established under section 516(c).

“(i) ANNUAL REPORT ON PROGRAM COMPLIANCE AND INTEGRITY EFFORTS.—

“(1) REPORT REQUIRED.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the operation of this section during the preceding year and efforts undertaken by the Secretary and the Corporation to carry out this section.

“(2) INFORMATION REGARDING FRAUD, WASTE, AND ABUSE.—The report shall identify specific occurrences of waste, fraud, or abuse and contain an outline of actions that have been or are being taken to eliminate the identified waste, fraud, or abuse.

“(j) INFORMATION MANAGEMENT.—

“(1) SYSTEMS UPGRADES.—The Secretary shall upgrade the information management systems of the Corporation used in the administration and enforcement and this title. In upgrading the systems, the Secretary shall ensure that new hardware and software are compatible with the hardware and software used by other agencies of the Department to maximize data sharing and promote the purpose of this section.

“(2) USE OF AVAILABLE INFORMATION TECHNOLOGIES.—The Secretary shall use the information technologies known as data mining and data warehousing and other available information technologies to administer and enforce this title.

“(3) USE OF PRIVATE SECTOR.—The Secretary may enter into contracts to use private sector expertise and technological resources in implementing this subsection.

“(k) FUNDING.—

“(1) AVAILABLE FUNDS.—To carry out this section and sections 502(c), 506(h), 508(a)(3)(B), and 508(f)(3)(A), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than \$23,000,000 during the period of fiscal years 2001 through 2005, of which not more than \$9,000,000 shall be available for fiscal year 2001.

“(2) PROHIBITION.—None of the funds made available under paragraph (1) may be used to pay the salaries of employees of the Corporation.”.

(b) CONFORMING AMENDMENT.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) by striking subsection (q); and

(2) by redesignating subsections (r) and (s) as subsections (q) and (r), respectively.

SEC. 122. PROTECTION OF CONFIDENTIAL INFORMATION.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended by adding at the end the following:

“(c) PROTECTION OF CONFIDENTIAL INFORMATION.—

“(1) GENERAL PROHIBITION AGAINST DISCLOSURE.—Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department or an agency thereof, an approved insurance provider and its employees and contractors, and any other person may not disclose to the public information furnished by a producer under this title.

“(2) AUTHORIZED DISCLOSURE.—

“(A) DISCLOSURE IN STATISTICAL OR AGGREGATE FORM.—Information described in paragraph (1) may be disclosed to the public if the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

“(B) CONSENT OF PRODUCER.—A producer may consent to the disclosure of information described in paragraph (1). The participation of the producer in, and the receipt of any benefit by the producer under, this title or any other program administered by the Secretary may not be conditioned on the producer providing consent under this paragraph.

“(3) VIOLATIONS; PENALTIES.—Section 1770(c) of the Food Security Act of 1985 (7 U.S.C. 2276(c)) shall apply with respect to the release of information collected in any manner or for any purpose prohibited by this subsection.”.

SEC. 123. GOOD FARMING PRACTICES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by striking paragraph (3) and inserting the following:

“(3) EXCLUSION OF LOSSES DUE TO CERTAIN ACTIONS OF PRODUCER.—

“(A) EXCLUSIONS.—Insurance provided under this subsection shall not cover losses due to—

“(i) the neglect or malfeasance of the producer;

“(ii) the failure of the producer to reseed to the same crop in such areas and under such circumstances as it is customary to reseed; or

“(iii) the failure of the producer to follow good farming practices, including scientifically sound sustainable and organic farming practices.

“(B) GOOD FARMING PRACTICES.—

“(i) INFORMAL ADMINISTRATIVE PROCESS.—A producer shall have the right to a review of a determination regarding good farming practices made under subparagraph (A)(iii) in accordance with an informal administrative process to be established by the Corporation.

“(ii) ADMINISTRATIVE REVIEW.—

“(I) NO ADVERSE DECISION.—The determination shall not be considered an adverse decision for purposes of subtitle H of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6991 et seq.).

“(II) REVERSAL OR MODIFICATION.—Except as provided in clause (i), the determination may not be reversed or modified as the result of a subsequent administrative review.

“(iii) JUDICIAL REVIEW.—

“(I) RIGHT TO REVIEW.—A producer shall have the right to judicial review of the determination without exhausting any right to a review under clause (i).

“(II) REVERSAL OR MODIFICATION.—The determination may not be reversed or modified as the result of judicial review unless the determination is found to be arbitrary or capricious.”.

SEC. 124. RECORDS AND REPORTING.

(a) CONDITION OF OBTAINING COVERAGE.—Section 508(f)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(3)) is amended by striking subparagraph (A) and inserting the following:

“(A) provide annually records acceptable to the Secretary regarding crop acreage, acreage yields, and production for each agricultural commodity insured under this title or accept a yield determined by the Corporation; and”.

(b) ADDITIONAL GENERAL POWER.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by striking subsection (h) and inserting the following:

“(h) COLLECTION AND SHARING OF INFORMATION.—

“(1) SURVEYS AND INVESTIGATIONS.—The Corporation may conduct surveys and investigations relating to crop insurance, agriculture-related risks and losses, and other issues related to carrying out this title.

“(2) DATA COLLECTION.—The Corporation shall assemble data for the purpose of establishing sound actuarial bases for insurance on agricultural commodities.

“(3) SHARING OF RECORDS.—Notwithstanding section 502(c), records submitted in accordance with this title and section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333) shall be available to agencies and local offices of the Department, appropriate State and Federal agencies and divisions, and approved insurance providers for use in carrying out this title, such section 196, and other agricultural programs.”.

Subtitle C—Research and Pilot Programs

SEC. 131. RESEARCH AND DEVELOPMENT.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

“SEC. 522. RESEARCH AND DEVELOPMENT.

“(a) DEFINITION OF POLICY.—In this section, the term ‘policy’ means a policy, plan of insurance, provision of a policy or plan of insurance, and related materials.

“(b) REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.—

“(1) RESEARCH AND DEVELOPMENT REIMBURSEMENT.—The Corporation shall provide a payment to reimburse an applicant for research and development costs directly related to a policy that is—

“(A) submitted to the Board and approved by the Board under section 508(h) for reinsurance; and

“(B) if applicable, offered for sale to producers.

“(2) EXISTING PLANS.—The Corporation shall reimburse costs associated with research and development costs directly related to a policy that was approved by the Board prior to the date of the enactment of this section.

“(3) MARKETABILITY.—The Corporation shall approve a reimbursement under paragraph (1) or (2) only after determining that the policy is marketable based on a reasonable marketing plan, as determined by the Board.

“(4) MAINTENANCE PAYMENTS.—

“(A) REQUIREMENT.—The Corporation shall reimburse maintenance costs associated with the annual cost of underwriting for a policy described in paragraphs (1) and (2).

“(B) DURATION.—Payments with respect to maintenance costs may be provided for a period of not more than four reinsurance years subsequent to Board approval for payment under this subsection.

“(C) OPTIONS FOR MAINTENANCE.—On the expiration of the 4-year period described in subparagraph (B), the approved insurance provider responsible for maintenance of the policy may—

“(i) maintain the policy and charge a fee to approved insurance providers that elect to sell the policy under this subsection; or

“(ii) transfer responsibility for maintenance of the policy to the Corporation.

“(D) FEE.—

“(i) AMOUNT.—Subject to approval by the Board, the amount of the fee that is payable by an approved insurance provider that elects to sell the policy shall be an amount that is determined by the approved insurance provider maintaining the policy.

“(ii) APPROVAL.—The Board shall approve the amount of a fee determined under clause (i) for maintenance of the policy unless the Board determines that the amount of the fee—

“(I) is unreasonable in relation to the maintenance costs associated with the policy; or

“(II) unnecessarily inhibits the use of the policy.

“(5) TREATMENT OF PAYMENT.—Payments made under this subsection for a policy shall be considered as payment in full by the Corporation for the research and development conducted with regard to the policy and any property rights to the policy.

“(6) REIMBURSEMENT AMOUNT.—The Corporation shall determine the amount of the payment under this subsection for an approved policy based on the complexity of the policy and the size of the area in which the policy or material is expected to be sold.

“(c) RESEARCH AND DEVELOPMENT CONTRACTING AUTHORITY.—

“(1) AUTHORITY.—The Corporation may enter into contracts to carry out research and development to—

“(A) increase participation in States in which the Corporation determines that—

“(i) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

“(ii) the State is underserved by the Federal crop insurance program;

“(B) increase participation in areas that are underserved by the Federal crop insurance program; and

“(C) increase participation by producers of underserved agricultural commodities, including specialty crops.

“(2) UNDERSERVED AGRICULTURAL COMMODITIES AND AREAS.—

“(A) AUTHORITY.—The Corporation may enter into contracts under procedures prescribed by the Corporation with qualified persons to carry out research and development for policies that promote the purposes of paragraph (1).

“(B) CONSULTATION.—Before entering into a contract under subparagraph (A), the Corporation shall consult with groups representing producers of agricultural commodities that would be served by the policies that are the subject of the research and development.

“(3) QUALIFIED PERSONS.—A person with experience in crop insurance or farm or ranch risk management (including a college or university, an approved insurance provider, and a trade or research organization), as determined by the Corporation,

shall be eligible to enter into a contract with the Corporation under this subsection.

“(4) TYPES OF CONTRACTS.—A contract under this subsection may provide for research and development regarding new or expanded policies, including policies based on adjusted gross income, cost-of-production, quality losses, and an intermediate base program with a higher coverage and cost than catastrophic risk protection.

“(5) USE OF RESULTING POLICIES.—The Corporation may offer any policy developed under this subsection that is approved by the Board.

“(6) RESEARCH AND DEVELOPMENT PRIORITIES.—The Corporation shall establish as one of the highest research and development priorities of the Corporation the development of a pasture, range, and forage program.

“(7) STUDY OF MULTIYEAR COVERAGE.—

“(A) IN GENERAL.—The Corporation shall contract with a qualified person to conduct a study to determine whether offering policies that provide coverage for multiple years would reduce fraud, waste, and abuse by persons that participate in the Federal crop insurance program.

“(B) REPORT.—Not later than 1 year after the date of the enactment of this section, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subparagraph (A).

Deadline.

“(8) CONTRACT FOR REVENUE COVERAGE PLANS.—The Corporation shall enter into a contract for research and development regarding one or more revenue coverage plans that are designed to enable producers to take maximum advantage of fluctuations in market prices and thereby maximize revenue realized from the sale of an agricultural commodity. A revenue coverage plan may include the use of existing market instruments or the development of new market instruments. Not later than 15 months after the date of the enactment of this section, the Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the contract entered into under this paragraph.

Deadline.

“(9) CONTRACT FOR COST OF PRODUCTION POLICY.—

“(A) AUTHORITY.—The Corporation shall enter into a contract for research and development regarding a cost of production policy.

“(B) RESEARCH AND DEVELOPMENT.—The research and development shall—

“(i) take into consideration the differences in the cost of production on a county-by-county basis; and

“(ii) cover as many commodities as is practicable.

“(10) RELATION TO LIMITATIONS.—A policy developed under this subsection may be prepared without regard to the limitations of this title, including—

“(A) the requirement concerning the levels of coverage and rates; and

“(B) the requirement that the price level for each insured agricultural commodity must equal the expected market price for the agricultural commodity, as established by the Board.

“(d) PARTNERSHIPS FOR RISK MANAGEMENT DEVELOPMENT AND IMPLEMENTATION.—

“(1) PURPOSE.—The purpose of this subsection is to authorize the Corporation to enter into partnerships with public and private entities for the purpose of increasing the availability of loss mitigation, financial, and other risk management tools for producers, with a priority given to risk management tools for producers of agricultural commodities covered by section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), specialty crops, and underserved agricultural commodities.

“(2) AUTHORITY.—The Corporation may enter into partnerships with the Cooperative State Research, Education, and Extension Service, the Agricultural Research Service, the National Oceanic Atmospheric Administration, and other appropriate public and private entities with demonstrated capabilities in developing and implementing risk management and marketing options for producers of specialty crops and underserved agricultural commodities.

“(3) OBJECTIVES.—The Corporation may enter into a partnership under paragraph (2)—

“(A) to enhance the notice and timeliness of notice of weather conditions that could negatively affect crop yields, quality, and final product use in order to allow producers to take preventive actions to increase end product profitability and marketability and to reduce the possibility of crop insurance claims;

“(B) to develop a multifaceted approach to pest management and fertilization to decrease inputs, decrease environmental exposure, and increase application efficiency;

“(C) to develop or improve techniques for planning, breeding, planting, growing, maintaining, harvesting, storing, shipping, and marketing that will address quality and quantity challenges associated with year-to-year and regional variations;

“(D) to clarify labor requirements and assist producers in complying with requirements to better meet the physically intense and time-compressed planting, tending, and harvesting requirements associated with the production of specialty crops and underserved agricultural commodities;

“(E) to provide assistance to State foresters or equivalent officials for the prescribed use of burning on private forest land for the prevention, control, and suppression of fire;

“(F) to provide producers with training and informational opportunities so that the producers will be better able to use financial management, crop insurance, marketing contracts, and other existing and emerging risk management tools; and

“(G) to develop other risk management tools to further increase economic and production stability.

“(e) FUNDING.—

“(1) REIMBURSEMENTS.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use to provide reimbursements under subsection (b) not more than \$10,000,000 for each of fiscal years 2001 and 2002 and not more than \$15,000,000 for fiscal year 2003 and each subsequent fiscal year.

“(2) CONTRACTING.—

“(A) AUTHORITY.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use to carry out contracting and partnerships under subsections (c) and (d) not more than \$20,000,000 for each of fiscal years 2001 through 2003 and not more than \$25,000,000 for fiscal year 2004 and each subsequent fiscal year.

“(B) UNDERSERVED STATES.—Of the amount made available under subparagraph (A) for a fiscal year, the Corporation shall use not more than \$5,000,000 for the fiscal year to carry out contracting for research and development to carry out the purpose described in subsection (c)(1)(A).

“(3) UNUSED FUNDING.—If the Corporation determines that the amount available to provide either reimbursement payments or contract payments under this section for a fiscal year is not needed for such purposes, the Corporation may use the excess amount to carry out another function authorized under this section.

“(4) PROHIBITED RESEARCH AND DEVELOPMENT BY CORPORATION.—

“(A) NEW POLICIES.—Notwithstanding subsection (d), on and after October 1, 2000, the Corporation shall not conduct research and development for any new policy for an agricultural commodity offered under this title.

“(B) EXISTING POLICIES.—Any policy developed by the Corporation under this title before that date may continue to be offered for sale to producers.”.

SEC. 132. PILOT PROGRAMS.

(a) AUTHORITY.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as amended by section 131, is amended by adding at the end the following:

“SEC. 523. PILOT PROGRAMS.

7 USC 1523.

“(a) GENERAL PROVISIONS.—

“(1) AUTHORITY.—Except as otherwise provided in this section, the Corporation may conduct a pilot program submitted to and approved by the Board under section 508(h), or that is developed under subsection (b) or section 522, to evaluate whether a proposal or new risk management tool tested by the pilot program is suitable for the marketplace and addresses the needs of producers of agricultural commodities.

“(2) PRIVATE COVERAGE.—Under this section, the Corporation shall not conduct any pilot program that provides insurance protection against a risk if insurance protection against the risk is generally available from private companies.

“(3) COVERED ACTIVITIES.—The pilot programs described in paragraph (1) may include pilot programs providing insurance protection against losses involving—

“(A) reduced forage on rangeland caused by drought or insect infestation;

“(B) livestock poisoning and disease;

“(C) destruction of bees due to the use of pesticides;

“(D) unique special risks related to fruits, nuts, vegetables, and specialty crops in general, aquacultural species, and forest industry needs (including appreciation);

“(E) after October 1, 2001, wild salmon, except that—

“(i) any pilot program with regard to wild salmon may be carried out without regard to the limitations of this title; and

“(ii) the Corporation shall conduct all wild salmon programs under this title so that, to the maximum extent practicable, all costs associated with conducting the programs are not expected to exceed \$1,000,000 for fiscal year 2002 and each subsequent fiscal year.

“(4) SCOPE OF PILOT PROGRAMS.—The Corporation may—

“(A) approve a pilot program under this section to be conducted on a regional, State, or national basis after considering the interests of affected producers and the interests of, and risks to, the Corporation;

“(B) operate the pilot program, including any modifications of the pilot program, for a period of up to 4 years;

“(C) extend the time period for the pilot program for additional periods, as determined appropriate by the Corporation; and

“(D) provide pilot programs that would allow producers—

“(i) to receive a reduced premium for using whole farm units or single crop units of insurance; and

“(ii) to cross State and county boundaries to form insurable units.

“(5) EVALUATION.—

“(A) REQUIREMENT.—After the completion of any pilot program under this section, the Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the operations of the pilot program.

“(B) EVALUATION AND RECOMMENDATIONS.—The report shall include an evaluation by the Corporation of the pilot program and the recommendations of the Corporation with respect to implementing the program on a national basis.

“(b) LIVESTOCK PILOT PROGRAMS.—

“(1) DEFINITION OF LIVESTOCK.—In this subsection, the term ‘livestock’ includes, but is not limited to, cattle, sheep, swine, goats, and poultry.

“(2) PROGRAMS REQUIRED.—Subject to paragraph (7), the Corporation shall conduct two or more pilot programs to evaluate the effectiveness of risk management tools for livestock producers, including the use of futures and options contracts and policies and plans of insurance that protect the interests of livestock producers and that provide—

“(A) livestock producers with reasonable protection from the financial risks of price or income fluctuations inherent in the production and marketing of livestock; or

“(B) protection for production losses.

“(3) PURPOSE OF PROGRAMS.—To the maximum extent practicable, the Corporation shall evaluate the greatest number and variety of pilot programs described in paragraph (2) to determine which of the offered risk management tools are best suited to protect livestock producers from the financial risks associated with the production and marketing of livestock.

“(4) TIMING.—The Corporation shall begin conducting livestock pilot programs under this subsection during fiscal year 2001.

“(5) RELATION TO OTHER LIMITATIONS.—Any policy or plan of insurance offered under this subsection may be prepared without regard to the limitations of this title.

“(6) ASSISTANCE.—As part of a pilot program under this subsection, the Corporation may provide reinsurance for policies or plans of insurance and subsidize the purchase of futures and options contracts or policies and plans of insurance offered under the pilot program.

“(7) PRIVATE INSURANCE.—No action may be undertaken with respect to a risk under this subsection if the Corporation determines that insurance protection for livestock producers against the risk is generally available from private companies.

“(8) LOCATION.—The Corporation shall conduct the livestock pilot programs under this subsection in a number of counties that is determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among producers for the risk management tools evaluated in the pilot programs.

“(9) ELIGIBLE PRODUCERS.—Any producer of a type of livestock covered by a pilot program under this subsection that owns or operates a farm or ranch in a county selected as a location for that pilot program shall be eligible to participate in that pilot program.

“(10) LIMITATION ON EXPENDITURES.—The Corporation shall conduct all livestock programs under this title so that, to the maximum extent practicable, all costs associated with conducting the livestock programs (other than research and development costs covered by section 522) are not expected to exceed the following:

“(A) \$10,000,000 for each of fiscal years 2001 and 2002.

“(B) \$15,000,000 for fiscal year 2003.

“(C) \$20,000,000 for fiscal year 2004 and each subsequent fiscal year.

“(c) REVENUE INSURANCE PILOT PROGRAM.—

“(1) IN GENERAL.—Subject to section 522(e)(4), the Secretary shall carry out a pilot program in a limited number of counties, as determined by the Secretary, for crop years 1997 through 2001, under which a producer of wheat, feed grains, soybeans, or such other commodity as the Secretary considers appropriate may elect to receive insurance against loss of revenue, as determined by the Secretary.

“(2) ADMINISTRATION.—Revenue insurance under this subsection shall—

“(A) be offered through reinsurance arrangements with private insurance companies;

“(B) offer at least a minimum level of coverage that is an alternative to catastrophic crop insurance;

“(C) be actuarially sound; and

“(D) require the payment of premiums and administrative fees by an insured producer.

“(d) PREMIUM RATE REDUCTION PILOT PROGRAM.—

“(1) PURPOSE.—The purpose of the pilot program established under this subsection is to determine whether approved insurance providers will compete to market policies or plans of insurance with reduced rates of premium, in a manner that maintains the financial soundness of approved insurance providers and is consistent with the integrity of the Federal crop insurance program.

“(2) ESTABLISHMENT.—

“(A) IN GENERAL.—Beginning with the 2002 crop year, the Corporation shall establish a pilot program under which approved insurance providers may propose for approval by the Board policies or plans of insurance with reduced rates of premium—

“(i) for one or more agricultural commodities; and

“(ii) within a limited geographic area, as proposed by the approved insurance provider and approved by the Board.

“(B) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under this subsection that involves a premium reduction if the Board determines that—

“(i) the interests of producers are adequately protected within the pilot area;

“(ii) rates of premium are actuarially appropriate, as determined by the Board;

“(iii) the size of the proposed pilot area is adequate;

“(iv) the proposed policy or plan of insurance would not unfairly discriminate among producers within the proposed pilot area;

“(v) if the proposed policy or plan of insurance were available in a geographic area larger than the proposed pilot area, the proposed policy or plan of insurance would—

“(I) not have a significant adverse impact on the crop insurance delivery system;

“(II) not result in a reduction of program integrity;

“(III) be actuarially appropriate; and

“(IV) not place an additional financial burden on the Federal Government; and

“(vi) the proposed policy or plan of insurance meets other requirements of this title determined appropriate by the Board.

“(C) TIME LIMITATIONS AND PROCEDURES.—The time limitations and procedures of the Board established under section 508(h) shall apply to a proposal submitted under this subsection.”.

(b) CONFORMING AMENDMENTS.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended—

(1) by striking “livestock and” after “commodity, excluding”; and

(2) by striking “under subsection (a) or (m) of section 508 of this title”.

SEC. 133. EDUCATION AND RISK MANAGEMENT ASSISTANCE.

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as amended by section 132(a), is amended by adding at the end the following:

“SEC. 524. EDUCATION AND RISK MANAGEMENT ASSISTANCE.

7 USC 1524.

“(a) EDUCATION ASSISTANCE.—

“(1) IN GENERAL.—Subject to the amounts made available under paragraph (4)—

“(A) the Corporation shall carry out the program established under paragraph (2); and

“(B) the Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall carry out the program established under paragraph (3).

“(2) EDUCATION AND INFORMATION.—The Corporation shall establish a program under which crop insurance education and information is provided to producers in States in which (as determined by the Secretary)—

“(A) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

“(B) producers are underserved by the Federal crop insurance program.

“(3) PARTNERSHIPS FOR RISK MANAGEMENT EDUCATION.—

“(A) AUTHORITY.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall establish a program under which competitive grants are made to qualified public and private entities (including land grant colleges, cooperative extension services, and colleges or universities), as determined by the Secretary, for the purpose of educating agricultural producers about the full range of risk management activities, including futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction, and other risk management strategies.

“(B) BASIS FOR GRANTS.—A grant under this paragraph shall be awarded on the basis of merit and shall be subject to peer or merit review.

“(C) OBLIGATION PERIOD.—Funds for a grant under this paragraph shall be available to the Secretary for obligation for a 2-year period.

“(D) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available for grants under this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.

“(4) FUNDING.—From the insurance fund established under section 516(c), there is transferred—

“(A) for the education and information program established under paragraph (2), \$5,000,000 for fiscal year 2001 and each subsequent fiscal year; and

“(B) for the partnerships for risk management education program established under paragraph (3), \$5,000,000 for fiscal year 2001 and each subsequent fiscal year.

“(b) AGRICULTURAL MANAGEMENT ASSISTANCE.—

“(1) **AUTHORITY.**—The Secretary shall provide cost share assistance to producers, in a manner determined by the Secretary, in not less than 10, nor more than 15, States in which participation in the Federal crop insurance program is historically low, as determined by the Secretary.

“(2) **USES.**—A producer may use cost share assistance provided under this subsection to—

“(A) construct or improve—

“(i) watershed management structures; or

“(ii) irrigation structures;

“(B) plant trees to form windbreaks or to improve water quality;

“(C) mitigate financial risk through production diversification or resource conservation practices, including—

“(i) soil erosion control;

“(ii) integrated pest management; or

“(iii) transition to organic farming;

“(D) enter into futures, hedging, or options contracts in a manner designed to help reduce production, price, or revenue risk;

“(E) enter into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

“(F) conduct any other activity related to the activities described in subparagraphs (A) through (E), as determined by the Secretary.

“(2) **PAYMENT LIMITATION.**—The total amount of payments made to a person (as defined in section 1001(5) of the Food Security Act (7 U.S.C. 1308(5))) under this subsection for any year may not exceed \$50,000.

“(3) **COMMODITY CREDIT CORPORATION.**—

“(A) **IN GENERAL.**—The Secretary shall carry out this subsection through the Commodity Credit Corporation.

“(B) **FUNDING.**—The Commodity Credit Corporation shall make available to carry out this subsection \$10,000,000 for fiscal year 2001 and each subsequent fiscal year.”.

SEC. 134. OPTIONS PILOT PROGRAM.

Section 191 of the Agricultural Market Transition Act (7 U.S.C. 7331) is amended—

(1) in the first sentence of subsection (b), by striking “100 counties, except that not more than 6” and inserting “300 counties, except that not more than 25”;

(2) in subsection (c)(2), by inserting before the semicolon the following: “during any calendar year in which a county in which the farm of the producer is located is included in the pilot program”; and

(3) in the first sentence of subsection (h), by inserting before the period at the end the following: “, except that the amount of Commodity Credit Corporation funds used to carry out this section shall not exceed, to the maximum extent practicable, \$9,000,000 for fiscal year 2001, \$15,000,000 for fiscal year 2002, and \$2,000,000 for fiscal year 2003”.

Subtitle D—Administration

SEC. 141. RELATION TO OTHER LAWS.

Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502), as amended by section 122, is amended by adding at the end the following:

“(d) RELATION TO OTHER LAWS.—

“(1) TERMS AND CONDITIONS OF POLICIES AND PLANS.—The terms and conditions of any policy or plan of insurance offered under this title that is reinsured by the Corporation shall not—

“(A) be subject to the jurisdiction of the Commodity Futures Trading Commission or the Securities and Exchange Commission; or

“(B) be considered to be accounts, agreements (including any transaction that is of the character of, or is commonly known to the trade as, an ‘option’, ‘privilege’, ‘indemnity’, ‘bid’, ‘offer’, ‘put’, ‘call’, ‘advance guaranty’, or ‘decline guaranty’), or transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market for the purposes of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

“(2) EFFECT ON CFTC AND COMMODITY EXCHANGE ACT.—

Nothing in this title affects the jurisdiction of the Commodity Futures Trading Commission or the applicability of the Commodity Exchange Act (7 U.S.C. 1 et seq.) to any transaction conducted on a contract market under that Act by an approved insurance provider to offset the approved insurance provider’s risk under a plan or policy of insurance under this title.”.

SEC. 142. MANAGEMENT OF CORPORATION.

(a) BOARD OF DIRECTORS OF CORPORATION.—

(1) CHANGE IN COMPOSITION.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by striking the section heading, “SEC. 505.”, and subsection (a) and inserting the following:

“SEC. 505. MANAGEMENT OF CORPORATION.

“(a) BOARD OF DIRECTORS.—

“(1) ESTABLISHMENT.—The management of the Corporation shall be vested in a Board of Directors subject to the general supervision of the Secretary.

“(2) COMPOSITION.—The Board shall consist of only the following members:

“(A) The manager of the Corporation, who shall serve as a nonvoting ex officio member.

“(B) The Under Secretary of Agriculture responsible for the Federal crop insurance program.

“(C) One additional Under Secretary of Agriculture (as designated by the Secretary).

“(D) The Chief Economist of the Department of Agriculture.

“(E) One person experienced in the crop insurance business.

“(F) One person experienced in reinsurance or the regulation of insurance.

“(G) Four active producers who are policy holders, are from different geographic areas of the United States, and represent a cross-section of agricultural commodities grown in the United States, including at least one specialty crop producer.

“(3) APPOINTMENT OF PRIVATE SECTOR MEMBERS.—The members of the Board described in subparagraphs (E), (F), and (G) of paragraph (2)—

“(A) shall be appointed by, and hold office at the pleasure of, the Secretary;

“(B) shall not be otherwise employed by the Federal Government;

“(C) shall be appointed to staggered 4-year terms, as determined by the Secretary; and

“(D) shall serve not more than two consecutive terms.

“(4) CHAIRPERSON.—The Board shall select a member of the Board to serve as Chairperson.”.

7 USC 1505 note.

(2) IMPLEMENTATION.—The initial members of the Board of Directors of the Federal Crop Insurance Corporation required to be appointed under section 505(a)(3) of the Federal Crop Insurance Act (as amended by paragraph (1)) shall be appointed during the period beginning February 1, 2001, and ending April 1, 2001.

7 USC 1505 note.

(3) EFFECT ON EXISTING BOARD.—A member of the Board of Directors of the Federal Crop Insurance Corporation on the date of the enactment of this Act may continue to serve as a member of the Board until the members referred to in paragraph (2) are first appointed.

(b) EXPERT REVIEW OF POLICIES, PLANS OF INSURANCE, AND RELATED MATERIAL.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended by adding at the end the following:

“(e) EXPERT REVIEW OF POLICIES, PLANS OF INSURANCE, AND RELATED MATERIAL.—

“(1) REVIEW BY EXPERTS.—The Board shall establish procedures under which any policy or plan of insurance, as well as any related material or modification of such a policy or plan of insurance, to be offered under this title shall be subject to independent reviews by persons experienced as actuaries and in underwriting, as determined by the Board.

“(2) REVIEW OF CORPORATION POLICIES AND PLANS.—Except as provided in paragraph (3), the Board shall contract with at least five persons to each conduct a review of the policy or plan of insurance, of whom—

“(A) not more than one person may be employed by the Federal Government; and

“(B) at least one person must be designated by approved insurance providers pursuant to procedures determined by the Board.

“(3) REVIEW OF PRIVATE SUBMISSIONS.—If the reviews under paragraph (1) cover a policy or plan of insurance, or any related material or modification of a policy or plan of insurance, submitted under section 508(h)—

“(A) the Board shall contract with at least five persons to each conduct a review of the policy or plan of insurance, of whom—

“(i) not more than one person may be employed by the Federal Government; and

“(ii) none may be employed by an approved insurance provider; and

“(B) each review must be completed and submitted to the Board not later than 30 days prior to the end of the 120-day period described in section 508(h)(4)(D). Deadline.

“(4) CONSIDERATION OF REVIEWS.—The Board shall include reviews conducted under this subsection as part of the consideration of any policy or plan or insurance, or any related material or modification of a policy or plan of insurance, proposed to be offered under this title.

“(5) FUNDING OF REVIEWS.—Each contract to conduct a review under this subsection shall be funded from amounts made available under section 516(b)(2)(A)(ii).

“(6) RELATION TO OTHER AUTHORITY.—The contract authority provided in this subsection is in addition to any other contracting authority that may be exercised by the Board under section 506(l).”.

SEC. 143. CONTRACTING FOR RATING OF PLANS OF INSURANCE.

Section 507(c)(2) of the Federal Crop Insurance Act (7 U.S.C. 1507(c)(2)) is amended—

(1) by striking “actuarial, loss adjustment,” and inserting “actuarial services, services relating to loss adjustment and rating plans of insurance,”; and

(2) by inserting after “private sector” the following: “and to enable the Corporation to concentrate on regulating the provision of insurance under this title and evaluating new products and materials submitted under section 508(h) or 523”.

SEC. 144. ELECTRONIC AVAILABILITY OF CROP INSURANCE INFORMATION.

Section 508(a)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(5)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(2) by striking “The Corporation” and inserting the following:

“(A) AVAILABLE INFORMATION.—The Corporation”; and

(3) by adding at the end the following:

“(B) USE OF ELECTRONIC METHODS.—

“(i) DISSEMINATION BY CORPORATION.—The Corporation shall make the information described in subparagraph (A) available electronically to producers and approved insurance providers.

“(ii) SUBMISSION TO CORPORATION.—To the maximum extent practicable, the Corporation shall allow producers and approved insurance providers to use electronic methods to submit information required by the Corporation.”.

SEC. 145. ADEQUATE COVERAGE FOR STATES.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

“(7) ADEQUATE COVERAGE FOR STATES.—

“(A) DEFINITION OF ADEQUATELY SERVED.—In this paragraph, the term ‘adequately served’ means having a participation rate that is at least 50 percent of the national average participation rate.

“(B) REVIEW.—The Board shall review the policies and plans of insurance that are offered by approved insurance providers under this title to determine if each State is adequately served by the policies and plans of insurance.

“(C) REPORT.—

Deadline.

“(i) IN GENERAL.—Not later than 30 days after completion of the review under subparagraph (B), the Board shall submit to Congress a report on the results of the review.

“(ii) RECOMMENDATIONS.—The report shall include recommendations to increase participation in States that are not adequately served by the policies and plans of insurance.”.

SEC. 146. SUBMISSION OF POLICIES AND MATERIALS TO BOARD.

(a) PERSONS AUTHORIZED TO SUBMIT.—Section 508(h)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(1)) is amended by inserting after “a person” the following: “(including an approved insurance provider, a college or university, a cooperative or trade association, or any other person)”.

(b) SALE BY APPROVED INSURANCE PROVIDERS.—Section 508(h)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(3)) is amended in the first sentence by inserting after “for sale” the following: “by approved insurance providers”.

(c) GUIDELINES FOR SUBMISSION AND REVIEW.—Section 508(h)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

“(A) CONFIDENTIALITY.—

“(i) IN GENERAL.—A proposal submitted to the Board under this subsection (including any information generated from the proposal) shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5, United States Code.

“(ii) STANDARD OF CONFIDENTIALITY.—If information concerning a proposal could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, United States Code, the information shall not be released to the public.

“(iii) APPLICATION.—This subparagraph shall apply with respect to a proposal only during the period preceding any approval of the proposal by the Board.”;

(2) in subparagraph (B), by inserting “PERSONAL PRESENTATION.—” before “The”; and

(3) by striking subparagraphs (C) and (D) and inserting the following:

“(C) NOTIFICATION OF INTENT TO DISAPPROVE.—

Deadline.

“(i) TIME PERIOD.—The Board shall provide an applicant with notification of intent to disapprove a

proposal not later than 30 days prior to making the disapproval.

“(ii) MODIFICATION OF APPLICATION.—

“(I) AUTHORITY.—An applicant that receives the notification may modify the application, and such application, as modified, shall be considered by the Board in the manner provided in subparagraph (D) within the 30-day period beginning on the date the modified application is submitted.

“(II) TIME PERIOD.—Clause (i) shall not apply to the Board’s consideration of the modified application.

“(iii) EXPLANATION.—Any notification of intent to disapprove a policy or other material submitted under this subsection shall be accompanied by a complete explanation as to the reasons for the Board’s intention to deny approval.

“(D) DETERMINATION TO APPROVE OR DISAPPROVE POLICIES OR MATERIALS.—

“(i) TIME PERIOD.—Not later than 120 days after a policy or other material is submitted under this subsection, the Board shall make a determination to approve or disapprove the policy or material. Deadline.

“(ii) EXPLANATION.—Any determination by the Board to disapprove any policy or other material shall be accompanied by a complete explanation of the reasons for the Board’s decision to deny approval.

“(iii) FAILURE TO MEET DEADLINE.—Notwithstanding any other provision of this title, if the Board fails to make a determination within the prescribed time period, the submitted policy or other material shall be deemed approved by the Board for the initial reinsurance year designated for the policy or material, unless the Board and the applicant agree to an extension.”.

(d) TECHNICAL AMENDMENTS.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

- (1) by striking paragraphs (6), (8), (9), and (10); and
- (2) by redesignating paragraph (7) as paragraph (6).

SEC. 147. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended—

- (1) by striking “years—” and inserting “years the following.”;

- (2) by capitalizing the first letter of the first word of each subparagraph;

- (3) by striking “; and” at the end of subparagraph (A) and inserting a period; and

- (4) by adding at the end the following:

“(C) Costs associated with the conduct of livestock and wild salmon pilot programs carried out under section 523, subject to the limitations in subsections (a)(3)(E)(ii) and (b)(10) of section 523.

“(D) Costs associated with the reimbursement, contracting, and partnerships for research and development under section 522.”.

(b) PAYMENT OF GENERAL CORPORATION EXPENSES FROM INSURANCE FUND.—Section 516(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(1)) is amended—

(1) by striking “including—” and inserting “including the following:”;

(2) by capitalizing the first letter of the first word of each subparagraph;

(3) by striking the semicolon at the end of subparagraph (A) and inserting a period;

(4) by striking “; and” at the end of subparagraph (B) and inserting a period; and

(5) by adding at the end the following:

“(D) Costs associated with the conduct of livestock and wild salmon pilot programs carried out under section 523, subject to the limitations in subsections (a)(3)(E)(ii) and (b)(10) of section 523.

“(E) Costs associated with the reimbursement, contracting, and partnerships for research and development under section 522.”.

(c) EXPEDITED CONSIDERATION AND IMPLEMENTATION OF POLICIES, PLANS OF INSURANCE, AND RELATED MATERIALS.—Section 516(b)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(b)(2)) is amended—

(1) by striking “RESEARCH AND DEVELOPMENT EXPENSES.—” and inserting “POLICY CONSIDERATION AND IMPLEMENTATION.—”;

(2) in subparagraph (A)—

(A) by striking “may pay from” and inserting “may use”;

(B) by striking “research and development expenses of the Corporation”; and

(C) by striking the period at the end and inserting the following: “, to pay the following:

“(i) Costs associated with the consideration and implementation of policies, plans of insurance, and related materials submitted under section 508(h) or developed under section 522 or 523.

“(ii) Costs to contract for the review of policies, plans of insurance, and related materials under section 505(e) and to contract for other assistance in considering policies, plans of insurance, and related materials.”; and

(3) in subparagraph (B), by striking “research and development”.

(d) DEPOSITS TO INSURANCE FUND.—Section 516(c)(1) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)(1)) is amended—

(1) by striking “income and” and inserting “income,”; and

(2) by inserting “, and civil fines collected under section 515(h)” after “(a)(2)”.

7 USC 1506 note. **SEC. 148. STANDARD REINSURANCE AGREEMENT.**

Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185), the Federal Crop Insurance Corporation may renegotiate the Standard Reinsurance Agreement once during the 2001 through 2005 reinsurance years.

Subtitle E—Miscellaneous

SEC. 161. LIMITATION ON REVENUE COVERAGE FOR POTATOES.

Section 508(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(3)), as amended by section 123, is amended by adding at the end the following:

“(C) LIMITATION ON REVENUE COVERAGE FOR POTATOES.—No policy or plan of insurance provided under this title (including a policy or plan of insurance approved by the Board under subsection (h)) shall cover losses due to a reduction in revenue for potatoes except as covered under a whole farm policy or plan of insurance, as determined by the Corporation.”.

SEC. 162. CROP INSURANCE COVERAGE FOR COTTON AND RICE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)), as amended by 145, is amended by adding at the end the following:

“(8) SPECIAL PROVISIONS FOR COTTON AND RICE.—Notwithstanding any other provision of this title, beginning with the 2001 crops of upland cotton, extra long staple cotton, and rice, the Corporation shall offer plans of insurance, including prevented planting coverage and replanting coverage, under this title that cover losses of upland cotton, extra long staple cotton, and rice resulting from failure of irrigation water supplies due to drought and saltwater intrusion.”.

SEC. 163. INDEMNITY PAYMENTS FOR CERTAIN PRODUCERS.

(a) IN GENERAL.—Except as otherwise provided in this section, notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), a producer that purchased a 1999 Crop Revenue Coverage policy for a commodity covered by Bulletin MGR–99–004 (as in effect before being voided by subsection (d)) by the sales closing date prescribed in the actuarial documents in the county where the policy was sold shall receive an indemnity payment in accordance with the policy.

(b) BASE AND HARVEST PRICES.—The base price and harvest price under the policy for a commodity described in subsection (a) shall be determined in accordance with the Commodity Exchange Endorsement published by the Federal Crop Insurance Corporation on July 14, 1998 (63 Fed. Reg. 37829).

(c) REINSURANCE.—Subject to subsection (b), notwithstanding section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)), the Corporation shall provide reinsurance with respect to the policy in accordance with the Standard Reinsurance Agreement.

(d) VOIDING OF BULLETIN.—Bulletin MGR–99–004, issued by the Administrator of the Risk Management Agency of the Department of Agriculture, is void.

(e) EFFECTIVE DATE.—This section takes effect on October 1, 2000.

SEC. 164. SENSE OF THE CONGRESS REGARDING THE FEDERAL CROP INSURANCE PROGRAM.

It is the sense of the Congress that—

(1) farmer-owned cooperatives play a valuable role in achieving the purposes of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) by—

(A) encouraging producer participation in the Federal crop insurance program;

(B) improving the delivery system for crop insurance; and

(C) helping to develop new and improved insurance products;

(2) the Risk Management Agency, through its regulatory activities, should encourage efforts by farmer-owned cooperatives to promote appropriate risk management strategies among their membership;

(3) partnerships between approved insurance providers and farmer-owned cooperatives provide opportunity for agricultural producers to obtain needed insurance coverage on a more competitive basis and at a lower cost;

(4) the Risk Management Agency is following an appropriate regulatory process to ensure the continued participation by farmer-owned cooperatives in the delivery of crop insurance;

(5) efforts by the Risk Management Agency to finalize regulations that would incorporate the currently approved business practices of cooperatives participating in the Federal crop insurance program should be commended; and

(6) not later than 180 days after the date of the enactment of this Act, the Federal Crop Insurance Corporation should complete promulgation of the proposed rule entitled “General Administrative Regulations; Premium Reductions; Payment of Rebates, Dividends, and Patronage Refunds; and Payments to Insured-Owned and Record-Controlling Entities”, published by the Federal Crop Insurance Corporation on May 12, 1999 (64 Fed. Reg. 25464), in a manner that—

(A) effectively responds to comments received from the public during the rulemaking process;

(B) provides an effective opportunity for farmer-owned cooperatives to assist the members of the cooperatives to obtain crop insurance and participate most effectively in the Federal crop insurance program;

(C) incorporates the currently approved business practices of farmer-owned cooperatives participating in the Federal crop insurance program; and

(D) protects the interests of agricultural producers.

Deadline.

SEC. 165. SENSE OF THE CONGRESS ON RURAL AMERICA, INCLUDING MINORITY AND LIMITED-RESOURCE FARMERS.

It is the sense of the Congress that—

(1) rural America, including minority and limited resource farmers, has not experienced this recent period of economic prosperity;

(2) as a result of sustained low commodity prices, they face significant challenges, including—

(A) a depressed farm economy;

(B) a loss of business and jobs on rural main streets;

(C) a reduction of capital investment; and

(D) a loss of independent farmers;

(3) Congress applauds American farmers and rural advocates, including the organizers of the Rally for Rural America,

for their efforts in calling this situation to the public’s attention;
and

(4) Congress is committed to responding to the concerns of rural America and pledges to devote full attention to making necessary changes to Federal agricultural programs in a manner that will—

(A) alleviate the agricultural price crisis;

(B) ensure competitive markets by empowering farm families;

(C) ensure that all farmers, including minority and limited-resource farmers, participate fully in the benefits of those programs;

(D) invest in rural education and health;

(E) increase resources for outreach and technical farming assistance;

(F) conserve our natural resources for future generations; and

(G) ensure a safe and secure food supply for all.

Subtitle F—Effective Dates and Implementation

SEC. 171. EFFECTIVE DATES.

7 USC 1501 note.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) 2001 FISCAL YEAR.—The following provisions and the amendments made by the provisions take effect on October 1, 2000:

(A) Subtitle C.

(B) Section 146.

(C) Section 163.

(2) 2001 CROP YEAR.—The amendments made by the following provisions apply beginning with the 2001 crop of an agricultural commodity:

(A) Subsections (a), (b), and (c) of section 101.

(B) Section 102(a).

(C) Subsections (a), (b), and (c) of section 103.

(D) Section 104.

(E) Section 105(b).

(F) Section 108.

(G) Section 109.

(H) Section 162.

(3) 2001 REINSURANCE YEAR.—The amendments made by the following provisions apply beginning with the 2001 reinsurance year:

(A) Section 101(d).

(B) Section 102(b).

(C) Section 103(d).

SEC. 172. REGULATIONS.

7 USC 1501 note.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations to carry out this Act and the amendments made by this Act.

Deadline.

7 USC 1501 note. **SEC. 173. SAVINGS CLAUSE.**

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as in effect on day before the date of the enactment of this Act, shall—

(1) continue to apply with respect to the 1999 crop year; and

(2) apply with respect to the 2000 crop year, to the extent the application of an amendment made by this Act is delayed under section 171(b) or by the terms of the amendment.

TITLE II—AGRICULTURAL ASSISTANCE

Subtitle A—Market Loss Assistance

7 USC 1421 note. **SEC. 201. MARKET LOSS ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary of Agriculture (referred to in this title as the “Secretary”) shall use funds of the Commodity Credit Corporation to provide assistance in the form of a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2000 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) **AMOUNT AND MANNER.**—In providing payments under this section, the Secretary shall—

(1) use the same contract payment rates as are used under section 802(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78); and

(2) provide the payments in a manner that is consistent with section 802(c) of that Act.

Deadline. (c) **TIMING.**—The Secretary shall make the payments required by this section not earlier than September 1, 2000, and not later than September 30, 2000.

7 USC 1421 note. **SEC. 202. OILSEEDS.**

(a) **IN GENERAL.**—The Secretary shall use \$500,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 2000 crop of oilseeds that are eligible to obtain a marketing assistance loan under section 131 of the Agricultural Market Transition Act (7 U.S.C. 7231).

(b) **COMPUTATION.**—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage of the producers on the farm for the oilseed, as determined under subsection (c); and

(3) the yield of the producers on the farm for the oilseed, as determined under subsection (d).

(c) **ACREAGE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1997, 1998, or 1999 crop year, whichever is greatest, as reported

by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(2) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 2000 crop year but not the 1997, 1998, or 1999 crop year, the acreage of the producers for the oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 2000 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(d) YIELD.—

(1) SOYBEANS.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average county yield per harvested acre for each of the 1995 through 1999 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1997, 1998, or 1999 crop year.

(2) OTHER OILSEEDS.—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average national yield per harvested acre for each of the 1995 through 1999 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1997, 1998, or 1999 crop year.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 2000 crop year but not the 1997, 1998, or 1999 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1995 through 1999 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 2000 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

SEC. 203. SPECIALTY CROPS.

7 USC 1421 note.

(a) REPLENISHMENT OF PERISHABLE AGRICULTURAL COMMODITIES ACT FUND.—Of the amount made available under section 261(a)(2), \$30,450,000 shall—

(1) be deposited in the Perishable Agricultural Commodities Act Fund established by section 3(b)(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)(5));

(2) be merged with other amounts in the Perishable Agricultural Commodities Act Fund; and

(3) be available for the same purposes and for the same time period as other amounts in the Perishable Agricultural Commodities Act Fund.

(b) REPLENISHMENT OF TRUST FUNDS FOR SERVICES UNDER AGRICULTURAL MARKETING ACT OF 1946.—Of the amount made available under section 261(a)(2), \$29,000,000 shall—

(1) be deposited in the trust fund account established to cover the cost of inspection, certification, and identification services provided under section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h));

(2) be merged with other amounts in the trust fund account; and

(3) be available for the same purposes and for the same time period as other amounts in the trust fund account.

(c) INSPECTION SERVICES IMPROVEMENTS.—Of the amount made available under section 261(a)(2), \$11,550,000 shall be used by the Secretary to improve the infrastructure and system used for inspecting fruits and vegetables, including improving—

(1) the program used to train inspectors, including the establishment of an inspector training center;

(2) the technological resources used by inspectors;

(3) the use of digital imaging by inspectors; and

(4) the office space and grading tables used by inspectors.

(d) SURPLUS CROP PURCHASES.—

(1) PURCHASES.—Of the amount made available under section 261(a)(2), \$200,000,000 shall be used by the Secretary to purchase specialty crops that have experienced low prices during the 1998 or 1999 crop years, including apples, black-eyed peas, cherries, citrus, cranberries, onions, melons, peaches, and potatoes.

(2) DISPLACEMENT.—The Secretary shall ensure that purchases of specialty crops under this subsection will not displace purchases by the Secretary under any other law.

(e) GROWER COMPENSATION.—

(1) COMPENSATION.—Of the amount made available under section 261(a)(2), \$25,000,000 shall be used by the Secretary to compensate—

(A) growers covered by the Secretary's Declaration of Extraordinary Emergency published on March 2, 2000 (65 Fed. Reg. 11280), regarding the plum pox virus;

(B) growers for losses due to Pierce's disease; and

(C) commercial producers for losses due to citrus canker.

Deadline.

(2) REPORT.—Not later than July 19, 2000, the Secretary, in coordination with the Inspector General of the Department of Agriculture, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes—

(A) the economic losses to the produce industry as a result of allegations of false inspection certificates prepared by graders of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York; and

(B) the restitution by the Secretary for persons damaged as a result of losses described in subparagraph (A).

(f) APPLE LOANS.—

(1) **REQUIREMENT.**—The Secretary, acting through the Farm Service Agency, shall use funds of the Commodity Credit Corporation to make loans to producers of apples that are suffering economic loss as the result of low prices for apples.

(2) **TERM.**—The term of a loan made under this subsection shall be not more than 3 years.

(3) **INTEREST RATE.**—The interest rate for a loan made under this subsection shall be at a rate equal to the then current cost of money to the Government of the United States for loans of similar maturity.

(4) **SECURITY.**—The Secretary may require a loan made under this subsection to be secured by real property or such other collateral as the Secretary considers appropriate and protects the interests of the Federal Government.

(5) **LIMITATION.**—The cost of all loans made under this subsection shall not exceed \$5,000,000.

SEC. 204. OTHER COMMODITIES.

7 USC 1421 note.

(a) **PEANUTS.**—

(1) **IN GENERAL.**—The Secretary shall use funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 2000 crop year.

(2) **AMOUNT.**—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under paragraph (1) shall be equal to the product obtained by multiplying—

(A) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers; and

(B) a payment rate equal to—

(i) in the case of quota peanuts, \$30.50 per ton; and

(ii) in the case of additional peanuts, \$16.00 per ton.

(b) **TOBACCO.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **ELIGIBLE PERSON.**—The term “eligible person” means a person that owns or operates, or produces eligible tobacco on, a farm—

(i) for which the quantity of quota of eligible tobacco allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) was reduced from the 1999 crop year to the 2000 crop year; and

(ii) that is used for the production of eligible tobacco during the 2000 crop year.

(B) **ELIGIBLE TOBACCO.**—The term “eligible tobacco” means each of the following kinds of tobacco:

(i) Flue-cured tobacco, comprising types 11, 12, 13, and 14.

(ii) Fire-cured tobacco, comprising type 21.

(iii) Burley tobacco, comprising type 31.

(iv) Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 54, and 55.

Effective date.

(2) PAYMENTS.—Effective beginning October 1, 2000, the Secretary shall use \$340,000,000 of funds of the Commodity Credit Corporation to make payments to eligible persons.

(3) ALLOCATION OF FUNDS AMONG STATES.—The funds made available for eligible persons under paragraph (2) shall be allocated among States in the following dollar amounts:

Alabama	\$100,000
Arkansas	\$1,000
Florida	\$2,500,000
Georgia	\$13,000,000
Indiana	\$5,400,000
Kansas	\$23,000
Kentucky	\$140,000,000
Missouri	\$2,000,000
North Carolina	\$100,000,000
Ohio	\$6,000,000
Oklahoma	\$1,000
South Carolina	\$15,000,000
Tennessee	\$35,000,000
Virginia	\$19,000,000
Wisconsin	\$675,000
West Virginia	\$1,300,000.

(4) ALLOCATION OF FUNDS AMONG FARMS IN A STATE.—The Secretary shall divide the amount allocated to a State under paragraph (3) among farms in the State based on the quota of eligible tobacco available to each farm of an eligible person for the 2000 crop year.

Deadline.

(5) DIVISION OF FARM PAYMENTS AMONG ELIGIBLE PERSONS IN A STATE.—Not later than October 20, 2000, the Secretary shall divide amounts made available to farms in a State under paragraph (4) among eligible persons who are quota owners, quota lessees, and tobacco producers on farms in the State, and make payments to the eligible persons, on the basis of—

(A) in the case of a State that is a party to the National Tobacco Grower Settlement Trust, the formula in the Trust used to allocate funds among quota owners, quota lessees, and tobacco producers on farms in the State, with such adjustments as the Secretary determines are necessary to enable the payments to be made by October 20, 2000; or

(B) in the case of a State that is not a party to the National Tobacco Grower Settlement Trust, a formula established by the Secretary.

(6) PAYMENTS TO ELIGIBLE PERSONS IN GEORGIA.—The Secretary shall use the amount allocated to the State of Georgia under paragraph (3) to make payments to eligible persons in Georgia only if the State of Georgia agrees to use an equal amount (not to exceed \$13,000,000) to make payments at the same time, or subsequently, to the same eligible persons in the same manner as provided for the Federal payment under paragraphs (4) and (5).

(7) USE FOR ADMINISTRATIVE COSTS.—None of the funds made available under paragraphs (1) through (7) may be used to pay administrative costs incurred in carrying out those paragraphs.

(8) TRANSFER OF ALLOTMENTS.—Section 318 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314d) is amended by striking subsection (g) and inserting the following:

“(g) TRANSFER OF ALLOTMENTS.—Under this section, the total acreage allotted to any farm after any transfer shall not exceed 50 percent of the acreage of cropland on the farm.”.

(9) BURLEY TOBACCO INVENTORIES OF PRODUCER ASSOCIATIONS.—Section 319(c)(3) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(c)(3)) is amended—

(A) in subparagraph (B), by striking “In” and inserting “Except as provided in subparagraph (D), in”; and

(B) by adding at the end the following:

“(D) NONAPPLICABILITY OF DOWNWARD ADJUSTMENT.—If the Secretary determines for any of the 2001 or subsequent crop years that noncommitted pool stocks of Burley tobacco are equal to or less than the reserve stock level established under this paragraph, subparagraph (B) shall not apply to the crop year for which the determination is made and all subsequent crop years.”.

(10) LIMITATIONS ON BURLEY TOBACCO QUOTA ADJUSTMENTS.—

(A) CARRY FORWARD ADJUSTMENT.—Section 319(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(e)) is amended in the fifth sentence—

(i) by striking “: *Provided*, That” and inserting “, except that (1)”; and

(ii) by inserting before the period at the end the following: “, and (2) the aggregate of such increases for all farms for any crop year may not exceed 10 percent of the national basic quota for the preceding crop year”.

(B) LEASE AND TRANSFER OF QUOTA DUE TO NATURAL DISASTERS.—Section 319(k) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(k)) is amended by adding at the end the following:

“(3) LIMITATION.—The total quantity of quota leased or transferred to a farm during a crop year under this subsection may not exceed 15 percent of the quota on the farm that existed prior to any such lease or transfer for the crop year.”.

(11) LEASE AND TRANSFER OF BURLEY TOBACCO QUOTA.—Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended by striking subsection (l) and inserting the following:

“(l) LEASE AND TRANSFER OF BURLEY TOBACCO QUOTA.—

“(1) APPROVAL BY PRODUCERS.—Notwithstanding any other provision of this section, the Secretary may permit the lease and transfer of a Burley tobacco quota from one farm in a State to any other farm in the State if, in a State-wide referendum conducted by the Secretary, a majority of the active Burley tobacco producers voting in the referendum approve the use of that type of lease and transfer.

“(2) APPLICATION.—This subsection shall apply only to the States of Tennessee, Ohio, Indiana, Kentucky, and Virginia.”.

State listing.

(12) RECORDKEEPING AND SALE OF BURLEY TOBACCO QUOTA AND ACREAGE.—Section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e) is amended by adding at the end the following:

“(m) COMPUTERIZED RECORDKEEPING SYSTEM FOR BURLEY TOBACCO QUOTA AND ACREAGE.—

“(1) PRODUCER REPORTS.—Each person that owns a farm for which a Burley tobacco marketing quota is established under this Act shall annually file with the Secretary a report describing the acreage planted to Burley tobacco on the farm.

“(2) COMPUTERIZED RECORDKEEPING SYSTEM.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall establish a computerized recordkeeping system that contains all information reported under paragraph (1) and related records, as determined by the Secretary.

“(n) SALE OF BURLEY TOBACCO QUOTA.—Notwithstanding any other provision of this section, if a person that owns a farm for which a Burley tobacco marketing quota is established under this Act sells all or part of the acreage on the farm to a buyer, the Secretary shall permit the seller and buyer of the acreage to determine the percentage of the quota that is transferred with the acreage sold.”.

(c) HONEY.—

(1) IN GENERAL.—The Secretary shall use funds of the Commodity Credit Corporation to make available recourse loans to producers of the 2000 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(2) LOAN RATE.—The loan rate for a loan under paragraph (1) shall be equal to 85 percent of the average price of honey during the 5-crop year period preceding the 2000 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(d) WOOL AND MOHAIR.—

(1) IN GENERAL.—The Secretary shall use funds of the Commodity Credit Corporation to make payments to producers of wool, and producers of mohair, for the 1999 marketing year.

(2) PAYMENT RATE.—The payment rate for payments made to producers under paragraph (1) shall be equal to—

(A) in the case of wool, 20 cents per pound; and

(B) in the case of mohair, 40 cents per pound.

(e) COTTONSEED.—The Secretary shall use \$100,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2000 crop of cottonseed.

7 USC 1421 note.

SEC. 205. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS.

(a) ELIGIBLE PRODUCERS.—Effective for the 2001 crop year, in the case of a producer that would be eligible for a loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(b) PAYMENT AMOUNT.—The amount of a payment made to a producer on a farm under this section shall be equal to the amount determined by multiplying—

(1) the loan deficiency payment rate determined under section 135(c) of the Agricultural Market Transition Act (7 U.S.C. 7235(c)) in effect, as of the date of the agreement, for the county in which the farm is located; by

(2) the payment quantity determined by multiplying—

(A) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(B) the greater of—

(i) the established yield for the crop on the farm; or

(ii) the average county yield per harvested acre of the crop, as determined by the Secretary.

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235), except that the payment shall be made not later than September 30, 2001.

(2) AVAILABILITY.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, barley, and oats established by the Secretary for marketing assistance loans authorized by subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.).

(d) REGULATIONS.—The Secretary shall promulgate under section 263 such regulations as are necessary to administer the payments authorized by this section in a fair and equitable manner with respect to producers of wheat and feed grains that do not receive a payment under this section.

(e) FUNDING.—The Secretary shall use funds of the Commodity Credit Corporation to carry out this section.

SEC. 206. EXPANSION OF PRODUCERS ELIGIBLE FOR LOAN DEFICIENCY PAYMENTS.

7 USC 1421 note.

(a) ELIGIBLE PRODUCERS.—Section 135(a) of the Agricultural Market Transition Act (7 U.S.C. 7235(a)) is amended—

(1) by striking “to producers” and inserting “to—

“(1) producers”;

(2) by striking the period at the end and inserting “; and”;

and

(3) by adding at the end the following:

“(2) effective only for the 2000 crop year, producers that, although not eligible to obtain such a marketing assistance loan under section 131, produce a contract commodity.”.

(b) CALCULATION.—Section 135(b)(2) of the Agricultural Market Transition Act (7 U.S.C. 7235(b)(2)) is amended by striking “that the producers” and all that follows through the period at the end and inserting the following: “produced by the eligible producers, excluding any quantity for which the producers obtain a loan under section 131.”.

(c) TRANSITION; BENEFICIAL INTEREST.—Section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) is amended by adding at the end the following:

“(e) TRANSITION.—A payment to a producer eligible for a payment under subsection (a)(2) that harvested a commodity on or before the date that is 30 days after the promulgation of the regulations implementing subsection (a)(2) shall be determined as the date the producer lost beneficial interest in the commodity, as determined by the Secretary.

“(f) BENEFICIAL INTEREST.—Subject to subsection (e), a producer shall be eligible for a payment under this section only if the producer

has a beneficial interest in the commodity, as determined by the Secretary.”.

Subtitle B—Conservation

16 USC 3830
note.

SEC. 211. CONSERVATION ASSISTANCE.

(a) FARMLAND PROTECTION.—For the purposes described in section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note; Public Law 104-127), the Secretary shall use \$10,000,000 of funds of the Commodity Credit Corporation to make payments to—

(1) any agency of any State or local government, or federally recognized Indian tribe, including farmland protection boards and land resource councils established under State law; and

(2) any organization that—

(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

(C) is described in section 509(a)(2) of that Code; or

(D) is described in section 509(a)(3) of that Code and is controlled by an organization described in section 509(a)(2) of that Code.

(b) SOIL AND WATER CONSERVATION ASSISTANCE.—

(1) ESTABLISHMENT.—The Secretary shall use \$40,000,000 of funds of the Commodity Credit Corporation to provide financial assistance to farmers and ranchers to—

(A) address threats to soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat;

(B) comply with Federal and State environmental laws; and

(C) make beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources.

(2) TYPE OF ASSISTANCE.—Assistance under this subsection may be made in the form of cost share payments or incentive payments, as determined by the Secretary.

(3) AREAS.—The Secretary shall provide assistance under this subsection to areas that are not designated under section 1230(c) of the Food Security Act of 1985 (16 U.S.C. 3830(c)).

SEC. 212. CONDITION ON DEVELOPMENT OF LITTLE DARBY NATIONAL WILDLIFE REFUGE, OHIO.

The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) before proceeding with any further development of the Little Darby National Wildlife Refuge in Madison and Union Counties, Ohio.

Subtitle C—Research

SEC. 221. CARBON CYCLE RESEARCH.

(a) **IN GENERAL.**—Of the amount made available under section 261(a)(2), the Secretary shall use \$15,000,000 to provide a grant to the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, acting through Kansas State University, to develop, analyze, and implement, through the land grant universities described in subsection (b), carbon cycle research at the national, regional, and local levels.

(b) **LAND GRANT UNIVERSITIES.**—The land grant universities referred to in subsection (a) are the following:

- (1) Colorado State University.
- (2) Iowa State University.
- (3) Kansas State University.
- (4) Michigan State University.
- (5) Montana State University.
- (6) Purdue University.
- (7) Ohio State University.
- (8) Texas A&M University.
- (9) University of Nebraska.

(c) **USE.**—Land grant universities described in subsection (b) shall use funds made available under this section—

(1) to conduct research to improve the scientific basis of using land management practices to increase soil carbon sequestration, including research on the use of new technologies to increase carbon cycle effectiveness, such as biotechnology and nanotechnology;

(2) to enter into partnerships to identify, develop, and evaluate agricultural best practices, including partnerships between—

- (A) Federal, State, or private entities; and
- (B) the Department of Agriculture;

(3) to develop necessary computer models to predict and assess the carbon cycle;

(4) to estimate and develop mechanisms to measure carbon levels made available as a result of—

- (A) voluntary Federal conservation programs;
- (B) private and Federal forests; and
- (C) other land uses;

(5) to develop outreach programs, in coordination with Extension Services, to share information on carbon cycle and agricultural best practices that is useful to agricultural producers; and

(6) to collaborate with the Great Plains Regional Earth Science Application Center to develop a space-based carbon cycle remote sensing technology program to—

- (A) provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions;
 - (B) assess and model agricultural carbon sequestration;
- and
- (C) develop commercial products.

(d) **ADMINISTRATIVE COSTS.**—Not more than 3 percent of the funds made available under subsection (a) may be used by the Secretary to pay administrative costs incurred in carrying out this section.

SEC. 222. TOBACCO RESEARCH FOR MEDICINAL PURPOSES.

(a) ASSISTANCE.—Of the amount made available under section 261(a)(2), the Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall use \$3,000,000 to provide a grant jointly to Georgetown University and North Carolina State University to conduct research regarding the extraction and purification of proteins from genetically altered tobacco that may be used as a vaccine for cervical cancer.

(b) RELATION TO OTHER LAW.—The Secretary may make the grant described in subsection (a) notwithstanding any general prohibition on the use of appropriated funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

SEC. 223. RESEARCH ON SOIL SCIENCE AND FOREST HEALTH MANAGEMENT.

Of the amount made available under section 261(a)(2), the Secretary shall use \$10,000,000 to provide a grant to the University of Nebraska in Lincoln, Nebraska, for laboratories and equipment for research on soil science and forest health and management.

SEC. 224. RESEARCH ON WASTE STREAMS FROM LIVESTOCK PRODUCTION.

Of the amount made available under section 261(a)(2), the Secretary shall use \$3,500,000 to expand current research related to technologies for—

- (1) reducing, modifying, recycling, and using waste streams from livestock production; and
- (2) eliminating associated air, water, and soil quality problems.

SEC. 225. IMPROVED STORAGE AND MANAGEMENT OF LIVESTOCK AND POULTRY WASTE.

(a) ASSISTANCE.—Of the amount made available under section 261(a)(2), the Secretary shall use \$5,000,000—

- (1) to review and assess the actual or potential failure of waste storage and handling systems used in livestock or poultry production and the environmental damages associated with the failure of the systems; and
- (2) to study and demonstrate appropriate market-oriented mechanisms to assist livestock producers and poultry producers to prevent the failure of the systems and rectify environmental damages associated with the failure of the systems.

(b) IMPLEMENTATION.—The Secretary shall carry out this section through grants, contracts, and cooperative agreements with livestock producers, poultry producers, associations of such producers, and foundations supported by such producers.

SEC. 226. ETHANOL RESEARCH PILOT PLANT.

Of the amount made available under section 261(a)(2), the Secretary shall use \$14,000,000 to provide a grant to the State of Illinois to complete the construction of a corn-based ethanol research pilot plant (Agreement No. 59-3601-7-078) at Southern Illinois University, Edwardsville, Illinois.

SEC. 227. BIOINFORMATICS INSTITUTE FOR MODEL PLANT SPECIES.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary, acting through the Agricultural Research Service, may enter into a

Grants.
Contracts.

cooperative agreement with the National Center for Genome Resources in Santa Fe, New Mexico, New Mexico State University, and Iowa State University, for the establishment and operation of an institute (to be known as the “Bioinformatics Institute for Model Plant Species”) in Santa Fe, New Mexico, for the purpose of enhancing the accessibility and utility of genomic information for plant genetic research.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$3,000,000 for the purpose of establishing the Institute under subsection (a); and

(2) such sums as may be necessary for each fiscal year to carry out the cooperative agreement authorized by subsection (a).

Subtitle D—Agricultural Marketing

SEC. 231. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

7 USC 1621 note.

(a) GRANT PROGRAM.—

(1) ESTABLISHMENT AND PURPOSES.—Of the amount made available under section 261(a)(2), \$15,000,000 shall be used by the Secretary to award competitive grants to eligible independent producers (as determined by the Secretary) of value-added agricultural commodities and products of agricultural commodities to assist an eligible producer—

(A) to develop a business plan for viable marketing opportunities for a value-added agricultural commodity or product of an agricultural commodity; or

(B) to develop strategies for the ventures that are intended to create marketing opportunities for the producers.

(2) AMOUNT OF GRANT.—The total amount provided under this subsection to a grant recipient may not exceed \$500,000.

(3) PRODUCER STRATEGIES.—A producer that receives a grant under paragraph (1) shall use the grant—

(A) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity for a value-added agricultural commodity or product of an agricultural commodity; or

(B) to provide capital to establish alliances or business ventures that allow the producer to better compete in domestic or international markets.

(b) AGRICULTURAL MARKETING RESOURCE CENTER PILOT PROJECT.—

(1) ESTABLISHMENT.—Notwithstanding the limitation on grants in subsection (a)(2), the Secretary shall not use more than \$5,000,000 of the funds made available under subsection (a) to establish a pilot project (to be known as the “Agricultural Marketing Resource Center”) at an eligible institution described in paragraph (2) that will—

(A) develop a resource center with electronic capabilities to coordinate and provide to independent producers and processors (as determined by the Secretary) of value-

added agricultural commodities and products of agricultural commodities information regarding research, business, legal, financial, or logistical assistance; and

(B) develop a strategy to establish a nationwide market information and coordination system.

(2) ELIGIBLE INSTITUTION.—To be eligible to receive funding to establish the Agricultural Marketing Resource Center, an applicant shall demonstrate to the Secretary—

(A) the capacity and technical expertise to provide the services described in paragraph (1)(A);

(B) an established plan outlining support of the applicant in the agricultural community; and

(C) the availability of resources (in cash or in kind) of definite value to sustain the Center following establishment.

(c) MATCHING FUNDS.—A recipient of funds under subsection (a) or (b) shall contribute an amount of non-Federal funds that is at least equal to the amount of Federal funds received.

(d) LIMITATION.—Funds provided under this section may not be used for—

(1) planning, repair, rehabilitation, acquisition, or construction of a building or facility (including a processing facility); or

(2) the purchase, rental, or installation of fixed equipment.

Subtitle E—Nutrition Programs

SEC. 241. CALCULATION OF MINIMUM AMOUNT OF COMMODITIES FOR SCHOOL LUNCH REQUIREMENTS.

(a) FISCAL YEAR 2000.—Notwithstanding any other provision of law, in addition to any assistance provided under any other provision of law, of the amount made available under section 261(a)(1), the Secretary shall use \$34,000,000 in fiscal year 2000 to purchase commodities of the type provided under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) for distribution to schools participating in the school lunch program established under that Act (42 U.S.C. 1751 et seq.).

(b) FISCAL YEAR 2001.—Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking “2000” and inserting “2001”.

(c) ADDITIONAL COMMODITIES IN FISCAL YEAR 2001.—Notwithstanding any other provision of law, in addition to any assistance provided under any other provision of law (including the amendment made by subsection (b)), of the amount made available under section 261(a)(2), the Secretary shall use \$21,000,000 in fiscal year 2001 to purchase commodities of the type provided under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755) for distribution to schools participating in the school lunch program established under that Act (42 U.S.C. 1751 et seq.).

(d) DISTRIBUTION TO SCHOOLS.—The commodities purchased under subsections (a) and (c) shall, to the maximum extent practicable, be distributed in the same manner as commodities are distributed under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755).

SEC. 242. SCHOOL LUNCH DATA.**(a) LIMITED WAIVER OF CONFIDENTIALITY REQUIREMENT.—**

(1) **IN GENERAL.**—Section 9(b)(2)(C)(iii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(C)(iii)) is amended—

(A) in subclause (II), by striking “and” at the end;

(B) in subclause (III), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(IV) a person directly connected with the administration of the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the State children’s health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.) solely for the purpose of identifying children eligible for benefits under, and enrolling children in, such programs, except that this subclause shall apply only to the extent that the State and the school food authority so elect.”.

(2) **CERTIFICATION AND NOTIFICATION.**—Section 9(b)(2)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(C)) is amended by adding at the end the following:

“(vi) **REQUIREMENTS FOR WAIVER OF CONFIDENTIALITY.**—A State that elects to exercise the option described in clause (iii)(IV) shall ensure that any school food authority acting in accordance with that option—

“(I) has a written agreement with the State or local agency or agencies administering health insurance programs for children under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.) that requires the health agencies to use the information obtained under clause (iii) to seek to enroll children in those health insurance programs; and

“(II)(aa) notifies each household, the information of which shall be disclosed under clause (iii), that the information disclosed will be used only to enroll children in health programs referred to in clause (iii)(IV); and

“(bb) provides each parent or guardian of a child in the household with an opportunity to elect not to have the information disclosed.

“(vii) **USE OF DISCLOSED INFORMATION.**—A person to which information is disclosed under clause (iii)(IV) shall use or disclose the information only as necessary for the purpose of enrolling children in health programs referred to in clause (iii)(IV).”.

(b) DEMONSTRATION PROJECT.—

(1) **IN GENERAL.**—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

“(r) **DEMONSTRATION PROJECT RELATING TO USE OF THE WIC PROGRAM FOR IDENTIFICATION AND ENROLLMENT OF CHILDREN IN CERTAIN HEALTH PROGRAMS.**—

“(1) **IN GENERAL.**—In accordance with paragraph (2), the Secretary shall establish a demonstration project in at least

20 local agencies in one State under which costs of nutrition services and administration (as defined in subsection (b)(4)) shall include the costs of identification of children eligible for benefits under, and the provision of enrollment assistance for children in—

“(A) the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

“(B) the State children’s health insurance program under title XXI of that Act (42 U.S.C. 1397aa et seq.).

“(2) STATE-RELATED REQUIREMENTS.—The State in which a demonstration project is established under paragraph (1)—

“(A) shall operate not fewer than 20 pilot site locations;

“(B) as of the date of establishment of the demonstration project—

“(i) with respect to the programs referred to in subparagraphs (A) and (B) of paragraph (1)—

“(I) shall have in use a simplified application form with a length of not more than two pages;

“(II) shall accept mail-in applications; and

“(III) shall permit enrollment in the program in a variety of locations; and

“(ii) shall have served as an original pilot site for the program under this section; and

“(C) as of December 31, 1998, shall have had—

“(i) an infant mortality rate that is above the national average; and

“(ii) an overall rate of age-appropriate immunizations against vaccine-preventable diseases that is below 80 percent.

“(3) TERMINATION OF AUTHORITY.—The authority provided by this subsection terminates September 30, 2003.”.

(2) TECHNICAL AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(A) in subsection (b)(4), by striking “(4)” and all that follows through “means” and inserting “(4) ‘Costs of nutrition services and administration’ or ‘nutrition services and administration’ means”; and

(B) in subsection (h)(1)(A), by striking “costs incurred by State and local agencies for nutrition services and administration” and inserting “costs of nutrition services and administration incurred by State and local agencies”.

(3) GRANT FOR DEMONSTRATION PROJECT.—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

“(p) GRANT FOR DEMONSTRATION PROJECT.—

“(1) USE OF FUNDS FOR WIC DEMONSTRATION PROJECT.—

“(A) IN GENERAL.—The Secretary shall make grants of funds under this subsection to a State—

“(i) for purposes that include carrying out the demonstration project under section 17(r) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)); and

“(ii) for the purpose described in clause (i), in amounts not to exceed \$10,000 for each fiscal year for each site in the State.

“(B) APPORTIONMENT.—A State that receives a grant under subparagraph (A) shall apportion the funds received

to ensure that each site in the State receives not more than \$10,000 for any fiscal year.

“(2) EVALUATIONS OF DEMONSTRATION PROJECT.—The Secretary shall conduct an evaluation of the demonstration project and grant program for identification and enrollment efforts funded under this subsection that include a determination of—

“(A) the number of children enrolled as a result of the enactment of this subsection;

“(B) the income levels of the families of enrolled children;

“(C) the cost of identification and enrollment assistance services provided under the project or grant program;

“(D) the effect on the caseloads of local agencies that carry out the special supplemental nutrition program for woman, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

“(E) such other factors as the Secretary determines to be appropriate.

“(3) FUNDING.—

“(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection \$1,000,000 for the period of fiscal years 2001 through 2004, to remain available until expended but not later than September 30, 2004.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive the funds and shall accept the funds provided under subparagraph (A), without further appropriation.”

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

42 USC 1758
note.

SEC. 243. CHILD AND ADULT CARE FOOD PROGRAM INTEGRITY.

(a) DEFINITION OF INSTITUTION; EXCLUSION OF SERIOUSLY DEFICIENT INSTITUTIONS.—Section 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) by striking “(a) The Secretary” and inserting the following:

“(a) GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

“(1) GRANT AUTHORITY.—The Secretary”;

(2) by striking the second and third sentences and inserting the following:

“(2) DEFINITION OF INSTITUTION.—In this section, the term ‘institution’ means—

“(A) any public or private nonprofit organization providing nonresidential child care or day care outside school hours for school children, including any child care center, settlement house, recreational center, Head Start center, and institution providing child care facilities for children with disabilities;

“(B) any other private organization providing nonresidential child care or day care outside school hours for school children for which the organization receives compensation from amounts granted to the States under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) (but only if the organization receives compensation under

that title for at least 25 percent of its enrolled children or 25 percent of its licensed capacity, whichever is less);

“(C) any public or private nonprofit organization acting as a sponsoring organization for one or more of the organizations described in subparagraph (A) or (B) or for an adult day care center (as defined in subsection (o)(2));

“(D) any other private organization acting as a sponsoring organization for, and that is part of the same legal entity as, one or more organizations that are—

“(i) described in subparagraph (B); or

“(ii) proprietary title XIX or title XX centers (as defined in subsection (o)(2));

“(E) any public or private nonprofit organization acting as a sponsoring organization for one or more family or group day care homes; and

“(F) any emergency shelter (as defined in subsection (t)).”;

(3) by striking “Except as provided in subsection (r),” and inserting the following:

“(3) AGE LIMIT.—Except as provided in subsection (r),”;

(4) by striking “The Secretary may establish separate guidelines” and inserting the following:

“(4) ADDITIONAL GUIDELINES.—The Secretary may establish separate guidelines”;

(5) by striking “For purposes of determining” and all that follows through “an institution” and inserting the following:

“(5) LICENSING.—In order to be eligible, an institution”; and

(6) by striking “standards; and” and inserting “standards.”;

(7) by striking “(2) no institution” and inserting the following:

“(6) ELIGIBILITY CRITERIA.—No institution”; and

(8) in paragraph (6) (as so designated)—

(A) in subparagraph (B), by inserting “, or has not been determined to be ineligible to participate in any other publicly funded program by reason of violation of the requirements of the program” before “, for a period”;

(B) in subparagraph (C)—

(i) by inserting “(i)” after “(C)”; and

(ii) by adding at the end the following:

“(ii) in the case of a sponsoring organization, the organization shall employ an appropriate number of monitoring personnel based on the number and characteristics of child care centers and family or group day care homes sponsored by the organization, as approved by the State (in accordance with regulations promulgated by the Secretary), to ensure effective oversight of the operations of the child care centers and family or group day care homes; and”;

(C) in subparagraph (D), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

“(E) in the case of a sponsoring organization, the organization has in effect a policy that restricts other employment by employees that interferes with the responsibilities and duties of the employees of the organization with respect to the program; and

“(F) in the case of a sponsoring organization that applies for initial participation in the program on or after the date of the enactment of this subparagraph and that operates in a State that requires such institutions to be bonded under State law, regulation, or policy, the institution is bonded in accordance with such law, regulation, or policy.”.

(b) INSTITUTION APPROVAL AND APPLICATIONS.—

(1) IN GENERAL.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

“(d) INSTITUTION APPROVAL AND APPLICATIONS.—

“(1) INSTITUTION APPROVAL.—

“(A) ADMINISTRATIVE CAPABILITY.—Subject to subparagraph (B) and except as provided in subparagraph (C), the State agency shall approve an institution that meets the requirements of this section for participation in the child and adult care food program if the State agency determines that the institution—

“(i) is financially viable;

“(ii) is administratively capable of operating the program (including whether the sponsoring organization has business experience and management plans appropriate to operate the program) described in the application of the institution; and

“(iii) has internal controls in effect to ensure program accountability.

“(B) APPROVAL OF PRIVATE INSTITUTIONS.—

“(i) IN GENERAL.—In addition to the requirements established by subparagraph (A) and subject to clause (ii), the State agency shall approve a private institution that meets the requirements of this section for participation in the child and adult care food program only if—

“(I) the State agency conducts a satisfactory visit to the institution before approving the participation of the institution in the program; and

“(II) the institution—

“(aa) has tax exempt status under the Internal Revenue Code of 1986;

“(bb) is operating a Federal program requiring nonprofit status to participate in the program; or

“(cc) is described in subsection (a)(2)(B).

“(ii) EXCEPTION FOR FAMILY OR GROUP DAY CARE HOMES.—Clause (i) shall not apply to a family or group day care home.

“(C) EXCEPTION FOR CERTAIN SPONSORING ORGANIZATIONS.—

“(i) IN GENERAL.—The State agency may approve an eligible institution acting as a sponsoring organization for one or more family or group day care homes or centers that, at the time of application, is not participating in the child and adult care food program only if the State agency determines that—

“(I) the institution meets the requirements established by subparagraphs (A) and (B); and

“(II) the participation of the institution will help to ensure the delivery of benefits to otherwise unserved family or group day care homes or centers or to unserved children in an area.

“(ii) CRITERIA FOR SELECTION.—The State agency shall establish criteria for approving an eligible institution acting as a sponsoring organization for one or more family or group day care homes or centers that, at the time of application, is not participating in the child and adult care food program for the purpose of determining if the participation of the institution will help ensure the delivery of benefits to otherwise unserved family or group day care homes or centers or to unserved children in an area.

Deadline.

“(D) NOTIFICATION TO APPLICANTS.—Not later than 30 days after the date on which an applicant institution files a completed application with the State agency, the State agency shall notify the applicant institution whether the institution has been approved or disapproved to participate in the child and adult care food program.”.

(2) SITE VISITS.—Section 17(d)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(2)(A)) is amended—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

“(ii)(I) requires periodic unannounced site visits at not less than 3-year intervals to sponsored child care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program;

“(II) requires at least one scheduled site visit each year to sponsored child care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations; and

“(III) requires at least one scheduled site visit at not less than 3-year intervals to sponsoring organizations and nonsponsored child care centers to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations; and”.

(3) CONFORMING AMENDMENT.—Section 17(d)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(2)(B)) is amended by striking “subsection (a)(1)” and inserting “subsection (a)(5)”.

(4) PROGRAM INFORMATION.—

(A) IN GENERAL.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by adding at the end the following:

“(3) PROGRAM INFORMATION.—

“(A) IN GENERAL.—On enrollment of a child in a sponsored child care center or family or group day care home participating in the program, the center or home (or its sponsoring organization) shall provide to the child’s parents or guardians—

“(i) information that describes the program and its benefits; and

“(ii) the name and telephone number of the sponsoring organization of the center or home and the State agency involved in the operation of the program.

“(B) FORM.—The information described in subparagraph (A) shall be in a form and, to the maximum extent practicable, language easily understandable by the child’s parents or guardians.”

(B) EFFECTIVE DATE.—In the case of a child that is enrolled in a sponsored child care center or family or group day care home participating in the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) before the date of the enactment of this Act, the center or home shall provide information to the child’s parents or guardians pursuant to section 17(d)(3) of that Act, as added by subparagraph (A), not later than 90 days after the date of the enactment of this Act.

Deadline.
42 USC 1766
note.

(5) ALLOWABLE ADMINISTRATIVE EXPENSES FOR SPONSORING ORGANIZATIONS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)), as amended by paragraph (4)(A), is amended by adding at the end the following:

“(4) ALLOWABLE ADMINISTRATIVE EXPENSES FOR SPONSORING ORGANIZATIONS.—In consultation with State agencies and sponsoring organizations, the Secretary shall develop, and provide for the dissemination to State agencies and sponsoring organizations of, a list of allowable reimbursable administrative expenses for sponsoring organizations under the program.”.

(c) TERMINATION OR SUSPENSION OF PARTICIPATING ORGANIZATIONS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)), as amended by subsection (b)(5), is amended by adding at the end the following:

“(5) TERMINATION OR SUSPENSION OF PARTICIPATING ORGANIZATIONS.—

“(A) IN GENERAL.—The Secretary shall establish procedures for the termination of participation by institutions and family or group day care homes under the program.

Procedures.

“(B) STANDARDS.—Procedures established pursuant to subparagraph (A) shall include standards for terminating the participation of an institution or family or group day care home that—

“(i) engages in unlawful practices, falsifies information provided to the State agency, or conceals a criminal background; or

“(ii) substantially fails to fulfill the terms of its agreement with the State agency.

“(C) CORRECTIVE ACTION.—Procedures established pursuant to subparagraph (A)—

“(i) shall require an entity described in subparagraph (B) to undertake corrective action; and

“(ii) may require the immediate suspension of operation of the program by an entity described in subparagraph (B), without the opportunity for corrective action, if the State agency determines that there is imminent threat to the health or safety of a participant at the

entity or the entity engages in any activity that poses a threat to public health or safety.

“(D) HEARING.—An institution or family or group day care home shall be provided a fair hearing in accordance with subsection (e)(1) prior to any determination to terminate participation by the institution or family or group day care home under the program.

Records.

“(E) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

“(i) IN GENERAL.—The Secretary shall maintain a list of institutions, sponsored family or group day care homes, and individuals that have been terminated or otherwise disqualified from participation in the program.

“(ii) AVAILABILITY.—The Secretary shall make the list available to State agencies for use in approving or renewing applications by institutions, sponsored family or group day care homes, and individuals for participation in the program.”.

(d) RECOVERY OF AMOUNTS FROM INSTITUTIONS.—Section 17(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(1)) is amended—

(1) by striking “(f)(1) Funds paid” and inserting the following:

“(f) STATE DISBURSEMENTS TO INSTITUTIONS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Funds paid”; and

(2) by adding at the end the following:

“(B) FRAUD OR ABUSE.—

“(i) IN GENERAL.—The State may recover funds disbursed under subparagraph (A) to an institution if the State determines that the institution has engaged in fraud or abuse with respect to the program or has submitted an invalid claim for reimbursement.

“(ii) PAYMENT.—Amounts recovered under clause (i)—

“(I) may be paid by the institution to the State over a period of one or more years; and

“(II) shall not be paid from funds used to provide meals and supplements.

“(iii) HEARING.—An institution shall be provided a fair hearing in accordance with subsection (e)(1) prior to any determination to recover funds under this subparagraph.”.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES FOR CERTAIN SPONSORING ORGANIZATIONS.—Section 17(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(2)) is amended by adding at the end the following:

“(C) LIMITATION ON ADMINISTRATIVE EXPENSES FOR CERTAIN SPONSORING ORGANIZATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a sponsoring organization of a day care center may reserve not more than 15 percent of the funds provided under paragraph (1) for the administrative expenses of the organization.

“(ii) WAIVER.—A State may waive the requirement in clause (i) with respect to a sponsoring organization

if the organization provides justification to the State that the organization requires funds in excess of 15 percent of the funds provided under paragraph (1) to pay the administrative expenses of the organization.”.

(f) LIMITATIONS ON ABILITY OF FAMILY OR GROUP DAY CARE HOMES TO TRANSFER SPONSORING ORGANIZATIONS.—Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (D) and inserting the following:

“(D) LIMITATIONS ON ABILITY OF FAMILY OR GROUP DAY CARE HOMES TO TRANSFER SPONSORING ORGANIZATIONS.—

“(i) IN GENERAL.—Subject to clause (ii), a State agency shall limit the ability of a family or group day care home to transfer from a sponsoring organization to another sponsoring organization more frequently than once a year.

“(ii) GOOD CAUSE.—The State agency may permit or require a family or group day care home to transfer from a sponsoring organization to another sponsoring organization more frequently than once a year for good cause (as determined by the State agency), including circumstances in which the sponsoring organization of the family or group day care home ceases to participate in the child and adult care food program.”.

(g) STATE-WIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS THAT PROVIDE NONRESIDENTIAL DAY CARE SERVICES.—

(1) IN GENERAL.—Section 17(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)) is amended—

(A) in the first sentence of paragraph (1), by striking “2 statewide demonstration projects” and inserting “State-wide demonstration projects in three States”; and

(B) in paragraph (3)—

(i) by inserting “in” after “subsection”;

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(C) one other State—

“(i) with fewer than 60,000 children below 5 years of age;

“(ii) that serves more than the national average proportion of children potentially eligible for assistance provided under the Child Care and Development Fund (as indicated in data published by the Department of Health and Human Services in October 1999);

“(iii) that exempts all families from cost sharing requirements under programs funded by the Child Care and Development Fund; and

“(iv) in which State spending represents more than 50 percent of total expenditures made under the Child Care and Development Fund.”.

(2) EFFECTIVE DATE.—The Secretary may carry out demonstration projects in the State described in section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act, as added

42 USC 1766
note.

by paragraph (1)(B)(iv), beginning not earlier than October 1, 2001.

(h) TECHNICAL AND TRAINING ASSISTANCE FOR IDENTIFICATION AND PREVENTION OF FRAUD AND ABUSE.—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended—

- (1) by redesignating paragraph (2) as paragraph (3); and
- (2) by inserting after paragraph (1) the following:

“(2) TECHNICAL AND TRAINING ASSISTANCE FOR IDENTIFICATION AND PREVENTION OF FRAUD AND ABUSE.—As part of training and technical assistance provided under paragraph (1), the Secretary shall provide training on a continuous basis to State agencies, and shall ensure that such training is provided to sponsoring organizations, for the identification and prevention of fraud and abuse under the program and to improve management of the program.”.

(i) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended—

- (1) in paragraph (2), by inserting “meals or” before “supplements”;

- (2) in paragraph (4)—

(A) in the heading, by striking “SUPPLEMENT” and inserting “MEAL AND SUPPLEMENT”;

(B) in subparagraph (A)—

- (i) by striking “only for” and all that follows through “(i) a supplement” and inserting “only for one meal per child per day and one supplement per child per day”;

- (ii) by striking “; and” and inserting a period; and

- (iii) by striking clause (ii);

(C) in subparagraph (B), by striking “RATE.—A supplement” and inserting the following: “RATES.—

“(i) MEALS.—A meal shall be reimbursed under this subsection at the rate established for free meals under subsection (c).

“(ii) SUPPLEMENTS.—A supplement”; and

(D) in subparagraph (C), by inserting “meal or” before “supplement”; and

- (3) by adding at the end the following:

“(5) LIMITATION.—The Secretary shall limit reimbursement under this subsection for meals served under a program to institutions located in six States, of which four States shall be Pennsylvania, Missouri, Delaware, and Michigan and two States shall be approved by the Secretary through a competitive application process.”.

(j) WITHHOLDING OF FUNDS FOR FAILURE TO PROVIDE SUFFICIENT TRAINING, TECHNICAL ASSISTANCE, AND MONITORING.—Section 7(a)(9)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(9)(A)) is amended by inserting after “the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)” the following: “(including any requirement to provide sufficient training, technical assistance, and monitoring of the child and adult care food program under section 17 of that Act (42 U.S.C. 1766))”.

SEC. 244. ADJUSTMENTS TO WIC PROGRAM.

(a) **DEFINITION.**—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end the following:

“(21) **REMOTE INDIAN OR NATIVE VILLAGE.**—The term ‘remote Indian or Native village’ means an Indian or Native village that—

“(A) is located in a rural area;

“(B) has a population of less than 5,000 inhabitants;

and

“(C) is not accessible year-around by means of a public road (as defined in section 101 of title 23, United States Code).”.

(b) **COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.**—Section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)) is amended—

(1) by striking “income any” and inserting “income—

“(i) any”;

(2) by striking “quarters” and inserting “housing”;

(3) by striking the period at the end and inserting “; and”;

and

(4) by adding at the end the following:

“(ii) any cost-of-living allowance provided under section 405 of title 37, United States Code, to a member of a uniformed service who is on duty outside the continental United States.”.

(c) **PROOF OF RESIDENCY.**—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended by adding at the end the following:

“(F) **PROOF OF RESIDENCY.**—An individual residing in a remote Indian or Native village or an individual served by an Indian tribal organization and residing on a reservation or pueblo may, under standards established by the Secretary, establish proof of residency under this section by providing to the State agency the mailing address of the individual and the name of the remote Indian or Native village.”.

(d) **ADJUSTMENT OF GRANT.**—Section 17(h)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)(B)) is amended—

(1) in clause (i), by striking “the fiscal year 1987” and inserting “the preceding fiscal year”; and

(2) in clause (ii)—

(A) by striking “the fiscal year 1987” and inserting “the preceding fiscal year”; and

(B) by striking subclause (I) and inserting the following:

“(I) the value of the index for State and local government purchases, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and”.

(e) **ALLOCATION OF FUNDS.**—Section 17(h)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(5)) is amended by adding at the end the following:

“(D) **REMOTE INDIAN OR NATIVE VILLAGES.**—For non-contiguous States containing a significant number of remote Indian or Native villages, a State agency may convert amounts allocated for food benefits for a fiscal year to the costs of nutrition services and administration to

42 USC 1786
note.

the extent that the conversion is necessary to cover expenditures incurred in providing services (including the full cost of air transportation and other transportation) to remote Indian or Native villages and to provide breastfeeding support in remote Indian or Native villages.”.

(f) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section take effect on the date of the enactment of this Act.

(2) **ALLOCATION OF FUNDS.**—The amendments made by subsections (d) and (e) take effect on October 1, 2000.

Subtitle F—Other Programs

Texas.

SEC. 251. AUTHORITY TO PROVIDE LOAN IN CONNECTION WITH BOLL WEEVIL ERADICATION.

(a) **LOAN AUTHORITY.**—Notwithstanding any other provision of law, the Secretary, acting through the Farm Service Agency, shall use \$10,000,000 of funds of the Commodity Credit Corporation to make a loan to the Texas Boll Weevil Eradication Foundation, Inc., to enable the Foundation to retire certain debt associated with boll weevil eradication zones which have ended their participation, in whole or in part, in the federally funded boll weevil eradication program.

(b) **REPAYMENT TERMS AND CONDITIONS.**—The loan provided under subsection (a) shall be subject to the following terms and conditions:

(1) Repayment shall be scheduled to begin on January 1 of the year following the first year during which the boll weevil eradication zone, or any part thereof, responsible for the debt retired using the loan resumes participation in any federally funded boll weevil eradication program.

(2) No interest shall be charged.

(c) **LIMITATION.**—The cost of the loan made under this section shall not exceed the loan subsidy sufficient to make the loan.

SEC. 252. ANIMAL DISEASE CONTROL.

(a) **PSEUDORABIES.**—Of the amount made available under section 261(a)(2), the Secretary shall use \$7,000,000 to cover pseudorabies vaccination costs incurred by pork producers.

(b) **BOVINE TUBERCULOSIS.**—Of the amount made available under section 261(a)(2), the Secretary shall use \$6,000,000 to respond to bovine tuberculosis in the State of Michigan. The funds shall be available for the following purposes:

(1) The surveillance and testing of cattle and wildlife.

(2) Research regarding bovine tuberculosis, to be conducted by the Agricultural Research Service and Michigan State University.

(3) The provision of increased indemnity payments to encourage the depopulation of infected herds.

(4) The performance of diagnostic testing and treatment of humans affected by bovine tuberculosis.

(5) Slaughter surveillance.

(6) The control and prevention of the exposure of livestock to infected wildlife, including the installation of fencing to minimize contact between livestock and wildlife.

(7) The distribution of information regarding the risk and control of bovine tuberculosis, including technological improvements to enhance communication.

SEC. 253. EMERGENCY LOANS FOR SEED PRODUCERS.

(a) **IN GENERAL.**—Of the amount made available under section 261(a)(2), the Secretary shall use \$35,000,000, plus \$200,000 for payment of administrative costs, to make no-interest loans to producers of the 1999 crop of grass, forage, vegetable, and sorghum seed that have not received payments from AgriBiotech for the seed as a result of bankruptcy proceedings involving AgriBiotech (referred to in this section as the “bankruptcy proceedings”).

(b) **LOANS.**—

(1) **IN GENERAL.**—The amount of the loan made to a seed producer under this section shall be not more than 65 percent of the amount owed by AgriBiotech to the seed producer for the 1999 seed crop, as determined by the Secretary.

(2) **ELIGIBILITY.**—To be eligible for a loan under this section, the claim of a seed producer in the bankruptcy proceedings must have arisen from a contract to grow seeds in the United States.

(3) **CONTROL.**—In determining the amount owed by AgriBiotech to a seed producer under paragraph (1), the Secretary shall consider whether the seed producer has relinquished control of the seed to AgriBiotech or has the seed in inventory waiting to be sold.

(4) **SECURITY.**—A loan to a seed producer under this section shall be secured in part by the claim of the seed producer in the bankruptcy proceedings.

(5) **REPAYMENT.**—Each seed producer shall repay to the Secretary, for deposit in the Treasury, the amount of the loan made to the seed producer on the earlier of—

(A) the date of settlement of, completion of, or final distribution of assets in the bankruptcy proceedings involving AgriBiotech; or

(B) the date that is 18 months after the date on which the loan was made to the seed producer.

(c) **ADDITIONAL TERMS.**—

(1) **SHORTFALL IN AMOUNT RECEIVED FROM BANKRUPTCY PROCEEDINGS.**—If the amount that the seed producer receives as a result of the proceedings described in subsection (b)(5)(A) is less than the amount of the loan made to the seed producer under subsection (b)(1), the seed producer shall be eligible to have the balance of the loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(2) **LENGTHY BANKRUPTCY PROCEEDINGS.**—If a seed producer is required to repay a loan under subsection (b)(5)(B), the seed producer shall be eligible to have the balance of the loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(d) **LIMITATION.**—The cost of all loans made under this section shall not exceed \$15,000,000.

SEC. 254. TEMPORARY SUSPENSION OF AUTHORITY TO COMBINE CERTAIN OFFICES.

(a) **SUSPENSION.**—During the period beginning on the date of the enactment of this Act and ending on June 1, 2001, the Secretary may not combine or take any action to combine, at the State level, offices of the agencies specified in subsection (b) unless the offices are located in the same county as of the date of the enactment of this Act.

(b) **COVERED OFFICES.**—Subsection (a) applies to an office of any of the following agencies:

- (1) The Farm Service Agency.
- (2) The Natural Resources Conservation Service.
- (3) The Rural Utilities Service.
- (4) The Rural Housing Service.
- (5) The Rural Business-Cooperative Service.

Deadline.
7 USC 1941 note.

(c) **REPORT.**—Not later than April 1, 2001, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing any proposed combination of offices specified in subsection (b) that includes a certification that the proposed combination would result in the lowest cost to the Federal Government over the long term.

SEC. 255. FARM OPERATING LOAN ELIGIBILITY.

Effective date.
Termination
date.

During the period beginning on the date of the enactment of this Act and ending on December 31, 2002—

(1) sections 311(c) and 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c), 1949) shall have no force or effect; and

(2) in making direct loans under subtitle B of that Act (7 U.S.C. 1941 et seq.), the Secretary shall give priority to a qualified beginning farmer or rancher who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 5 years.

SEC. 256. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d) is amended by striking subsection (d) and inserting the following:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2001 and 2002.

“(2) **TRAINING AND TECHNICAL ASSISTANCE.**—Not more than 2 percent of the amount made available under paragraph (1) for a fiscal year may be used by the State of Alaska for training and technical assistance programs relating to the operation and management of water and waste disposal services in rural and Native villages.

“(3) **AVAILABILITY.**—Funds appropriated pursuant to the authorization of appropriations in paragraph (1) shall be available until expended.”.

SEC. 257. CROP AND PASTURE FLOOD COMPENSATION PROGRAM.

7 USC 1421 note.

(a) **DEFINITION OF COVERED LAND.**—In this section:

(1) **IN GENERAL.**—The term “covered land” means land that—

(A) was unusable for agricultural production during the 2000 crop year as the result of flooding;

(B) was used for agricultural production during at least one of the 1992 through 1999 crop years;

(C) is a contiguous parcel of land of at least 1 acre; and

(D) is located in a county in which producers were eligible for assistance under the 1998 Flood Compensation Program established under part 1439 of title 7, Code of Federal Regulations.

(2) EXCLUSIONS.—The term “covered land” excludes any land for which a producer is insured, enrolled, or assisted during the 2000 crop year under—

(A) a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program operated under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333);

(C) any crop disaster program established for the 2000 crop year;

(D) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

(E) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

(F) any emergency watershed protection program or Federal easement program that prohibits crop production or grazing; or

(G) any other Federal or State water storage program, as determined by the Secretary.

(b) COMPENSATION.—The Secretary shall use not more than \$24,000,000 of funds of the Commodity Credit Corporation to compensate producers with covered land described with respect to losses from long-term flooding. 7 USC 1421 note.

(c) PAYMENT RATE.—The payment rate for compensation provided to a producer under this section shall equal the average county cash rental rate per acre established by the National Agricultural Statistics Service for the 2000 crop year. 7 USC 1421 note.

(d) PAYMENT LIMITATION.—The total amount of payments made to a person (as defined in section 1001(5) of the Food Security Act (7 U.S.C. 1308(5))) under this section may not exceed \$40,000. 7 USC 1421 note.

(e) CONFORMING AMENDMENT.—H.R. 3425 of the 106th Congress (as enacted into law by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1535) and included as Appendix E of that Public Law (113 Stat. 1501A–289)) is amended in section 207 (113 Stat. 1501A–294) by inserting “or Lake” after “Harney”.

SEC. 258. FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

(a) REQUIREMENT.—Subject to subsection (b), as soon as practicable after the date of the enactment of this Act, with respect to land and property described in the Flood Mitigation Study and Project Implementation Plan for the Missouri River near Pierre, South Dakota, prepared by the Omaha District Corps of Engineers, dated August 12, 1999, the Secretary of the Army shall—

(1) acquire the land and property from willing sellers; and

- (2)(A) floodproof the land;
- (B) relocate individuals located on the land;
- (C) improve infrastructure on the land; or
- (D) take other measures determined by the Secretary.

(b) RELEASES.—

(1) IN GENERAL.—The Secretary shall not proceed with full wintertime Oahe Powerplant releases until the Secretary amends the economic analysis in effect on the date of the enactment of this Act to include an assumption that the Federal Government is responsible for mitigating any existing ground water flooding to the land and property described in subsection (a).

(2) REDUCTION.—To the extent the Secretary identifies benefits of mitigating any existing ground water flooding, full wintertime Oahe Powerplant releases shall be reduced consistent with the economic analysis described in paragraph (1).

(3) MINIMUM LEVEL.—This subsection shall not permit Oahe Powerplant releases to be reduced below existing operational levels.

7 USC 1421 note.

SEC. 259. RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

(a) EFFECT OF CHANGE IN LEGAL STRUCTURE.—In the case of an individual or entity that was not eligible for a payment pursuant to subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105-277; 7 U.S.C. 1421 note), solely because the individual or entity changed the legal structure of the individual's or entity's farming operation, the individual or entity shall be eligible for the payment the individual or entity would have received pursuant to that subsection had the individual or entity not changed the legal structure, less the amount of any payment received by the individual or entity pursuant to subsection (b) of that section.

(b) MULTIPLE FARMING OPERATIONS.—

(1) ELIGIBLE INDIVIDUALS.—In the case of an individual not described in subsection (a) that farmed acreage as a producer as a part of more than one farming operation, none of which received a payment pursuant to subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, the individual shall be eligible for a payment pursuant to that subsection for losses that the Secretary determines would have been eligible for compensation with respect to that acreage based on the individual's interest in the production from that acreage.

(2) REDUCTION.—A payment made pursuant to paragraph (1) to an individual shall be reduced by the amount of a payment made pursuant to subsection (b) of that section 1102 attributed directly or indirectly to the individual with respect to the acreage described in paragraph (1).

Subtitle G—Administration

SEC. 261. FUNDING.

(a) PAYMENT.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary the following:

(1) \$34,000,000 for fiscal year 2000 to carry out section 241(a).

(2) \$465,500,000 for fiscal year 2001 to carry out the following:

(A) Section 203 (other than subsection (f)).

(B) Subtitle C.

(C) Section 231.

(D) Section 241 (other than subsection (a)).

(E) Sections 252 and 253.

(b) ACCEPTANCE.—The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

SEC. 262. OBLIGATION PERIOD.

Except as otherwise provided in this title, the Secretary and the Commodity Credit Corporation shall obligate and expend—

(1) funds made available under section 261(a)(1) only during fiscal year 2000; and

(2) funds made available under section 261(a)(2), and funds of the Commodity Credit Corporation made available under this title, only during fiscal year 2001.

SEC. 263. REGULATIONS.

7 USC 1421 note.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title. The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 264. PAYGO ADJUSTMENT.

The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) resulting from enactment of this title.

SEC. 265. COMMODITY CREDIT CORPORATION REIMBURSEMENT.

Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall use such sums as may be necessary to reimburse the Commodity Credit Corporation for net

realized losses sustained, but not previously reimbursed, under this title.

Biomass
Research and
Development Act
of 2000.

TITLE III—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000

7 USC 7624 note.

SEC. 301. SHORT TITLE.

This title may be cited as the “Biomass Research and Development Act of 2000”.

7 USC 7624 note.

SEC. 302. FINDINGS.

Congress finds that—

(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through—

- (A) improved strategic security and balance of payments;
- (B) healthier rural economies;
- (C) improved environmental quality;
- (D) near-zero net greenhouse gas emissions;
- (E) technology export; and
- (F) sustainable resource supply;

(2) the key technical challenges to be overcome in order for biobased industrial products to be cost-competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near-zero net greenhouse gas emissions;

(4) biobased chemicals have the clear potential for environmentally benign product life cycles;

(5) biobased power can—

- (A) provide environmental benefits;
- (B) promote rural economic development; and
- (C) diversify energy resource options;

(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate

the application and advancement of biomass processing technology by—

(A) increasing the confidence and speed with which new technologies can be scaled up; and

(B) giving rise to processing innovations based on new knowledge;

(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

(13) several prominent studies, including studies by the President's Committee of Advisors on Science and Technology and the National Research Council—

(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

SEC. 303. DEFINITIONS.

7 USC 7624 note.

In this title:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Biomass Research and Development Technical Advisory Committee established by section 306.

(2) **BIOBASED INDUSTRIAL PRODUCT.**—The term “biobased industrial product” means fuels, chemicals, building materials, or electric power or heat produced from biomass.

(3) **BIOMASS.**—The term “biomass” means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.

(4) **BOARD.**—The term “Board” means the Biomass Research and Development Board established by section 305.

(5) **INITIATIVE.**—The term “Initiative” means the Biomass Research and Development Initiative established under section 307.

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

(7) NATIONAL LABORATORY.—The term “national laboratory” has the meaning given the term “laboratory” in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

(8) POINT OF CONTACT.—The term “point of contact” means a point of contact designated under section 304(d).

(9) PROCESSING.—The term “processing” means the derivation of biobased industrial products from biomass, including—

- (A) feedstock production;
- (B) harvest and handling;
- (C) pretreatment or thermochemical processing;
- (D) fermentation;
- (E) catalytic processing;
- (F) product recovery; and
- (G) coproduct production.

(10) RESEARCH AND DEVELOPMENT.—The term “research and development” means research, development, and demonstration.

7 USC 7624 note. **SEC. 304. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

(b) PURPOSES.—The purposes of the cooperation and coordination shall be—

(1) to understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

(2) to develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

(3) to ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

(4) to promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

(c) AREAS.—In carrying out this title, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development—

(1) to advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

(2) to ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

(3) to assess the environmental, economic, and social impact of production of biobased industrial products from biomass on a large scale.

(d) POINTS OF CONTACT.—

(1) IN GENERAL.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

Government
organization.
President.

(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

(2) DUTIES.—The points of contact shall jointly—

(A) assist in arranging interlaboratory and site-specific supplemental agreements for research and development projects relating to biobased industrial products;

(B) serve as cochairpersons of the Board;

(C) administer the Initiative; and

(D) respond in writing to each recommendation of the Advisory Committee made under section 306(c).

SEC. 305. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

7 USC 7624 note.

(a) ESTABLISHMENT.—There is established the Biomass Research and Development Board, which shall supersede the Interagency Council on Biobased Products and Bioenergy established by Executive Order No. 13134, to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

(1) maximizing the benefits deriving from Federal grants and assistance; and

(2) bringing coherence to Federal strategic planning.

(b) MEMBERSHIP.—The Board shall consist of—

(1) the point of contact of the Department of Energy designated under section 304(d)(1)(B), who shall serve as cochairperson of the Board;

(2) the point of contact of the Department of Agriculture designated under section 304(d)(1)(A), who shall serve as cochairperson of the Board;

(3) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall—

(A) be appointed by the head of the respective agency;

and

(B) have a rank that is equivalent to the rank of the points of contact; and

(4) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the members described in paragraphs (1) through (3)).

(c) DUTIES.—The Board shall—

(1) coordinate research and development activities relating to biobased industrial products—

(A) between the Department of Agriculture and the Department of Energy; and

(B) with other departments and agencies of the Federal Government; and

(2) provide recommendations to the points of contact concerning administration of this title.

(d) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this title.

(e) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

7 USC 7624 note. **SEC. 306. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee, which shall supersede the Advisory Committee on Biobased Products and Bioenergy established by Executive Order No. 13134—

(1) to advise the Secretary of Energy, the Secretary of Agriculture, and the points of contact concerning—

(A) the technical focus and direction of requests for proposals issued under the Initiative; and

(B) procedures for reviewing and evaluating the proposals;

(2) to facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

(3) to evaluate and perform strategic planning on program activities relating to the Initiative.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall consist of—

(A) an individual affiliated with the biobased industrial products industry;

(B) an individual affiliated with an institution of higher education who has expertise in biobased industrial products;

(C) two prominent engineers or scientists from government or academia who have expertise in biobased industrial products;

(D) an individual affiliated with a commodity trade association;

(E) an individual affiliated with an environmental or conservation organization;

(F) an individual associated with State government who has expertise in biobased industrial products;

(G) an individual with expertise in energy analysis;

(H) an individual with expertise in the economics of biobased industrial products;

(I) an individual with expertise in agricultural economics; and

(J) at the option of the points of contact, other members.

(2) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

(c) DUTIES.—The Advisory Committee shall—

(1) advise the points of contact with respect to the Initiative; and

(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

(B) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

(C) activities under this title are carried out in accordance with this title.

(d) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

(e) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

(f) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years, except that—

(1) one-third of the members initially appointed shall be appointed for a term of 1 year; and

(2) one-third of the members initially appointed shall be appointed for a term of 2 years.

SEC. 307. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

(b) PURPOSES.—The purposes of grants, contracts, and assistance under this section shall be—

(1) to stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

(2) to enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and sustainable biobased industrial products;

(3) to strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

(4) to promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of gaining better leverage from limited Federal research funds.

(c) ELIGIBLE ENTITIES.—

Grants.
Contracts.
7 USC 7624 note.

(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

- (A) an institution of higher education;
- (B) a national laboratory;
- (C) a Federal research agency;
- (D) a State research agency;
- (E) a private sector entity;
- (F) a nonprofit organization; or
- (G) a consortium of two or more entities described in subparagraphs (A) through (F).

(2) ADMINISTRATION.—After consultation with the Board, the points of contact shall—

Publication.

(A) publish annually one or more joint requests for proposals for grants, contracts, and assistance under this section;

(B) establish a priority in grants, contracts, and assistance under this section for research that—

- (i) demonstrates potential for significant advances in biomass processing;
- (ii) demonstrates potential to substantially further scale-sensitive national objectives such as—

- (I) sustainable resource supply;
- (II) reduced greenhouse gas emissions;
- (III) healthier rural economies; and
- (IV) improved strategic security and trade balances; and

(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

(D) give preference to applications that—

- (i) involve a consortia of experts from multiple institutions; and

(ii) encourage the integration of disciplines and application of the best technical resources.

(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section may be used to conduct—

(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

- (i) enhanced sugar yields;
- (ii) lower overall chemical use;
- (iii) less costly materials; and
- (iv) cost reduction;

(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority for the development of biobased industrial products that can compete in performance and cost with fossil-based products;

(B) catalytic processing to convert intermediates of biomass processing into products of interest;

(C) separation technologies for cost-effective product recovery and purification;

(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

(ii) evaluation of current and future biomass resource availability;

(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

(iv) the land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

(v) biomass gasification and combustion to produce electricity;

(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

(i) the cost of the required process technology;

(ii) the impact of coproducts, including food, animal feed, and fiber, on biobased industrial product price and large-scale economic viability; and

(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

(i) altering biomass to make biomass easier and less expensive to process;

(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land; or

(4) any research and development in technologies or processes determined by the Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, to be consistent with the purposes described in subsection (b) and the priority described in subsection (c)(2)(B).

(e) **TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.**—

(1) **IN GENERAL.**—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through their respective services, as appropriate.

Deadline.

(2) **REPORT.**—Not later than 5 years after the date of the enactment of this Act, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall submit to the committees of Congress with jurisdiction over the Initiative a report on the activities conducted by the services under this subsection.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds appropriated for biomass research and development under the general authority of the Secretary of Energy to conduct research and development programs (which may also be used to carry out this title), there are authorized to be appropriated to the Department of Agriculture to carry out this title \$49,000,000 for each of fiscal years 2000 through 2005.

7 USC 7624 note.

SEC. 308. ADMINISTRATIVE SUPPORT AND FUNDS.

(a) **IN GENERAL.**—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this title.

(b) **OTHER AGENCIES.**—The heads of the agencies referred to in section 305(b)(3), and the other members appointed under section

305(b)(4), may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

(c) LIMITATION.—Not more than 4 percent of the amount appropriated for each fiscal year under section 307(f) may be used to pay the administrative costs of carrying out this title.

SEC. 309. REPORTS.

7 USC 7624 note.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a report that—

Deadline.

(1) identifies the points of contact, the members of the Board, and the members of the Advisory Committee;

(2) describes the status of current biobased industrial product research and development efforts in both the Federal Government and private sector;

(3) includes a section prepared by the Board that establishes a set of criteria to assess the potential of biobased industrial products, which shall include for both biomass production and transformation into biobased industrial products—

(A) an energy accounting;

(B) an environmental impact assessment; and

(C) an economic assessment; and

(4) describes the research and development goals of the Initiative, including how funds will be allocated in order to accomplish those goals.

(b) ANNUAL REPORTS.—For each fiscal year for which funds are made available to carry out this title, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that—

(A) is consistent with the purposes described in section 307(b);

(B) uses the set of criteria established under subsection (a)(3); and

(C) takes into account any recommendations that have been made by the Advisory Committee;

(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biobased industrial products, including a report from the Advisory Committee on whether the points of contact are funding proposals that are selected under section 307(c)(2)(C); and

(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

SEC. 310. TERMINATION OF AUTHORITY.

7 USC 7624 note.

The authority provided under this title shall terminate on December 31, 2005.

Plant Protection
Act.
Commerce and
trade.
Exports and
imports.
7 USC 7701 note.
7 USC 7701.

TITLE IV—PLANT PROTECTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Plant Protection Act”.

SEC. 402. FINDINGS.

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;

(3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds;

(4) decisions affecting imports, exports, and interstate movement of products regulated under this title shall be based on sound science;

(5) the smooth movement of enterable plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the United States’ economy and should be facilitated to the extent possible;

(6) export markets could be severely impacted by the introduction or spread of plant pests or noxious weeds into or within the United States;

(7) the unregulated movement of plant pests, noxious weeds, plants, certain biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds could present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(8) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could constitute a threat to crops and other plants or plant products of the United States and burden interstate commerce or foreign commerce; and

(9) all plant pests, noxious weeds, plants, plant products, articles capable of harboring plant pests or noxious weeds regulated under this title are in or affect interstate commerce or foreign commerce.

7 USC 7702.

SEC. 403. DEFINITIONS.

In this title:

(1) ARTICLE.—The term “article” means any material or tangible object that could harbor plant pests or noxious weeds.

(2) BIOLOGICAL CONTROL ORGANISM.—The term “biological control organism” means any enemy, antagonist, or competitor used to control a plant pest or noxious weed.

(3) ENTER AND ENTRY.—The terms “enter” and “entry” mean to move into, or the act of movement into, the commerce of the United States.

(4) EXPORT AND EXPORTATION.—The terms “export” and “exportation” mean to move from, or the act of movement from, the United States to any place outside the United States.

(5) IMPORT AND IMPORTATION.—The terms “import” and “importation” mean to move into, or the act of movement into, the territorial limits of the United States.

(6) INTERSTATE.—The term “interstate” means—

(A) from one State into or through any other State;

or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(7) INTERSTATE COMMERCE.—The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a point in another State, or between points within the same State but through any place outside that State; or

(B) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(8) MEANS OF CONVEYANCE.—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(9) MOVE AND RELATED TERMS.—The terms “move”, “moving”, and “movement” mean—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in a preceding subparagraph.

(10) NOXIOUS WEED.—The term “noxious weed” means any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

(11) PERMIT.—The term “permit” means a written or oral authorization, including by electronic methods, by the Secretary to move plants, plant products, biological control organisms, plant pests, noxious weeds, or articles under conditions prescribed by the Secretary.

(12) PERSON.—The term “person” means any individual, partnership, corporation, association, joint venture, or other legal entity.

(13) PLANT.—The term “plant” means any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

(14) **PLANT PEST.**—The term “plant pest” means any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product:

- (A) A protozoan.
- (B) A nonhuman animal.
- (C) A parasitic plant.
- (D) A bacterium.
- (E) A fungus.
- (F) A virus or viroid.
- (G) An infectious agent or other pathogen.
- (H) Any article similar to or allied with any of the articles specified in the preceding subparagraphs.

(15) **PLANT PRODUCT.**—The term “plant product” means—

(A) any flower, fruit, vegetable, root, bulb, seed, or other plant part that is not included in the definition of plant; or

(B) any manufactured or processed plant or plant part.

(16) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(17) **STATE.**—The term “State” means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(18) **SYSTEMS APPROACH.**—For the purposes of section 412(e), the term “systems approach” means a defined set of phytosanitary procedures, at least two of which have an independent effect in mitigating pest risk associated with the movement of commodities.

(19) **THIS TITLE.**—Except when used in this section, the term “this title” includes any regulation or order issued by the Secretary under the authority of this title.

(20) **UNITED STATES.**—The term “United States” means all of the States.

Subtitle A—Plant Protection

7 USC 7711.

SEC. 411. REGULATION OF MOVEMENT OF PLANT PESTS.

(a) **PROHIBITION OF UNAUTHORIZED MOVEMENT OF PLANT PESTS.**—Except as provided in subsection (c), no person shall import, enter, export, or move in interstate commerce any plant pest, unless the importation, entry, exportation, or movement is authorized under general or specific permit and is in accordance with such regulations as the Secretary may issue to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States.

(b) **REQUIREMENTS FOR PROCESSES.**—The Secretary shall ensure that the processes used in developing regulations under subsection (a) governing consideration of import requests are based on sound science and are transparent and accessible.

(c) **AUTHORIZATION OF MOVEMENT OF PLANT PESTS BY REGULATION.**—

(1) **EXCEPTION TO PERMIT REQUIREMENT.**—The Secretary may issue regulations to allow the importation, entry, exportation, or movement in interstate commerce of specified plant

pests without further restriction if the Secretary finds that a permit under subsection (a) is not necessary.

(2) PETITION TO ADD OR REMOVE PLANT PESTS FROM REGULATION.—Any person may petition the Secretary to add a plant pest to, or remove a plant pest from, the regulations issued by the Secretary under paragraph (1).

(3) RESPONSE TO PETITION BY THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall act on the petition within a reasonable time and notify the petitioner of the final action the Secretary takes on the petition. The Secretary's determination on the petition shall be based on sound science.

(d) PROHIBITION OF UNAUTHORIZED MAILING OF PLANT PESTS.—

(1) IN GENERAL.—Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is nonmailable and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, unless the letter, parcel, box, or other package is mailed in compliance with such regulations as the Secretary may issue to prevent the dissemination of plant pests into the United States or interstate.

(2) APPLICATION OF POSTAL LAWS AND REGULATIONS.—Nothing in this subsection authorizes any person to open any mailed letter or other mailed sealed matter except in accordance with the postal laws and regulations.

(e) REGULATIONS.—Regulations issued by the Secretary to implement subsections (a), (c), and (d) may include provisions requiring that any plant pest imported, entered, to be exported, moved in interstate commerce, mailed, or delivered from any post office—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, movement in interstate commerce, mailing, or delivery of the plant pest;

(2) be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant pest is to be moved;

(3) be raised under post-entry quarantine conditions by or under the supervision of the Secretary for the purposes of determining whether the plant pest—

(A) may be infested with other plant pests;

(B) may pose a significant risk of causing injury to, damage to, or disease in any plant or plant product; or

(C) may be a noxious weed; and

(4) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests.

SEC. 412. REGULATION OF MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE. 7 USC 7712.

(a) IN GENERAL.—The Secretary may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed within the United States.

(b) **POLICY.**—The Secretary shall ensure that processes used in developing regulations under this section governing consideration of import requests are based on sound science and are transparent and accessible.

(c) **REGULATIONS.**—The Secretary may issue regulations to implement subsection (a), including regulations requiring that any plant, plant product, biological control organism, noxious weed, article, or means of conveyance imported, entered, to be exported, or moved in interstate commerce—

(1) be accompanied by a permit issued by the Secretary prior to the importation, entry, exportation, or movement in interstate commerce;

(2) be accompanied by a certificate of inspection issued (in a manner and form required by the Secretary) by appropriate officials of the country or State from which the plant, plant product, biological control organism, noxious weed, article, or means of conveyance is to be moved;

(3) be subject to remedial measures the Secretary determines to be necessary to prevent the spread of plant pests or noxious weeds; and

(4) with respect to plants or biological control organisms, be grown or handled under post-entry quarantine conditions by or under the supervision of the Secretary for the purposes of determining whether the plant or biological control organism may be infested with plant pests or may be a plant pest or noxious weed.

(d) **NOTICE.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall publish for public comment a notice describing the procedures and standards that govern the consideration of import requests. The notice shall—

(1) specify how public input will be sought in advance of and during the process of promulgating regulations necessitating a risk assessment in order to ensure a fully transparent and publicly accessible process; and

(2) include consideration of the following:

(A) Public announcement of import requests that will necessitate a risk assessment.

(B) A process for assigning major/nonroutine or minor/routine status to such requests based on current state of supporting scientific information.

(C) A process for assigning priority to requests.

(D) Guidelines for seeking relevant scientific and economic information in advance of initiating informal rule-making.

(E) Guidelines for ensuring availability and transparency of assumptions and uncertainties in the risk assessment process including applicable risk mitigation measures relied upon individually or as components of a system of mitigative measures proposed consistent with the purposes of this title.

(e) **STUDY AND REPORT ON SYSTEMS APPROACH.**—

(1) **STUDY.**—The Secretary shall conduct a study of the role for and application of systems approaches designed to guard against the introduction of plant pathogens into the United States associated with proposals to import plants or plant products into the United States.

Deadline.
Publication.
Public
information.

(2) PARTICIPATION BY SCIENTISTS.—In conducting the study the Secretary shall ensure participation by scientists from State departments of agriculture, colleges and universities, the private sector, and the Agricultural Research Service.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study conducted under this section to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

Deadline.

(f) NOXIOUS WEEDS.—

(1) REGULATIONS.—In the case of noxious weeds, the Secretary may publish, by regulation, a list of noxious weeds that are prohibited or restricted from entering the United States or that are subject to restrictions on interstate movement within the United States.

(2) PETITION TO ADD OR REMOVE PLANTS FROM REGULATION.—Any person may petition the Secretary to add a plant species to, or remove a plant species from, the regulations issued by the Secretary under this subsection.

(3) DUTIES OF THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall act on the petition within a reasonable time and notify the petitioner of the final action the Secretary takes on the petition. The Secretary's determination on the petition shall be based on sound science.

(g) BIOLOGICAL CONTROL ORGANISMS.—

(1) REGULATIONS.—In the case of biological control organisms, the Secretary may publish, by regulation, a list of organisms whose movement in interstate commerce is not prohibited or restricted. Any listing may take into account distinctions between organisms such as indigenous, nonindigenous, newly introduced, or commercially raised.

(2) PETITION TO ADD OR REMOVE BIOLOGICAL CONTROL ORGANISMS FROM THE REGULATIONS.—Any person may petition the Secretary to add a biological control organism to, or remove a biological control organism from, the regulations issued by the Secretary under this subsection.

(3) DUTIES OF THE SECRETARY.—In the case of a petition submitted under paragraph (2), the Secretary shall act on the petition within a reasonable time and notify the petitioner of the final action the Secretary takes on the petition. The Secretary's determination on the petition shall be based on sound science.

SEC. 413. NOTIFICATION AND HOLDING REQUIREMENTS UPON ARRIVAL. 7 USC 7713.

(a) DUTY OF SECRETARY OF THE TREASURY.—

(1) NOTIFICATION.—The Secretary of the Treasury shall promptly notify the Secretary of Agriculture of the arrival of any plant, plant product, biological control organism, plant pest, or noxious weed at a port of entry.

(2) HOLDING.—The Secretary of the Treasury shall hold a plant, plant product, biological control organism, plant pest, or noxious weed for which notification is made under paragraph (1) at the port of entry until the plant, plant product, biological control organism, plant pest, or noxious weed—

(A) is inspected and authorized for entry into or transit movement through the United States; or

(B) is otherwise released by the Secretary of Agriculture.

(3) EXCEPTIONS.—Paragraphs (1) and (2) shall not apply to any plant, plant product, biological control organism, plant pest, or noxious weed that is imported from a country or region of a country designated by the Secretary of Agriculture, pursuant to regulations, as exempt from the requirements of such paragraphs.

(b) DUTY OF RESPONSIBLE PARTIES.—

(1) NOTIFICATION.—The person responsible for any plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance required to have a permit under section 411 or 412 shall provide the notification described in paragraph (3) as soon as possible after the arrival of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance at a port of entry and before the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is moved from the port of entry.

(2) SUBMISSION.—The notification shall be provided to the Secretary, or, at the Secretary's direction, to the proper official of the State to which the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance is destined, or both, as the Secretary may prescribe.

(3) ELEMENTS OF NOTIFICATION.—The notification shall consist of the following:

(A) The name and address of the consignee.

(B) The nature and quantity of the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance proposed to be moved.

(C) The country and locality where the plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance was grown, produced, or located.

(c) PROHIBITION ON MOVEMENT OF ITEMS WITHOUT AUTHORIZATION.—No person shall move from a port of entry or interstate any imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance unless the imported plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance—

(1) is inspected and authorized for entry into or transit movement through the United States; or

(2) is otherwise released by the Secretary.

SEC. 414. GENERAL REMEDIAL MEASURES FOR NEW PLANT PESTS AND NOXIOUS WEEDS.

(a) AUTHORITY TO HOLD, TREAT, OR DESTROY ITEMS.—If the Secretary considers it necessary in order to prevent the dissemination of a plant pest or noxious weed that is new to or not known to be widely prevalent or distributed within and throughout the United States, the Secretary may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of any plant, plant pest, noxious weed, biological control organism, plant product, article, or means of conveyance that—

(1) is moving into or through the United States or interstate, or has moved into or through the United States or interstate, and—

(A) the Secretary has reason to believe is a plant pest or noxious weed or is infested with a plant pest or noxious weed at the time of the movement; or

(B) is or has been otherwise in violation of this title;

(2) has not been maintained in compliance with a post-entry quarantine requirement; or

(3) is the progeny of any plant, biological control organism, plant product, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this title.

(b) **AUTHORITY TO ORDER AN OWNER TO TREAT OR DESTROY.**—

(1) **IN GENERAL.**—The Secretary may order the owner of any plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance subject to action under subsection (a), or the owner's agent, to treat, apply other remedial measures to, destroy, or otherwise dispose of the plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance, without cost to the Federal Government and in the manner the Secretary considers appropriate.

(2) **FAILURE TO COMPLY.**—If the owner or agent of the owner fails to comply with the Secretary's order under this subsection, the Secretary may take an action authorized by subsection (a) and recover from the owner or agent of the owner the costs of any care, handling, application of remedial measures, or disposal incurred by the Secretary in connection with actions taken under subsection (a).

(c) **CLASSIFICATION SYSTEM.**—

(1) **DEVELOPMENT REQUIRED.**—To facilitate control of noxious weeds, the Secretary may develop a classification system to describe the status and action levels for noxious weeds. The classification system may include the current geographic distribution, relative threat, and actions initiated to prevent introduction or distribution.

(2) **MANAGEMENT PLANS.**—In conjunction with the classification system, the Secretary may develop integrated management plans for noxious weeds for the geographic region or ecological range where the noxious weed is found in the United States.

(d) **APPLICATION OF LEAST DRASTIC ACTION.**—No plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the dissemination of any plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

SEC. 415. DECLARATION OF EXTRAORDINARY EMERGENCY AND RESULTING AUTHORITIES. 7 USC 7715.

(a) **AUTHORITY TO DECLARE.**—If the Secretary determines that an extraordinary emergency exists because of the presence of a

plant pest or noxious weed that is new to or not known to be widely prevalent in or distributed within and throughout the United States and that the presence of the plant pest or noxious weed threatens plants or plant products of the United States, the Secretary may—

(1) hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, any plant, biological control organism, plant product, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(2) quarantine, treat, or apply other remedial measures to any premises, including any plants, biological control organisms, plant products, articles, or means of conveyance on the premises, that the Secretary has reason to believe is infested with the plant pest or noxious weed;

(3) quarantine any State or portion of a State in which the Secretary finds the plant pest or noxious weed or any plant, biological control organism, plant product, article, or means of conveyance that the Secretary has reason to believe is infested with the plant pest or noxious weed; and

(4) prohibit or restrict the movement within a State of any plant, biological control organism, plant product, article, or means of conveyance when the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(b) REQUIRED FINDING OF EMERGENCY.—The Secretary may take action under this section only upon finding, after review and consultation with the Governor or other appropriate official of the State affected, that the measures being taken by the State are inadequate to eradicate the plant pest or noxious weed.

(c) NOTIFICATION PROCEDURES.—

(1) IN GENERAL.—Except as provided in paragraph (2), before any action is taken in any State under this section, the Secretary shall notify the Governor or other appropriate official of the State affected, issue a public announcement, and file for publication in the Federal Register a statement of—

(A) the Secretary's findings;

(B) the action the Secretary intends to take;

(C) the reasons for the intended action; and

(D) where practicable, an estimate of the anticipated duration of the extraordinary emergency.

(2) TIME SENSITIVE ACTIONS.—If it is not possible to file for publication in the Federal Register prior to taking action, the filing shall be made within a reasonable time, not to exceed 10 business days, after commencement of the action.

(d) APPLICATION OF LEAST DRASTIC ACTION.—No plant, biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance shall be destroyed, exported, or returned to the shipping point of origin, or ordered to be destroyed, exported, or returned to the shipping point of origin under this section unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the dissemination of any plant pest or noxious weed new to or not known to be widely prevalent or distributed within and throughout the United States.

Federal Register,
publication.

(e) **PAYMENT OF COMPENSATION.**—The Secretary may pay compensation to any person for economic losses incurred by the person as a result of action taken by the Secretary under this section. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final and shall not be subject to judicial review.

SEC. 416. RECOVERY OF COMPENSATION FOR UNAUTHORIZED ACTIVITIES. 7 USC 7716.

(a) **RECOVERY ACTION.**—The owner of any plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance destroyed or otherwise disposed of by the Secretary under section 414 or 415 may bring an action against the United States to recover just compensation for the destruction or disposal of the plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance (not including compensation for loss due to delays incident to determining eligibility for importation, entry, exportation, movement in interstate commerce, or release into the environment), but only if the owner establishes that the destruction or disposal was not authorized under this title.

(b) **TIME FOR ACTION; LOCATION.**—An action under this section shall be brought not later than 1 year after the destruction or disposal of the plant, plant biological control organism, plant product, plant pest, noxious weed, article, or means of conveyance involved. The action may be brought in any United States district court where the owner is found, resides, transacts business, is licensed to do business, or is incorporated.

SEC. 417. CONTROL OF GRASSHOPPERS AND MORMON CRICKETS. 7 USC 7717.

(a) **IN GENERAL.**—Subject to the availability of funds pursuant to this section, the Secretary shall carry out a program to control grasshoppers and Mormon crickets on all Federal lands to protect rangeland.

(b) **TRANSFER AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (3), upon the request of the Secretary of Agriculture, the Secretary of the Interior shall transfer to the Secretary of Agriculture, from any no-year appropriations, funds for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on Federal lands under the jurisdiction of the Secretary of the Interior. The transferred funds shall be available only for the payment of obligations incurred on such Federal lands.

(2) **TRANSFER REQUESTS.**—Requests for the transfer of funds pursuant to this subsection shall be made as promptly as possible by the Secretary.

(3) **LIMITATION.**—Funds transferred pursuant to this subsection may not be used by the Secretary until funds specifically appropriated to the Secretary for grasshopper control have been exhausted.

(4) **REPLENISHMENT OF TRANSFERRED FUNDS.**—Funds transferred pursuant to this subsection shall be replenished by supplemental or regular appropriations, which shall be requested as promptly as possible.

(c) **TREATMENT FOR GRASSHOPPERS AND MORMON CRICKETS.**—

(1) **IN GENERAL.**—Subject to the availability of funds pursuant to this section, on request of the administering agency

or the agriculture department of an affected State, the Secretary, to protect rangeland, shall immediately treat Federal, State, or private lands that are infested with grasshoppers or Mormon crickets at levels of economic infestation, unless the Secretary determines that delaying treatment will not cause greater economic damage to adjacent owners of rangeland.

(2) OTHER PROGRAMS.—In carrying out this section, the Secretary shall work in conjunction with other Federal, State, and private prevention, control, or suppression efforts to protect rangeland.

(d) FEDERAL COST SHARE OF TREATMENT.—

(1) CONTROL ON FEDERAL LANDS.—Out of funds made available or transferred under this section, the Secretary shall pay 100 percent of the cost of grasshopper or Mormon cricket control on Federal lands to protect rangeland.

(2) CONTROL ON STATE LANDS.—Out of funds made available under this section, the Secretary shall pay 50 percent of the cost of grasshopper or Mormon cricket control on State lands.

(3) CONTROL ON PRIVATE LANDS.—Out of funds made available under this section, the Secretary shall pay 33.3 percent of the cost of grasshopper or Mormon cricket control on private lands.

(e) TRAINING.—From appropriated funds made available or transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes, the Secretary of Agriculture shall provide adequate funding for a program to train personnel to accomplish effectively the objective of this section.

7 USC 7718.

SEC. 418. CERTIFICATION FOR EXPORTS.

The Secretary may certify as to the freedom of plants, plant products, or biological control organisms from plant pests or noxious weeds, or the exposure of plants, plant products, or biological control organisms to plant pests or noxious weeds, according to the phytosanitary or other requirements of the countries to which the plants, plant products, or biological control organisms may be exported.

Subtitle B—Inspection and Enforcement

7 USC 7731.

SEC. 421. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) ROLE OF ATTORNEY GENERAL.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States to determine whether the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article subject to this title;

(2) in interstate commerce, upon probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article subject to this title; and

(3) in intrastate commerce from or within any State, portion of a State, or premises quarantined as part of an extraordinary

emergency declared under section 415 upon probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article regulated under that section or is moving subject to that section.

(c) INSPECTIONS WITH A WARRANT.—

(1) GENERAL AUTHORITY.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of conducting investigations or making inspections and seizures under this title.

(2) APPLICATION AND ISSUANCE OF A WARRANT.—Upon proper oath or affirmation showing probable cause to believe that there is on certain premises any plant, plant product, biological control organism, plant pest, noxious weed, article, facility, or means of conveyance regulated under this title, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge's or magistrate's jurisdiction, issue a warrant for the entry upon the premises to conduct any investigation or make any inspection or seizure under this title. The warrant may be applied for and executed by the Secretary or any United States Marshal.

SEC. 422. COLLECTION OF INFORMATION.

7 USC 7732.

The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this title.

SEC. 423. SUBPOENA AUTHORITY.

7 USC 7733.

(a) AUTHORITY TO ISSUE.—The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the administration or enforcement of this title or any matter under investigation in connection with this title.

(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) ENFORCEMENT OF SUBPOENA.—In the case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in requiring the attendance and testimony of any witness and the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court's order may be punished by the court as a contempt of the court.

(d) COMPENSATION.—Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.

(e) PROCEDURES.—The Secretary shall publish procedures for the issuance of subpoenas under this section. Such procedures shall

Publication.

include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) SCOPE OF SUBPOENA.—Subpoenas for witnesses to attend court in any judicial district or to testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under this title may run to any other judicial district.

7 USC 7734.

SEC. 424. PENALTIES FOR VIOLATION.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this title, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this title shall be guilty of a misdemeanor, and, upon conviction, shall be fined in accordance with title 18, United States Code, imprisoned for a period not exceeding 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this title, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this title may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A) \$50,000 in the case of any individual (except that the civil penalty may not exceed \$1,000 in the case of an initial violation of this title by an individual moving regulated articles not for monetary gain), \$250,000 in the case of any other person for each violation, and \$500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation, forgery, counterfeiting, unauthorized use, defacing, or destruction of a certificate, permit, or other document provided for in this title that results in the person deriving pecuniary gain or causing pecuniary loss to another.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) ability to pay;

(B) effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) any other factors the Secretary considers appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the Secretary's order may not be reviewed in an action to collect the civil penalty. Any civil penalty not paid in full when due under an order assessing the civil penalty

shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) **LIABILITY FOR ACTS OF AN AGENT.**—When construing and enforcing this title, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of his or her employment or office, shall be deemed also to be the act, omission, or failure of the other person.

(d) **GUIDELINES FOR CIVIL PENALTIES.**—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this title.

SEC. 425. ENFORCEMENT ACTIONS OF ATTORNEY GENERAL.

7 USC 7735.

The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this title that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this title, or to enjoin any interference by any person with the Secretary in carrying out this title, whenever the Secretary has reason to believe that the person has violated, or is about to violate this title, or has interfered, or is about to interfere, with the Secretary; and

(3) bring an action for the recovery of any unpaid civil penalty, funds under reimbursable agreements, late payment penalty, or interest assessed under this title.

SEC. 426. COURT JURISDICTION.

7 USC 7736.

(a) **IN GENERAL.**—The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of other territories and possessions are vested with jurisdiction in all cases arising under this title. Any action arising under this title may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(b) **EXCEPTION.**—This section does not apply to the imposition of civil penalties under section 424(b).

Subtitle C—Miscellaneous Provisions

SEC. 431. COOPERATION.

7 USC 7751.

(a) **IN GENERAL.**—The Secretary may cooperate with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out this title.

(b) **RESPONSIBILITY.**—The individual or entity cooperating with the Secretary under subsection (a) shall be responsible for—

(1) the authority necessary to conduct the operations or take measures on all land and properties within the foreign

country or State, other than those owned or controlled by the United States; and

(2) other facilities and means as the Secretary determines necessary.

(c) **TRANSFER OF BIOLOGICAL CONTROL METHODS.**—The Secretary may transfer to a State, Federal agency, or other person biological control methods using biological control organisms against plant pests or noxious weeds.

(d) **COOPERATION IN PROGRAM ADMINISTRATION.**—The Secretary may cooperate with State authorities or other persons in the administration of programs for the improvement of plants, plant products, and biological control organisms.

(e) **PHYTOSANITARY ISSUES.**—The Secretary shall ensure that phytosanitary issues involving imports and exports are addressed based on sound science and consistent with applicable international agreements. To accomplish these goals, the Secretary may—

(1) conduct direct negotiations with plant health officials or other appropriate officials of other countries;

(2) provide technical assistance, training, and guidance to any country requesting such assistance in the development of agricultural health protection systems and import/export systems; and

(3) maintain plant health and quarantine expertise in other countries—

(A) to facilitate the establishment of phytosanitary systems and the resolution of phytosanitary issues;

(B) to assist those countries with agricultural health protection activities; and

(C) to provide general liaison on agricultural health issues with the plant health or other appropriate officials of the country.

7 USC 7752.

SEC. 432. BUILDINGS, LAND, PEOPLE, CLAIMS, AND AGREEMENTS.

(a) **IN GENERAL.**—To the extent necessary to carry out this title, the Secretary may acquire and maintain all real or personal property for special purposes and employ any persons, make grants, and enter into any contracts, cooperative agreements, memoranda of understanding, or other agreements.

(b) **TORT CLAIMS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary may pay tort claims in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when the claims arise outside the United States in connection with activities that are authorized under this title.

(2) **REQUIREMENTS OF CLAIM.**—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary within 2 years after the date on which the claim accrues.

7 USC 7753.

SEC. 433. REIMBURSABLE AGREEMENTS.

(a) **AUTHORITY TO ENTER INTO AGREEMENTS.**—The Secretary may enter into reimbursable fee agreements with persons for preclearance of plants, plant products, biological control organisms, and articles at locations outside the United States for movement into the United States.

(b) **FUNDS COLLECTED FOR PRECLEARANCE.**—Funds collected for preclearance shall be credited to accounts which may be established by the Secretary for this purpose and shall remain available

until expended for the preclearance activities without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay employees of the Department of Agriculture performing services relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by them, at rates of pay established by the Secretary.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Secretary may require persons for whom the services are performed to reimburse the Secretary for any sums of money paid by the Secretary for the services.

(B) USE OF FUNDS.—All funds collected under this paragraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—Upon failure to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty, and the overdue funds shall accrue interest, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

SEC. 434. REGULATIONS AND ORDERS.

7 USC 7754.

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this title.

SEC. 435. PROTECTION FOR MAIL HANDLERS.

7 USC 7755.

This title shall not apply to any employee of the United States in the performance of the duties of the employee in handling the mail.

SEC. 436. PREEMPTION.

7 USC 7756.

(a) REGULATION OF FOREIGN COMMERCE.—No State or political subdivision of a State may regulate in foreign commerce any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order—

(1) to control a plant pest or noxious weed;

(2) to eradicate a plant pest or noxious weed; or

(3) prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

(b) REGULATION OF INTERSTATE COMMERCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no State or political subdivision of a State may regulate the movement in interstate commerce of any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed, if the Secretary has issued a regulation or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed within the United States.

(2) EXCEPTIONS.—

(A) REGULATIONS CONSISTENT WITH FEDERAL REGULATIONS.—A State or a political subdivision of a State may impose prohibitions or restrictions upon the movement in interstate commerce of articles, means of conveyance, plants, biological control organisms, plant pests, noxious weeds, or plant products that are consistent with and do not exceed the regulations or orders issued by the Secretary.

(B) SPECIAL NEED.—A State or political subdivision of a State may impose prohibitions or restrictions upon the movement in interstate commerce of articles, means of conveyance, plants, plant products, biological control organisms, plant pests, or noxious weeds that are in addition to the prohibitions or restrictions imposed by the Secretary, if the State or political subdivision of a State demonstrates to the Secretary and the Secretary finds that there is a special need for additional prohibitions or restrictions based on sound scientific data or a thorough risk assessment.

7 USC 7757.

SEC. 437. SEVERABILITY.

If any provision of this title or application of any provision of this title to any person or circumstances is held invalid, the remainder of this title and the application of the provision to other persons and circumstances shall not be affected by the invalidity.

7 USC 7758.

SEC. 438. REPEAL OF SUPERSEDED LAWS.

(a) REPEAL.—The following provisions of law are repealed:

(1) The Act of August 20, 1912 (commonly known as the “Plant Quarantine Act”) (7 U.S.C. 151–164a, 167).

(2) The Federal Plant Pest Act (7 U.S.C. 150aa et seq. and 7 U.S.C. 147a note).

(3) Subsections (a) through (e) of section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a).

(4) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), except the first section and section 15 of that Act (7 U.S.C. 2801 note and 7 U.S.C. 2814).

(5) The Act of January 31, 1942 (commonly known as the “Mexican Border Act”) (7 U.S.C. 149).

(6) The Joint Resolution of April 6, 1937 (commonly known as the “Insect Control Act”) (7 U.S.C. 148 et seq.).

(7) The Halogeton Glomeratus Act (7 U.S.C. 1651 et seq.).

(8) The Golden Nematode Act (7 U.S.C. 150 et seq.).

(9) Section 1773 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 148f).

(b) EMERGENCY TRANSFER AUTHORITY REGARDING PLANT PESTS.—The first section of Public Law 97–46 (7 U.S.C. 147b) is amended—

(1) by striking “plant pests or”; and

(2) by striking “section 102 of the Act of September 21, 1944, as amended (7 U.S.C. 147a), and”.

(c) EFFECT ON REGULATIONS.—Regulations issued under the authority of a provision of law repealed by subsection (a) shall remain in effect until such time as the Secretary issues a regulation under section 434 that supersedes the earlier regulation.

Subtitle D—Authorization of Appropriations

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

7 USC 7771.

There are authorized to be appropriated such amounts as may be necessary to carry out this title. Except as specifically authorized by law, no part of the money appropriated under this section shall be used to pay indemnities for property injured or destroyed by or at the direction of the Secretary.

SEC. 442. TRANSFER AUTHORITY.

7 USC 7772.

(a) **AUTHORITY TO TRANSFER CERTAIN FUNDS.**—In connection with an emergency in which a plant pest or noxious weed threatens any segment of the agricultural production of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such amounts as the Secretary considers necessary to be available in the emergency for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(b) **AVAILABILITY.**—Any funds transferred under this section shall remain available for such purposes without fiscal year limitation.

TITLE V—INSPECTION ANIMALS

SEC. 501. CIVIL PENALTY.

7 USC 2279e.

(a) **IN GENERAL.**—Any person that causes harm to, or interferes with, an animal used for the purposes of official inspections by the Department of Agriculture, may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of Agriculture not to exceed \$10,000.

(b) **FACTORS IN DETERMINING CIVIL PENALTY.**—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the offense.

(c) **SETTLEMENT OF CIVIL PENALTIES.**—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this section.

(d) **FINALITY OF ORDERS.**—

(1) **IN GENERAL.**—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(2) **INTEREST.**—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

SEC. 502. SUBPOENA AUTHORITY.

7 USC 2279f.

(a) **IN GENERAL.**—The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the enforcement of section 501 or any matter under investigation in connection with this title.

(b) LOCATION OF PRODUCTION.—The attendance of any witness and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) ENFORCEMENT OF SUBPOENA.—In the case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in requiring the attendance and testimony of any witness and the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court's order may be punished by the court as a contempt of the court.

(d) COMPENSATION.—Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken, and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.

Publication.

(e) PROCEDURES.—The Secretary shall publish procedures for the issuance of subpoenas under this section. Such procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) SCOPE OF SUBPOENA.—Subpoenas for witnesses to attend court in any judicial district or testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under section 501 may run to any other judicial district.

Approved June 20, 2000.

LEGISLATIVE HISTORY—H.R. 2559 (S. 2251):

HOUSE REPORTS: Nos. 106-300 and Pt. 2 (Comm. on Agriculture).

SENATE REPORTS: No. 106-247 accompanying S. 2251 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 29, considered and passed House.

Vol. 146 (2000): Mar. 22, 23, considered and passed Senate, amended, in lieu of S. 2251.

May 25, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):
June 20, Presidential statement.



Public Law 106–225
106th Congress

An Act

To authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

June 20, 2000
[H.R. 3642]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

31 USC 5111
note.

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with "Timeless Topix". He also took a second job as an art instructor. Eventually, his hard work paid off when the Saturday Evening Post began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, "L'il Folks", that Charlie Brown was born. That comic strip, which was eventually renamed "Peanuts", became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the "Peanuts" strip, which ran 7 days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The "Peanuts" comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, "A Charlie Brown Christmas", has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and pride. Whether through the Great

Pumpkin Patch, the Kite Eating Tree, Lucy’s Psychiatric Help Stand, or Snoopy’s adventures with the Red Baron, “Peanuts” embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz’s lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) **AWARD AUTHORIZED.**—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) **DESIGN AND STRIKING.**—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) **AUTHORIZATION.**—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Approved June 20, 2000.

LEGISLATIVE HISTORY—H.R. 3642:

CONGRESSIONAL RECORD: Vol. 146 (2000):

Feb. 15, considered and passed House.

May 2, considered and passed Senate, amended.

June 6, House concurred in Senate amendments.



Public Law 106–226
106th Congress

An Act

To provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

June 27, 2000
[H.R. 4387]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR
SCHOOL GOVERNANCE CHARTER AMENDMENT ACT OF
2000.**

Notwithstanding section 303 of the District of Columbia Home Rule Act or any provision of the School Governance Charter Amendment Act of 2000, the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by a majority of the registered qualified electors of the District of Columbia voting in a referendum held to ratify such Act.

Approved June 27, 2000.

LEGISLATIVE HISTORY—H.R. 4387:

HOUSE REPORTS: No. 106–664 (Comm. on Government Reform).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 12, considered and passed House.

June 14, considered and passed Senate.



Public Law 106–227
106th Congress

Joint Resolution

June 28, 2000

[H.J. Res. 101]

Recognizing the 225th birthday of the United States Army.

Whereas on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 225 years, the Army's central mission has been to fight and win the Nation's wars;

Whereas whatever the mission, the Nation turns to its Army for decisive victory;

Whereas the 172 battle streamers carried on the Army flag are testament to the valor, commitment, and sacrifice of the brave soldiers who have served the Nation in the Army;

Whereas Valley Forge, New Orleans, Mexico City, Gettysburg, Verdun, Bataan, Normandy, Pusan, the Ia Drang Valley, Grenada, Panama, and Kuwait are but a few of the places where soldiers of the United States Army have won extraordinary distinction and respect for the Nation and its Army;

Whereas the motto of "Duty, Honor, Country" is the creed by which the American soldier lives and serves;

Whereas the United States Army today is the world's most capable and respected ground force;

Whereas future Army forces are being prepared to conduct quick, decisive, highly sophisticated operations anywhere, anytime; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Army to produce well-trained, well-led, and highly motivated soldiers to carry out the missions entrusted to them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress, recognizing the historic significance of the 225th anniversary of the United States Army—

(1) expresses the appreciation of the people of the United States to the Army and the soldiers who have served in it for 225 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that American soldiers have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 225th birthday of the United States Army and the dedicated service of the soldiers who have served in the Army; and

(B) calling upon the people of the United States to observe that anniversary with appropriate ceremonies and activities.

Approved June 28, 2000.

LEGISLATIVE HISTORY—H.J. Res. 101 (S.J. Res. 46):

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13, considered and passed House.

June 15, considered and passed Senate.



Public Law 106–228
106th Congress

An Act

June 29, 2000
[S. 1967]

To make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATUS OF CERTAIN INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) all land taken in trust by the United States for the benefit of the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation;

(2) all land held in fee by the Mississippi Band of Choctaw Indians located within the boundaries of the State of Mississippi, as shown in the report entitled “Report of Fee Lands owned by the Mississippi Band of Choctaw Indians”, dated September 28, 1999, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is hereby declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and

(3) land made part of the Mississippi Choctaw Indian Reservation after December 23, 1944, shall not be considered to be part of the “initial reservation” of the tribe for the purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the application or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) with respect to any lands held by or for the benefit of the Mississippi Band of Choctaw Indians regardless of when such lands were acquired.

Approved June 29, 2000.

LEGISLATIVE HISTORY—S. 1967:

SENATE REPORTS: No. 106–307 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 14, considered and passed Senate.

June 19, considered and passed House.



Public Law 106–229
106th Congress

An Act

June 30, 2000
[S. 761]

To facilitate the use of electronic records and signatures in interstate or foreign commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Electronic
Signatures in
Global and
National
Commerce Act.
15 USC 7001
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Electronic Signatures in Global and National Commerce Act”.

**TITLE I—ELECTRONIC RECORDS AND
SIGNATURES IN COMMERCE**

15 USC 7001.

SEC. 101. GENERAL RULE OF VALIDITY.

(a) IN GENERAL.—Notwithstanding any statute, regulation, or other rule of law (other than this title and title II), with respect to any transaction in or affecting interstate or foreign commerce—

(1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form; and

(2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) PRESERVATION OF RIGHTS AND OBLIGATIONS.—This title does not—

(1) limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form; or

(2) require any person to agree to use or accept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract to which it is a party.

(c) CONSUMER DISCLOSURES.—

(1) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that information relating to a transaction or transactions in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of an electronic record to provide or make available (whichever

is required) such information satisfies the requirement that such information be in writing if—

(A) the consumer has affirmatively consented to such use and has not withdrawn such consent;

(B) the consumer, prior to consenting, is provided with a clear and conspicuous statement—

(i) informing the consumer of (I) any right or option of the consumer to have the record provided or made available on paper or in nonelectronic form, and (II) the right of the consumer to withdraw the consent to have the record provided or made available in an electronic form and of any conditions, consequences (which may include termination of the parties' relationship), or fees in the event of such withdrawal;

(ii) informing the consumer of whether the consent applies (I) only to the particular transaction which gave rise to the obligation to provide the record, or (II) to identified categories of records that may be provided or made available during the course of the parties' relationship;

(iii) describing the procedures the consumer must use to withdraw consent as provided in clause (i) and to update information needed to contact the consumer electronically; and

(iv) informing the consumer (I) how, after the consent, the consumer may, upon request, obtain a paper copy of an electronic record, and (II) whether any fee will be charged for such copy;

(C) the consumer—

(i) prior to consenting, is provided with a statement of the hardware and software requirements for access to and retention of the electronic records; and

(ii) consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent; and

(D) after the consent of a consumer in accordance with subparagraph (A), if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record—

(i) provides the consumer with a statement of (I) the revised hardware and software requirements for access to and retention of the electronic records, and (II) the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed under subparagraph (B)(i); and

(ii) again complies with subparagraph (C).

(2) OTHER RIGHTS.—

(A) PRESERVATION OF CONSUMER PROTECTIONS.— Nothing in this title affects the content or timing of any disclosure or other record required to be provided or made

available to any consumer under any statute, regulation, or other rule of law.

(B) VERIFICATION OR ACKNOWLEDGMENT.—If a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

(3) EFFECT OF FAILURE TO OBTAIN ELECTRONIC CONSENT OR CONFIRMATION OF CONSENT.—The legal effectiveness, validity, or enforceability of any contract executed by a consumer shall not be denied solely because of the failure to obtain electronic consent or confirmation of consent by that consumer in accordance with paragraph (1)(C)(ii).

(4) PROSPECTIVE EFFECT.—Withdrawal of consent by a consumer shall not affect the legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

(5) PRIOR CONSENT.—This subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

(6) ORAL COMMUNICATIONS.—An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

(d) RETENTION OF CONTRACTS AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be retained, that requirement is met by retaining an electronic record of the information in the contract or other record that—

(A) accurately reflects the information set forth in the contract or other record; and

(B) remains accessible to all persons who are entitled to access by statute, regulation, or rule of law, for the period required by such statute, regulation, or rule of law, in a form that is capable of being accurately reproduced for later reference, whether by transmission, printing, or otherwise.

(2) EXCEPTION.—A requirement to retain a contract or other record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract or other record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract or other record relating to a transaction in or affecting interstate or foreign commerce to be provided,

available, or retained in its original form, or provides consequences if the contract or other record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with paragraph (1).

(e) ACCURACY AND ABILITY TO RETAIN CONTRACTS AND OTHER RECORDS.—Notwithstanding subsection (a), if a statute, regulation, or other rule of law requires that a contract or other record relating to a transaction in or affecting interstate or foreign commerce be in writing, the legal effect, validity, or enforceability of an electronic record of such contract or other record may be denied if such electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.

(f) PROXIMITY.—Nothing in this title affects the proximity required by any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

(g) NOTARIZATION AND ACKNOWLEDGMENT.—If a statute, regulation, or other rule of law requires a signature or record relating to a transaction in or affecting interstate or foreign commerce to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record.

(h) ELECTRONIC AGENTS.—A contract or other record relating to a transaction in or affecting interstate or foreign commerce may not be denied legal effect, validity, or enforceability solely because its formation, creation, or delivery involved the action of one or more electronic agents so long as the action of any such electronic agent is legally attributable to the person to be bound.

(i) INSURANCE.—It is the specific intent of the Congress that this title and title II apply to the business of insurance. Applicability.

(j) INSURANCE AGENTS AND BROKERS.—An insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature may not be held liable for any deficiency in the electronic procedures agreed to by the parties under that contract if—

(1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct;

(2) the agent or broker was not involved in the development or establishment of such electronic procedures; and

(3) the agent or broker did not deviate from such procedures.

SEC. 102. EXEMPTION TO PREEMPTION.

15 USC 7002.

(a) IN GENERAL.—A State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 with respect to State law only if such statute, regulation, or rule of law—

(1) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as approved and recommended for enactment in all the States by the National Conference of Commissioners on Uniform State Laws in 1999, except that any exception to the scope of such Act enacted by a State under section 3(b)(4) of such Act shall be preempted to the extent such exception is inconsistent with this title or title II, or would not be permitted under paragraph (2)(A)(ii) of this subsection; or

(2)(A) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts or other records, if—

(i) such alternative procedures or requirements are consistent with this title and title II; and

(ii) such alternative procedures or requirements do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; and

(B) if enacted or adopted after the date of the enactment of this Act, makes specific reference to this Act.

(b) EXCEPTIONS FOR ACTIONS BY STATES AS MARKET PARTICIPANTS.—Subsection (a)(2)(A)(ii) shall not apply to the statutes, regulations, or other rules of law governing procurement by any State, or any agency or instrumentality thereof.

(c) PREVENTION OF CIRCUMVENTION.—Subsection (a) does not permit a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of the Uniform Electronic Transactions Act.

15 USC 7003.

SEC. 103. SPECIFIC EXCEPTIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract or other record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a State statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law; or

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;

(2) any notice of—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual;

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities); or

(D) recall of a product, or material failure of a product, that risks endangering health or safety; or

(3) any document required to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

(c) REVIEW OF EXCEPTIONS.—

(1) EVALUATION REQUIRED.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall review the operation of the exceptions in subsections (a) and (b) to evaluate, over a period of 3 years, whether such exceptions continue to be necessary for the protection of consumers. Within 3 years after the date of enactment of this Act, the Assistant Secretary shall submit a report to the Congress on the results of such evaluation.

Deadline.
Reports.

(2) DETERMINATIONS.—If a Federal regulatory agency, with respect to matter within its jurisdiction, determines after notice and an opportunity for public comment, and publishes a finding, that one or more such exceptions are no longer necessary for the protection of consumers and eliminating such exceptions will not increase the material risk of harm to consumers, such agency may extend the application of section 101 to the exceptions identified in such finding.

SEC. 104. APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS.

15 USC 7004.

(a) FILING AND ACCESS REQUIREMENTS.—Subject to subsection (c)(2), nothing in this title limits or supersedes any requirement by a Federal regulatory agency, self-regulatory organization, or State regulatory agency that records be filed with such agency or organization in accordance with specified standards or formats.

(b) PRESERVATION OF EXISTING RULEMAKING AUTHORITY.—

(1) USE OF AUTHORITY TO INTERPRET.—Subject to paragraph (2) and subsection (c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through—

(A) the issuance of regulations pursuant to a statute;

or

(B) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency).

This paragraph does not grant any Federal regulatory agency or State regulatory agency authority to issue regulations, orders, or guidance pursuant to any statute that does not authorize such issuance.

(2) LIMITATIONS ON INTERPRETATION AUTHORITY.—Notwithstanding paragraph (1), a Federal regulatory agency shall not adopt any regulation, order, or guidance described in paragraph (1), and a State regulatory agency is preempted by section 101 from adopting any regulation, order, or guidance described in paragraph (1), unless—

(A) such regulation, order, or guidance is consistent with section 101;

(B) such regulation, order, or guidance does not add to the requirements of such section; and

(C) such agency finds, in connection with the issuance of such regulation, order, or guidance, that—

(i) there is a substantial justification for the regulation, order, or guidance;

(ii) the methods selected to carry out that purpose—

(I) are substantially equivalent to the requirements imposed on records that are not electronic records; and

(II) will not impose unreasonable costs on the acceptance and use of electronic records; and

(iii) the methods selected to carry out that purpose do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

(3) PERFORMANCE STANDARDS.—

(A) ACCURACY, RECORD INTEGRITY, ACCESSIBILITY.—Notwithstanding paragraph (2)(C)(iii), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to specify performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Such performance standards may be specified in a manner that imposes a requirement in violation of paragraph (2)(C)(iii) if the requirement (i) serves an important governmental objective; and (ii) is substantially related to the achievement of that objective. Nothing in this paragraph shall be construed to grant any Federal regulatory agency or State regulatory agency authority to require use of a particular type of software or hardware in order to comply with section 101(d).

(B) PAPER OR PRINTED FORM.—Notwithstanding subsection (c)(1), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to require retention of a record in a tangible printed or paper form if—

(i) there is a compelling governmental interest relating to law enforcement or national security for imposing such requirement; and

(ii) imposing such requirement is essential to attaining such interest.

(4) EXCEPTIONS FOR ACTIONS BY GOVERNMENT AS MARKET PARTICIPANT.—Paragraph (2)(C)(iii) shall not apply to the statutes, regulations, or other rules of law governing procurement by the Federal or any State government, or any agency or instrumentality thereof.

(c) ADDITIONAL LIMITATIONS.—

(1) REIMPOSING PAPER PROHIBITED.—Nothing in subsection (b) (other than paragraph (3)(B) thereof) shall be construed to grant any Federal regulatory agency or State regulatory agency authority to impose or reimpose any requirement that a record be in a tangible printed or paper form.

(2) CONTINUING OBLIGATION UNDER GOVERNMENT PAPERWORK ELIMINATION ACT.—Nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105-277).

(d) AUTHORITY TO EXEMPT FROM CONSENT PROVISION.—

(1) IN GENERAL.—A Federal regulatory agency may, with respect to matter within its jurisdiction, by regulation or order issued after notice and an opportunity for public comment, exempt without condition a specified category or type of record from the requirements relating to consent in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.

(2) PROSPECTUSES.—Within 30 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue a regulation or order pursuant to paragraph (1) exempting from section 101(c) any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

Deadline.
Regulations.

(e) ELECTRONIC LETTERS OF AGENCY.—The Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid, or unenforceable solely because an electronic record or electronic signature was used in its formation or authorization.

SEC. 105. STUDIES.

(a) DELIVERY.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 12-month period.

Deadlines.
15 USC 7005.
Mail.

(b) STUDY OF ELECTRONIC CONSENT.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall submit a report to the Congress evaluating any benefits provided to consumers by the procedure required by section 101(c)(1)(C)(ii); any burdens imposed on electronic commerce by that provision; whether the benefits outweigh the burdens; whether the absence of the procedure required by section 101(c)(1)(C)(ii) would increase the incidence of fraud directed against consumers; and suggesting any revisions to the provision deemed appropriate by the Secretary and the Commission. In conducting this evaluation, the Secretary and the Commission shall solicit comment from the general public, consumer representatives, and electronic commerce businesses.

Reports.

Reports.

Public
information.

SEC. 106. DEFINITIONS.

For purposes of this title:

(1) **CONSUMER.**—The term “consumer” means an individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, and also means the legal representative of such an individual.

(2) **ELECTRONIC.**—The term “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) **ELECTRONIC AGENT.**—The term “electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response.

(4) **ELECTRONIC RECORD.**—The term “electronic record” means a contract or other record created, generated, sent, communicated, received, or stored by electronic means.

(5) **ELECTRONIC SIGNATURE.**—The term “electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

(6) **FEDERAL REGULATORY AGENCY.**—The term “Federal regulatory agency” means an agency, as that term is defined in section 552(f) of title 5, United States Code.

(7) **INFORMATION.**—The term “information” means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(8) **PERSON.**—The term “person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(9) **RECORD.**—The term “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) **REQUIREMENT.**—The term “requirement” includes a prohibition.

(11) **SELF-REGULATORY ORGANIZATION.**—The term “self-regulatory organization” means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

(12) **STATE.**—The term “State” includes the District of Columbia and the territories and possessions of the United States.

(13) **TRANSACTION.**—The term “transaction” means an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons, including any of the following types of conduct—

(A) the sale, lease, exchange, licensing, or other disposition of (i) personal property, including goods and intangibles, (ii) services, and (iii) any combination thereof; and

(B) the sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof.

SEC. 107. EFFECTIVE DATE.

15 USC 7001
note.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall be effective on October 1, 2000.

(b) EXCEPTIONS.—

(1) RECORD RETENTION.—

(A) IN GENERAL.—Subject to subparagraph (B), this title shall be effective on March 1, 2001, with respect to a requirement that a record be retained imposed by—

(i) a Federal statute, regulation, or other rule of law, or

(ii) a State statute, regulation, or other rule of law administered or promulgated by a State regulatory agency.

(B) DELAYED EFFECT FOR PENDING RULEMAKINGS.—If on March 1, 2001, a Federal regulatory agency or State regulatory agency has announced, proposed, or initiated, but not completed, a rulemaking proceeding to prescribe a regulation under section 104(b)(3) with respect to a requirement described in subparagraph (A), this title shall be effective on June 1, 2001, with respect to such requirement.

(2) CERTAIN GUARANTEED AND INSURED LOANS.—With regard to any transaction involving a loan guarantee or loan guarantee commitment (as those terms are defined in section 502 of the Federal Credit Reform Act of 1990), or involving a program listed in the Federal Credit Supplement, Budget of the United States, FY 2001, this title applies only to such transactions entered into, and to any loan or mortgage made, insured, or guaranteed by the United States Government thereunder, on and after one year after the date of enactment of this Act.

(3) STUDENT LOANS.—With respect to any records that are provided or made available to a consumer pursuant to an application for a loan, or a loan made, pursuant to title IV of the Higher Education Act of 1965, section 101(c) of this Act shall not apply until the earlier of—

(A) such time as the Secretary of Education publishes revised promissory notes under section 432(m) of the Higher Education Act of 1965; or

(B) one year after the date of enactment of this Act.

TITLE II—TRANSFERABLE RECORDS

SEC. 201. TRANSFERABLE RECORDS.

15 USC 7021.

(a) DEFINITIONS.—For purposes of this section:

(1) TRANSFERABLE RECORD.—The term “transferable record” means an electronic record that—

(A) would be a note under Article 3 of the Uniform Commercial Code if the electronic record were in writing;

(B) the issuer of the electronic record expressly has agreed is a transferable record; and

(C) relates to a loan secured by real property.

A transferable record may be executed using an electronic signature.

(2) OTHER DEFINITIONS.—The terms “electronic record”, “electronic signature”, and “person” have the same meanings provided in section 106 of this Act.

(b) CONTROL.—A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) CONDITIONS.—A system satisfies subsection (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that—

(1) a single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as—

(A) the person to which the transferable record was issued; or

(B) if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) STATUS AS HOLDER.—Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in section 1-201(20) of the Uniform Commercial Code, of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under section 3-302(a), 9-308, or revised section 9-330 of the Uniform Commercial Code are satisfied, the rights and defenses of a holder in due course or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(e) OBLIGOR RIGHTS.—Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under the Uniform Commercial Code.

(f) PROOF OF CONTROL.—If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

(g) UCC REFERENCES.—For purposes of this subsection, all references to the Uniform Commercial Code are to the Uniform Commercial Code as in effect in the jurisdiction the law of which governs the transferable record.

SEC. 202. EFFECTIVE DATE.

15 USC 7021
note.

This title shall be effective 90 days after the date of enactment of this Act.

TITLE III—PROMOTION OF INTERNATIONAL ELECTRONIC COMMERCE

SEC. 301. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

15 USC 7031.

(a) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce shall promote the acceptance and use, on an international basis, of electronic signatures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(B) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(C) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(D) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

(b) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(c) DEFINITIONS.—As used in this section, the terms “electronic record” and “electronic signature” have the same meanings provided in section 106 of this Act.

TITLE IV—COMMISSION ON ONLINE CHILD PROTECTION

SEC. 401. AUTHORITY TO ACCEPT GIFTS.

Section 1405 of the Child Online Protection Act (47 U.S.C. 231 note) is amended by inserting after subsection (g) the following new subsection:

“(h) GIFTS, BEQUESTS, AND DEVICES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real (including the use of office space) and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts or grants not used at the termination of the Commission shall be returned to the donor or grantee.”.

Approved June 30, 2000.

LEGISLATIVE HISTORY—S. 761 (H.R. 1714):

HOUSE REPORTS: No. 106-341, accompanying H.R. 1714, Pt. 1 (Comm. on Commerce) and Pt. 2 (Comm. on the Judiciary).

SENATE REPORTS: Nos. 106-131 (Comm. on Commerce, Science, and Transportation) and 106-661 (Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Feb. 16, considered and passed House, amended, in lieu of H.R. 1714.

June 14, House agreed to conference report.

June 15, 16, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

June 30, Presidential remarks and statement.



Public Law 106–230
106th Congress

An Act

To amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

July 1, 2000
[H.R. 4762]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED NOTIFICATION OF SECTION 527 STATUS.

(a) IN GENERAL.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection: 26 USC 527.

“(i) ORGANIZATIONS MUST NOTIFY SECRETARY THAT THEY ARE SECTION 527 ORGANIZATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

“(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

“(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

“(2) TIME TO GIVE NOTICE.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established. Deadline.

“(3) CONTENTS OF NOTICE.—The notice required under paragraph (1) shall include information regarding—

“(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

“(B) the purpose of the organization,

“(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

“(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

“(E) such other information as the Secretary may require to carry out the internal revenue laws.

“(4) EFFECT OF FAILURE.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income).

“(5) EXCEPTIONS.—This subsection shall not apply to any organization—

“(A) to which this section applies solely by reason of subsection (f)(1), or

“(B) which reasonably anticipates that it will not have gross receipts of \$25,000 or more for any taxable year.

“(6) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.”.

(b) DISCLOSURE REQUIREMENTS.—

(1) INSPECTION AT INTERNAL REVENUE SERVICE OFFICES.—

26 USC 6104.

(A) IN GENERAL.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting “or a political organization is exempt from taxation under section 527 for any taxable year” after “taxable year”;

(ii) by inserting “or notice of status filed by the organization under section 527(i)” before “, together”;

(iii) by inserting “or notice” after “such application” each place it appears;

(iv) by inserting “or notice” after “any application”;

(v) by inserting “for exemption from taxation under section 501(a)” after “any organization” in the last sentence; and

(vi) by inserting “OR 527” after “SECTION 501” in the heading.

(B) CONFORMING AMENDMENT.—The heading for section 6104(a) of such Code is amended by inserting “OR NOTICE OF STATUS” before the period.

(2) INSPECTION OF NOTICE ON INTERNET AND IN PERSON.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

Public
information.
Records.

“(3) INFORMATION AVAILABLE ON INTERNET AND IN PERSON.—

“(A) IN GENERAL.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

“(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

“(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

Deadline.

“(B) TIME TO MAKE INFORMATION AVAILABLE.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).”.

(3) INSPECTION BY COMMITTEE OF CONGRESS.—Section 6104(a)(2) of such Code is amended by inserting “or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year” after “taxable year”.

(4) PUBLIC INSPECTION MADE AVAILABLE BY ORGANIZATION.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking “AND APPLICATIONS FOR EXEMPTION” and inserting “, APPLICATIONS FOR EXEMPTION, AND NOTICES OF STATUS” in the heading;

(B) by inserting “or notice of status under section 527(i)” after “section 501” and by inserting “or any notice materials” after “materials” in paragraph (1)(A)(ii);

(C) by inserting or “or such notice materials” after “materials” in paragraph (1)(B); and

(D) by adding at the end the following new paragraph:

“(6) NOTICE MATERIALS.—For purposes of paragraph (1), the term ‘notice materials’ means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.”

(c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting “or notice materials (as defined in such section)” after “section”; and

(2) by inserting “AND NOTICE OF STATUS” after “EXEMPTION” in the heading.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) ORGANIZATIONS ALREADY IN EXISTENCE.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) INFORMATION AVAILABILITY.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) REQUIRED DISCLOSURE OF 527 ORGANIZATIONS.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

“(j) REQUIRED DISCLOSURE OF EXPENDITURES AND CONTRIBUTIONS.—

“(1) PENALTY FOR FAILURE.—In the case of—

“(A) a failure to make the required disclosures under paragraph (2) at the time and in the manner prescribed therefor, or

“(B) a failure to include any of the information required to be shown by such disclosures or to show the correct information,

there shall be paid by the organization an amount equal to the rate of tax specified in subsection (b)(1) multiplied by the amount to which the failure relates.

“(2) REQUIRED DISCLOSURE.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

“(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

26 USC 6652.

26 USC 527 note.

Deadline.

26 USC 527.

Reports.
Effective dates.
Deadlines.

“(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the fifteenth day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

“(II) a pre-election report, which shall be filed not later than the twelfth day before (or posted by registered or certified mail not later than the fifteenth day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the twentieth day before the election, and

“(III) a post-general election report, which shall be filed not later than the thirtieth day after the general election and which shall be complete as of the twentieth day after such general election, and

“(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

“(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the twentieth day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

“(3) CONTENTS OF REPORT.—A report required under paragraph (2) shall contain the following information:

“(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds \$500 and the name and address of the person (in the case of an individual, including the occupation and name of employer of such individual).

“(B) The name and address (in the case of an individual, including the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of \$200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

“(4) CONTRACTS TO SPEND OR CONTRIBUTE.—For purposes of this subsection, a person shall be treated as having made

an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

“(5) COORDINATION WITH OTHER REQUIREMENTS.—This subsection shall not apply—

“(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

“(B) to any State or local committee of a political party or political committee of a State or local candidate,

“(C) to any organization which reasonably anticipates that it will not have gross receipts of \$25,000 or more for any taxable year,

“(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

“(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

“(6) ELECTION.—For purposes of this subsection, the term ‘election’ means—

“(A) a general, special, primary, or runoff election for a Federal office,

“(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

“(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

“(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.”.

(b) PUBLIC DISCLOSURE OF REPORTS.—

(1) IN GENERAL.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

26 USC 6104.

(A) by inserting “REPORTS,” after “RETURNS,” in the heading;

(B) in paragraph (1)(A), by striking “and” at the end of clause (i), by inserting “and” at the end of clause (ii), and by inserting after clause (ii) the following new clause:

“(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,”; and

(C) in paragraph (1)(B), by inserting “, reports,” after “return”.

(2) DISCLOSURE OF CONTRIBUTORS ALLOWED.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting “or a political organization exempt from taxation under section 527” after “509(a)”.

(3) DISCLOSURE BY INTERNAL REVENUE SERVICE.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

“(6) DISCLOSURE OF REPORTS BY INTERNAL REVENUE SERVICE.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.”.

26 USC 6652. (c) FAILURE TO MAKE PUBLIC.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting “or report required under section 527(j)” after “filing”;

(2) by inserting “or report” after “1 return”; and

(3) by inserting “AND REPORTS” after “RETURNS” in the heading.

Applicability.
26 USC 527 note.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of the enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) RETURN REQUIREMENTS.—

26 USC 6012. (1) ORGANIZATIONS REQUIRED TO FILE.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting “or which has gross receipts of \$25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)” after “taxable year”.

26 USC 6033. (2) INFORMATION REQUIRED TO BE INCLUDED ON RETURN.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

“(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—In the case of a political organization required to file a return under section 6012(a)(6)—

“(1) such organization shall file a return—

“(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

“(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

“(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.”.

(b) PUBLIC DISCLOSURE OF RETURNS.—

(1) RETURNS MADE AVAILABLE BY SECRETARY.—

26 USC 6104. (A) IN GENERAL.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting “6012(a)(6),” before “6033”.

(B) CONTRIBUTOR INFORMATION.—Section 6104(b) of such Code is amended by inserting “or a political organization exempt from taxation under section 527” after “509(a)”.

(2) RETURNS MADE AVAILABLE BY ORGANIZATIONS.—

(A) IN GENERAL.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting “or section 6012(a)(6)

(relating to returns by political organizations)” after “organizations”).

(B) CONFORMING AMENDMENTS.—

(i) Section 6104(d)(1) of such Code is amended 26 USC 6104.
in the matter preceding subparagraph (A) by inserting
“or an organization exempt from taxation under section
527(a)” after “501(a)”.

(ii) Section 6104(d)(2) of such Code is amended
by inserting “or section 6012(a)(6)” after “section 6033”.

(c) FAILURE TO FILE RETURN.—Section 6652(c)(1) of the Internal
Revenue Code of 1986 (relating to annual returns under section 26 USC 6652.
6033) is amended—

(1) by inserting “or section 6012(a)(6) (relating to returns
by political organizations)” after “organizations)” in subpara-
graph (A)(i);

(2) by inserting “or section 6012(a)(6)” after “section 6033”
in subparagraph (A)(ii);

(3) by inserting “or section 6012(a)(6)” after “section 6033”
in the third sentence of subparagraph (A); and

(4) by inserting “OR 6012(a)(6)” after “SECTION 6033” in the
heading.

(d) EFFECTIVE DATE.—The amendments made by this section 26 USC 6012
shall apply to returns for taxable years beginning after June 30, note.
2000.

Approved July 1, 2000.

LEGISLATIVE HISTORY—H.R. 4762 (S. 2742):

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 27, considered and passed House.

June 28, 29, considered and passed Senate.



Public Law 106–231
106th Congress

An Act

July 6, 2000
[H.R. 642]

To redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Malcolm Dymally Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, shall be known and designated as the “Mervyn Malcolm Dymally Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Mervyn Malcolm Dymally Post Office Building”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 642:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 18, considered and passed House.

Vol. 146 (2000): June 23, considered and passed Senate.



Public Law 106–232
106th Congress

An Act

To redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the “Augustus F. Hawkins Post Office Building”.

July 6, 2000
[H.R. 643]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, shall be known and designated as the “Augustus F. Hawkins Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Augustus F. Hawkins Post Office Building”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 643:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.

Vol. 146 (2000): June 23, considered and passed Senate.



Public Law 106–233
106th Congress

An Act

July 6, 2000
[H.R. 1666]

To designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the “Captain Colin P. Kelly, Jr. Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 200 East Pinckney Street in Madison, Florida, is hereby designated as the “Captain Colin P. Kelly, Jr. Post Office”.

SEC. 2. REFERENCES.

Any reference to such facility in a law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the “Captain Colin P. Kelly, Jr. Post Office”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 1666:

CONGRESSIONAL RECORD: Vol. 146 (2000):
Mar. 21, considered and passed House.
June 23, considered and passed Senate.



Public Law 106–234
106th Congress

An Act

To designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the “Thomas J. Brown Post Office Building”.

July 6, 2000
[H.R. 2307]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, shall be known and designated as the “Thomas J. Brown Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Thomas J. Brown Post Office Building”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 2307:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 8, considered and passed House.

Vol. 146 (2000): June 23, considered and passed Senate.



Public Law 106–236
106th Congress

An Act

To designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the “Jay Hanna ‘Dizzy’ Dean Post Office”.

July 6, 2000
[H.R. 2460]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, shall be known and designated as the “Jay Hanna ‘Dizzy’ Dean Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the “Jay Hanna ‘Dizzy’ Dean Post Office”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 2460:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.

Vol. 146 (2000): June 23, considered and passed Senate.



Public Law 106–237
106th Congress

An Act

July 6, 2000
[H.R. 2591]

To designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the “William H. Avery Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 713 Elm Street in Wakefield, Kansas, shall be known and designated as the “William H. Avery Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the “William H. Avery Post Office”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 2591:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.

Vol. 146 (2000): June 23, considered and passed Senate.



Public Law 106–238
106th Congress

An Act

To redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the “Keith D. Oglesby Station”.

July 6, 2000
[H.R. 2952]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, and known as the Orchard Park Station, shall be known and designated as the “Keith D. Oglesby Station”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Keith D. Oglesby Station”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 2952:

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 8, considered and passed House.

June 23, considered and passed Senate.



Public Law 106–239
106th Congress

An Act

To designate certain facilities of the United States Postal Service in South Carolina.

July 6, 2000

[H.R. 3018]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAYFORD R. JOHNSON POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 301 Main Street in Eastover, South Carolina, shall be known and designated as the “Layford R. Johnson Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the “Layford R. Johnson Post Office”.

SEC. 2. RICHARD E. FIELDS POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, shall be known and designated as the “Richard E. Fields Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the “Richard E. Fields Post Office”.

SEC. 3. MARYBELLE H. HOWE POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 557 East Bay Street in Charleston, South Carolina, shall be known and designated as the “Marybelle H. Howe Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the “Marybelle H. Howe Post Office”.

SEC. 4. MAMIE G. FLOYD POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, shall be known and designated as the “Mamie G. Floyd Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United

States Post Office referred to in subsection (a) shall be deemed to be a reference to the “Mamie G. Floyd Post Office”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 3018:

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 8, considered and passed House.

June 23, considered and passed Senate.



Public Law 106–240
106th Congress

An Act

July 6, 2000
[H.R. 3699]

To designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the “Joel T. Broyhill Postal Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, shall be known and designated as the “Joel T. Broyhill Postal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Joel T. Broyhill Postal Building”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 3699:

CONGRESSIONAL RECORD: Vol. 146 (2000):
Mar. 14, considered and passed House.
June 23, considered and passed Senate.



Public Law 106–241
106th Congress

An Act

To designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the “Joseph L. Fisher Post Office Building”.

July 6, 2000
[H.R. 3701]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, shall be known and designated as the “Joseph L. Fisher Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Joseph L. Fisher Post Office Building”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 3701:

CONGRESSIONAL RECORD: Vol. 146 (2000):
Mar. 14, considered and passed House.
June 23, considered and passed Senate.



Public Law 106–242
106th Congress

An Act

July 6, 2000
[H.R. 4241]

To designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the “Les Aspin Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, shall be known and designated as the “Les Aspin Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Les Aspin Post Office Building”.

Approved July 6, 2000.

LEGISLATIVE HISTORY—H.R. 4241:

CONGRESSIONAL RECORD, Vol. 146 (2000):
June 6, considered and passed House.
June 23, considered and passed Senate.



Public Law 106–243
106th Congress

An Act

To direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

July 10, 2000
[H.R. 3051]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) there are major deficiencies with regard to adequate and sufficient water supplies available to residents of the Jicarilla Apache Reservation in the State of New Mexico;

(2) the existing municipal water system that serves the Jicarilla Apache Reservation is under the ownership and control of the Bureau of Indian Affairs and is outdated, dilapidated, and cannot adequately and safely serve the existing and future growth needs of the Jicarilla Apache Tribe;

(3) the federally owned municipal water system on the Jicarilla Apache Reservation has been unable to meet the minimum Federal water requirements necessary for discharging wastewater into a public watercourse and has been operating without a Federal discharge permit;

(4) the federally owned municipal water system that serves the Jicarilla Apache Reservation has been cited by the United States Environmental Protection Agency for violations of Federal safe drinking water standards and poses a threat to public health and safety both on and off the Jicarilla Apache Reservation;

(5) the lack of reliable supplies of potable water impedes economic development and has detrimental effects on the quality of life and economic self-sufficiency of the Jicarilla Apache Tribe;

(6) due to the severe health threats and impediments to economic development, the Jicarilla Apache Tribe has authorized and expended \$4,500,000 of tribal funds for the repair and replacement of the municipal water system on the Jicarilla Apache Reservation; and

(7) the United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Jicarilla Apache Indian Reservation.

SEC. 2. AUTHORIZATION.

(a) **AUTHORIZATION.**—Pursuant to reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation and

in consultation and cooperation with the Jicarilla Apache Tribe, shall conduct a feasibility study to determine the most feasible method of developing a safe and adequate municipal, rural, and industrial water supply for the residents of the Jicarilla Apache Indian Reservation in the State of New Mexico.

Deadline.

(b) **REPORT.**—Not later than 1 year after funds are appropriated to carry out this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the feasibility study required by subsection (a).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$200,000 to carry out this Act.

Approved July 10, 2000.

LEGISLATIVE HISTORY—H.R. 3051:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed House.

Vol. 146 (2000): June 28, considered and passed Senate.



Public Law 106–244
106th Congress

An Act

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

July 10, 2000
[S. 1309]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

29 USC 1144a
note.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2 CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

29 USC 1144a.

(a) **IN GENERAL.**—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) **STATE INSURANCE LAW.**—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) **DEFINITIONS.**—For purposes of this section:

(1) **CHURCH PLAN.**—The term “church plan” has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) **REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.**—The term “reimburses costs from general church assets” means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) **WELFARE PLAN.**—The term “welfare plan”—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

Approved July 10, 2000.

LEGISLATIVE HISTORY—S. 1309:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): June 26, considered and passed House.



Public Law 106–245
106th Congress

An Act

To amend the Radiation Exposure Compensation Act, and for other purposes.

July 10, 2000

[S. 1515]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Radiation Exposure Compensation Act Amendments of 2000”.

Radiation
Exposure
Compensation
Act Amendments
of 2000.
42 USC 2011
note.
42 USC 2210
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President’s Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and

appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) **CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.**—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(1) **CLAIMS RELATING TO LEUKEMIA.**—

“(A) **IN GENERAL.**—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

“(i)(I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

“(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

“(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

“(ii) submits written documentation that such individual developed leukemia—

“(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

“(II) more than 2 years after first exposure to fallout.

“(B) **AMOUNTS.**—If the conditions described in subparagraph (C) are met, an individual—

“(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive \$50,000; or

“(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive \$75,000.

“(C) **CONDITIONS.**—The conditions described in this subparagraph are as follows:

“(i) Initial exposure occurred prior to age 21.

“(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

“(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.”.

(b) **DEFINITIONS.**—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting “Wayne, San Juan,” after “Millard,”; and

(B) by amending subparagraph (C) to read as follows:

“(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and”; and
(2) in paragraph (2)—

(A) by striking “the onset of the disease was between 2 and 30 years of first exposure,” and inserting “the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),”;

(B) by striking “(provided initial exposure occurred by the age of 20)” after “thyroid”;

(C) by inserting “male or” before “female breast”;

(D) by striking “(provided initial exposure occurred prior to age 40)” after “female breast”;

(E) by striking “(provided low alcohol consumption and not a heavy smoker)” after “esophagus”;

(F) by striking “(provided initial exposure occurred before age 30)” after “stomach”;

(G) by striking “(provided not a heavy smoker)” after “pharynx”;

(H) by striking “(provided not a heavy smoker and low coffee consumption)” after “pancreas”; and

(I) by inserting “salivary gland, urinary bladder, brain, colon, ovary,” after “gall bladder.”

(c) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(a) ELIGIBILITY OF INDIVIDUALS.—

“(1) IN GENERAL.—An individual shall receive \$100,000 for a claim made under this Act if—

“(A) that individual—

“(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

“(ii)(I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

“(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury;

“(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

“(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

Applicability.

“(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

“(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

“(B) the State submits an application to the Department of Justice to include such State; and

“(C) the Attorney General makes a determination to include such State.

“(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6.”.

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking “and” before “corpulmonale”; and

(ii) by striking “; and if the claimant,” and all that follows through the end of the paragraph and inserting “; silicosis, and pneumoconiosis;”;

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

“(5) the term ‘written medical documentation’ for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

“(A)(i) an arterial blood gas study; or

“(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and

“(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of two National Institute of Occupational Health and Safety certified ‘B’ readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the ‘ILO’), or subsequent revisions;

“(ii) high resolution computed tomography scans (commonly known as ‘HRCT scans’) (including computer assisted tomography scans (commonly known as ‘CAT scans’), magnetic resonance imaging scans (commonly known as ‘MRI scans’), and positron emission tomography scans (commonly known as ‘PET scans’)) and interpretive reports of such scans;

“(iii) pathology reports of tissue biopsies; or

“(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

“(6) the term ‘lung cancer’—

“(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

“(B) includes in situ lung cancers;

“(7) the term ‘uranium mine’ means any underground excavation, including ‘dog holes’, as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

“(8) the term ‘uranium mill’ includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants.”.

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

“(c) WRITTEN DOCUMENTATION.—

“(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

“(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

“(i) be considered to be conclusive; and

“(ii) be subject to a fair and random audit procedure established by the Attorney General.

“(B) CERTAIN WRITTEN DIAGNOSES.—

“(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

“(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

“(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or

“(II) is a board certified physician; and

“(III) has a documented ongoing physician patient relationship with the claimant.

“(2) CHEST X-RAYS.—

“(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

“(i) be considered to be conclusive; and

“(ii) be subject to a fair and random audit procedure established by the Attorney General.

“(B) CERTAIN WRITTEN DIAGNOSES.—

“(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5) shall be considered to be conclusive evidence of that disease.

“(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

“(I) is employed by—

“(aa) the Indian Health Service; or

“(bb) the Department of Veterans Affairs;

and

“(II) has a documented ongoing physician patient relationship with the claimant.”.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: “In establishing procedures under this subsection, the Attorney General shall take into

account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable.”.

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: “All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.”.

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting “(other than a claim for workers’ compensation)” after “claim”; and

(B) in clause (ii), by striking “Federal Government” and inserting “Department of Veterans Affairs”.

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

“(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe.”.

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting “(1) IN GENERAL.—” before “The Attorney General”;

(B) by inserting at the end the following: “For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant’s request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid.”; and

(C) by adding at the end the following:

“(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

“(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

“(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

“(B) PERIOD.—The period described in this subparagraph is the period—

Deadline.

“(i) beginning on the date on which the Attorney General makes a request for additional information or documentation under paragraph (2); and

“(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

“(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

“(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.”.

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: “Not later than 180 days after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, the Attorney General shall issue revised regulations to carry out this Act.”.

Deadline.

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

42 USC 2210
note.

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting “(a) IN GENERAL.—” before “A claim”; and

(2) by adding at the end the following:

“(b) RESUBMITTAL OF CLAIMS.—After the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than three times. Any resubmittal made before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000 shall not be applied to the limitation under the preceding sentence.”.

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by

striking “20 years after the date of the enactment of this Act” and inserting “22 years after the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000”.

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking “date of the enactment of this Act” and inserting “date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000”.

(h) ATTORNEY FEES LIMITATION.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“SEC. 9. ATTORNEY FEES.

“(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Act, more than that percentage specified in subsection (b) of a payment made under this Act on such claim.

“(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

“(1) 2 percent for the filing of an initial claim; and

“(2) 10 percent with respect to—

“(A) any claim with respect to which a representative has made a contract for services before the date of the enactment of the Radiation Exposure Compensation Act Amendments of 2000; or

“(B) a resubmission of a denied claim.

“(c) PENALTY.—Any such representative who violates this section shall be fined not more than \$5,000.”.

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

42 USC 285a-9. **“SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.**

“(a) DEFINITION.—In this section the term ‘entity’ means any—

“(1) National Cancer Institute-designated cancer center;

“(2) Department of Veterans Affairs hospital or medical center;

42 USC 2210
note.
Deadline.

“(3) Federally Qualified Health Center, community health center, or hospital;

“(4) agency of any State or local government, including any State department of health; or

“(5) nonprofit organization.

“(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

“(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

“(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

“(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

“(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

“(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

“(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

“(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

“(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

Effective date.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section \$20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.”.

Approved July 10, 2000.

LEGISLATIVE HISTORY—S. 1515:

HOUSE REPORTS: No. 106-697 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): June 27, considered and passed House, amended.
June 28, Senate concurred in House amendment.



Public Law 106–246
106th Congress

An Act

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

July 13, 2000
[H.R. 4425]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION
APPROPRIATIONS

Military
Construction
Appropriations
Act, 2001.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$909,245,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed \$109,306,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$928,273,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed \$73,335,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense

determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$870,208,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed \$74,628,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$814,647,000, to remain available until September 30, 2005: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$77,505,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$281,717,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$203,829,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$108,738,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$64,473,000, to remain available until September 30, 2005: *Provided further*, That the funds appropriated for “Military Construction, Naval Reserve” under Public Law 105-45, \$2,400,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$36,591,000, to remain available until September 30, 2005.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$172,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$235,956,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$951,793,000; in all \$1,187,749,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition,

expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$418,155,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$881,567,000; in all \$1,299,722,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$251,982,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$820,879,000; in all \$1,072,861,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, for Operation and Maintenance, \$44,886,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$1,024,369,000, to remain available until expended: *Provided*, That not more than \$865,318,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Notification.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

10 USC 2860
note.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

10 USC 2860
note.

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

Reports.
Deadline.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Notice.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments)

Deadline.
Notice.

proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term “congressional defense committees” means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821
note.

Reports.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than \$25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

Deadline.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2001, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(RESCISSION OF FUNDS)

SEC. 129. Of the funds provided in previous Military Construction Appropriations Acts, \$100,000,000 is hereby rescinded as of the date of the enactment of this Act.

(TRANSFER OF FUNDS)

SEC. 130. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106-52; 113 Stat. 259) under the heading “Military Construction, Naval Reserve” and still unobligated may be transferred to the account for “Military Construction, Navy”. Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

SEC. 131. (a) The Secretary of the Army may accept funds from the Federal Highway Administration, or the Commonwealth of Kentucky, and credit them to the appropriate Department of the Army accounts for the purpose of funding all costs associated with the realignment, requested by the Commonwealth of Kentucky, of the military construction project involving a rail connector located at Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2763).

(b) The Secretary may use the funds accepted for the realignment, in addition to funds authorized and appropriated for the rail connector project, notwithstanding the amount authorized in section 2101(a) of Public Law 104-201. The funds accepted shall remain available until expended.

(c) The costs associated with the realignment of the rail connector project include but are not limited to redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(d) The authority provided in this section shall be effective upon the date of the enactment of this Act. Effective date.

(RESCISSION OF FUNDS)

SEC. 132. Of the funds available to the Secretary of Defense in the “Foreign Currency Fluctuations, Construction, Defense” account, \$83,000,000 is hereby rescinded.

(TRANSFER OF FUNDS)

SEC. 133. Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100-202), is amended—

(1) by striking subsection (c)(1), and inserting the following:

“(c)(1) The Secretary shall use amounts paid to the Secretary under subsection (b) for the acquisition of suitable sites for military family housing; or, the acquisition, construction, or revitalization of military family housing in the San Diego region, either through conventional military construction or through use of any of the alternative authorities contained in subchapter IV, chapter 169 of title 10, United States Code.”.

101 Stat.
1329-319.

(2) by adding after subsection (c)(2) the following new subparagraph:

“(3) Any funds received by the Secretary under subsection (b) and not deposited into the general fund of the Treasury under subsection (c)(2) may be transferred into the Department of Defense Family Housing Improvement Fund in accordance with section 2883 in subchapter IV, chapter 169 of title 10, United States Code.”.

Effective date.

SEC. 134. Section 412(c) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160) is amended by inserting before the period at the end of the sentence the following: “, and up to \$170,000,000 for dredging and foundation activities for construction”: *Provided*, That this section becomes effective immediately upon enactment of this Act.

Notification.

Effective date.

SEC. 135. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, D.C.: *Provided*, That the Secretary notifies the appropriate committees of Congress 30 days in advance of the intended use of such funds: *Provided further*, That this section becomes effective immediately upon enactment of this Act.

BROOKS AIR FORCE BASE DEVELOPMENT DEMONSTRATION PROJECT

SEC. 136. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available. The section supersedes, and shall be used in lieu of the authority provided in, section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1277).

(b) AUTHORITY.—(1) Subject to paragraph (4), the Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the “Base Efficiency Project” to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary may carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(4) The Secretary may not exercise any authority under this section until after the end of the 30-day period beginning on the date the Secretary submits to the appropriate committees of the Congress a master plan for the development of the Base.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on “best value”

if the Secretary determines that the award will advance the purposes of a joint activity conducted under the project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base and not required at other Air Force installations to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property at fair market value if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services performed by Department civilian or contract employees, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during

the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of the Air Force determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the “Base Efficiency Project Fund” into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. Subject to paragraph (2), amounts deposited into the Project Fund shall be available without fiscal year limitation.

(2) To the extent provided in advance in appropriations Acts, amounts in the Project Fund shall be available to the Secretary for use at the base only for operation, base operating support services, maintenance, repair, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration. The use of such amounts may be in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

Procedures.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall apply to transactions at the Base during the Project.

Applicability.

(k) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(l) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on June 1, 2005.

(m) DEFINITIONS.—In this section:

(1) The term “Project” means the Base Efficiency Project authorized by this section.

(2) The term “Base” means Brooks Air Force Base, Texas.

(3) The term “Community” means the City of San Antonio, Texas.

(4) The term “Department” means the Department of the Air Force.

(5) The term “facility” means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term “joint activity” means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term “Project Fund” means the Base Efficiency Project Fund established by subsection (h).

(8) The term “public services” means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term “Secretary” means the Secretary of the Air Force or the Secretary’s designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term “State” means the State of Texas.

(n) EFFECTIVE DATE.—This section becomes effective immediately upon enactment of this Act.

SEC. 137. Of the funds made available in the Military Construction Appropriations Act, 1999 (Public Law 105-237) under the heading “Military Construction, Defense-Wide” for planning and design, not less than \$1,000,000 shall be available for the design of an elementary school for the Central Kitsap School District to meet the educational needs of military dependents at the Naval Submarine Base, Bangor, Washington: *Provided*, That this section becomes effective immediately upon enactment of this Act.

SEC. 138. The total amount of appropriated funds that may be expended for the military construction project at the Military Academy at West Point, New York, to construct and renovate the Cadet Physical Development Center shall not exceed \$77,500,000, regardless of the fiscal year for which the funds were or are appropriated: *Provided*, That this section becomes effective immediately upon enactment of this Act.

SEC. 139. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on construction, security and operation of Forward Operating Locations (FOL) in Manta, Ecuador, Aruba, Curacao, and El Salvador.

(b) The report required by subsection (a) shall address the following: (1) a schedule for making each Forward Operating Location (FOL) fully operational, including cost estimates, time line of contracting and construction with completion dates, a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall counter-drug strategy; (2) a plan that identifies the operating requirements at FOL for the United States Coast Guard, United States Customs Service, Drug Enforcement Administration, Intelligence community and the Department of Defense and how these requirements will be addressed; (3) a security plan to ensure that FOL facilities and personnel working at these sites are safeguarded from outside threats; and (4) a safety plan to ensure operations conducted at FOLs are in accordance with standard operating procedures.

This division may be cited as the “Military Construction Appropriations Act, 2001”.

Effective date.

Effective date.

Deadline.
Reports.

DIVISION B—FISCAL YEAR 2000 SUPPLEMENTAL
APPROPRIATIONSEmergency
Supplemental
Act, 2000.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY
MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$23,883,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$20,565,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$37,155,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$38,065,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the funds appropriated under this heading, \$8,000,000 shall be made available only for use in federally owned educational facilities located on military installations for the purpose of transferring title of such facilities to the local educational authorities.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to provide assistance to Vieques, Puerto Rico, \$40,000,000, to remain available until September 30, 2003: *Provided*, That such funds shall be in addition to amounts otherwise

Notification.

available for such purposes: *Provided further*, That the Secretary of Defense may transfer funds to any agency or office of the United States Government in order to implement the projects for which funds are provided under this heading 30 days after the Director of the Office of Management and Budget notifies the House and Senate Committees on Appropriations of each proposed transfer: *Provided further*, That each notification transmitted to the Committees shall identify the specific amount, recipient agency and purpose for which such transfer is proposed: *Provided further*, That appropriations made available under this heading may be transferred and obligated for the following purposes: a study of the health of Vieques residents; fire-fighting related equipment and facilities at Antonio Rivera Rodriguez Airport; construction or refurbishment of a commercial ferry pier and terminal and associated navigational improvements; establishment and construction of an artificial reef; reef conservation, restoration, and management activities; payments to registered Vieques commercial fishermen of an amount determined by the National Marine Fisheries Service for each day they are unable to use existing waters because the Navy is conducting training; expansion and improvement of major cross-island roadways and bridges; an apprenticeship/training program for young adults; preservation and protection of natural resources; an economic development office and economic development activities; and conducting a referendum among the residents of Vieques regarding further use of the island for military training programs: *Provided further*, That for purposes of providing assistance to Vieques, any agency or office of the United States Government to which these funds are transferred may utilize, in addition to any authorities available in this paragraph, any authorities available to that agency or office for carrying out related activities, including utilization of such funds for administrative expenses: *Provided further*, That any amounts transferred to the Department of Housing and Urban Development, "Community development block grants", shall be available only for assistance to Vieques, notwithstanding section 106 of the Housing and Community Development Act of 1974: *Provided further*, That the Department of Commerce may make direct payments to registered Vieques commercial fishermen: *Provided further*, That the Department of the Navy may provide fire-fighting training and funds provided in this paragraph may be used to provide fire-fighting related facilities at the Antonio Rivera Rodriguez Airport: *Provided further*, That funds made available under this heading may be transferred to the Army Corps of Engineers to construct or modify a commercial ferry pier and terminal and associated navigational improvements: *Provided further*, That except for amounts provided for the health study, fire-fighting related equipment and facilities, and certain activities in furtherance of the preservation and protection of natural resources, funds provided in this paragraph shall not become available until 30 days after the Secretary of the Navy has certified to the congressional defense committees that the integrity and accessibility of the training range is uninterrupted, and trespassing and other intrusions on the range have ceased: *Provided further*, That the Secretary of the Navy shall recertify to the congressional defense committees the status of the range 90 days after the initial certification, and each 90 days thereafter: *Provided further*, That the entire amount is designated by the Congress as an emergency

Certification.

Certification.

requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for “Operation and Maintenance, Army Reserve”, \$2,174,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$2,851,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Overseas Contingency Operations Transfer Fund”, \$2,050,400,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance, including Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, \$73,000,000, to remain available for obligation until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$5,700,000, to remain available for obligation until September 30, 2001, only for continued test activities under the Tactical High Energy Laser (THEL) program.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for “Defense Health Program”, \$3,533,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

Effective date.
Termination
date.
37 USC 403 note.

SEC. 101. (a) MINIMUM RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED SERVICES.—During the period beginning on January 1, 2000, and ending on September 30, 2001 (or such earlier date as the Secretary of Defense considers appropriate), a member of the uniformed services entitled to a basic allowance for housing for a military housing area in the United States shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

37 USC 403 note.

(b) ANNUAL LIMITATION ON ALLOWANCE.—In light of the rates for the basic allowance for housing authorized by subsection (a), the Secretary of Defense may exceed the limitation on the total amount paid during fiscal year 2000 and 2001 for the basic allowance for housing in the United States otherwise applicable under section 403(b)(3) of title 37, United States Code.

(c) SENSE OF THE CONGRESS REGARDING MILITARY FAMILIES ON FOOD STAMPS.—It is the sense of the Congress that members of the Armed Forces and their dependents should not have to rely on the food stamp program, and the President and the Congress should take action to ensure that the income level of members of the Armed Forces is sufficient so that no member meets the income standards of eligibility in effect under the food stamp program.

(INCLUDING TRANSFER OF FUNDS)

Deadline.

SEC. 102. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$1,556,200,000 is hereby appropriated to the Department of Defense for the “Defense-Wide Working Capital Fund” and shall remain available until expended, for price increases resulting from worldwide increases in the price of petroleum: *Provided*, That the Secretary of Defense shall transfer \$1,556,200,000 in excess collections from the “Defense-Wide Working Capital Fund”

not later than September 30, 2001 to the operation and maintenance; research, development, test and evaluation; and working capital funds: *Provided further*, That the transfer authority provided in this section is in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 103. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$90,000,000 is hereby appropriated for “Aircraft Procurement, Air Force”, only for F-15 aircraft or associated components, systems, or subsystems.

SEC. 104. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$163,700,000 is hereby appropriated for “Procurement of Weapons and Tracked Combat Vehicles, Army”, only for procurement, advance procurement, or economic order quantity procurement of Abrams M1A2 SEP Upgrades under multiyear contract authority provided under section 8008 of the Department of Defense Appropriations Act, 2000: *Provided*, That none of the funds under this section shall be obligated until the Secretary of the Army certifies to the congressional defense committees that these funds will be used to upgrade vehicles for an average unit cost (for 307 vehicles) that does not exceed \$5,900,000.

Certification.

SEC. 105. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$615,600,000 is hereby appropriated for “Defense Health Program”, to remain available for obligation until September 30, 2001: *Provided*, That such funds shall be available only for the purposes described and in accordance with section 106 of this chapter: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 106. (a) Of the amounts provided in section 105 of this chapter for “Defense Health Program”—

(1) not to exceed \$90,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that (but for insufficient funds) would have been properly chargeable to the Defense Health Program account for fiscal year 1998 or fiscal year 1999; and

(2) not to exceed \$525,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that are properly chargeable to the Defense Health Program account for fiscal year 2000 or fiscal year 2001.

(b) The Secretary of Defense shall notify the congressional defense committees before charging an obligation or an adjustment to obligations under this section.

Notification.

(c) The Secretary of Defense shall submit to the congressional defense committees a report on obligations made under this section no later than 30 days after the end of fiscal year 2000.

Reports.
Deadline.

SEC. 107. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79),

\$695,900,000 is hereby appropriated for “Defense Health Program”, to remain available for obligation until September 30, 2002: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 108. In addition to the amounts appropriated or otherwise made available in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$27,000,000 is hereby appropriated to the Department of Defense and is available only for the Basic Allowance for Housing Program: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 109. (a) MILITARY RECRUITING, ADVERTISING, AND RETENTION PROGRAMS.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to remain available for obligation until September 30, 2001, and to be available only for military personnel (to include full-time manning), recruiting, advertising, and retention programs, \$357,288,000, as follows:

For military personnel accounts, \$204,226,000, as follows:

“Military Personnel, Army”, \$99,900,000;
“Military Personnel, Navy”, \$23,500,000;
“Military Personnel, Marine Corps”, \$4,000,000;
“Military Personnel, Air Force”, \$7,500,000;
“Reserve Personnel, Army”, \$32,500,000; and
“National Guard Personnel, Army”, \$36,826,000.

For operation and maintenance accounts, \$153,062,000, as follows:

“Operation and Maintenance, Army”, \$38,110,000;
“Operation and Maintenance, Navy”, \$29,222,000;
“Operation and Maintenance, Marine Corps”,
\$8,100,000;
“Operation and Maintenance, Air Force”, \$29,040,000;
“Operation and Maintenance, Army Reserve”,
\$18,890,000;
“Operation and Maintenance, Navy Reserve”,
\$6,700,000;
“Operation and Maintenance, Marine Corps Reserve”,
\$2,000,000;
“Operation and Maintenance, Air Force Reserve”,
\$4,000,000;
“Operation and Maintenance, Army National Guard”,
\$12,000,000; and
“Operation and Maintenance, Air National Guard”,
\$5,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 110. (a) DEPOT-LEVEL MAINTENANCE AND REPAIR.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79),

\$220,000,000 is hereby appropriated for “Operation and Maintenance, Navy”, to remain available for obligation until September 30, 2001, only for ship depot maintenance.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 111. (a) HIGH PRIORITY SUPPORT TO DEPLOYED FORCES.—In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to support deployed United States forces, \$503,900,000, as follows:

(1) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, \$96,000,000 as follows:

“Operation and Maintenance, Navy”, \$20,000,000;

“Operation and Maintenance, Air Force”, \$41,900,000;

“Operation and Maintenance, Defense-Wide”, \$10,000,000; and

“Operation and Maintenance, Air National Guard”, \$24,100,000.

(2) For procurement accounts, to remain available for obligation until September 30, 2003, \$344,900,000, as follows:

“Aircraft Procurement, Army”, \$25,000,000 (for Apache helicopter safety and reliability modifications);

“Aircraft Procurement, Navy”, \$52,800,000 (of which \$27,000,000 is for CH-46 helicopter engine safety procurement and \$25,800,000 for EP-3 sensor improvement modifications);

“Aircraft Procurement, Air Force”, \$212,700,000 (of which \$111,600,000 is for U-2 reconnaissance aircraft sensor improvements and modifications, and \$101,100,000 is for flight and mission trainers and simulators);

“Other Procurement, Air Force”, \$41,400,000; and

“Procurement, Defense-Wide”, \$13,000,000.

(3) For research, development, test and evaluation accounts, to remain available for obligation until September 30, 2002, \$63,000,000, as follows:

“Research, Development, Test and Evaluation, Army”, \$5,000,000 (for the WARSIMS program); and

“Research, Development, Test and Evaluation, Defense-Wide”, \$58,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 112. To ensure the availability of biometrics technologies in the Department of Defense, the Secretary of the Army shall be the Executive Agent to lead, consolidate, and coordinate all biometrics information assurance programs of the Department of Defense: *Provided*, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$5,000,000 for Operation and Maintenance, Army, for carrying out the biometrics assurance programs and for continuing the biometrics information assurance programs of the Information System Security Program: *Provided*

Government
organization.

further, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$1,000,000 for Operation and Maintenance, Navy, and \$1,000,000 for Operation and Maintenance, Air Force, for carrying out the biometrics assurance programs with the Army, as Executive Agent, to lead, consolidate, and coordinate such programs.

Deadline.

SEC. 113. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$125,000,000 is hereby appropriated to the Department of Defense to remain available until September 30, 2002, to be available only for the Patriot missile program: *Provided*, That not later than 30 days after the enactment of this Act the Department shall submit a revised Patriot missile program plan to the congressional defense committees: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 114. In addition to amounts provided elsewhere in this Act for the Department of Defense, \$300,000 is hereby appropriated to be available only for Operation Walking Shield for technical assistance and transportation of excess housing to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota, in accordance with section 8155 of Public Law 106-79.

SEC. 115. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, for the cost of peacekeeping and humanitarian assistance operations in East Timor and Mozambique, \$61,500,000, to be distributed as follows:

“Operation and Maintenance, Navy”, \$6,400,000;

“Operation and Maintenance, Marine Corps”, \$8,100,000;

and

“Operation and Maintenance, Air Force”, \$47,000,000:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(TRANSFER OF FUNDS)

SEC. 116. (a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, of the funds appropriated by title II of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) under the heading “Operation and Maintenance, Defense-Wide”, \$9,642,000 shall be transferred to the Macalloy Special Account administered by the Administrator of the Environmental Protection Agency to pay for response actions by, or on behalf of, the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Macalloy site in Charleston, South Carolina.

(b) TREATMENT OF FUNDS.—Any of the funds transferred pursuant to subsection (a) that are used to pay for response actions at the Macalloy site shall be credited against any liability of the

United States with respect to the site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

SEC. 117. Notwithstanding any other provision of law, there is appropriated to the Department of Defense \$8,000,000 for communications, communications infrastructure, logistical support, resources and operational assistance required by the Salt Lake Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games, such sums to remain available until expended.

SEC. 118. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation under the NMD Program with a potential annual contract value greater than \$5,000,000 or a total contract value greater than \$30,000,000.

Notification.

SEC. 119. (a) REQUIREMENT FOR SALE OF NAVY DRYDOCK NO. 9.—Notwithstanding any other provision of law, the Secretary of the Navy shall sell Navy Drydock No. 9 (AFDM-3), located in Mobile, Alabama, to the Bender Shipbuilding and Repair Company, Inc., which is the current lessee of the drydock from the Navy.

Alabama.
Bender
Shipbuilding and
Repair Company.

(b) CONSIDERATION.—As consideration for the sale of the drydock under subsection (a), the Secretary shall receive an amount equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (b) of section 509 of title 32, United States Code, is amended by striking “Federal” and inserting “Department of Defense”.

SEC. 121. USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

Applicability.

SEC. 122. Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking “\$20,000,000” and inserting “\$30,000,000”; and

(2) in the second proviso, by inserting after “property damages” the following: “, and for other claims under applicable Status-of-Forces Agreements,”.

(RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading “Shipbuilding and Conversion, Navy, 1989/1993”:

DDG-51 destroyer program, \$9,100,000;
T-AO fleet oiler program, \$6,645,000;
T-AGOS surveillance ship program, \$3,420,000;
Outfitting and post delivery, \$1,293,000;

“Research, Development, Test and Evaluation, Air Force, 1999/2000”, \$7,000,000;

“Military Personnel, Army, 2000”, \$98,700,000;

“Military Personnel, Navy, 2000”, \$49,127,000;

“Military Personnel, Air Force, 2000”, \$82,000,000;

“Reserve Personnel, Air Force, 2000”, \$4,500,000; and

“National Guard Personnel, Army, 2000”, \$24,826,000.

SEC. 124. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 125. The following provisions of law are repealed: sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A-297), as enacted into law by section 1000(a)(5) of Public Law 106-113.

SEC. 126. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts are designated by the President, upon enactment of this Act, as emergency requirements pursuant to such section.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for “General Investigations”, \$3,500,000, to remain available until expended, of which \$1,500,000 shall be for a feasibility study and report of a project to provide flood damage reduction for the town of Princeville, North Carolina, and of which \$2,000,000 shall be for preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

For an additional amount for “Construction, General”, \$3,000,000, to remain available until expended, for the Johnson Creek, Arlington, Texas, project authorized by section 101(b)(14) of Public Law 106-53: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*,

That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for “Operation and Maintenance, General”, \$200,000, to remain available until expended, for dredging of the authorized navigation project at Saxon Harbor, Wisconsin: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$600,000, to remain available until expended, to carry out the provisions of the Lewis and Clark Rural Water System Act of 2000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For an additional amount for “Weapons activities”, \$96,500,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$96,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for “Other defense activities”, \$38,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$38,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the Department is authorized to initiate design of the Highly Enriched Uranium Blend Down Project.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING
FUND

For an additional amount for “Uranium enrichment decontamination and decommissioning fund”, \$58,000,000, to be derived from the Fund, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$58,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. Funds appropriated in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this or any subsequent fiscal year, a requirement to post bond or any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. Any financial responsibility requirement in a permit or license for the Waste Isolation Pilot Plant on the date of the enactment of this section may not be enforced against the United States or its contractors or subcontractors at the Plant.

SEC. 202. Notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until further Act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

SEC. 203. Of the funds provided in Public Laws 106-60 and 105-245 and prior Energy and Water Development Appropriations

Acts for the Department of Energy under the heading “Science”, \$1,000,000 shall be made available for the design, planning and construction of the interdisciplinary science facility at the University of Alabama at Tuscaloosa.

SEC. 204. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading “Energy Supply”, \$1,000,000 shall be made available for the Nome diesel upgrade.

SEC. 205. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading “Weapons Activities”, \$5,000,000 shall be made available to move the Atlas pulsed power experimental facility to the Nevada Test Site.

SEC. 206. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading “Science”, \$2,500,000 shall be made available for the Natural Energy Laboratory of Hawaii.

SEC. 207. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading “Science”, \$1,000,000 shall be made available for the Burbank Hospital Regional Center in Fitchburg, Massachusetts.

SEC. 208. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading “Science”, \$1,000,000 shall be made available for the Center for Research on Aging at Rush-Presbyterian-St. Luke’s Medical Center in Chicago, Illinois.

SEC. 209. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading “Science”, \$1,000,000 shall be made available for the North Shore-Long Island Jewish Health System.

SEC. 210. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading “Energy Supply”, \$1,000,000 shall be made available for the Materials Science Center in Tempe, Arizona.

SEC. 211. No funds appropriated to the Nuclear Regulatory Commission for fiscal years 2000 and 2001 may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location at Chattanooga, Tennessee.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, the following amounts are hereby appropriated as authorized by section 2854 of title 10, United States Code, as follows:

“Military Construction, Army Reserve”, \$12,348,000;

“Family Housing, Army”, \$2,000,000;

“Family Housing, Navy and Marine Corps”, \$3,000,000;

and

“Family Housing, Air Force”, \$1,700,000:

Provided, That the funds in this section remain available until September 30, 2004: *Provided further*, That the entire amount

is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$19,048,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 302. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, \$1,000,000 is hereby appropriated to the “Military Construction, Defense-Wide” account, to remain available until September 30, 2004: *Provided*, That such amount shall be available for study, planning, design, architect and engineer services, as authorized by law: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$1,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING RESCISSION)

SEC. 303. (a) In addition to the amounts provided in Public Law 106-52, \$35,000,000 is appropriated under the heading “Military Construction, Navy” to remain available until September 30, 2004: *Provided*, That such funds are authorized and shall be available for the acquisition of land at Blount Island, Florida.

(B) Of the funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104-32), \$35,000,000 is hereby rescinded as of the date of the enactment of this Act.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating expenses”, \$77,000,000, to remain available until September 30, 2001; of which \$5,000,000 shall be available for military basic pay; \$18,000,000 shall be available for costs related to the delivery of health care to Coast Guard personnel, retirees, and their dependents; \$15,000,000 shall be available for basic allowance for housing; \$2,000,000 shall be available for the military housing areas cost of living adjustment; \$15,000,000 shall be available for recruiting and retention bonuses; \$1,000,000 shall be available for fixed wing aviator retention bonuses; \$8,000,000 shall be available for the clean up and repair of shore facilities from hurricane damage; and, \$13,000,000 shall be available for operational fuel and unit level operational readiness: *Provided*, That the entire amount is

designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request for \$77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Acquisition, construction, and improvements”, \$578,000,000, to remain available until expended; of which \$110,000,000 shall be available for the Great Lakes Icebreaker replacement; and of which \$468,000,000 shall be available for acquisition and conversion of six C-130J maritime patrol aircraft, as authorized under section 812(b)(1)(G) of the Western Hemisphere Drug Elimination Act: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard’s Deepwater Capability Replacement Project: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request for \$578,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

SEC. 501. For an additional amount for the Agency for International Development, “International Disaster Assistance”, \$25,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 502. For an additional amount for “Assistance for Eastern Europe and the Baltic States”, \$50,000,000, to remain available until September 30, 2001: *Provided*, That this amount shall only be available for assistance for Montenegro and Croatia, and not to exceed \$12,400,000 for assistance for Kosova: *Provided further*, That the amount specified in the previous proviso for assistance for Kosova may be made available only for police activities: *Provided further*, That funds made available in the preceding provisos shall

be available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for necessary expenses to carry out title IX of Public Law 106-78, \$1,350,000: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for \$1,350,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$77,560,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$77,560,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 for section 515 rental housing to be available from funds in the rural housing insurance fund to meet needs resulting from Hurricane Dennis, Floyd, or Irene, \$40,000,000.

For the additional cost of direct loans for section 515 rental housing, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$15,872,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RENTAL ASSISTANCE PROGRAM

For an additional amount for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 for emergency needs resulting from Hurricane Dennis, Floyd, or Irene, \$13,600,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. With respect to any 1999 crop year loan made by the Commodity Credit Corporation to a cooperative marketing association established under the laws of North Carolina, and to any person or entity in North Carolina obtaining a 1999 crop upland cotton marketing assistance loan, the Corporation shall reduce the amount of such outstanding loan indebtedness in an amount up to 75 percent of the amount of the loan applicable to any collateral (in the case of cooperative marketing associations of upland cotton producers and upland cotton producers, not to exceed \$5,000,000 for benefits to such associations and such producers for up to 75 percent of the loss incurred by such associations and such producers with respect to upland cotton that had been placed under loan) that was produced in a county in which either the Secretary of Agriculture or the President of the United States declared a major disaster or emergency due to the occurrence of Hurricane Dennis, Floyd, or Irene if the Corporation determines that such collateral suffered any quality loss as a result of said hurricane: *Provided*, That if a person or entity obtains a benefit under this section with respect to a quantity of a commodity, no marketing loan gain or loan deficiency payment shall be made available under the Federal Agricultural Improvement and Reform Act of 1996 with respect to such quantity: *Provided further*, That no more than \$81,000,000 of the funds of the Corporation shall be available to carry out this section: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$81,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 2102. In lieu of imposing, where applicable, the assessment for producers provided for in subsection (d)(8) of 7 U.S.C. 7271 (section 155 of the Agricultural Market Transition Act), the Secretary shall, as necessary to offset remaining loan losses for the 1999 crop of peanuts, borrow such amounts as would have been collected under 7 U.S.C. 7271(d)(8) from the Commodity Credit Corporation. Such borrowing shall be against all excess assessments to be collected under 7 U.S.C. 7271(g) for crop year 2000 and subsequent years. For purposes of the preceding sentence, an assessment shall be considered to be an “excess” assessment to the extent that it is not used, or will not be used, under the provisions of 7 U.S.C. 7271(d), to offset losses on peanuts for the crop year

in which the assessment is collected. The Commodity Credit Corporation shall retain in its own account sums collected under 7 U.S.C. 7271(g) as needed to recover the borrowing provided for in this section to the extent that such collections are not used under 7 U.S.C. 7271(d) to cover losses on peanuts: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$12,000,000, to remain available until expended, to be divided equally between the States of Texas, New Mexico, Arizona, and California, to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited to: court costs, courtroom technology, the building of holding spaces, administrative staff, and indigent defense costs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

47 USC 1021
note.

For an additional amount for “Salaries and Expenses”, \$181,000,000, to remain available until expended, which shall be deposited in the Telecommunications Carrier Compliance Fund: *Provided*, That, hereafter, in the discretion of the Attorney General, any expenditures from the Fund to pay or reimburse pursuant to sections 104(e) and 109(a) of Public Law 103-414, may be made directly to any parties specified in section 401(a) thereof, and may be made either pursuant to the regulations promulgated under such section 109, or pursuant to firm fixed-price agreements, upon provision of such information as the Attorney General may require: *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended,

is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for “Justice Assistance” for grants to counties with populations of less than 150,000, and Indian reservations, in Arizona that are adjacent to the United States-Mexico border, \$2,000,000: *Provided*, That such grants shall be allocated in proportion to the population of each such county and Indian reservation: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for “Economic Development Assistance Programs”, \$55,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research and Facilities”, \$30,700,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, including compensation to fishermen for losses and equipment damage, resulting from Hurricane Floyd and other recent hurricanes and fishery disasters in the Long Island Sound lobster fishery and the west coast groundfish fishery, and for the repair of the National Oceanic and Atmospheric Administration hurricane reconnaissance aircraft: *Provided*, That the entire amount is designated by the Congress

as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, \$13,300,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission, as authorized by treaties between the United States and Canada or Great Britain, \$2,150,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$15,500,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for direct administrative expenses to carry out the disaster loan program, an additional \$25,400,000, to remain

available until expended, which may be transferred to and merged with appropriations for “Salaries and Expenses”: *Provided further*, That no funds shall be transferred to and merged with appropriations for “Salaries and Expenses” for indirect administrative expenses: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. For an additional amount for “Operations, Research, and Facilities”, for emergency expenses for fisheries disaster relief pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, for the Pribilof Island and East Aleutian area of the Bering Sea, \$10,000,000 to remain available until expended: *Provided*, That in implementing this section, the Secretary of Commerce shall make \$7,000,000 available for disaster assistance and \$3,000,000 for Bering Sea ecosystem research including \$1,000,000 for the State of Alaska to develop a cooperative research plan to restore the crab fishery: *Provided further*, That the Secretary of Commerce declares a fisheries failure pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2202. For an additional amount for “Operations, Research, and Facilities”, \$10,000,000 to provide emergency disaster assistance for the commercial fishery failure determined under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to the Northeast multispecies fishery, which shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that permanently revokes multispecies, limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program: *Provided*, That the entire amount made available in this section is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2203. For an additional amount for “Operations, Research, and Facilities”, to remain available until expended, \$7,000,000, of which \$2,000,000 shall be for studies relating to long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and of which \$5,000,000 shall be for observer coverage for the Hawaiian long-line fishery: *Provided*, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2204. NORTH PACIFIC MARINE RESEARCH INSTITUTE.—Public Law 101-380, as amended, is further amended by—

(1) inserting after section 5007 the following new section:

“SEC. 5008. NORTH PACIFIC MARINE RESEARCH INSTITUTE.

“(a) INSTITUTE ESTABLISHED.—The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the ‘Institute’) to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

“(b) FUNCTIONS.—The Institute shall—

“(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

“(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities necessary to conduct such research at the Alaska SeaLife Center.

“(c) EVALUATION AND AUDIT.—The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Comptroller General of the United States, and any of his or her duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute that are pertinent to the funds received and expended by the Institute.

“(d) STATUS OF EMPLOYEES.—Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

“(e) USE OF FUNDS.—No funds made available to carry out this section may be used to initiate litigation, or for the acquisition of real property (other than facilities leased at the Alaska SeaLife Center). No more than 10 percent of the funds made available to carry out subsection (b)(1) may be used to administer the Institute.

“(f) AVAILABILITY OF RESEARCH.—The Institute shall publish and make available to any person on request the results of all

Alaska.
33 USC 2738.

Publication.

research, educational, and demonstration projects conducted by the Institute. The Institute shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Park Service, the United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration.”; and

(2) in section 5006 by inserting at the end the following new subsection: 33 USC 2736.

“(c) SECTION 5008.—Amounts in the Fund shall be available, without further appropriation and without fiscal year limitation, to carry out section 5008(b), in an amount not to exceed \$5,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.”.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$100,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

LAND ACQUISITION

For an additional amount for “Land Acquisition”, \$2,000,000, to remain available until expended, for acquisition of additional lands known as the Douglas Tract on the Potomac River in the State of Maryland, to be derived from the Land and Water Conservation Fund: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That \$2,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for “Regulation and Technology”, \$9,821,000, to remain available until expended for the regulatory program of the State of West Virginia, of which \$6,222,000, not subject to section 705(a) of the Surface Mining Control and Reclamation Act, shall be available for regulatory program enhancements for the surface mining regulatory program of the State of West Virginia: *Provided*, That the balance of the funds shall be made available to the State to augment staffing and provide relative support expenses for the State’s regulatory program: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$9,821,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for emergency expenses resulting from damages from wind storms, \$2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. Notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska authorized under section 353 of Public Law 105-277 (112 Stat. 2681-303).

SEC. 2302. From funds previously appropriated in Public Law 105-277 or other Interior and Related Agencies Appropriations Acts under the heading “Department of Energy, Fossil Energy Research and Development”, the Secretary of Energy shall make available within 30 days after enactment of this Act \$750,000 for the purpose of executing proposal No. FT40770.

Deadline.

SEC. 2303. (a) Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31), the Secretary shall provide interim compensation within 60 days of the date of the enactment of this Act to—

Deadline.
Fish and fishing.

(1) Dungeness fishing vessel crew members eligible for interim compensation under the existing National Park Service program (64 Fed. Reg. 145);

(2) United States fish processors which have been negatively affected by restrictions on fishing for Dungeness crab in Glacier Bay National Park and which previously received interim compensation; and

(3) Buy N Pack Seafoods, a United States fish processor located in Hoonah, Alaska and which has been severely and negatively impacted by restrictions on fishing in Glacier Bay National Park, for estimated 1999 and 2000 losses based on an average net income derived from processing product harvested from Glacier Bay fisheries from 1995 through 1998. Payments made to processors under paragraph (2) are intended to compensate recipients for losses incurred in 2000 and shall not exceed compensation provided for losses incurred in 1999. The Park Service shall not delay the scheduled public involvement process for the Glacier Bay compensation plan.

Buy N Pack
Seafoods.

(b) The amount of final compensation paid to any entity shall be reduced by the total dollar amount of any interim compensation payments received.

(c) Funds appropriated for the purpose of making payments authorized by section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277, as amended) shall also be available for making payments authorized in subsection (c) of that section.

CHAPTER 4

DEPARTMENT OF LABOR

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking “including not to exceed \$750,000 may be collected by the National Mine Health

113 Stat.
1501A-223.

and Safety Academy” and inserting “and, in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy”.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Abstinence.

For “Health Resources and Services” for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, \$20,000,000, which shall become available on October 1, 2000, and shall remain available until September 30, 2001: *Provided*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grant: *Provided further*, That such grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 2.5 percent of such amount.

For an additional amount for “Health Resources and Services”, \$3,000,000 to remain available until September 30, 2001, for renovation and construction of a children’s psychiatric services facility in Wading River, New York: *Provided*, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disease Control, Research, and Training”, \$12,000,000 for international HIV/AIDS programs, to remain available until September 30, 2001: *Provided*, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as

amended: *Provided further*, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for “Disease Control, Research, and Training”, \$460,000, to be derived by transfer from the amount made available for fiscal year 2000 for “Health Resources and Services Administration, Health Resources and Services” for construction and renovation of health care and other facilities.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for “Payments to States for Foster Care and Adoption Assistance” for payments for fiscal year 2000, \$35,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for “Low Income Home Energy Assistance” for emergency assistance under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), \$600,000,000, to remain available until expended: *Provided*, That the entire amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

REFUGEE AND ENTRANT ASSISTANCE

Funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) for fiscal year 2000, pursuant to section 414(a) of the Immigration and Nationality Act, shall be available for the costs of assistance provided and other activities through September 30, 2002.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113) is amended by inserting after “\$934,285,000” the following: “, of which \$2,200,000 shall be for the Anchorage, Alaska Senior Center, and shall remain available until expended”.

113 Stat.
1501A–236.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(RESCISSION)

Of the amounts appropriated under this heading in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113), \$20,000,000 is rescinded: *Provided*, That the amount rescinded is from the amount designated to become available on October 1, 2000, and to remain available until September 30, 2001.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSION)

For an additional amount for “Public Health and Social Services Emergency Fund”, \$31,200,000, to remain available until expended for the National Pharmaceutical Stockpile: *Provided*, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, \$43,200,000 of the funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is hereby rescinded: *Provided*, That of such rescission, \$12,000,000 shall be derived from the amount specified under such heading for international HIV/AIDS programs; and \$31,200,000 shall be derived from the amount specified under such heading for activities related to countering potential biological, disease and chemical threats to civilian populations.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2401. Section 206 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting before the period at the end the following: “: *Provided further*, That this section shall not apply to funds appropriated under the heading ‘Centers for Disease Control and Prevention, Disease Control, Research, and Training’, funds made available to the Centers for Disease Control and Prevention under the heading ‘Public Health and Social Services Emergency Fund’, or any other funds made available in this Act to the Centers for Disease Control and Prevention”.

DEPARTMENT OF EDUCATION

SPECIAL EDUCATION

The matter under this heading in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113 is amended by inserting after the words “Salt Lake City Organizing Committee” the words “, or a governmental agency or not-for-profit organization designated by the Salt Lake City Organizing Committee”.

113 Stat.
1501A-249.

VOCATIONAL AND ADULT EDUCATION

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking “\$858,150,000” and inserting “\$882,650,000”, and by striking the last proviso, and inserting “*Provided further*, That of the funds provided to become available on July 1, 2000, \$19,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220.”.

113 Stat.
1501A-250.

HIGHER EDUCATION

Funds appropriated under this heading in Public Law 105-78 to carry out title X-E of the Higher Education Act shall be available for obligation by the states through September 30, 2000, and funds appropriated under this heading in Public Law 105-277 to carry out title VIII-D of the Higher Education Amendments of 1998 shall be available for obligation by the states through September 30, 2001.

For an additional amount for “Higher Education” for carrying out part B of title VII of the Higher Education Act of 1965, \$750,000, to remain available until expended, which shall be awarded to the College of New Jersey, in Ewing, New Jersey, for creation of a center for inquiry and design-based learning in mathematics, science and technology education: *Provided*, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(INCLUDING TRANSFER OF FUNDS)

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

113 Stat.
1501A-253.

(1) by striking “North Babylon Community Youth Services for an educational program” and inserting “Town of Babylon Youth Bureau for an educational program”;

(2) by striking “to promote participation among youth in the United States democratic process” and inserting “to expand access to and improve advanced education”;

(3) by striking “\$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students” and inserting “\$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education programs for local school students”;

(4) by striking “Oakland Unified School District in California for an African American Literacy and Culture Project” and inserting “California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California”; and

(5) by striking “\$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts” and inserting “\$462,000 shall be awarded to the Boston Symphony Orchestra for the teacher resource center and \$370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts”.

For an additional amount for “Education Research, Statistics, and Improvement” to carry out part A of title X of the Elementary and Secondary Education Act of 1965, \$368,000, to be derived by transfer from the amount made available for fiscal year 2000 for “Health Resources and Services Administration, Health Resources and Services” for construction and renovation of health care and other facilities: *Provided*, That such amount shall be awarded to the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for “Limitation on Administrative Expenses”, \$35,000,000, to be available through September 30, 2001: *Provided*, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Section 513 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting before the period at the end the following: “: *Provided further*, That the provisions of this section shall not apply to any funds appropriated to the Centers for Disease Control and Prevention or to the Department of Education”.

113 Stat.
1501A-383.

SEC. 2402. Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

(1) in subparagraph (F), by striking “\$1,500,000” and inserting “\$15,000,000”;

(2) in subparagraph (G), by striking “\$900,000” and inserting “\$9,000,000”; and

(3) in subparagraph (H), by striking “\$300,000” and inserting “\$3,000,000”.

SEC. 2403. (a) The Workforce Investment Act of 1998 (20 U.S.C. 2841) is amended—

(1) in section 503—

(A) by striking “under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.)” each place it appears and inserting “under Public Law 105-332 (20 U.S.C. 2301 et seq.)”; and

(B) by adding at the end the following:

“(d) Notwithstanding any other provision of this section, for fiscal year 2000, the Secretary shall not consider the expected levels of performance under Public Law 105-332 (20 U.S.C. 2301 et seq.) and shall not award a grant under subsection (a) based on the levels of performance for that Act.”.

20 USC 9273.

(b) Section 111(a)(1)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321) is amended by striking “fiscal years 2000” and inserting “fiscal years 2001”.

SEC. 2404. Of the funds made available in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) for section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, \$2,250,000 of the amount appropriated shall be available October 1, 1999 for evaluation, technical assistance, and school networking activities, and up to 1 percent of the amount appropriated shall be available October 1, 1999, for peer review of applications.

SEC. 2405. Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking “Effective” and all that follows through “1998,” and inserting “Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),”; and

(2) in subparagraph (B), by striking “2 years” and all that follows and inserting “6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).”.

SEC. 2406. For an additional amount for “Health Resources and Services Administration, Health Resources and Services”,

\$3,500,000, for the Saint John's Lutheran Hospital in Libby, Montana, for construction and renovation of health care and other facilities and an additional amount for the "Economic Development Administration", \$8,000,000, only for a grant to the City of Libby, Montana, such amount to be transferred to the city upon its request, notwithstanding the provisions of any other law and without any local matching share or award conditions: *Provided*, That the entire amounts in this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amounts provided within this section shall be available only to the extent an official budget request that includes designation of the entire amounts of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

FIRE SAFETY

For an additional amount for the Architect of the Capitol for expenses for fire safety, \$17,480,000, to remain available until expended, of which \$7,039,000 shall be for "Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses"; \$2,314,000 shall be for "Senate Office Buildings"; \$4,213,000 shall be for "House Office Buildings"; \$3,000 shall be for "Capitol Power Plant"; \$26,000 shall be for "Botanic Garden, Salaries and Expenses"; and \$3,885,000 shall be for "Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care": *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Section 127(e)(1) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 19 U.S.C. 2213 note) is amended by striking "12 months" and inserting "15 months".

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED
AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for “Acquisition, construction, and improvements”, \$45,000,000 shall be available until expended for acquisition of one C-37A command and control aircraft: *Provided*, That the Commandant of the Coast Guard shall sell the current VC-11A command and control aircraft and credit the proceeds from that sale as offsetting collections to the appropriation under this heading: *Provided further*, That such proceeds may not be obligated without further appropriation: *Provided further*, That of the available balances under this heading from previous appropriations Acts, \$11,400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Operations”, \$75,000,000, to be derived from the Airport and Airway Trust Fund and to be available until September 30, 2001: *Provided*, That the entire amount under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$75,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, \$19,739,000, for emergency expenses associated with the investigation of the Egypt Air 990 and Alaska Air 261 accidents, to remain available until expended: *Provided*, That such funds shall be available for wreckage location and recovery facilities, technical support, testing, and wreckage mock-up: *Provided further*, That in the event the Arab Republic of Egypt reimburses the National Transportation Safety Board for wreckage location and recovery, family assistance, and interagency expenses, the Secretary of the Treasury shall reduce the appropriation under this heading by an amount equal to the reimbursement, less \$5,000,000: *Provided further*, That the

Secretary of the Treasury shall not credit the appropriation under this heading with a reimbursement in excess of \$8,983,000: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Notwithstanding any other provision of law, of the funds available under section 104(a) of title 23, United States Code, \$1,200,000 shall be available for the Paso Del Norte International Bridge in the State of Texas; \$9,000,000 shall be available for the U.S. 82 Mississippi River Bridge in the State of Mississippi; \$2,000,000 shall be available for the Union Village/Cambridge Junction bridges in the State of Vermont; \$5,000,000 shall be available for the Naheola Bridge in the State of Alabama; \$3,000,000 shall be available for the Hoover Dam Bypass in the States of Arizona and Nevada; \$3,000,000 shall be available for the Witt-Penn Bridge in the State of New Jersey; and \$12,000,000 shall be available for the Florida Memorial Bridge in the State of Florida.

SEC. 2602. Of the funds transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses pursuant to Public Law 105-277, \$26,600,000 of the unobligated balance are hereby rescinded: *Provided*, That the Department of Transportation shall allocate this rescission among the appropriate accounts within the Department and report such allocation to the House and Senate Committees on Appropriations.

SEC. 2603. (a) The Administrator of the Environmental Protection Agency shall make a grant for the purpose of carrying out the first year of a 2-year program to implement in five metropolitan areas pilot design programs developed under section 365(a)(2) of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1028-1029).

(b) The Administrator shall ensure that each pilot design program is implemented in accordance with recommendations developed by the National Telecommuting and Air Quality Steering Committee, in consultation with the local design teams.

(c) Grants received under subsection (a) may be used for—

- (1) protocol development in the five metropolitan areas;
- (2) marketing of the telecommute, emissions reduction, pollution credits strategy and recruitment of participating employers; and
- (3) data gathering on emissions reductions.

(d) In addition to the grant under subsection (a), for the purpose of carrying out the second year of the 2-year program referred to in subsection (a), the Administrator shall—

(1) make a grant of \$750,000 to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia); and

(2) make grants totaling \$1,250,000 to local agencies within the five metropolitan areas referred to in subsection (a).

(e) Not later than 360 days from first day of the second year of the 2-year program referred to in subsection (a), the Administrator shall transmit to Congress a report on the results of the program.

Grants.
43 USC 7403
note.

Deadline.
Reports.

(f) The Administrator shall carry out this section in collaboration with the Secretary of Transportation.

(g) There is appropriated to the Department of Transportation, “Office of the Assistant Secretary for Policy”, \$2,000,000 to carry out this section. Such amounts shall be transferred to and administered by the Environmental Protection Agency and shall remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2604. Notwithstanding any other provision of law, hereafter, funds apportioned under section 104(b)(3) of title 23 which are applied to projects involving the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may have a Federal share up to 100 percent of the cost of construction.

23 USC 130 note.

SEC. 2605. Notwithstanding any other provision of law, for necessary expenses for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line re-electrification project, \$2,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2606. Notwithstanding any other provision of law, for necessary expenses for the Second Avenue Subway in New York City, New York, \$3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2607. Notwithstanding any other provision of law, for necessary expenses relating to a study of improvements to Highway 8, from the Minnesota border to Highway 51 in the State of Wisconsin, \$500,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as

amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2608. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey, \$1,000,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Government
organization.
Contracts.

Government
organization.
Contracts.
Deadline.

For an additional amount, \$24,900,000 for the Secretary of the Treasury to establish and operate an in-service firearms training facility for the United States Customs Service and other agencies, to remain available until expended: *Provided*, That the Secretary is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and to conduct training: *Provided further*, That the land identified as the Sleepy Hollow Partnership and Marcus Enterprises tract (44,-R), Harpers Ferry Magisterial District, Jefferson County, West Virginia, together with a forty-five foot right-of-way over the lands of Valley Blox, Inc., as described in the deed from Joel T. Broyhill Enterprises, Inc., to Sleepy Hollow Partnership, et al., in a Deed dated March 29, 1989, and recorded in the Jefferson County Clerk's Office in Deed Book 627, Page 494, originally acquired by the United States Fish and Wildlife Service as a proposed site for a training center but not selected for that purpose and presently held by the United States Fish and Wildlife Service in an administrative capacity, shall be managed by the National Park Service pursuant to a cooperative management agreement between the United States Fish and Wildlife Service and the National Park Service, consistent with the laws (including regulations) generally applicable to the National Park Service: *Provided further*, That administrative jurisdiction of a suitable portion of said land that is necessary for the creation of a Department of the Treasury training facility, to be identified by the National Park Service, shall be transferred under a lease-type arrangement at no cost within 120-days of the date of the enactment of this Act to the Department of the Treasury for such time as required by the Department of the Treasury: *Provided further*, That the training to be conducted at the facility shall be configured in a manner so that it does not duplicate or displace any Federal law enforcement program of the Federal

Law Enforcement Training Center: *Provided further*, That training currently being conducted at a Federal Law Enforcement Training Center facility shall not be moved to the new training facility: *Provided further*, That at such time as the land is no longer required for training purposes, administrative jurisdiction shall be transferred back to the Department of the Interior in a manner and condition acceptable to the Department of the Interior: *Provided further*, That the total amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$4,000,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” related to planning, coordination and implementation of security for national special security and major protective events, \$10,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF ADMINISTRATION

INFORMATION TECHNOLOGY

For necessary expenses of the Office of Administration for restoration and reconstruction of certain electronic mail messages and

for inclusion of such messages in the Automated Records Management System, \$8,400,000, which shall remain available until September 30, 2002: *Provided*, That such funds may not be obligated until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the initial and projected costs of the tape restoration and reconstruction project: *Provided further*, That such submission shall include the final report prepared by the independent verification and validation contractor to the Office of Administration relating to the initial and projected cost estimates: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

POLICY AND OPERATIONS

For an additional amount, \$3,300,000 to remain available until expended for the Salt Lake 2002 Winter Olympic and Paralympic Games doping control program: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Notwithstanding section 1345 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 113 Stat. 467), funds made available for fiscal year 2000 for any other department or agency of the Federal Government with authority to conduct counterdrug intelligence activities may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000, except that the total amount that may be used under this section for such purpose shall not exceed \$1,100,000.

SEC. 2702. (a) The unobligated balance as of September 30, 2000, of funds appropriated under the heading “Internal Revenue Service, Information Technology Investments” in the Treasury Department Appropriations Act, 1998, title I of Public Law 105-61, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

Effective date.

(c) The amount rescinded pursuant to subsection (a) is appropriated for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109, which shall be available through September 30, 2001: *Provided*, That none of these funds shall be obligated until the Internal Revenue Service submits to Congress and Congress approves a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

SEC. 2703. RESTORATION OF MEDICARE TRUST FUNDS. (a) Deadlines.
CORRECTION OF TRUST FUND HOLDINGS.—

(1) IN GENERAL.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall take the actions described in paragraph (2) with respect to each trust fund with the goal being that, after the actions are taken, the holdings of the trust fund will replicate, to the extent practicable in the judgement of the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the obligations that would have been held by the trust fund if the clerical error had not occurred.

(2) OBLIGATIONS ISSUED AND REDEEMED.—The Secretary of the Treasury shall—

(A) issue to each trust fund obligations under chapter 31 of title 31, United States Code, that bear issue dates, interest rates, and maturity dates as the obligations that—

(i) would have been issued to the trust fund if the clerical error had not occurred; or

(ii) were issued to the trust fund and were redeemed by reason of the clerical error; and

(B) redeem from each trust fund obligations that—

(i) would not have been issued to the trust fund if the clerical error had not occurred; or

(ii) would have been redeemed from the trust fund if the clerical error had not occurred.

(b) CORRECTION OF INTEREST INCOME.—

(1) TRANSFER OF EXCESS INTEREST INCOME.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall transfer from the Federal Hospital Insurance Trust Fund to the Federal Supplementary Medical Insurance Trust Fund an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the amount of interest income that was credited to the Federal Hospital Insurance Trust Fund that would not have been credited if the clerical error had not occurred.

(2) CREDIT OF LOST INTEREST INCOME.—Within 120 days after the effective date of this Act, there is hereby appropriated

to the Federal Supplementary Medical Insurance Trust Fund, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the difference between—

(A) the interest income lost by that trust fund through the date of credit by reason of the clerical error; and

(B) the amount transferred to that trust fund under paragraph (1).

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLERICAL ERROR.—The term “clerical error” means the erroneous transfers of moneys between the investment accounts and uninvested transfer accounts of the trust funds that occurred in the fiscal year ending September 30, 1999, as described in the Department of Health and Human Services’ “Accountability Report for Fiscal Year 1999: Federal Managers’ Financial Integrity Act Report on Systems and Controls”.

(2) TRUST FUND.—The term “trust fund” means either the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund.

Anti-doping.

SEC. 2704. (a) IN GENERAL.—Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2000, pursuant to section 237 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, the Director of such Office shall make a direct payment of \$3,000,000 to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

Effective date.

(b) DIRECT PAYMENTS.—Effective on the date of the enactment of this Act, the Director of the Office of National Drug Control Policy is authorized and directed to make a direct payment to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

SEC. 2705. (a) The unobligated balance as of September 30, 2000, of funds transferred to the United States Secret Service pursuant to the second sentence of section 240 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, is rescinded.

Effective date.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the United States Secret Service for salaries and expenses, to remain available until September 30, 2001.

SEC. 2706. Of the amounts provided in Public Law 106-58 in the Policy and Operations account, the General Services Administration is hereby authorized to provide \$225,000, to remain available until expended, for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

The referenced statement of the managers in the sixth undesignated paragraph under this heading in title II of Public Law 106-

74 is deemed to be amended by striking “Montgomery” in reference to the planning and construction of a regional learning center at Spring Hill College, and inserting “Mobile”.

The referenced statement of the managers in the fourth undesignated paragraph under this heading in title II of Public Law 106-74 for neighborhood initiatives for specified grants to the City of Yankton, South Dakota, for the restoration of the downtown area and the development of the Fox Run Industrial Park is deemed to be amended by adding after the word “Park” the following: “and for activities to facilitate economic development, including infrastructure improvements”.

For an additional amount for targeted economic development initiatives under the Community Development Block Grants program, \$27,500,000: *Provided*, That the statement of the managers accompanying Public Law 106-74 is deemed to be amended to include in the description of targeted economic development initiatives the following:

“—\$1,300,000 to the City of Park Falls, Wisconsin for economic development, including purchase of municipal equipment and infrastructure improvements in industrial parks and the City of Park Falls;

“—\$250,000 to the Lake Superior BTC cultural center in Washburn, Wisconsin for restoration of facilities and equipment destroyed by fire;

“—\$900,000 to the City of Hatley, Wisconsin for the cost of water, wastewater and sewer system improvements;

“—\$50,000 to the City of Hamlet, North Carolina for demolition and removal of buildings and equipment destroyed by fire; and

“—\$25,000,000 to the City of Youngstown, Ohio for site acquisition, planning, architectural design, and construction of a convocation and community center.”:

Provided, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$36,000,000: *Provided*, That of said amount, \$11,000,000 shall be provided to the New Jersey Department of Community Affairs and \$25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: *Provided further*, That assistance provided under this paragraph shall be for very low-income families displaced by flooding caused by Hurricane Floyd and surrounding events: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

HOMELESS ASSISTANCE GRANTS

Of the amounts made available under this heading in title II of Public Law 106-74, the Secretary of Housing and Urban Development shall, for each request described in the following proviso, make a 1-year grant to the entity making the request in the amount under the second proviso: *Provided*, That a request described in this proviso is a request for a grant under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.) for permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that: (1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved; (2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and (3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000: *Provided further*, That the amount under this proviso is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request: *Provided further*, That in the third proviso under this heading in Public Law 106-74, insert “and management and information systems” after “technical assistance”.

113 Stat. 1063.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The Secretary of Housing and Urban Development is prohibited from using any funds in Public Law 106-74 or any other Act to employ more than 9,100 full-time equivalent employees at the Department of Housing and Urban Development in fiscal year 2000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING RESCISSION OF FUNDS)

Of the amounts made available under this heading in Public Law 106-74, \$6,000,000 provided for the “Office of Inspector General” is rescinded. For an additional amount for the “Office of Inspector General”, \$6,000,000, to remain available until September 30, 2001: *Provided*, That these funds shall be made available under the same terms and conditions as authorized for the funds under this heading in Public Law 106-74.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the amounts available in the National Service Trust account from previous appropriations Acts, \$1,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the “Office of Inspector General” for reviews and audits of the State Commissions on National and Community Service (including alternative administrative entities) established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), \$1,000,000, to remain available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

Of the amount appropriated under this heading in title III of Public Law 106-74, \$2,374,900, in addition to amounts made available for the following in prior Acts, shall be and have been available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

Of the amount appropriated under this heading in title III of Public Law 105-276 to establish a regional environmental data center and to develop an integrated, automated water quality monitoring and information system for watersheds impacting Chesapeake Bay, \$2,600,000 shall be transferred to the “State and tribal assistance grants” account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County (\$800,000); the Municipal Authority of the Borough of Milford, Pike County (\$800,000); the City of Carbondale, Lackawanna County (\$200,000); Throop Borough, Lackawanna County (\$200,000); and Dickson City, Lackawanna County (\$600,000), Pennsylvania.

None of the funds made available for fiscal years 2000 and 2001 for the Environmental Protection Agency may be used to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing

and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74), is deemed to be amended by striking “in the town of Waynesville” in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting “Haywood County”; by adding the words “for the Fourpole Pumping Station” after the word “improvements” in reference to water and wastewater infrastructure improvements as identified in project number 135; and by striking the words “at the West County Wastewater Treatment Plant” in reference to wastewater infrastructure improvements within the Metropolitan Sewer District at Louisville, Kentucky as identified in project number 50.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under this heading in Public Law 106-74, in addition to other amounts made available, up to \$50,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout or elevation of properties which are principal residences that have been made uninhabitable by floods in areas which were declared Federal disasters in fiscal years 1999 and 2000: *Provided*, That such properties are located in a 100-year floodplain: *Provided further*, That no homeowner may receive any assistance for buyouts in excess of the pre-flood fair market value of the residence (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): *Provided further*, That each State shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: *Provided further*, That all buyouts under this paragraph shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): *Provided further*, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State's section 404 allocation: *Provided further*, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: *Provided further*, That no funds shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reports.
Certification.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount for “Science, aeronautics and technology”, \$1,500,000, to remain available until September 30, 2001: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Title V, subtitle C, section 538 of Public Law 106-74, is amended by striking “during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if” and inserting “the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project, and if, during any period the family makes such an election and continues to so reside,”.

42 USC 1437f.

SEC. 2802. Section 175 of Public Law 106-113 is amended by striking “as a grant for Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area,” and inserting “to the Organizing Committee for the 2001 Special Olympics World Winter games to be used in support of related activities in Alaska,”.

113 Stat. 1533.

SEC. 2803. (a) TECHNICAL REVISION TO PUBLIC LAW 106-74.—Title II of Public Law 106-74 is amended—

(1) under the heading “Urban Empowerment Zones”, by striking “\$3,666,000” and inserting “\$3,666,666”; and

113 Stat. 1060.

(2) under the heading “Community Development Block Grants” under the fourth undesignated paragraph, by striking “\$23,000,000” and inserting “\$22,750,000”.

113 Stat. 1062.

(b) TECHNICAL REVISION TO PUBLIC LAW 106-113.—Section 242(a) of Appendix E of Public Law 106-113 is amended—

(1) by striking “seventh” and inserting “sixth”; and

113 Stat.
1501A-303.

(2) by striking “\$250,175,000” and inserting “\$250,900,000”.

(c) EFFECTIVE DATES.—The amendments made by—

(1) subsection (a) shall be construed to have taken effect on October 20, 1999; and

(2) subsection (b) shall be construed to have taken effect on November 29, 1999.

SEC. 2804. SECTION 235 RESCISSION.—Section 208(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended—

113 Stat. 1073.

(1) by striking “235(r)” and inserting “235”;

(2) by inserting after “104 Stat. 2305)” the following: “for payments under section 235(r) of the National Housing Act”; and

(3) by striking “for such purposes”.

CHAPTER 9

GENERAL PROVISION—THIS TITLE

SEC. 2901. For an additional amount for the District of Columbia Metropolitan Police Department, \$4,485,000 for the reimbursement of certain costs incurred by the District of Columbia as host of the International Monetary Fund and World Bank Organization Spring Conference in April 2000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$4,485,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE III—COUNTERNARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, \$30,000,000, to remain available for obligation until September 30, 2002: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, \$154,059,000, to remain available for obligation until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to

which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That no funds made available under this heading may be obligated or expended for training, logistics support, planning or assistance contracts for any overseas activity until 15 days after the Assistant Secretary of Defense, Special Operations and Low-Intensity Conflict reports to the congressional defense committees on the value, duration and purpose of such contracts.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3101. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated in this Act for the Department of Defense, not to exceed \$45,000,000 shall be available for the provision of support for counter-drug activities of the Government of Colombia. The support provided under this section shall be in addition to support provided for counter-drug activities of the Government of Colombia under any other provision of law.

(b) TYPES OF SUPPORT.—The support that may be provided using this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1882). In addition, using unobligated balances from the Department of Defense Appropriations Act, 1999 (Public Law 105-262), the Secretary of Defense may transfer one light observation aircraft to Colombia for counter-drug activities.

(c) CONDITIONS ON PROVISION OF SUPPORT.—(1) The Secretary of Defense may not obligate or expend funds appropriated in this Act to provide support under this section for counter-drug activities of the Government of Colombia until the end of the 15-day period beginning on the date on which the Secretary submits the written certification for fiscal year 2000 pursuant to section 1033(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1882).

(2) The elements of the written certification submitted for fiscal year 2000 described in section 1033(g) of that Act shall apply to, and the written certification shall address, the support provided under this section for counter-drug activities of the Government of Colombia.

Applicability.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, \$1,018,500,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than \$110,000,000 shall be made available for assistance for Bolivia, of which not less than \$85,000,000

may be made available for alternative development and other economic activities: *Provided further*, That of the funds appropriated under this heading, not less than \$20,000,000 may be made available for assistance for Ecuador, of which not less than \$8,000,000 may be made available for alternative development and other economic activities: *Provided further*, That of the funds appropriated under this heading, not less than \$18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: *Provided further*, That of the funds appropriated under this heading not less than \$60,000,000 shall be made available for the procurement, refurbishing, and support for UH-1H Huey II helicopters for the Colombian Army: *Provided further*, That of the funds appropriated under this heading, not less than \$234,000,000 shall be made available for the procurement of and support for UH-60 Blackhawk helicopters for use by the Colombian Army and the Colombian National Police: *Provided further*, That procurement of UH-60 Blackhawk helicopters from funds made available under this heading shall be managed by the United States Defense Security Cooperation Agency: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or illegal security cooperative, then such helicopter shall be immediately returned to the United States: *Provided further*, That of the amount appropriated under this heading, \$2,500,000 shall be available for a program for the demobilization and rehabilitation of child soldiers in Colombia: *Provided further*, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: *Provided further*, That at least 20 days prior to the obligation of funds made available under this heading the Secretary of State shall inform the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

President.

Deadline.
Reports.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) **CERTIFICATION REQUIRED.**—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights;

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups;

(D) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory; and

(E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

(2) **CONSULTATIVE PROCESS.**—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) **APPLICATION OF EXISTING LAWS.**—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.

(4) **WAIVER.**—Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate committees that to do so is in the national security interest.

(b) **DEFINITIONS.**—In this section:

(1) **AIDING OR ABETTING.**—The term “aiding or abetting” means direct and indirect support to paramilitary groups,

including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term “paramilitary groups” means illegal self-defense groups and illegal security cooperatives.

(4) ASSISTANCE.—The term “assistance” means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

Deadline.
President.

SEC. 3202. REGIONAL STRATEGY. (a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Relations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States’ counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States’ strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States’ strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall Strategy.

SEC. 3203. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.—(a) Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

Deadline.

(1) a list of the persons whose extradition has been requested from any country receiving counternarcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

SEC. 3204. LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.
(a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, the Military Construction Appropriations Act, 2001, the Commerce, Justice, State and the Judiciary Appropriations Act, 2001, the Treasury and General Government Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(3) WAIVER.—The limitations in subsection (a) may be waived by an Act of Congress.

(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including funds described in subsection (c)) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) WAIVER.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding 4 fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the executive branch of Government during the two previous fiscal quarters in support of Plan Colombia.

Deadline.
President.

Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) BIMONTHLY REPORTS.—Beginning within 90 days of the date of the enactment of this Act, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

Deadline.
President.

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term “joint resolution” means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 3204(a)(1) of the 2000 Emergency Supplemental Appropriations Act.”.

(B) For purposes of subsection (b)(2)(B), the term “joint resolution” means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 3204(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act.”.

(2) PROCEDURES.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

(h) PLAN COLOMBIA DEFINED.—In this section, the term “Plan Colombia” means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

SEC. 3205. (a) DENIAL OF VISAS FOR PERSONS CREDIBLY ALLEGED TO HAVE AIDED AND ABETTED COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—None of the funds appropriated or otherwise made available in this Act for any fiscal year for the Department of State may be used to issue visas to any person who has been credibly alleged to have provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the

United States of a person who would otherwise be excluded under this section is necessary for medical reasons, or to permit the prosecution of such person in the United States, or the person has cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC).

(c) WAIVER.—The President may waive the limitation in subsection (a) if the President determines that the waiver is in the national interest.

SEC. 3206. LIMITATION ON SUPPLEMENTAL FUNDS FOR POPULATION PLANNING.—Amounts appropriated under this division or under any other provision of law for fiscal year 2000 that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106-113) shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599D of such Act, notwithstanding section 543 of such Act.

SEC. 3207. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 3101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term “assistance” means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

Notwithstanding any other provision of law, for an additional amount for “Military Construction, Defense-Wide”, \$116,523,000, to remain available until September 30, 2004: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$116,523,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

Lewis and Clark
Rural Water
System Act of
2000.
State listing.

SEC. 4101. SHORT TITLE.

This title may be cited as the “Lewis and Clark Rural Water System Act of 2000”.

SEC. 4102. DEFINITIONS.

In this title:

(1) **FEASIBILITY STUDY.**—The term “feasibility study” means the study entitled “Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota”, dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) **INCREMENTAL COST.**—The term “incremental cost” means the cost of the savings to the project were the City of Sioux Falls not to participate in the water supply system.

(3) **MEMBER ENTITY.**—The term “member entity” means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) **PROJECT CONSTRUCTION BUDGET.**—The term “project construction budget” means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term “pumping and incidental operational requirements” means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **WATER SUPPLY PROJECT.**—

(A) **IN GENERAL.**—The term “water supply project” means the physical components of the Lewis and Clark Rural Water Project.

(B) **INCLUSIONS.**—The term “water supply project” includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(8) **WATER SUPPLY SYSTEM.**—The term “water supply system” means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 4103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

Grants.

(a) **IN GENERAL.**—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) **SERVICE AREA.**—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) **AMOUNT OF GRANTS.**—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 4108.

(d) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

Reports.
Deadline.

SEC. 4104. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 4105. USE OF PICK-SLOAN POWER.

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet

the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) **QUALIFICATION TO USE PICK-SLOAN POWER.**—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 4106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of the enactment of this Act.

SEC. 4107. WATER RIGHTS.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 4108. COST SHARING.

(a) **FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 4103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) **SIOUX FALLS.**—The Secretary shall provide funds for the City of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) **NON-FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) **SIOUX FALLS.**—The non-Federal cost-share for the City of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 4109. BUREAU OF RECLAMATION.

(a) **AUTHORIZATION.**—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for

the service area of the water supply system described in section 4103(b).

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 4110. PROJECT OWNERSHIP AND RESPONSIBILITY.

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 4111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$213,887,700, to remain available until expended.

TITLE V—GENERAL PROVISIONS THIS DIVISION

SEC. 5101. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 5102. Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, are hereby repealed.

113 Stat.
1501A-361, 362.

REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 5103. The final proviso under the heading “Foreign Military Financing Program” in title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106-113 (113 Stat. 1501A-133), is null and void.

SEC. 5104. Section 216 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is repealed.

113 Stat.
1501A-240.
42 USC 909 note.

SEC. 5105. Section 5527 of Public Law 105-33, The Balanced Budget Act of 1997, is repealed.

SEC. 5106. Section 9305 of Public Law 105-33 (111 Stat. 677) is repealed.

SEC. 5107. Notwithstanding section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, there shall be no sequestration under that section to eliminate a fiscal year 2000 breach or no reductions in discretionary spending limits for fiscal year 2001 that might be caused by the appropriations or other provisions in this Act.

SEC. 5108. (a) The enactment of this Act shall be deemed to fulfill the requirements for enactment of a law for purposes of section 206(b) of H. Con. Res. 290 (106th Congress).

(b) Section 312(b) of the Congressional Budget Act of 1974 shall not apply in the Senate with respect to fiscal year 2001.

SEC. 5109. Section 207 of H. Con. Res. 290 (106th Congress) is amended as follows:

- (1) by reducing the limit on outlays set forth in subsection (a)(1) by \$2,000,000,000; and
- (2) by increasing the limit on outlays set forth in subsection (a)(2) by \$2,000,000,000.

This division may be cited as the “Emergency Supplemental Act, 2000”.

DIVISION C—CERRO GRANDE FIRE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

Cerro Grande
Fire
Supplemental.
New Mexico.

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

Cerro Grande
Fire Assistance
Act.

SEC. 101. SHORT TITLE.

This title may be cited as the “Cerro Grande Fire Assistance Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the fire season in the Southwest;

(2) on May 5, 2000, the prescribed burn, which became known as the “Cerro Grande Prescribed Fire”, exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to other Federal and non-Federal land, quickly becoming characterized as a wildfire;

(3) by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, one of the leading national research laboratories in the United States and the birthplace of the atomic bomb;

(4) on May 13, 2000, the President issued a major disaster declaration for the counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance, New Mexico;

(5) the fire resulted in the loss of Federal, State, local, tribal, and private property;

(6) the Secretary of the Interior and the National Park Service have assumed responsibility for the fire and subsequent losses of property; and

(7) the United States should compensate the victims of the Cerro Grande fire.

(b) PURPOSES.—The purposes of this title are—

(1) to compensate victims of the fire at Cerro Grande, New Mexico, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

SEC. 103. DEFINITIONS.

In this title:

(1) CERRO GRANDE FIRE.—The term “Cerro Grande fire” means the fire resulting from the initiation by the National Park Service of a prescribed burn at Bandelier National Monument, New Mexico, on May 4, 2000.

(2) DIRECTOR.—The term “Director” means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 104(a)(3), the Manager.

(3) INJURED PERSON.—The term “injured person” means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian tribe, corporation, tribal corporation, partnership, company, association, insurer, county, township, city, State, school district, or other non-Federal entity (including a legal representative),
that suffered injury resulting from the Cerro Grande fire.

(4) INJURY.—The term “injury” has the same meaning as the term “injury or loss of property, or personal injury or death” as used in section 1346(b)(1) of title 28, United States Code.

(5) MANAGER.—The term “Manager” means an Independent Claims Manager appointed under section 104(a)(3).

(6) OFFICE.—The term “Office” means the Office of Cerro Grande Fire Claims established by section 104(a)(2).

SEC. 104. COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE.

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of the Cerro Grande fire; and

(B) damages described in subsection (d)(4), as determined by the Director.

(2) OFFICE OF CERRO GRANDE FIRE CLAIMS.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office of Cerro Grande Fire Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this title.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Director under this title;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service;

(iv) upon the request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Federal Emergency Management Agency to assist it in carrying out its duties under this title; and

(v) shall not diminish the ability of the Director to carry out the responsibilities of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to a State or territory, an area of which is the subject of a major disaster or emergency declaration made by the President during the period in which the Director carries out this Act.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—
The Director may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Director under this title.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Director a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Director determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—The Director shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this title, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) EXTENT OF DAMAGES.—Any payment under this title—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim;

or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—

(i) PAYMENT.—Not later than 180 days after the date on which a claim is submitted under this title, the Director shall determine and fix the amount, if any, to be paid for the claim.

(ii) PRIORITY.—The Director, to the maximum extent practicable, shall pay subrogation claims submitted under this title only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this title, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the fire;

(iii) the amount, if any, to be allowed and paid under this title; and

(iv) the person or persons entitled to receive the amount.

(C) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of, and paying, a claim under this title, to prevent recovery by a claimant in excess of actual compensatory damages, the Director shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of any Government loan that is required to be repaid by the claimant.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Director may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this title, but further payment on the claim is subsequently denied by the Director, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Director determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) RIGHTS OF INSURER OR OTHER THIRD PARTY.—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this title or any other law.

(4) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this title may include otherwise uncompensated damages resulting from the Cerro Grande fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure;

(iv) a cost resulting from lost tribal subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Cerro Grande fire;

(v) a cost of reforestation or revegetation on tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Director determines to be appropriate for inclusion as loss of property.

(B) BUSINESS LOSS.—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Any other loss that the Director determines to be appropriate for inclusion as business loss.

(C) FINANCIAL LOSS.—A claim that is paid for injury under this title may include damages resulting from the

Cerro Grande fire for the following types of otherwise uncompensated financial loss:

- (i) Increased mortgage interest costs.
- (ii) An insurance deductible.
- (iii) A temporary living or relocation expense.
- (iv) Lost wages or personal income.
- (v) Emergency staffing expenses.
- (vi) Debris removal and other cleanup costs.
- (vii) Costs of reasonable efforts, as determined by the Director, to reduce the risk of wildfire, flood, or other natural disaster in the counties specified in section 102(a)(4), to risk levels prevailing in those counties before the Cerro Grande fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.
- (viii) A premium for flood insurance that is required to be paid on or before May 12, 2002, if, as a result of the Cerro Grande fire, a person that was not required to purchase flood insurance before the Cerro Grande fire is required to purchase flood insurance.

(ix) Any other loss that the Director determines to be appropriate for inclusion as financial loss.

(e) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this title, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant (but not on any subrogee of the claimant), with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), or any other Federal or State law, arising out of or relating to the same subject matter; and

(3) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) REGULATIONS AND PUBLIC INFORMATION.—

(1) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of the enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this title.

Deadline.
Federal Register,
publication.

(2) PUBLIC INFORMATION.—

(A) IN GENERAL.—At the time at which the Director promulgates regulations under paragraph (1), the Director shall publish, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

Publication.

(i) the rights conferred under this title; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) DISSEMINATION THROUGH OTHER MEDIA.—The Director shall disseminate the explanation published under

subparagraph (A) through brochures, pamphlets, radio, television, and other media that the Director determines are likely to reach prospective claimants.

(g) CONSULTATION.—In administering this title, the Director shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and tribal authorities, as determined to be necessary by the Director to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for one or more injuries resulting from the Cerro Grande fire by—

(A) submitting a claim under this title;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Cerro Grande fire that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Director shall establish by regulation procedures under which a dispute regarding a claim submitted under this title may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this title may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) NO EFFECT ON ENTITLEMENTS.—Nothing in this title affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Director under this title may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Director.

(3) STANDARD.—The decision of the Director incorporating the findings of the Director shall be upheld if the decision

Deadline.
Regulations.

is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this title, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Director to be carried out in response to the Cerro Grande fire under any Federal program that applies to an area affected by the Cerro Grande fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(2) FEDERAL SHARE.—The Federal share of the costs of a project described in paragraph (1) shall be 100 percent.

(l) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this title.

(m) INDIAN COMPENSATION.—Notwithstanding any other provision of law, in the case of an Indian tribe, a tribal entity, or a member of an Indian tribe that submits a claim under this title—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian tribe, tribal entity, or member of an Indian tribe shall be entitled to proceed under this title in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Cerro Grande fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Cerro Grande fire.

(n) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under this title during the year preceding the date of submission of the report, including, for each claim—

Deadline.

(1) the amount claimed;

(2) a brief description of the nature of the claim;

(3) the status or disposition of the claim, including the amount of any payment under this title; and

(4) the Comptroller General shall conduct an annual audit on the payment of all claims made under this title and shall report to the Congress on the results of this audit beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This report shall include a review of all subrogation claims for which insurance companies have been paid or are seeking payment as subrogees under this title.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, there are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(2) **FEMA FUNDS.**—None of the funds provided to the Federal Emergency Management Agency for the administration of disaster relief shall be used to carry out this Act.

SEC. 105. APPROPRIATION OF FUNDS.

(a) **CERRO GRANDE FIRE ASSISTANCE CLAIMS OFFICE.**—

(1) **IN GENERAL.**—There is appropriated for the Office for administration of the compensation process under this title up to \$45,000,000, to remain available until expended.

(2) **EMERGENCY REQUIREMENT.**—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to \$45,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) **CERRO GRANDE FIRE ASSISTANCE.**—

(1) **IN GENERAL.**—There is appropriated for the payment of claims in accordance with this title up to \$455,000,000, to remain available until expended.

(2) **EMERGENCY REQUIREMENT.**—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to \$455,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SEC. 106. PERIOD OF EFFECTIVENESS.

Applicability.

This title shall apply on and after the date of the enactment of this Act, without regard to any fiscal year.

TITLE II—CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for “Emergency Conservation Program”, \$10,000,000: *Provided*, That notwithstanding any other provision of law, these funds shall be available to rehabilitate

farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government which subsequently resulted in unintended damage to farmlands and other lands: *Provided further*, That requirements for cost-sharing by landowners shall not apply to funds provided pursuant to this section: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations”, for the Emergency Watershed Protection Program, to repair damages to the waterways and watersheds resulting from fires which resulted from prescribed burnings conducted by the Federal Government, and other natural occurrences, \$4,000,000, to remain available until expended: *Provided*, That requirements for cost-sharing by project sponsors shall not apply to funds provided under this provision: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, \$138,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$138,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for “Operation of Indian Programs”, \$8,982,000, to remain available until expended, for emergency restoration, rehabilitation, and reforestation of tribal lands and facilities of the Pueblo of Santa Clara and the Pueblo of San Ildefonso damaged by the Cerro Grande Fire in New Mexico: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$8,982,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISION—THIS TITLE

SEC. 2101. The Secretary of the Interior shall allow enrolled members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants, including the parts or products thereof, and mineral resources within the Bandelier National Monument for traditional and cultural uses. All collection activity, except quantity limitations in current regulations of the National Park Service, shall be consistent with applicable laws, and shall be subject to such conditions as the Secretary deems necessary to protect the resources and values of the Monument.

This division may be cited as the “Cerro Grande Fire Supplemental”.

Approved July 13, 2000.

LEGISLATIVE HISTORY—H.R. 4425 (S. 2521):

HOUSE REPORTS: Nos. 106-614 (Comm. on Appropriations) and 106-710 (Comm. of Conference).

SENATE REPORTS: No. 106-290 accompanying S. 2521 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 16, considered and passed House.

May 18, considered and passed Senate, amended, in lieu of S. 2521.

June 29, House agreed to conference report.

June 30, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

July 13, Presidential statement.



Public Law 106–247
106th Congress

An Act

To require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

July 20, 2000

[S. 148]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Neotropical Migratory Bird Conservation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species’ range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

★ (Star Print)

Neotropical
Migratory Bird
Conservation
Act.
Foreign relations.
Inter-
governmental
relations.
16 USC 6101
note.
16 USC 6101.

16 USC 6102.

16 USC 6103.

(1) **ACCOUNT.**—The term “Account” means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) **CONSERVATION.**—The term “conservation” means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

16 USC 6104.

SEC. 5. FINANCIAL ASSISTANCE.

(a) **IN GENERAL.**—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) **PROJECT APPLICANTS.**—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) **PROJECT PROPOSALS.**—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

- (5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;
 - (6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and
 - (7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.
- (d) **PROJECT REPORTING.**—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.
- (e) **COST SHARING.**—
- (1) **FEDERAL SHARE.**—The Federal share of the cost of each project shall be not greater than 25 percent.
 - (2) **NON-FEDERAL SHARE.**—
 - (A) **SOURCE.**—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.
 - (B) **FORM OF PAYMENT.**—
 - (i) **PROJECTS IN THE UNITED STATES.**—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.
 - (ii) **PROJECTS IN FOREIGN COUNTRIES.**—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

16 USC 6105.

In carrying out this Act, the Secretary shall—

- (1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;
- (2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;
- (3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and
- (4) generally implement this Act in accordance with its purposes.

Guidelines.

SEC. 7. COOPERATION.

16 USC 6106.

(a) **IN GENERAL.**—In carrying out this Act, the Secretary shall—

- (1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—
 - (A) facilitating meetings among persons involved in such efforts;
 - (B) promoting the exchange of information among such persons;
 - (C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and
 - (D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

16 USC 6107.

SEC. 8. REPORT TO CONGRESS.

Deadline.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

16 USC 6108.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the “Neotropical Migratory Bird Conservation Account”, which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

16 USC 6109.

There is authorized to be appropriated to the Account to carry out this Act \$5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

Approved July 20, 2000.

LEGISLATIVE HISTORY—S. 148 (H.R. 39):**HOUSE REPORTS:** No. 106-80 accompanying H.R. 39 (Comm. on Resources).**SENATE REPORTS:** No. 106-36 (Comm. on Environment and Public Works).**CONGRESSIONAL RECORD:**

Vol. 145 (1999): Apr. 13, considered and passed Senate.

Vol. 146 (2000): June 26, considered and passed House, amended.

June 29, Senate concurred in House amendment.



Public Law 106–248
106th Congress

An Act

July 25, 2000
[S. 1892]

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Valles Caldera
Preservation Act.
New Mexico

**TITLE I—VALLES CALDERA NATIONAL
PRESERVE AND TRUST**

16 USC 698v
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “Valles Caldera Preservation Act”.

16 USC 698v.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch’s natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled “Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico”, as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

16 USC 698v-1.

In this title:

(1) BACA RANCH.—The term “Baca ranch” means the lands and facilities described in section 104(a).

(2) BOARD OF TRUSTEES.—The terms “Board of Trustees” and “Board” mean the Board of Trustees as described in section 107.

(3) COMMITTEES OF CONGRESS.—The term “Committees of Congress” means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term “financially self-sustaining” means management and operating expenditures equal to or less than proceeds derived from fees and

other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) **MULTIPLE USE AND SUSTAINED YIELD.**—The term “multiple use and sustained yield” has the combined meaning of the terms “multiple use” and “sustained yield of the several products and services”, as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) **PRESERVE.**—The term “Preserve” means the Valles Caldera National Preserve established under section 105.

(7) **SECRETARY.**—Except where otherwise provided, the term “Secretary” means the Secretary of Agriculture.

(8) **TRUST.**—The term “Trust” means the Valles Caldera Trust established under section 106.

16 USC 698v-2.

SEC. 104. ACQUISITION OF LANDS.

(a) **ACQUISITION OF BACA RANCH.**—

(1) **IN GENERAL.**—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled “Independent Resurvey of the Baca Location No. 1”, made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) **SOURCE OF FUNDS.**—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) **BASIS OF SALE.**—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) **DEED.**—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) **ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.**—Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over

Government
organization.

those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105-376 (112 Stat. 3389).

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAIL.—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105-376 (112 Stat. 3389).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

Deadline.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT REPORT.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

Deadline.

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16

U.S.C. 4601-9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) PUEBLO OF SANTA CLARA.—

(1) IN GENERAL.—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) STATUS OF LAND ACQUIRED.—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) MINERAL ESTATE.—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) SAVINGS.—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

16 USC 698v-3.

Effective date.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901-6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section

104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) REDONDO PEAK.—

(1) IN GENERAL.—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) EXCEPTIONS.—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

SEC. 106. THE VALLES CALDERA TRUST.

16 USC 698v-4.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

Deadline.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled “Valles Caldera Fund” which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled “an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine” (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) BYLAWS.—The Trust shall adopt necessary bylaws to govern its activities.

(l) INSURANCE AND BOND.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words “Valles Caldera Trust”, and any seal, emblem, or other insignia adopted by the Board of Trustees.

Without express written authority of the Trust, no person may use the words “Valles Caldera Trust” as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

16 USC 698v-5.

SEC. 107. BOARD OF TRUSTEES.

(a) **IN GENERAL.**—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) **VOTING TRUSTEES.**—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

President.

(C) seven individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The seven individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) **QUALIFICATIONS.**—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

President.
Deadline.

(b) **INITIAL APPOINTMENTS.**—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) **TERMS.**—

(1) **IN GENERAL.**—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, four shall serve for a term of 4 years, and three shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided*, That any final decision of the Board to adopt or amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

Procedures.

SEC. 108. RESOURCE MANAGEMENT.

16 USC 698v-6.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

Deadline.

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and Pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

Deadline.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) renewable resource utilization and management alternatives that, to the extent practicable—

(A) benefit local communities and small businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

(C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of facilities, for resources or services provided by the Trust; and

(6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

Public safety.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided*, That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

Public notice.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and Pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire suppression, fire suppression, and rehabilitation services: *Provided*, That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

16 USC 698v-7.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise

dispose of land or interests in land within the Preserve under Public Law 97-465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): *Provided*, That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the "Valles Caldera Fund" established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

16 USC 698v-8.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a),

the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

Deadline.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

16 USC 698v-9.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

Deadline.

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

Deadline.

Reports.

16 USC 698v-10.

Deadline.

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

Reports.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report

the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—FEDERAL LAND TRANSACTION FACILITATION

Federal
Transaction
Facilitation Act.

SEC. 201. SHORT TITLE.

This title may be cited as the “Federal Land Transaction Facilitation Act”.

43 USC 2301
note.

SEC. 202. FINDINGS.

43 USC 2301.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

43 USC 2302.

SEC. 203. DEFINITIONS.

In this title:

(1) **EXCEPTIONAL RESOURCE.**—The term “exceptional resource” means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) **FEDERALLY DESIGNATED AREA.**—The term “federally designated area” means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) **INHOLDING.**—The term “inholding” means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) **PUBLIC LAND.**—The term “public land” means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 204. IDENTIFICATION OF INHOLDINGS.

43 USC 2303.

(a) **IN GENERAL.**—The Secretary and the Secretary of Agriculture shall establish a procedure to—

Procedures.

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 206(c)(3).

(b) **PUBLIC NOTICE.**—As soon as practicable after the date of enactment of this title and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a), including any information necessary for the consideration of an inholding under section 206. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

Federal Register,
publication.

(c) **IDENTIFICATION.**—An inholding—

(1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) **NO OBLIGATION TO CONVEY OR ACQUIRE.**—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 205. DISPOSAL OF PUBLIC LAND.

43 USC 2304.

(a) **IN GENERAL.**—The Secretary shall establish a program, using funds made available under section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under

section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

43 USC 2305.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the “Federal Land Disposal Account”.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

(i) inholdings; and

(ii) adjacent to federally designated areas and contain exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(3) **PRIORITY.**—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

Procedures.

(A) the date the inholding was established (as provided in section 204(c));

(B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) **BASIS OF SALE.**—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) **CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.**—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substance or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) **LAND AND WATER CONSERVATION FUND ACT.**—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601–4 et seq.).

(f) **TERMINATION.**—On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6).

SEC. 207. SPECIAL PROVISIONS.

43 USC 2306.

(a) **IN GENERAL.**—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal law in effect on the date of enactment of this Act.

(b) **OTHER LAW.**—This title shall not apply to land eligible for sale under—

(1) Public Law 96–568 (commonly known as the “Santini-Burton Act”) (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) **EXCHANGES.**—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

Approved July 25, 2000.

LEGISLATIVE HISTORY—S. 1892:

HOUSE REPORTS: No. 106-724 (Comm. on Resources).

SENATE REPORTS: No. 106-267 (Comm on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

July 11, 12, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

July 25, Presidential statement.



Public Law 106–249
106th Congress

An Act

To direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority.

July 26, 2000
[S. 986]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Griffith Project
Prepayment and
Conveyance Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Griffith Project Prepayment and Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “Authority” means the Southern Nevada Water Authority, organized under the laws of the State of Nevada.

(2) The term “Griffith Project” means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89–292, as amended (commonly known as the “Southern Nevada Water Project Act”) (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage and regulatory facilities, electric substations, and related works and improvements listed pursuant to “Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation”, on file at the Bureau of Reclamation and all interests in land acquired under Public Law 89–292, as amended.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “Acquired Land(s)” means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the United States from non-Federal sources by purchase, donation, exchange, or condemnation pursuant to Public Law 89–292, as amended for the Griffith Project.

(5) The term “Public Land” means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term “Withdrawn Land” means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 88–639 under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) **IN GENERAL.**—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, and replacement of the Griffith Project and subject to the prepayment by the Authority of the Federal repayment amount of \$121,204,348 (which amount shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, prior to the date on which prepayment occurs), the Secretary shall, pursuant to the provisions of this Act—

(1) convey and assign to the Authority all of the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project in existence as of the date of this Act;

(2) convey and assign to the Authority all of the right, title, and interest of the United States to Acquired Lands that were acquired for the Griffith Project; and

(3) convey and assign to the Authority all interests reserved and developed as of the date of this Act for the Griffith Project in lands patented by the United States.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right-of-way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights-of-way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

Deadline.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights-of-way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights-of-way.

(d) **REPORT.**—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.

The Secretary and the Authority may modify Contract No. 7-07-30-W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17,

Effective date.

1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 535), Public Law 88–639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

Effective date.

Approved July 26, 2000.

LEGISLATIVE HISTORY—S. 986:

HOUSE REPORTS: No. 106–717 (Comm. on Resources).

SENATE REPORTS: No. 106–173 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): July 10, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

July 29, Presidential statement.



Public Law 106–250
106th Congress

An Act

July 27, 2000
[H.R. 3544]

Pope John Paul
II Congressional
Gold Medal Act.
31 USC 5111
note.

To authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pope John Paul II Congressional Gold Medal Act”.

SEC. 2. FINDINGS.

The Congress finds that Pope John Paul II—

(1) is the spiritual leader of more than one billion Catholic Christians around the world and millions of Catholic Christians in America and has led the Catholic Church into its third millennium;

(2) is recognized in the United States and abroad as a preeminent moral authority;

(3) has dedicated his Pontificate to the freedom and dignity of every individual human being and tirelessly traveled to the far reaches of the globe as an exemplar of faith;

(4) has brought hope to millions of people all over the world oppressed by poverty, hunger, illness, and despair;

(5) transcending temporal politics, has used his moral authority to hasten the fall of godless totalitarian regimes, symbolized in the collapse of the Berlin wall;

(6) has promoted the inner peace of man as well as peace among mankind through his faith-inspired defense of justice; and

(7) has thrown open the doors of the Catholic Church, reconciling differences within Christendom as well as reaching out to the world’s other great religions.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) **PRESENTATION AUTHORIZED.**—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding.

(b) **DESIGN AND STRIKING.**—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal

with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 5. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medal authorized by this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sales of duplicate bronze medals under section 4 shall be deposited in the Numismatic Public Enterprise Fund.

Approved July 27, 2000.

LEGISLATIVE HISTORY—H.R. 3544:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 23, considered and passed House.

July 13, considered and passed Senate.



Public Law 106–251
106th Congress

An Act

July 27, 2000
[H.R. 3591]

To provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

31 USC 5111
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Both former President Ronald Reagan and his wife Nancy Reagan have distinguished records of public service to the United States, the American people, and the international community.

(2) As President, Ronald Reagan restored “the great, confident roar of American progress, growth, and optimism”, a pledge which he made before elected to office.

(3) President Ronald Reagan’s leadership was instrumental in uniting a divided world by bringing about an end to the cold war.

(4) The United States enjoyed sustained economic prosperity and employment growth during Ronald Reagan’s presidency.

(5) President Ronald Reagan’s wife Nancy not only served as a gracious First Lady but also as a proponent for preventing alcohol and drug use among the Nation’s youth by championing the “Just Say No” campaign.

(6) Together, Ronald and Nancy Reagan dedicated their lives to promoting national pride and to bettering the quality of life in the United States and throughout the world.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) **PRESENTATION AUTHORIZED.**—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

(b) **DESIGN AND STRIKING.**—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses) and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) **AUTHORIZATION.**—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Approved July 27, 2000.

LEGISLATIVE HISTORY—H.R. 3591:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 3, considered and passed House.

July 13, considered and passed Senate.



Public Law 106–252
106th Congress

An Act

July 28, 2000
[H.R. 4391]

To amend title 4 of the United States Code to establish sourcing requirements for State and local taxation of mobile telecommunication services.

Mobile Tele-
communications
Sourcing Act.
4 USC 1 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mobile Telecommunications Sourcing Act”.

SEC. 2. AMENDMENTS TO TITLE 4 OF THE UNITED STATES CODE.

(a) **AMENDMENT RELATING TO THE STATES.**—Chapter 4 of title 4 of the United States Code is amended by adding at the end the following:

“§ 116. Rules for determining State and local government treatment of charges related to mobile telecommunications services

“(a) **APPLICATION OF THIS SECTION THROUGH SECTION 126.**—This section through 126 of this title apply to any tax, charge, or fee levied by a taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications services, regardless of whether such tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee.

“(b) **GENERAL EXCEPTIONS.**—This section through 126 of this title do not apply to—

“(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;

“(2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not determined on a transactional basis;

“(3) any tax, charge, or fee that represents compensation for a mobile telecommunications service provider’s use of public rights of way or other public property, provided that such tax, charge, or fee is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication services;

“(4) any generally applicable business and occupation tax that is imposed by a State, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect

to use the sourcing method required in this section through 126 of this title;

“(5) any fee related to obligations under section 254 of the Communications Act of 1934; or

“(6) any tax, charge, or fee imposed by the Federal Communications Commission.

“(c) SPECIFIC EXCEPTIONS.—This section through 126 of this title—

“(1) do not apply to the determination of the taxing situs of prepaid telephone calling services;

“(2) do not affect the taxability of either the initial sale of mobile telecommunications services or subsequent resale of such services, whether as sales of such services alone or as a part of a bundled product, if the Internet Tax Freedom Act would preclude a taxing jurisdiction from subjecting the charges of the sale of such services to a tax, charge, or fee, but this section provides no evidence of the intent of Congress with respect to the applicability of the Internet Tax Freedom Act to such charges; and

“(3) do not apply to the determination of the taxing situs of air-ground radiotelephone service as defined in section 22.99 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

“§ 117. Sourcing rules

“(a) TREATMENT OF CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.—Notwithstanding the law of any State or political subdivision of any State, mobile telecommunications services provided in a taxing jurisdiction to a customer, the charges for which are billed by or for the customer’s home service provider, shall be deemed to be provided by the customer’s home service provider.

“(b) JURISDICTION.—All charges for mobile telecommunications services that are deemed to be provided by the customer’s home service provider under sections 116 through 126 of this title are authorized to be subjected to tax, charge, or fee by the taxing jurisdictions whose territorial limits encompass the customer’s place of primary use, regardless of where the mobile telecommunication services originate, terminate, or pass through, and no other taxing jurisdiction may impose taxes, charges, or fees on charges for such mobile telecommunications services.

“§ 118. Limitations

“Sections 116 through 126 of this title do not—

“(1) provide authority to a taxing jurisdiction to impose a tax, charge, or fee that the laws of such jurisdiction do not authorize such jurisdiction to impose; or

“(2) modify, impair, supersede, or authorize the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in sections 116 through 126 of this title.

“§ 119. Electronic databases for nationwide standard numeric jurisdictional codes

“(a) ELECTRONIC DATABASE.—

“(1) PROVISION OF DATABASE.—A State may provide an electronic database to a home service provider or, if a State

does not provide such an electronic database to home service providers, then the designated database provider may provide an electronic database to a home service provider.

“(2) FORMAT.—(A) Such electronic database, whether provided by the State or the designated database provider, shall be provided in a format approved by the American National Standards Institute’s Accredited Standards Committee X12, that, allowing for de minimis deviations, designates for each street address in the State, including to the extent practicable, any multiple postal street addresses applicable to one street location, the appropriate taxing jurisdictions, and the appropriate code for each taxing jurisdiction, for each level of taxing jurisdiction, identified by one nationwide standard numeric code.

“(B) Such electronic database shall also provide the appropriate code for each street address with respect to political subdivisions which are not taxing jurisdictions when reasonably needed to determine the proper taxing jurisdiction.

“(C) The nationwide standard numeric codes shall contain the same number of numeric digits with each digit or combination of digits referring to the same level of taxing jurisdiction throughout the United States using a format similar to FIPS 55-3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission, or their successors. Each address shall be provided in standard postal format.

“(b) NOTICE; UPDATES.—A State or designated database provider that provides or maintains an electronic database described in subsection (a) shall provide notice of the availability of the then current electronic database, and any subsequent revisions thereof, by publication in the manner normally employed for the publication of informational tax, charge, or fee notices to taxpayers in such State.

“(c) USER HELD HARMLESS.—A home service provider using the data contained in an electronic database described in subsection (a) shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of any error or omission in such database provided by a State or designated database provider. The home service provider shall reflect changes made to such database during a calendar quarter not later than 30 days after the end of such calendar quarter for each State that issues notice of the availability of an electronic database reflecting such changes under subsection (b).

Deadline.

“§ 120. Procedure if no electronic database provided

“(a) SAFE HARBOR.—If neither a State nor designated database provider provides an electronic database under section 119, a home service provider shall be held harmless from any tax, charge, or fee liability in such State that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction if, subject to section 121, the home service provider employs an enhanced zip code to assign each street address to a specific taxing jurisdiction for each level of taxing jurisdiction and exercises due diligence at each level of taxing jurisdiction to ensure that each such street address is assigned to the correct taxing jurisdiction. If an enhanced zip code overlaps boundaries of taxing jurisdictions of the same level, the home service provider

must designate one specific jurisdiction within such enhanced zip code for use in taxing the activity for such enhanced zip code for each level of taxing jurisdiction. Any enhanced zip code assignment changed in accordance with section 121 is deemed to be in compliance with this section. For purposes of this section, there is a rebuttable presumption that a home service provider has exercised due diligence if such home service provider demonstrates that it has—

“(1) expended reasonable resources to implement and maintain an appropriately detailed electronic database of street address assignments to taxing jurisdictions;

“(2) implemented and maintained reasonable internal controls to promptly correct misassignments of street addresses to taxing jurisdictions; and

“(3) used all reasonably obtainable and usable data pertaining to municipal annexations, incorporations, reorganizations and any other changes in jurisdictional boundaries that materially affect the accuracy of such database.

“(b) **TERMINATION OF SAFE HARBOR.**—Subsection (a) applies to a home service provider that is in compliance with the requirements of subsection (a), with respect to a State for which an electronic database is not provided under section 119 until the later of—

Applicability.

“(1) 18 months after the nationwide standard numeric code described in section 119(a) has been approved by the Federation of Tax Administrators and the Multistate Tax Commission; or

Deadline.

“(2) 6 months after such State or a designated database provider in such State provides such database as prescribed in section 119(a).

“§ 121. Correction of erroneous data for place of primary use

“(a) **IN GENERAL.**—A taxing jurisdiction, or a State on behalf of any taxing jurisdiction or taxing jurisdictions within such State, may—

“(1) determine that the address used for purposes of determining the taxing jurisdictions to which taxes, charges, or fees for mobile telecommunications services are remitted does not meet the definition of place of primary use in section 124(8) and give binding notice to the home service provider to change the place of primary use on a prospective basis from the date of notice of determination if—

“(A) if the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving such notice of determination; and

“(B) before the taxing jurisdiction gives such notice of determination, the customer is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the address is the customer’s place of primary use;

“(2) determine that the assignment of a taxing jurisdiction by a home service provider under section 120 does not reflect the correct taxing jurisdiction and give binding notice to the home service provider to change the assignment on a prospective basis from the date of notice of determination if—

“(A) if the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving such notice of determination; and

“(B) the home service provider is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the assignment reflects the correct taxing jurisdiction.

“§ 122. Determination of place of primary use

“(a) PLACE OF PRIMARY USE.—A home service provider shall be responsible for obtaining and maintaining the customer’s place of primary use (as defined in section 124). Subject to section 121, and if the home service provider’s reliance on information provided by its customer is in good faith, a taxing jurisdiction shall—

“(1) allow a home service provider to rely on the applicable residential or business street address supplied by the home service provider’s customer; and

“(2) not hold a home service provider liable for any additional taxes, charges, or fees based on a different determination of the place of primary use for taxes, charges, or fees that are customarily passed on to the customer as a separate itemized charge.

Effective date.

“(b) ADDRESS UNDER EXISTING AGREEMENTS.—Except as provided in section 121, a taxing jurisdiction shall allow a home service provider to treat the address used by the home service provider for tax purposes for any customer under a service contract or agreement in effect 2 years after the date of the enactment of the Mobile Telecommunications Sourcing Act as that customer’s place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdictions to which taxes, charges, or fees on charges for mobile telecommunications services are remitted.

“§ 123. Scope; special rules

“(a) ACT DOES NOT SUPERSEDE CUSTOMER’S LIABILITY TO TAXING JURISDICTION.—Nothing in sections 116 through 126 modifies, impairs, supersedes, or authorizes the modification, impairment, or supersession of, any law allowing a taxing jurisdiction to collect a tax, charge, or fee from a customer that has failed to provide its place of primary use.

“(b) ADDITIONAL TAXABLE CHARGES.—If a taxing jurisdiction does not otherwise subject charges for mobile telecommunications services to taxation and if these charges are aggregated with and not separately stated from charges that are subject to taxation, then the charges for nontaxable mobile telecommunications services may be subject to taxation unless the home service provider can reasonably identify charges not subject to such tax, charge, or fee from its books and records that are kept in the regular course of business.

“(c) NONTAXABLE CHARGES.—If a taxing jurisdiction does not subject charges for mobile telecommunications services to taxation, a customer may not rely upon the nontaxability of charges for mobile telecommunications services unless the customer’s home service provider separately states the charges for nontaxable mobile telecommunications services from taxable charges or the home

service provider elects, after receiving a written request from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business that reasonably identifies the nontaxable charges.

“§ 124. Definitions

“In sections 116 through 126 of this title:

“(1) CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.—The term ‘charges for mobile telecommunications services’ means any charge for, or associated with, the provision of commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

“(2) CUSTOMER.—

“(A) IN GENERAL.—The term ‘customer’ means—

“(i) the person or entity that contracts with the home service provider for mobile telecommunications services; or

“(ii) if the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications service, but this clause applies only for the purpose of determining the place of primary use.

“(B) The term ‘customer’ does not include—

“(i) a reseller of mobile telecommunications service; or

“(ii) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

“(3) DESIGNATED DATABASE PROVIDER.—The term ‘designated database provider’ means a corporation, association, or other entity representing all the political subdivisions of a State that is—

“(A) responsible for providing an electronic database prescribed in section 119(a) if the State has not provided such electronic database; and

“(B) approved by municipal and county associations or leagues of the State whose responsibility it would otherwise be to provide such database prescribed by sections 116 through 126 of this title.

“(4) ENHANCED ZIP CODE.—The term ‘enhanced zip code’ means a United States postal zip code of 9 or more digits.

“(5) HOME SERVICE PROVIDER.—The term ‘home service provider’ means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

“(6) LICENSED SERVICE AREA.—The term ‘licensed service area’ means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

“(7) **MOBILE TELECOMMUNICATIONS SERVICE.**—The term ‘mobile telecommunications service’ means commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

“(8) **PLACE OF PRIMARY USE.**—The term ‘place of primary use’ means the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs, which must be—

“(A) the residential street address or the primary business street address of the customer; and

“(B) within the licensed service area of the home service provider.

“(9) **PREPAID TELEPHONE CALLING SERVICES.**—The term ‘prepaid telephone calling service’ means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

“(10) **RESELLER.**—The term ‘reseller’—

“(A) means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service; and

“(B) does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider’s licensed service area.

“(11) **SERVING CARRIER.**—The term ‘serving carrier’ means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider’s or reseller’s licensed service area.

“(12) **TAXING JURISDICTION.**—The term ‘taxing jurisdiction’ means any of the several States, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

“§ 125. Nonseverability

“If a court of competent jurisdiction enters a final judgment on the merits that—

“(1) is based on Federal law;

“(2) is no longer subject to appeal; and

“(3) substantially limits or impairs the essential elements of sections 116 through 126 of this title,

then sections 116 through 126 of this title are invalid and have no legal effect as of the date of entry of such judgment.

“§ 126. No inference

“(a) **INTERNET TAX FREEDOM ACT.**—Nothing in sections 116 through this section of this title shall be construed as bearing on Congressional intent in enacting the Internet Tax Freedom Act or to modify or supersede the operation of such Act.

“(b) TELECOMMUNICATIONS ACT OF 1996.—Nothing in sections 116 through this section of this title shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 or the amendments made by such Act.”.

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 4 of title 4, United States Code, is amended by adding the following after the item relating to section 115:

- “116. Rules for determining State and local government treatment of charges related to mobile telecommunications services.
- “117. Sourcing rules.
- “118. Limitations.
- “119. Electronic databases for nationwide standard numeric jurisdictional codes.
- “120. Procedure if no electronic database provided.
- “121. Correction of erroneous data for place of primary use.
- “122. Determination of place of primary use.
- “123. Scope; special rules.
- “124. Definitions.
- “125. Nonseverability.
- “126. No inference.”.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

4 USC 116 note.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF ACT.—The amendment made by this Act shall apply only to customer bills issued after the first day of the first month beginning more than 2 years after the date of the enactment of this Act.

Approved July 28, 2000.

LEGISLATIVE HISTORY—H.R. 4391 (S. 1755):

HOUSE REPORTS: No. 106–719 (Comm. on the Judiciary).

SENATE REPORTS: No. 106–326 accompanying S. 1755 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 11, considered and passed House.

July 14, considered and passed Senate.



Public Law 106–253
106th Congress

An Act

July 28, 2000
[H.R. 4437]

To grant to the United States Postal Service the authority to issue semipostals,
and for other purposes.

Semipostal
Authorization
Act.
39 USC 101 note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Semipostal Authorization Act”.

SEC. 2. AUTHORITY TO ISSUE SEMIPOSTALS.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

“§ 416. Authority to issue semipostals

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘semipostal’ means a postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for a cause described in subsection (b); and

“(2) the term ‘agency’ means an Executive agency within the meaning of section 105 of title 5.

“(b) DISCRETIONARY AUTHORITY.—The Postal Service is hereby authorized to issue and sell semipostals under this section in order to advance such causes as the Postal Service considers to be in the national public interest and appropriate.

“(c) RATE OF POSTAGE.—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as they shall by regulation prescribe (in lieu of the procedures under chapter 36), except that—

“(1) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not to exceed 25 percent; and

“(2) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what they otherwise would have been if this section had not been enacted. The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

“(d) AMOUNTS BECOMING AVAILABLE.—

“(1) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

“(2) IDENTIFICATION OF APPROPRIATE CAUSES AND AGENCIES.—Decisions concerning the identification of appropriate causes and agencies to receive amounts becoming available from the sale of a semipostal under this section shall be made in accordance with applicable regulations under subsection (e).

“(3) DETERMINATION OF AMOUNTS.—

“(A) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be determined in a manner similar to that provided for under section 414(c)(2) (as in effect on July 1, 2000).

“(B) ADMINISTRATIVE COSTS.—Regulations under subsection (e) shall specifically address how the costs incurred by the Postal Service in carrying out this section shall be computed, recovered, and kept to a minimum.

“(4) OTHER FUNDING NOT TO BE AFFECTED.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

“(5) RECOVERY OF COSTS.—Before transferring to an agency in accordance with paragraph (1) any amounts becoming available from the sale of a semipostal over any period, the Postal Service shall ensure that it has recovered the full costs incurred by the Postal Service in connection with such semipostal through the end of such period.

“(e) REGULATIONS.—

“(1) IN GENERAL.—Except as provided in subsection (c), the Postal Service shall prescribe any regulations necessary to carry out this section, including provisions relating to—

“(A) which office or other authority within the Postal Service shall be responsible for making the decisions described in subsection (d)(2);

“(B) what criteria and procedures shall be applied in making those decisions; and

“(C) what limitations shall apply, if any, relating to the issuance of semipostals (such as whether more than one semipostal may be offered for sale at the same time).

“(2) NOTICE AND COMMENT.—Before any regulation is issued under this section, a copy of the proposed regulation shall be published in the Federal Register, and an opportunity shall be provided for interested parties to present written and, where practicable, oral comment. All regulations necessary to carry out this section shall be issued not later than 30 days before the date on which semipostals are first made available to the public under this section.

Federal Register,
publication.

Deadline.

“(f) ANNUAL REPORTS.—

“(1) IN GENERAL.—The Postmaster General shall include in each report rendered under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of any program established under this section.

“(2) SPECIFIC REQUIREMENT.—If any semipostal ceases to be offered during the period covered by such a report, the information contained in that report shall also include—

“(A) the commencement and termination dates for the sale of such semipostal;

“(B) the total amount that became available from the sale of such semipostal; and

“(C) of that total amount, how much was applied toward administrative costs.

For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, with respect to that semipostal (for the year covered by such report), the information described in subparagraphs (B) and (C).

“(g) TERMINATION.—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.”

39 USC 416 note.

(b) REPORTS BY AGENCIES.—Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection, with respect to such year, to the congressional committees with jurisdiction over the United States Postal Service. Each such report shall include—

(1) the total amount of funding received by such agency under such section 416 during the year;

(2) an accounting of how any funds received by such agency under such section 416 were allocated or otherwise used by such agency in such year; and

(3) a description of any significant advances or accomplishments in such year that were funded, in whole or in part, out of amounts received by such agency under such section 416.

Deadlines.
39 USC 416 note.

(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—

(1) INTERIM REPORT.—The General Accounting Office shall submit to the President and each House of Congress an interim report on the operation of the program established under section 416 of title 39, United States Code (as amended by this section) not later than 4 years after semipostals are first made available to the public under such section.

(2) FINAL REPORT.—The General Accounting Office shall transmit to the President and each House of Congress a final report on the operation of the program established under such section 416, not later than 6 months before the date on which it is scheduled to expire. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, together with any recommendations it considers appropriate.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

“416. Authority to issue semipostals.”.

39 USC 416 note.

(e) EFFECTIVE DATE.—The program under section 416 of title 39, United States Code (as amended by this section) shall be established within 6 months after the date of the enactment of this Act.

SEC. 3. EXTENSION OF AUTHORITY TO ISSUE SEMIPOSTALS FOR BREAST CANCER RESEARCH.

(a) IN GENERAL.—Section 414(g) of title 39, United States Code, is amended to read as follows:

“(g) This section shall cease to be effective after July 29, 2002, or the end of the 2-year period beginning on the date of the enactment of the Semipostal Authorization Act, whichever is later.”.

Termination
date.

(b) REPORTING REQUIREMENT.—No later than 3 months and no earlier than 6 months before the date as of which section 414 of title 39, United States Code (as amended by this section) is scheduled to expire, the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall be in addition to the report required by section 2(b) of Public Law 105–41, and shall address at least the same matters as were required to be included in that earlier report.

Deadline.
39 USC 414 note.

Approved July 28, 2000.

LEGISLATIVE HISTORY—H.R. 4437:

HOUSE REPORTS: No. 106–734 (Comm. on Government Reform).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 17, considered and passed House.

July 26, considered and passed Senate.



Public Law 106–254
106th Congress

An Act

Aug. 2, 2000
[H.R. 1791]

To amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

Federal Law
Enforcement
Animal
Protection Act of
2000.
18 USC 1368
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Law Enforcement Animal Protection Act of 2000”.

SEC. 2. HARMING ANIMALS USED IN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“§ 1368. Harming animals used in law enforcement

“(a) Whoever willfully and maliciously harms any police animal, or attempts or conspires to do so, shall be fined under this title and imprisoned not more than 1 year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury or the death of the animal, the maximum term of imprisonment shall be 10 years.

“(b) In this section, the term ‘police animal’ means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following new item:

“1368. Harming animals used in law enforcement.”.

Approved August 2, 2000.

LEGISLATIVE HISTORY—H.R. 1791:

HOUSE REPORTS: No. 106–372 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 12, considered and passed House.

Vol. 146 (2000): July 19, considered and passed Senate.



Public Law 106–255
106th Congress

An Act

To foster cross-border cooperation and environmental cleanup in Northern Europe.

Aug. 2, 2000

[H.R. 4249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cross-Border Cooperation and Environmental Safety in Northern Europe Act of 2000”.

Cross-Border
Cooperation and
Environmental
Safety in
Northern Europe
Act of 2000.
Hazardous
substances.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Northern Europe is an increasingly vital part of Europe and one that offers great opportunities for United States investment.

(2) Northern Europe offers an excellent opportunity to make progress toward the United States vision of a secure, prosperous, and stable Europe, in part because of—

(A) historical tradition of regional cooperation;

(B) the opportunity to engage Russia in positive, cooperative activities with its neighbors to the west;

(C) commitment by the Baltic states to regional cooperation and integration into western institutions; and

(D) longstanding, strong ties with the United States.

(3) The United States Northern Europe Initiative (NEI) provides the conceptual and operational framework for United States policy in the region, focused on developing a regional network of cooperation in the important areas of business and trade promotion, law enforcement, the environment, energy, civil society, and public health.

(4) A central objective of the United States Northern Europe Initiative is to promote cross-border cooperation among the countries in the region.

(5) A wide variety of regional and cross-border projects have been initiated under the United States Northern Europe Initiative since the Initiative was established in 1997, including the following:

(A) A United States-Lithuanian training program for entrepreneurs from Belarus and Kaliningrad.

(B) The Great Lakes-Baltic Sea Partnership program that is being implemented by the Environmental Protection Agency.

(C) A Center of Excellence for Treatment of Multidrug-Resistant Tuberculosis in Riga, Latvia.

(D) A regional HIV/AIDS strategy being developed under United States and Finnish leadership.

(E) Multiple efforts to combat organized crime, including regional seminars for police officers and prosecutors.

(F) Programs to encourage reform of the Baltic electricity market and encourage United States investment in such market.

(G) Language and job training programs for Russian-speaking minorities in Latvia and Estonia to promote social integration in those countries.

(H) A mentoring partnership program for woman entrepreneurs in the northwest region of Russia and the Baltic states, as part of broader efforts to promote women's participation in political and economic life.

(6) Norway, Sweden, and Finland have made considerable efforts to provide assistance to the newly independent Baltic states and to the Northwest region of Russia. In particular, the United States notes the request placed before the European Union by Finland in 1999 for the creation and extensive funding by the European Union of a "Northern Dimension" Initiative to substantially address the problems that now exist in Northern Europe with regard to economic development, protection of the environment, the safety and containment of nuclear materials, and other issues.

(7) The United States commends the endorsement of the "Northern Dimension" Initiative by the European Council at its meeting in Helsinki, Finland in December 1999 and calls on the European Union to act on that endorsement through the provision of substantial funding for the Initiative.

(8) While the European Union, its member states, and other European countries should clearly take the lead in addressing the challenges posed in Northern Europe, in particular through appropriate yet substantial assistance provided by the European Union, the United States Northern Europe Initiative, and this Act are intended to supplement such efforts and build on the considerable assistance that the United States has already provided to the Baltic states and the Russian Federation. Partnership with other countries in the region means modest United States investment can have significant impact.

(9) The United States Northern Europe Initiative's focus on regional environmental challenges is particularly important. Northern Europe is home to significant environmental problems, particularly the threat posed by nuclear waste from Russian submarines, icebreakers, and nuclear reactors.

(10) In particular, 21,000 spent fuel assemblies from Russian submarines are lying exposed near Andreyeva Bay, nearly 60 dangerously decrepit nuclear submarines, many in danger of sinking, are languishing in the Murmansk area of Northwest Russia, whole reactors and radioactive liquid waste are stored on unsafe floating barges, and there are significant risks of marine and atmospheric contamination from accidents arising from loss of electricity or fire on deteriorating, poorly monitored nuclear submarines.

(11) This waste poses a threat to the safety and stability of Northern Europe and to countries of the Eurasian continent.

(12)(A) In addition, the Environmental Protection Agency has facilitated the expansion and upgrading of a facility for

the treatment of low-level liquid radioactive waste from the decommissioning of nuclear submarines docked at naval facilities in the Arctic region of Russia.

(B) The Environmental Protection Agency has also initiated a project to construct an 80-ton prototype cask for the storage and transport of civilian-controlled spent nuclear fuel, much of it damaged and currently stored onboard an aging vessel anchored in Murmansk Harbor. Currently in the design phase, this project is scheduled for completion in 2000.

(13) Working with the countries in the region to address these environmental problems remains vital to the long-term national interest of the United States.

(14) The United States and other countries are currently negotiating a number of agreements with Russia which will provide internationally accepted legal protections for the United States and other countries that provide nuclear waste management assistance to Russia. Regrettably, it has not yet been possible to resolve remaining differences over liability, taxation of assistance, privileges and immunities for foreign contractors, and audit rights.

(15) Concluding these agreements is vital to the continued provision of such assistance and to the possible development of new programs.

(16) With the election of Russian President Vladimir Putin, the opportunity presents itself to surmount these problems, to conclude these outstanding agreements, and to allow assistance programs to move forward to alleviate this problem.

(17) The United States Government is currently studying whether dismantlement of multi-purpose submarines is in the national interest.

(b) PURPOSE.—The purpose of this Act is to demonstrate concrete support for continued cross-border cooperation in Northern Europe and immediate efforts to assist in the clean up of nuclear waste in that region.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the United States Northern Europe Initiative is a sound framework for future United States involvement in Northern Europe;

(2) the European Union should move expeditiously to authorize and fund the proposed “Northern Dimension” Initiative at appropriate yet substantial levels of assistance;

(3) the United States should continue to support a wide-ranging strengthening of democratic and civic institutions on a regional basis to provide a foundation for political stability and investment opportunities, including cross-border exchanges, in Northern Europe;

(4) the United States should demonstrate continued commitment to address environmental security challenges in Northwest Russia, in cooperation with partners in the region;

(5) recently-elected Russian President Vladimir Putin should rapidly conclude pending nuclear waste management agreements to enable assistance programs to go forward; and

(6) assistance to Russia on nuclear waste management should only be provided after issues related to liability, taxation

of assistance, privileges and immunities for foreign contractors, and audit rights have been resolved.

SEC. 4. SUPPORT FOR UNITED STATES NORTHERN EUROPE INITIATIVE PROJECTS.

(a) **AVAILABILITY OF AMOUNTS FROM EAST EUROPEAN AND THE BALTIC STATES ASSISTANCE.**—Of the amounts available for fiscal year 2001 to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for Eastern European Democracy (SEED) Act of 1989 for assistance and for related programs for Eastern Europe and the Baltic states, not less than \$2,000,000 shall be used for projects described in subsection (c).

(b) **AVAILABILITY OF AMOUNTS FROM INDEPENDENT STATES OF THE FORMER SOVIET UNION ASSISTANCE.**—Of the amounts available for fiscal year 2001 to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 for assistance for the independent states of the former Soviet Union and related programs, not less than \$2,000,000 shall be used for the projects described in subsection (c).

(c) **PROJECTS DESCRIBED.**—The projects described in this subsection are United States Northern Europe Initiative projects relating to environmental cleanup, law enforcement, public health, energy, business and trade promotion, and civil society.

SEC. 5. REPORT ON ENVIRONMENTAL SECURITY.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall prepare and submit to the Congress a report on—

(1) the threat to the environmental security of the countries of Northern Europe and other countries of Europe and Asia presented by Russian marine nuclear reactors, waste, and contamination; and

(2) identifying the possibilities for new and expanded United States and multilateral assistance programs for environmental clean-up in Northwest Russia, including technical exchanges and private-public partnerships.

SEC. 6. DEFINITIONS.

In this Act:

(1) **NORTHERN EUROPE.**—The term “Northern Europe” means the northwest region of the Russian Federation (including Kaliningrad), the Republic of Belarus, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Kingdom of Denmark, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Republic of Poland, and the Kingdom of Sweden.

(2) **UNITED STATES NORTHERN EUROPE INITIATIVE.**—The term “United States Northern Europe Initiative” means the framework agreement established in 1997 between the United States and the countries of Northern Europe to promote stability in the Baltic Sea region and to strengthen key institutions

and security structures of the United States and the countries
of Northern Europe.

Approved August 2, 2000.

LEGISLATIVE HISTORY—H.R. 4249:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 15, considered and passed House.

July 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Aug. 3, Presidential statement.



Public Law 106–256
106th Congress

An Act

Aug. 7, 2000

[S. 2327]

Oceans Act of
2000.
Environmental
protection.
Fish and fishing.
Inter-
governmental
relations.
33 USC 857–19
note.
33 USC 857–19
note.

To establish a Commission on Ocean Policy, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oceans Act of 2000”.

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources

and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

33 USC 857–19
note.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

President.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

President.
Deadline.
Congress.

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

Establishment.

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

Public
information.

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

Federal Register,
publication.

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

Records.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed. Deadline.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States: Alaska.

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy. Deadline.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination

mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) **CONSIDERATION OF FACTORS.**—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) **LIMITATIONS.**—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) **PUBLIC AND COASTAL STATE REVIEW.**—

(1) **NOTICE.**—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) **INCLUSION OF GOVERNORS' COMMENTS.**—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) **ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.**—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) **TERMINATION.**—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section a total of \$6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) **NATIONAL OCEAN POLICY.**—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) **COOPERATION AND CONSULTATION.**—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing

Federal Register,
publication.

President.
33 USC 857-19
note.
Deadline.

Effective date.
President.
33 USC 857-19
and note.

of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

33 USC 857–19
note.

In this Act:

(1) **MARINE ENVIRONMENT.**—The term “marine environment” includes—

- (A) the oceans, including coastal and offshore waters;
- (B) the continental shelf; and
- (C) the Great Lakes.

(2) **OCEAN AND COASTAL RESOURCE.**—The term “ocean and coastal resource” means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) **COMMISSION.**—The term “Commission” means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

33 USC 857–19
note.

This Act shall become effective on January 20, 2001.

Approved August 7, 2000.

LEGISLATIVE HISTORY—S. 2327:

SENATE REPORTS: No. 106–301 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 26, considered and passed Senate.

July 25, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Presidential remarks and statement.



Public Law 106–257
106th Congress

An Act

Aug. 8, 2000

[S. 1629]

Oregon Land
Exchange Act of
2000.

To provide for the exchange of certain land in the State of Oregon.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oregon Land Exchange Act of 2000”.

SEC. 2. FINDINGS.

Congress finds that—

(1) certain parcels of private land located in northeast Oregon are intermingled with land owned by the United States and administered—

(A) by the Secretary of the Interior as part of the Central Oregon Resource Area in the Prineville Bureau of Land Management District and the Baker Resource Area in the Vale Bureau of Land Management District; and

(B) by the Secretary of Agriculture as part of the Malheur National Forest, the Wallowa-Whitman National Forest, and the Umatilla National Forest;

(2) the surface estate of the private land described in paragraph (1) is intermingled with parcels of land that are owned by the United States or contain valuable fisheries and wildlife habitat desired by the United States;

(3) the consolidation of land ownerships will facilitate sound and efficient management for both public and private lands;

(4) the improvement of management efficiency through the land tenure adjustment program of the Department of the Interior, which disposes of small isolated tracts having low public resource values within larger blocks of contiguous parcels of land, would serve important public objectives, including—

(A) the enhancement of public access, aesthetics, and recreation opportunities within or adjacent to designated wild and scenic river corridors;

(B) the protection and enhancement of habitat for threatened, endangered, and sensitive species within unified landscapes under Federal management; and

(C) the consolidation of holdings of the Bureau of Land Management and the Forest Service—

(i) to facilitate more efficient administration, including a reduction in administrative costs to the United States; and

(ii) to reduce right-of-way, special use, and other permit processing and issuance for roads and other facilities on Federal land;

(5) time is of the essence in completing a land exchange because further delays may force the identified landowners to construct roads in, log, develop, or sell the private land and thereby diminish the public values for which the private land is to be acquired; and

(6) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for—

(A) protection of threatened and endangered species habitat; and

(B) permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term “Clearwater” means Clearwater Land Exchange—Oregon, an Oregon partnership that signed the document entitled “Assembled Land Exchange Agreement between the Bureau of Land Management and Clearwater Land Exchange—Oregon for the Northeast Oregon Assembled Lands Exchange, OR 51858”, dated October 30, 1996, and the document entitled “Agreement to initiate” with the Forest Service, dated June 30, 1995, or its successors or assigns;

(2) the term “identified landowners” means private landowners identified by Clearwater and willing to exchange private land for Federal land in accordance with this Act;

(3) the term “map” means the map entitled “Northeast Oregon Assembled Land Exchange/Triangle Land Exchange”, dated November 5, 1999; and

(4) the term “Secretary” means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of the Interior shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) BLM LANDS TO BE CONVEYED.—The parcels of Federal lands to be conveyed by the Secretary to the appropriate identified landowners are as follows—

(1) the parcel comprising approximately 45,824 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 2,755 acres located in Wheeler County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(3) the parcel comprising approximately 726 acres located in Morrow County, Oregon, within the Baker Resource Area of the Vale District of Land Management, as generally depicted on the map; and

(4) the parcel comprising approximately 1,015 acres located in Umatilla County, Oregon, within the Baker Resource Area

in the Vale District of the Bureau of Land Management, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows—

(1) the parcel comprising approximately 31,646 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 1,960 acres located in Morrow County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map; and

(3) the parcel comprising approximately 10,544 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of Agriculture shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) FOREST SERVICE LANDS TO BE CONVEYED.—The National Forest System lands to be conveyed by the Secretary to the appropriate identified landowners comprise approximately 3,901 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcels of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows—

(1) the parcel comprising approximately 3,752 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map;

(2) the parcel comprising approximately 1,702 acres located in Baker and Grant Counties, Oregon, within the Wallowa-Whitman National Forest, as generally depicted on the map; and

(3) the parcel comprising approximately 246 acres located in Grant and Wallowa Counties, Oregon, within or adjacent to the Umatilla National Forest, as generally depicted on the map.

SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the land exchanges implemented by this Act shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(b) MULTIPLE TRANSACTIONS.—The Secretary of the Interior and the Secretary of Agriculture may carry out a single or multiple transactions to complete the land exchanges authorized in this Act.

(c) COMPLETION OF EXCHANGES.—Any land exchange under this Act shall be completed not later than 90 days after the Secretary and Clearwater reach an agreement on the final appraised values of the lands to be exchanged.

Deadline.

(d) APPRAISALS.—(1) The values of the lands to be exchanged under this Act shall be determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) To ensure the equitable and uniform appraisal of the lands to be exchanged under this Act, all appraisals shall determine the best use of the lands in accordance with the law of the State of Oregon, including use for the protection of wild and scenic river characteristics as provided in the Oregon Administrative Code.

(3)(A) all appraisals of lands to be exchanged under this Act shall be completed, reviewed and submitted to the Secretary not later than 90 days after the date Clearwater requests the exchange.

Deadline.

(B) Not less than 45 days before an exchange of lands under this Act is completed, a comprehensive summary of each appraisal for the specific lands to be exchanged shall be available for public inspection in the appropriate Oregon offices of the Secretary, for a 15-day period.

Public information.

(4) After the Secretary approves the final appraised values of any parcel of the lands to be conveyed under this Act, the value of such parcel shall not be reappraised or updated before the completion of the applicable land exchange, except for any adjustments in value that may be required under subsection (e)(2).

(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The value of the lands to be exchanged under this Act shall be equal, or if the values are not equal, they shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)) or this subsection.

(B) The Secretary shall retain any cash equalization payments received under subparagraph (A) to use, without further appropriation, to purchase land from willing sellers in the State of Oregon for addition to lands under the administration of the Bureau of Land Management or the Forest Service, as appropriate.

(2) If the value of the private lands exceeds the value of the Federal lands by 25 percent or more, Clearwater, after consultation with the affected identified landowners and the Secretary, shall withdraw a portion of the private lands necessary to equalize the values of the lands to be exchanged.

(3) If any of the private lands to be acquired do not include the rights to the subsurface estate, the Secretary may reserve the subsurface estate in the Federal lands to be exchanged.

(f) LAND TITLES.—(1) Title to the private lands to be conveyed to the Secretary shall be in a form acceptable to the Secretary.

(2) The Secretary shall convey all right, title, and interest of the United States in the Federal lands to the appropriate identified landowners, except to the extent the Secretary reserves the subsurface estate under subsection (c)(2).

(g) MANAGEMENT OF LANDS.—(1) Lands acquired by the Secretary of the Interior under this Act shall be administered in accordance with sections 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), and lands acquired by the Secretary of Agriculture shall be administered in accordance with sections 205(d) of such Act (43 U.S.C. 1715(d)).

(2) Lands acquired by the Secretary of the Interior pursuant to section 4 which are within the North Fork of the John Day

subwatershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The Secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 8, 2000.

LEGISLATIVE HISTORY—S. 1629:

HOUSE REPORTS: No. 106–747 (Comm. on Resources).

SENATE REPORTS: No. 106–248 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

July 25, considered and passed House.



Public Law 106–258
106th Congress

An Act

To amend the Act establishing Women’s Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

Aug. 8, 2000
[S. 1910]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law 96–607 (94 Stat. 3547; 16 U.S.C. 4101l(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after “park”; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTION.—Section 1601(c)(8) of Public Law 96–607 (94 Stat. 3547; 16 U.S.C. 4101l(c)(8)) is amended by striking “Williams” and inserting “Main”.

Approved August 8, 2000.

LEGISLATIVE HISTORY—S. 1910:

SENATE REPORTS: No. 106–268 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

July 25, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Aug. 8, Presidential statement.



Public Law 106–259
106th Congress

An Act

Aug. 9, 2000
[H.R. 4576]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Department of
Defense
Appropriations
Act, 2001.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$22,175,357,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$17,772,297,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and

expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$6,833,100,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$18,174,284,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,473,001,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,576,174,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent

duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$448,886,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$971,024,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,782,536,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,641,081,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law;

and not to exceed \$10,616,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$19,144,431,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds made available under this heading, \$5,000,000, to remain available until expended, shall be transferred to “National Park Service—Construction” within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

Deadline.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$5,146,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$23,419,360,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,778,758,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,878,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$22,383,521,000 and, in addition, \$50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That notwithstanding any other provision of law, that of the funds available under this heading, \$500,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

Grants.
Florida Memorial
College.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$11,844,480,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$30,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the amount provided under this heading, \$5,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance, procurement, and research, development, test and evaluation appropriations accounts, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,562,118,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$978,946,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$145,959,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,903,659,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$3,333,835,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$3,474,375,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$3,938,777,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; the Defense Health Program appropriation; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$8,574,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$389,932,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$294,038,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$376,300,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$21,412,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$231,499,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$55,900,000, to remain available until September 30, 2002.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, \$443,400,000, to remain available until September 30, 2003: *Provided*, That of the amounts provided under this heading, \$25,000,000 shall be available only to support the dismantling and disposal of nuclear

submarines and submarine reactor components in the Russian Far East.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks), \$160,500,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2002, as follows:

Army, \$100,000,000;
Navy, \$20,000,000;
Marine Corps, \$10,000,000;
Air Force, \$20,000,000; and
Defense-Wide, \$10,500,000:

Provided, That notwithstanding any other provision of law, of the funds appropriated under this heading for Defense-Wide activities, the entire amount shall only be available for grants by the Secretary of Defense to local educational authorities which maintain primary and secondary educational facilities located within Department of Defense installations, and which are used primarily by Department of Defense military and civilian dependents, for facility repairs and improvements to such educational facilities: *Provided further*, That such grants to local educational authorities may be made for repairs and improvements to such educational facilities as required to meet classroom size requirements: *Provided further*, That the cumulative amount of any grant or grants to any single local education authority provided pursuant to the provisions under this heading shall not exceed \$1,500,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,571,812,000, to remain available for obligation until September 30, 2003: *Provided*, That of the \$189,601,000 appropriated under this heading for the procurement of UH-60 helicopters, \$78,520,000 shall be available only for the procurement of eight such aircraft to be provided to the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,320,681,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES,
ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,472,524,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,220,516,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing

purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,497,009,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,477,138,000, to remain available for obligation until September 30, 2003.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,461,600,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$498,349,000, to remain available for obligation until September 30, 2003.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway;

procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, \$4,053,653,000;

Carrier Replacement Program (AP), \$21,869,000;

NSSN, \$1,198,012,000;

NSSN (AP), \$508,222,000;

CVN Refuelings, \$698,441,000;

CVN Refuelings (AP), \$25,000,000;

Submarine Refuelings, \$210,414,000;

Submarine Refuelings (AP), \$72,277,000;

DDG-51 destroyer program, \$2,703,559,000;

DDG-51 destroyer program (AP), \$456,843,000;

LPD-17 (AP), \$560,700,000;

LHD-8, \$460,000,000;

ADC(X), \$338,951,000;

LCAC landing craft air cushion program, \$15,615,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, \$291,077,000;

In all: \$11,614,633,000, to remain available for obligation until September 30, 2005: *Provided*, That additional obligations may be incurred after September 30, 2005, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That the Secretary of the Navy is hereby granted the authority to enter into a contract for an LHD-1 Amphibious Assault Ship which shall be funded on an incremental basis: *Provided further*, That the amount made available for the LPD-17 program may be obligated for expenditure for the procurement of contractor furnished and Government furnished material and equipment, and necessary advance construction activities.

Contracts.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 63 passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,557,380,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 33 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,233,268,000, to remain available for obligation until September 30, 2003.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$7,583,345,000, to remain available for obligation until September 30, 2003.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,863,778,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, \$647,808,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 173, passenger motor vehicles for replacement only, and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$7,763,747,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 115 passenger motor vehicles for replacement only; the purchase of 10 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,346,258,000, to remain available for obligation until September 30, 2003.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$3,000,000 only for microwave power tubes and the wireless vibration sensor supplier initiative and to remain available until expended.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$100,000,000, to remain available for obligation until September 30, 2003: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority

Deadline.

assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$6,342,552,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,494,374,000, to remain available for obligation until September 30, 2002: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operation Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$14,138,244,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$11,157,375,000, to remain available for obligation until September 30, 2002.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$227,060,000, to remain available for obligation until September 30, 2002.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$916,276,000: *Provided*, That during fiscal year 2001, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 330 passenger carrying motor vehicles for replacement only for the Defense Security Service.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), \$400,658,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

NATIONAL DEFENSE AIRLIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Airlift Fund programs, projects, and activities, \$2,840,923,000, to remain available until expended: *Provided*, That these funds shall only be available for transfer to the appropriate C-17 program P-1 line items of title III of this Act for the purposes specified in this section: *Provided further*, That the funds transferred under the authority provided within this section shall be merged with and shall be available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$12,117,779,000, of which \$11,414,393,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2002; of which \$290,006,000, to remain available for obligation until September 30, 2003, shall be for Procurement; of which \$413,380,000, to remain available for obligation until September 30, 2002, shall be for Research, development, test and evaluation, and of which \$10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$980,100,000, of which \$600,000,000 shall be for Operation and maintenance to remain available until September 30, 2002, \$105,700,000 shall be for Procurement to remain available until September 30, 2003, and \$274,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *Provided*, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program: *Provided further*, That the amount available under Operation and maintenance shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1-98-L-0001 to the Umatilla Indian Tribe, the current lessee.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$869,000,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*,

That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$147,545,000, of which \$144,245,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$3,300,000 to remain available until September 30, 2003, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$148,631,000, of which \$22,577,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, \$34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2003, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities to conduct document exploitation of materials collected in Federal, State, and local law enforcement activity.

PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$60,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$6,950,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584
note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers

Notification.

made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the “Foreign Currency Fluctuations, Defense” appropriation and the “Operation and Maintenance” appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government’s liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

10 USC 2306b
note.

Javelin missile; M2A3 Bradley fighting vehicle; DDG-51 destroyer; and UH-60/CH-60 aircraft.

Reports.
Deadline.
10 USC 401 note.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2001, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

Applicability.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the

enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

Applicability.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

Applicability.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the

10 USC 2687
note.

Department of Defense's budget submission for fiscal year 2002 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

Reports.
Deadline.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8022. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5,

United States Code, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8024. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8025. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8026. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

Sec. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8028. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase “qualified nonprofit agency for the blind or other severely handicapped” means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 46–48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility’s direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of

Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8031. Of the funds made available in this Act, not less than \$21,417,000 shall be available for the Civil Air Patrol Corporation, of which \$19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes \$2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for “Civil Air Patrol” under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2001, not more than 6,227 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,009 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

Reports.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may

Applicability.

waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

Certification. SEC. 8035. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

41 USC 10b-2. SEC. 8036. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary’s blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

Reports. (b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2001. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and

for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

President.
10 USC 221 note.

SEC. 8039. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8040. Notwithstanding any other provision of law, funds available for “Drug Interdiction and Counter-Drug Activities, Defense” may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8041. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002, and the specific expenditures to be made using funds transferred from this account during fiscal year 2001.

Reports.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense

Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2002 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2002 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8045. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2002: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8046. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8047. Of the funds appropriated by the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8048. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8049. None of the funds appropriated in this Act may be used to fill the commander’s position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8050. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year

50 USC 403u
note.

ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8051. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8052. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8053. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C.

414) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8054. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8055. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

“Aircraft Procurement, Army, 2000/2002”, \$7,000,000;
 “Missile Procurement, Army, 2000/2002”, \$6,000,000;
 “Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002”, \$7,000,000;
 “Procurement of Ammunition, Army, 2000/2002”, \$5,000,000;
 “Other Procurement, Army, 2000/2002”, \$16,000,000;
 “Aircraft Procurement, Navy, 2000/2002”, \$24,125,000;
 “Weapons Procurement, Navy, 2000/2002”, \$3,853,000;
 “Procurement of Ammunition, Navy and Marine Corps, 2000/2002”, \$1,463,000;
 “Shipbuilding and Conversion, Navy, 2000/2004”, \$19,644,000;
 “Other Procurement, Navy, 2000/2002”, \$12,032,000;
 “Procurement, Marine Corps, 2000/2002”, \$3,623,000;
 “Aircraft Procurement, Air Force, 2000/2002”, \$32,743,000;
 “Missile Procurement, Air Force, 2000/2002”, \$5,500,000;
 “Procurement of Ammunition, Air Force, 2000/2002”, \$1,232,000;
 “Other Procurement, Air Force, 2000/2002”, \$19,902,000;
 “Procurement, Defense-Wide, 2000/2002”, \$6,683,000;
 “Research, Development, Test and Evaluation, Army, 2000/2001”, \$20,592,000;
 “Research, Development, Test and Evaluation, Navy, 2000/2001”, \$35,621,000;
 “Research, Development, Test and Evaluation, Air Force, 2000/2001”, \$53,467,000;
 “Research, Development, Test and Evaluation, Defense-Wide, 2000/2001”, \$36,297,000;
 “Defense Health Program, 2000/2002”, \$808,000; and
 “Chemical Agents and Munitions Destruction, Army, 2000/2002”, \$1,103,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project and activity within each appropriation account: *Provided further*, That such proportionate reduction shall not be applied to any funds that will not remain available for obligation beyond fiscal year 2000: *Provided further*, That the following additional amounts are hereby rescinded as of the date

of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

- “Other Procurement, Army, 1999/2001”, \$3,000,000;
- “Aircraft Procurement, Air Force, 1999/2001”, \$12,300,000;
- “Other Procurement, Air Force, 1999/2001”, \$8,000,000;
- “Procurement of Weapons and Tracked Combat Vehicles, Army, 2000/2002”, \$23,000,000;
- “Other Procurement, Army, 2000/2002”, \$29,300,000;
- “Aircraft Procurement, Navy, 2000/2002”, \$6,500,000;
- “Aircraft Procurement, Air Force, 2000/2002”, \$24,000,000;
- “Missile Procurement, Air Force, 2000/2002”, \$36,192,000;
- “Other Procurement, Air Force, 2000/2002”, \$20,000,000;
- “Research, Development, Test and Evaluation, Army, 2000/2001”, \$22,000,000;
- “Research, Development, Test and Evaluation, Air Force, 2000/2001”, \$30,000,000; and
- “Reserve Mobilization Income Insurance Fund”, \$13,000,000.

SEC. 8056. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8057. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8058. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8059. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8060. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2000 level: *Provided*, That the Service

Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8061. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,222,000,000.

10 USC 374 note.

SEC. 8062. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 403f
note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8063. Appropriations available in this Act under the heading “Operation and Maintenance, Defense-Wide” for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8064. None of the funds appropriated in fiscal year 2000 and by this Act may be used for the procurement of vessel propellers and ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of “commercial items”, as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8065. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8066. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8067. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8068. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8069. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8070. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

Reports.

SEC. 8071. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8072. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8073. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8074. None of the funds provided in title II of this Act for “Former Soviet Union Threat Reduction” may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading

“Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8076. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

Applicability.

SEC. 8077. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8078. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2002 budget request was reduced because the Congress appropriated funds above the President’s budget request for that specific activity for fiscal year 2001.

Reports.

SEC. 8079. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8080. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8081. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8082. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8083. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8084. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$800,000,000 to reflect working capital fund cash balance and rate stabilization adjustments, to be distributed as follows:

“Operation and Maintenance, Army”, \$40,794,000;
“Operation and Maintenance, Navy”, \$271,856,000;

“Operation and Maintenance, Marine Corps”, \$5,006,000;
 “Operation and Maintenance, Air Force”, \$294,209,000;
 “Operation and Maintenance, Defense-Wide”, \$10,864,000;
 “Operation and Maintenance, Navy Reserve”, \$31,669,000;
 “Operation and Maintenance, Marine Corps Reserve”,
 \$563,000;
 “Operation and Maintenance, Air Force Reserve”,
 \$43,974,000;
 “Operation and Maintenance, Army National Guard”,
 \$15,572,000; and
 “Operation and Maintenance, Air National Guard”,
 \$85,493,000.

SEC. 8086. Notwithstanding any other provision of this Act, the amounts provided in all appropriation accounts in titles III and IV of this Act are hereby reduced by 0.7 percent: *Provided*, That these reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account: *Provided further*, That not later than 60 days after the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit a report to the congressional defense committees listing the specific funding reductions allocated to each category listed in the preceding proviso pursuant to this section.

Deadline.
Reports.

SEC. 8087. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8088. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

Applicability.

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8089. Funds made available to the Civil Air Patrol in this Act under the heading “Drug Interdiction and Counter-Drug Activities, Defense” may be used for the Civil Air Patrol Corporation’s counterdrug program, including its demand reduction program involving youth programs, as well as operational and training

drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

10 USC 1073
note.

SEC. 8090. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 2000, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8091. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8092. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

Deadline.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8093. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within

the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8094. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$856,900,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

- “Military Personnel, Army”, \$177,200,000;
- “Military Personnel, Navy”, \$53,400,000;
- “Military Personnel, Marine Corps”, \$14,200,000;
- “Military Personnel, Air Force”, \$147,600,000;
- “Operation and Maintenance, Army”, \$272,200,000;
- “Operation and Maintenance, Navy”, \$47,000,000;
- “Operation and Maintenance, Marine Corps”, \$2,200,000;
- “Operation and Maintenance, Air Force”, \$96,000,000;
- “Operation and Maintenance, Defense-Wide”, \$26,400,000;

and

- “Defense Health Program”, \$20,700,000.

SEC. 8095. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8096. Of the funds made available in this Act, not less than \$65,200,000 shall be available to maintain an attrition reserve force of 18 B-52 aircraft, of which \$3,200,000 shall be available from “Military Personnel, Air Force”, \$36,900,000 shall be available from “Operation and Maintenance, Air Force”, and \$25,100,000 shall be available from “Aircraft Procurement, Air Force”: *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2001: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8097. The budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major

Budget.
10 USC 221 note.

weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32, as defined in the Department of Defense Financial Management Regulation, for the Overseas Contingency Operations Transfer Fund for fiscal years 2000 and 2001.

SEC. 8098. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8099. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8100. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system’s case management program under 10 U.S.C. 1079(a)(17), the term “custodial care” shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8101. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

SEC. 8102. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered

with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During the current fiscal year, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

Notification.

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8103. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8104. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held

by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8105. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8106. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

(TRANSFER OF FUNDS)

SEC. 8107. Of the funds made available under the heading “Operation and Maintenance, Air Force”, \$10,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

10 USC 2488
note.

SEC. 8108. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8109. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian

personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

Deadline.
Reports.

SEC. 8110. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

Contracts.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term “Native Hawaiian” means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8111. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8112. In addition to the amounts provided elsewhere in this Act, the amount of \$7,500,000 is hereby appropriated for “Operation and Maintenance, Defense-Wide”, to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8113. Of the funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide”, up to \$5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments.

SEC. 8114. In addition to the amounts provided elsewhere in this Act, the amount of \$5,000,000 is hereby appropriated for “Operation and Maintenance, Defense-Wide”, to be available, notwithstanding any other provision of law, only for a grant to the High Desert Partnership in Academic Excellence Foundation, Inc., for

the purpose of developing, implementing, and evaluating a standards and performance based academic model at schools administered by the Department of Defense Education Activity.

SEC. 8115. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8116. Of the amounts appropriated in the Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, \$51,000,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8117. The Secretary of Defense shall fully identify and determine the validity of health care contract liabilities, requests for equitable adjustment, and claims for unanticipated health care contract costs: *Provided*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department’s planning, programming and budgeting process: *Provided further*, That not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of health care contract claims, and on the action taken to implement the provisions of this section: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

SEC. 8118. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system’s modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8119. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, \$115,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense

Deadline.

is authorized to transfer such funds to other activities of the Federal Government.

SEC. 8120. (a) REPORT TO THE CONGRESSIONAL DEFENSE COMMITTEES.—Not later than May 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on work-related illnesses in the Department of Defense workforce, including the workforce of Department contractors and vendors, resulting from exposure to beryllium or beryllium alloys.

Deadline.

(b) PROCEDURE, METHODOLOGY, AND TIME PERIODS.—To the maximum extent practicable, the Secretary shall use the same procedures, methodology, and time periods in carrying out the work required to prepare the report under subsection (a) as those used by the Department of Energy to determine work-related illnesses in the Department of Energy workforce associated with exposure to beryllium or beryllium alloys. To the extent that different procedures, methodology, and time periods are used, the Secretary shall explain in the report why those different procedures, methodology, or time periods were used, why they were appropriate, and how they differ from those used by the Department of Energy.

(c) REPORT ELEMENTS.—The report shall include the following:

(1) A description of the precautions used by the Department of Defense and its contractors and vendors to protect their current employees from beryllium-related disease.

(2) Identification of elements of the Department of Defense and of contractors and vendors to the Department of Defense that use or have used beryllium or beryllium alloys in production of products for the Department of Defense.

(3) The number of employees (or, if an actual number is not available, an estimate of the number of employees) employed by each of the Department of Defense elements identified under paragraph (2) that are or were exposed during the course of their Defense-related employment to beryllium, beryllium dust, or beryllium fumes.

(4) A characterization of the amount, frequency, and duration of exposure for employees identified under paragraph (3).

(5) Identification of the actual number of instances of acute beryllium disease, chronic beryllium disease, or beryllium sensitization that have been documented to date among employees of the Department of Defense and its contractors and vendors.

(6) The estimated cost if the Department of Defense were to provide workers' compensation benefits comparable to benefits provided under the Federal Employees Compensation Act to employees, including former employees, of Government organizations, contractors, and vendors who have contracted beryllium-related diseases.

(7) The Secretary's recommendations on whether compensation for work-related illnesses in the Department of Defense workforce, including contractors and vendors, is justified or recommended.

(8) Legislative proposals, if any, to implement the Secretary's recommendations under paragraph (7).

SEC. 8121. Of the amounts made available in title II of this Act for "Operation and Maintenance, Army", \$1,900,000 shall be available only for the purpose of making a grant to the San Bernardino County Airports Department for the installation of a perimeter security fence for that portion of the Barstow-Daggett Airport, California, which is used as a heliport for the National

Training Center, Fort Irwin, California, and for installation of other security improvements at that airport.

SEC. 8122. The Secretary of Defense may during the current fiscal year and hereafter carry out the activities and exercise the authorities provided under the demonstration program authorized by section 9148 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1941).

Deadline.
Reports.

SEC. 8123. (a) Not later than 90 days after the date of the source selection for the Interim Armored Vehicle program (also referred to as the Family of Medium Armored Vehicles program), the Secretary of the Army shall submit to the congressional defense committees a detailed report on that program. The report shall include the following:

(1) The required research and development cost for each variant of the Interim Armored Vehicle to be procured and the total research and development cost for the program.

(2) The major milestones for the development program for the Interim Armored Vehicle program.

(3) The production unit cost of each variant of the Interim Armored Vehicle to be procured.

(4) The total procurement cost of the Interim Armored Vehicle program.

Reports.

(b) The Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report (in both classified and unclassified versions) on the joint warfighting requirements to be met by the new medium brigades for the Army. The report shall describe any adjustments made to operational plans of the commanders of the unified combatant commands for use of those brigades. The report shall be submitted at the time that the President's budget for fiscal year 2002 is transmitted to Congress.

SEC. 8124. None of the funds made available in this Act or the Department of Defense Appropriations Act, 2000 (Public Law 106-79) may be used to award a full funding contract for low-rate initial production for the F-22 aircraft program until—

(1) the first flight of an F-22 aircraft incorporating Block 3.0 software has been conducted;

(2) the Secretary of Defense certifies to the congressional defense committees that all Defense Acquisition Board exit criteria for the award of low-rate initial production of the aircraft have been met; and

Reports.

(3) upon completion of the requirements under (1) and (2) above, the Director of Operational Test and Evaluation submits to the congressional defense committees a report assessing the adequacy of testing to date to measure and predict performance of F-22 avionics systems, stealth characteristics, and weapons delivery systems.

SEC. 8125. (a) The total amount expended by the Department of Defense for the F-22 aircraft program (over all fiscal years of the life of the program) for engineering and manufacturing development and for production may not exceed \$58,028,200,000. The amount provided in the preceding sentence shall be adjusted by the Secretary of the Air Force in the manner provided in section 217(c) of Public Law 105-85 (111 Stat. 1660). This section supersedes any limitation previously provided by law on the amount that may be obligated or expended for engineering and manufacturing development under the F-22 aircraft program and any

limitation previously provided by law on the amount that may be obligated or expended for the F-22 production program.

(b) The provisions of subsection (a) apply during the current fiscal year and subsequent fiscal years.

SEC. 8126. Notwithstanding any other provision in this Act, the total amount appropriated in this Act under title IV for the Ballistic Missile Defense Organization (BMDO) is hereby reduced by \$14,000,000 to reflect a reduction in system engineering, program management, and other support costs.

SEC. 8127. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation under the NMD Program with a potential annual contract value greater than \$5,000,000 or a total contract value greater than \$30,000,000.

SEC. 8128. Up to \$3,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8129. In addition to amounts appropriated elsewhere in this Act, \$20,000,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$20,000,000 to the National Center for the Preservation of Democracy for the renovation of buildings and for other purposes to assist in carrying out the intent of 50 U.S.C. App. 1989.

SEC. 8130. Of the funds made available under the heading "Operation and Maintenance, Air Force", not less than \$7,000,000 shall be made available by grant or otherwise, to the North Slope Borough, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8131. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

Reports.

SEC. 8132. In addition to amounts made available elsewhere in this Act, \$1,000,000 is hereby appropriated to the Department of Defense to be available for payment to members of the uniformed services for reimbursement for mandatory pet quarantines as authorized by law.

(TRANSFER OF FUNDS)

SEC. 8133. The Secretary of the Navy may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of

liquidating necessary ship cost changes for previous ship construction programs appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$300,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation from which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8134. In addition to amounts appropriated elsewhere in this Act, \$2,100,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$2,100,000 to the National D-Day Museum.

SEC. 8135. In addition to amounts appropriated elsewhere in this Act, \$5,000,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of the Army shall make available a grant of \$5,000,000 only to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8136. In addition to the amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for “Operation and Maintenance, Navy”, to accelerate the disposal and scrapping of ships of the Navy Inactive Fleet and Maritime Administration National Defense Reserve Fleet: *Provided*, That the Secretary of the Navy and the Secretary of Transportation shall develop criteria for selecting ships for scrapping or disposal based on their potential for causing pollution, creating an environmental hazard and cost of storage: *Provided further*, That the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than June 1, 2001 regarding the total number of vessels currently designated for scrapping, and the schedule and costs for scrapping these vessels.

Reports.
Deadline.

10 USC 113 note.

SEC. 8137. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

SEC. 8138. PRIVACY OF INDIVIDUAL MEDICAL RECORDS. None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense for any non-national security or non-law enforcement purposes an individual’s medical records without the consent of the individual.

SEC. 8139. Of the amount available under title II under the heading “Operation and Maintenance, Defense-Wide”, \$1,000,000 shall be available only for continuation of the Middle East Regional Security Issues program.

SEC. 8140. Of the funds available in title II under the heading “Operation and Maintenance, Defense-Wide”, \$20,000,000 may be available for information security initiatives: *Provided*, That, of such amount, \$5,000,000 is available for the Institute for Defense Computer Security and Information Protection of the Department of Defense, and \$15,000,000 is available for the Information Security Scholarship Program of the Department of Defense.

SEC. 8141. In addition to the amounts appropriated or otherwise made available in this Act, \$5,000,000, to remain available until September 30, 2001, is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$5,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8142. Of the amounts appropriated under title II under the heading “Operation and Maintenance, Defense-Wide”, \$2,000,000 may be made available, subject to the enactment of authorizing legislation, for the Bosque Redondo Memorial in accordance with the provisions of title II of the bill S. 964 of the 106th Congress, as passed the Senate on November 19, 1999.

SEC. 8143. Of the funds provided within title I of this Act, such funds as may be necessary shall be available for a special subsistence allowance for members eligible to receive food stamp assistance, as authorized by law.

SEC. 8144. Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

SEC. 8145. Notwithstanding any other provision of law—

(1) from amounts made available for “Research, Development, Test and Evaluation, Air Force” in this Act and the Department of Defense Appropriations Act, 2000 (Public Law 106–79), an aggregate amount of \$99,700,000 (less any proportional general reduction required by law and any reduction required for the Small Business Innovative Research program) shall be available only for the B–2 Link 16/Center Instrument Display/In-Flight Replanner program; and

(2) the Secretary of the Air Force shall not be required to obligate funds for potential termination liability in connection with the B–2 Link 16/Center Instrument Display/In-Flight Replanner program.

SEC. 8146. Notwithstanding any other provision of law, not less than \$233,637,000 of the funds provided in this Act shall be available only for the Airborne Laser program.

SEC. 8147. (a) IN GENERAL.—Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f) Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001, shall be considered active duty for purposes of all laws administered by the Secretary.”.

(b) DISCHARGE.—(1) The Secretary of Defense shall issue to each individual who served as a member of the Alaska Territorial Guard during World War II a discharge from such service under honorable conditions if the Secretary determines that the nature and duration of the service of the individual so warrants.

38 USC 106 note.

(2) A discharge under paragraph (1) shall designate the date of discharge. The date of discharge shall be the date, as determined by the Secretary, of the termination of service of the individual concerned as described in that paragraph.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any individual for any period before the date of the enactment of this Act by reason of the enactment of this section.

38 USC 106 note.

SEC. 8148. UNITED STATES-CHINA SECURITY REVIEW COMMISSION.—Subject to authorization, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, \$3,000,000, to remain available until expended, to the United States-China Security Review Commission for fiscal year 2001 to carry out its functions.

SEC. 8149. Section 1621 of Public Law 92-204 (43 U.S.C. 1621), the Alaska Native Claims Settlement Act, as amended, is further amended by inserting at the end the following:

“(m) LICENSES HELD BY ALASKA NATIVE REGIONAL CORPORATIONS.—An Alaska Native regional corporation organized pursuant to the Alaska Native Claims Settlement Act, or an affiliate thereof, that holds a Federal Communications Commission license in the personal communications service as of the date of enactment of this section and has either paid for such license in full or has complied with the payment schedules for such license shall be permitted to transfer or assign without penalty such license to any transferee or assignee. No economic penalties shall apply to any transfer or assignment authorized under this section. Any amounts owed to the United States for the initial grant of such licenses shall become immediately due and payable upon the consummation of any such transfer or assignment. Any application for such a transfer or assignment shall be deemed granted if not denied by the Commission within 90 days of the date on which it was initially filed. Any provision of law or regulation to the contrary is hereby amended.”.

SEC. 8150. For purposes of implementing section 206(b) of H. Con. Res. 290 (106th Congress), the limits provided in section 302(a)(3)(A) of the Congressional Budget Act of 1974 shall not apply with respect to fiscal year 2001.

SEC. 8151. (a) DESIGNATION.—The consolidated operations center planned for construction at Redstone Arsenal, Huntsville, Alabama, to house the Army's Space and Missile Defense Command and for other purposes, shall be known and designated as the “Wernher von Braun Complex”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the complex referred to in subsection (a) shall be deemed to be a reference to the “Wernher von Braun Complex”.

SEC. 8152. Of the funds provided in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for the Pacific Disaster Center, \$300,000 shall be made available for a grant, to be awarded not later than 60 days after the enactment of this Act, to the Circum-Pacific Council for the Crowding the Rim Summit Initiative.

SEC. 8153. Upon the enactment of this Act, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) is amended under the heading “Small Business Administration, Business Loans Program Account” in the first paragraph by striking “*Provided*, That of the total provided, \$6,000,000 shall be available only for the cost of guaranteed loans under the New Markets Venture Capital program and shall become available for obligation only upon authorization of such program by the enactment of subsequent legislation in fiscal year 2000:”.

SEC. 8154. In addition to amounts appropriated elsewhere in this Act, \$1,650,000 is hereby appropriated to the Department of Defense, only for a competitively awarded grant to a medical research institution for research among persons who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War on: (1) the possible health effect of exposure to low levels of hazardous chemicals, including chemical warfare agents and other substances; and (2) the individual susceptibility of humans to such exposure under environmentally controlled conditions.

SEC. 8155. In addition to the amounts appropriated elsewhere in this Act, \$2,000,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense shall make available a grant of \$2,000,000 to the Oakland Military Institute, Oakland, California.

SEC. 8156. In addition to the amounts provided elsewhere in this Act, the amount of \$10,000,000 is hereby appropriated for “Operation and Maintenance, Army” and shall be available to the Secretary of the Army, notwithstanding any other provision of law, only to be provided as a grant to the City of San Bernardino, California, contingent on the resolution of the case “City of San Bernardino v. United States”, pending as of July 1, 2000, in the United States District Court for the Central District of California (C.D. Cal. Case No. CV 96-8867).

SEC. 8157. The Secretary of Defense may transfer, at no cost, the title/ownership of the alloying material being stored at the Brownfield site in Bethlehem, Pennsylvania to the Bethlehem Development Corporation: *Provided*, That the net proceeds from the disposition of the materials are only for redevelopment of the Brownfield site.

SEC. 8158. In addition to amounts provided in this Act, \$2,000,000 is hereby appropriated for “Defense Health Program”, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8159. The Office of Economic Adjustment may amend a grant awarded in 1998 to the Commonwealth of Pennsylvania for Industrial Modernization of Philadelphia Shipyard for the purpose of undertaking community economic adjustment activities to provide for the acquisition of equipment that would further the overall purpose of the grant: *Provided*, That such amendment shall not increase the grant period or the total amount of the grant award and shall be deemed, for all purposes, to be within the scope of the original grant.

SEC. 8160. The appropriation under the heading “Defense Reinvestment for Economic Growth” in the Supplemental Appropriations Act of 1993 (Public Law 103-50) is amended by striking “that date” and inserting “December 1, 2004”: *Provided*, That the amendment made by this section shall be effective as of July 2, 1993.

(INCLUDING TRANSFER OF FUNDS)

Deadline.

SEC. 8161. In addition to the amounts appropriated elsewhere in this Act, \$2,000,000, to remain available until expended, is hereby appropriated to the Department of Defense: *Provided*, That not later than October 15, 2000, the Secretary of Defense shall transfer these funds to the Department of Energy appropriation account “Fossil Energy Research and Development”, only for a proposed conceptual design study to examine the feasibility of a zero emissions, steam injection process with possible applications for increased power generation efficiency, enhanced oil recovery and carbon sequestration.

Ante, p. 529.

SEC. 8162. Section 104 of the Emergency Supplemental Act, 2000 (in title I, chapter 1, of division B of Public Law 106-246) is amended to read as follows: after “Procurement of Weapons and Tracked Combat Vehicles, Army”, insert the following: “, to remain available for obligation until September 30, 2002.”.

SEC. 8163. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$71,367,000, to reduce cost growth in consulting and advisory services and other contract growth, to be distributed as follows:

“Operation and Maintenance, Army”, \$20,000,000;
 “Operation and Maintenance, Navy”, \$10,000,000;
 “Operation and Maintenance, Marine Corps”, \$367,000; and
 “Operation and Maintenance, Air Force”, \$41,000,000.

SEC. 8164. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$92,700,000, to reduce excess funded carryover, to be distributed as follows:

“Operation and Maintenance, Army”, \$40,500,000; and
 “Operation and Maintenance, Air Force”, \$52,200,000.

SEC. 8165. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$159,076,000, to reduce growth in headquarters and administrative activities, to be distributed as follows:

“Operation and Maintenance, Army”, \$56,700,000;
 “Operation and Maintenance, Navy”, \$12,376,000; and
 “Operation and Maintenance, Air Force”, \$90,000,000.

SEC. 8166. Of the amounts provided in title II of this Act, the following account is hereby reduced by the specified amount:
 “Overseas Contingency Operations Transfer Fund”,
 \$1,100,000,000.

TITLE IX

ADDITIONAL FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide additional emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes, namely:

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Overseas Contingency Operations Transfer Fund”, \$1,100,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance accounts; procurement; research, development, test and evaluation; the Defense Health Program; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. (a) In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act, the Department of Defense Appropriations Act, 2000 (Public Law 106–79), and the Emergency Supplemental Act, 2000 (division B of Public Law 106–246), there is hereby appropriated to the Department of Defense \$679,000,000, as follows:

(1) For military personnel accounts, to remain available for obligation until September 30, 2001, \$50,000,000, only for “Military Personnel, Navy”.

(2) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, \$529,000,000, as follows:

(i) For depot-level maintenance and repair, \$234,000,000, as follows:

“Operation and Maintenance, Army”, \$50,000,000;

“Operation and Maintenance, Navy”, \$162,000,000

(of which \$20,000,000 is for aviation depot maintenance and \$142,000,000 for ship depot maintenance);

“Operation and Maintenance, Marine Corps”, \$22,000,000.

(ii) For readiness spares kits, \$45,000,000, only for “Operation and Maintenance, Air Force”.

(iii) For real property maintenance, \$250,000,000, as follows:

“Operation and Maintenance, Army”, \$70,000,000;
 “Operation and Maintenance, Navy”, \$70,000,000;
 “Operation and Maintenance, Marine Corps”,
 \$40,000,000; and
 “Operation and Maintenance, Air Force”,
 \$70,000,000.

(3) For the Defense Health Program, to remain available for obligation until September 30, 2001, \$100,000,000.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; and

(2) shall be available only if the President transmits to the Congress an official budget request for \$679,000,000, which includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 9002. Notwithstanding any other provision of this Act, funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

This Act may be cited as the “Department of Defense Appropriations Act, 2001”.

Approved August 9, 2000.

LEGISLATIVE HISTORY—H.R. 4576 (S. 2593):

HOUSE REPORTS: Nos. 106–644 (Comm. on Appropriations) and 106–754 (Comm. of Conference).

SENATE REPORTS: No. 106–298 accompanying S. 2593 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 7, considered and passed House.

June 8, 9, 12, 13, considered and passed Senate, amended.

July 19, House agreed to conference report.

July 27, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Aug. 9, Presidential statement.



Public Law 106-260
106th Congress

An Act

To amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

Aug. 18, 2000

[H.R. 1167]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tribal Self-Governance Amendments of 2000”.

Tribal Self-Governance Amendments of 2000.
25 USC 450 note.

SEC. 2. FINDINGS.

25 USC 458aaa note.

Congress finds that—

(1) the tribal right of self-government flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the Indian tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project, established under title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States and to strengthen tribal control over Federal funding and program management;

(5) although the Federal Government has made considerable strides in improving Indian health care, it has failed to fully meet its trust responsibilities and to satisfy its obligations to the Indian tribes under treaties and other laws; and

(6) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that transferring full control and funding to tribal governments, upon tribal request, over decision making for Federal programs, services, functions, and activities (or portions thereof)—

(A) is an appropriate and effective means of implementing the Federal policy of government-to-government relations with Indian tribes; and

(B) strengthens the Federal policy of Indian self-determination.

*See note at the bottom of page 114 Stat. 734.

25 USC 458aaa
note.

SEC. 3. DECLARATION OF POLICY.

It is the policy of Congress—

(1) to permanently establish and implement tribal self-governance within the Department of Health and Human Services;

(2) to call for full cooperation from the Department of Health and Human Services and its constituent agencies in the implementation of tribal self-governance—

(A) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(B) to permit each Indian tribe to choose the extent of its participation in self-governance in accordance with the provisions of the Indian Self-Determination and Education Assistance Act relating to the provision of Federal services to Indian tribes;

(C) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(D) to affirm and enable the United States to fulfill its obligations to the Indian tribes under treaties and other laws;

(E) to strengthen the government-to-government relationship between the United States and Indian tribes through direct and meaningful consultation with all tribes;

(F) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority, control, funding, and discretion to plan, conduct, redesign, and administer programs, services, functions, and activities (or portions thereof) that meet the needs of the individual tribal communities;

(G) to provide for a measurable parallel reduction in the Federal bureaucracy as programs, services, functions, and activities (or portion thereof) are assumed by Indian tribes;

(H) to encourage the Secretary to identify all programs, services, functions, and activities (or portions thereof) of the Department of Health and Human Services that may be managed by an Indian tribe under this Act and to assist Indian tribes in assuming responsibility for such programs, services, functions, and activities (or portions thereof); and

(I) to provide Indian tribes with the earliest opportunity to administer programs, services, functions, and activities (or portions thereof) from throughout the Department of Health and Human Services.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE V—TRIBAL SELF-GOVERNANCE**“SEC. 501. DEFINITIONS.**

25 USC 458aaa.

“(a) IN GENERAL.—In this title:

“(1) CONSTRUCTION PROJECT.—The term ‘construction project’—

“(A) means an organized noncontinuous undertaking to complete a specific set of predetermined objectives for the planning, environmental determination, design, construction, repair, improvement, or expansion of buildings or facilities, as described in a construction project agreement; and

“(B) does not include construction program administration and activities described in paragraphs (1) through (3) of section 4(m), that may otherwise be included in a funding agreement under this title.

“(2) CONSTRUCTION PROJECT AGREEMENT.—The term ‘construction project agreement’ means a negotiated agreement between the Secretary and an Indian tribe, that at a minimum—

“(A) establishes project phase start and completion dates;

“(B) defines a specific scope of work and standards by which it will be accomplished;

“(C) identifies the responsibilities of the Indian tribe and the Secretary;

“(D) addresses environmental considerations;

“(E) identifies the owner and operations and maintenance entity of the proposed work;

“(F) provides a budget;

“(G) provides a payment process; and

“(H) establishes the duration of the agreement based on the time necessary to complete the specified scope of work, which may be 1 or more years.

“(3) GROSS MISMANAGEMENT.—The term ‘gross mismanagement’ means a significant, clear, and convincing violation of a compact, funding agreement, or regulatory, or statutory requirements applicable to Federal funds transferred to an Indian tribe by a compact or funding agreement that results in a significant reduction of funds available for the programs, services, functions, or activities (or portions thereof) assumed by an Indian tribe.

“(4) INHERENT FEDERAL FUNCTIONS.—The term ‘inherent Federal functions’ means those Federal functions which cannot legally be delegated to Indian tribes.

“(5) INTER-TRIBAL CONSORTIUM.—The term ‘inter-tribal consortium’ means a coalition of two more separate Indian tribes that join together for the purpose of participating in self-governance, including tribal organizations.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(7) SELF-GOVERNANCE.—The term ‘self-governance’ means the program of self-governance established under section 502.

“(8) TRIBAL SHARE.—The term ‘tribal share’ means an Indian tribe’s portion of all funds and resources that support

secretarial programs, services, functions, and activities (or portions thereof) that are not required by the Secretary for performance of inherent Federal functions.

“(b) INDIAN TRIBE.—In any case in which an Indian tribe has authorized another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out programs, services, functions, or activities (or portions thereof) on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution or in this title). In such event, the term ‘Indian tribe’ as used in this title shall include such other authorized Indian tribe, inter-tribal consortium, or tribal organization.

25 USC
458aaa-1.

“SEC. 502. ESTABLISHMENT.

“The Secretary shall establish and carry out a program within the Indian Health Service of the Department of Health and Human Services to be known as the ‘Tribal Self-Governance Program’ in accordance with this title.

25 USC
458aaa-2.

“SEC. 503. SELECTION OF PARTICIPATING INDIAN TRIBES.

“(a) CONTINUING PARTICIPATION.—Each Indian tribe that is participating in the Tribal Self-Governance Demonstration Project under title III on the date of the enactment of this title may elect to participate in self-governance under this title under existing authority as reflected in tribal resolution.

“(b) ADDITIONAL PARTICIPANTS.—

“(1) IN GENERAL.—In addition to those Indian tribes participating in self-governance under subsection (a), each year an additional 50 Indian tribes that meet the eligibility criteria specified in subsection (c) shall be entitled to participate in self-governance.

“(2) TREATMENT OF CERTAIN INDIAN TRIBES.—

“(A) IN GENERAL.—An Indian tribe that has withdrawn from participation in an inter-tribal consortium or tribal organization, in whole or in part, shall be entitled to participate in self-governance provided the Indian tribe meets the eligibility criteria specified in subsection (c).

“(B) EFFECT OF WITHDRAWAL.—If an Indian tribe has withdrawn from participation in an inter-tribal consortium or tribal organization, that Indian tribe shall be entitled to its tribal share of funds supporting those programs, services, functions, and activities (or portions thereof) that the Indian tribe will be carrying out under the compact and funding agreement of the Indian tribe.

“(C) PARTICIPATION IN SELF-GOVERNANCE.—In no event shall the withdrawal of an Indian tribe from an inter-tribal consortium or tribal organization affect the eligibility of the inter-tribal consortium or tribal organization to participate in self-governance.

“(c) APPLICANT POOL.—

“(1) IN GENERAL.—The qualified applicant pool for self-governance shall consist of each Indian tribe that—

“(A) successfully completes the planning phase described in subsection (d);

“(B) has requested participation in self-governance by resolution or other official action by the governing body of each Indian tribe to be served; and

“(C) has demonstrated, for 3 fiscal years, financial stability and financial management capability.

“(2) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For purposes of this subsection, evidence that, during the 3-year period referred to in paragraph (1)(C), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe’s self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

“(d) PLANNING PHASE.—Each Indian tribe seeking participation in self-governance shall complete a planning phase. The planning phase shall be conducted to the satisfaction of the Indian tribe and shall include—

“(1) legal and budgetary research; and

“(2) internal tribal government planning and organizational preparation relating to the administration of health care programs.

“(e) GRANTS.—Subject to the availability of appropriations, any Indian tribe meeting the requirements of paragraph (1)(B) and (C) of subsection (c) shall be eligible for grants—

“(1) to plan for participation in self-governance; and

“(2) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

“(f) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under subsection (e) shall not be a requirement of participation in self-governance.

“SEC. 504. COMPACTS.

“(a) COMPACT REQUIRED.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the Federal Government’s trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

“(b) CONTENTS.—Each compact required under subsection (a) shall set forth the general terms of the government-to-government relationship between the Indian tribe and the Secretary, including such terms as the parties intend shall control year after year. Such compacts may only be amended by mutual agreement of the parties.

“(c) EXISTING COMPACTS.—An Indian tribe participating in the Tribal Self-Governance Demonstration Project under title III on the date of the enactment of this title shall have the option at any time after the date of the enactment of this title to—

“(1) retain the Tribal Self-Governance Demonstration Project compact of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

“(2) instead of retaining a compact or portion thereof under paragraph (1), negotiate a new compact in a manner consistent with the requirements of this title.

“(d) TERM AND EFFECTIVE DATE.—The effective date of a compact shall be the date of the approval and execution by the Indian tribe or another date agreed upon by the parties, and shall remain

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in effect for so long as permitted by Federal law or until terminated by mutual written agreement, retrocession, or reassumption.

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458aaa-4.

“SEC. 505. FUNDING AGREEMENTS.

“(a) **FUNDING AGREEMENT REQUIRED.**—The Secretary shall negotiate and enter into a written funding agreement with each Indian tribe participating in self-governance in a manner consistent with the Federal Government’s trust responsibility, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

“(b) **CONTENTS.**—

“(1) **IN GENERAL.**—Each funding agreement required under subsection (a) shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding, including tribal shares of discretionary Indian Health Service competitive grants (excluding congressionally earmarked competitive grants), for all programs, services, functions, and activities (or portions thereof), that are carried out for the benefit of Indians because of their status as Indians without regard to the agency or office of the Indian Health Service within which the program, service, function, or activity (or portion thereof) is performed.

“(2) **INCLUSION OF CERTAIN PROGRAMS, SERVICES, FUNCTIONS, AND ACTIVITIES.**—Such programs, services, functions, or activities (or portions thereof) include all programs, services, functions, activities (or portions thereof), including grants (which may be added to a funding agreement after an award of such grants), with respect to which Indian tribes or Indians are primary or significant beneficiaries, administered by the Department of Health and Human Services through the Indian Health Service and all local, field, service unit, area, regional, and central headquarters or national office functions so administered under the authority of—

“(A) the Act of November 2, 1921 (42 Stat. 208; chapter 115; 25 U.S.C. 13);

“(B) the Act of April 16, 1934 (48 Stat. 596; chapter 147; 25 U.S.C. 452 et seq.);

“(C) the Act of August 5, 1954 (68 Stat. 674; chapter 658);

“(D) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

“(E) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.);

“(F) any other Act of Congress authorizing any agency of the Department of Health and Human Services to administer, carry out, or provide financial assistance to such a program, service, function or activity (or portions thereof) described in this section that is carried out for the benefit of Indians because of their status as Indians; or

“(G) any other Act of Congress authorizing such a program, service, function, or activity (or portions thereof) carried out for the benefit of Indians under which appropriations are made available to any agency other than an agency within the Department of Health and Human Services, in any case in which the Secretary administers

that program, service, function, or activity (or portion thereof).

“(c) INCLUSION IN COMPACT OR FUNDING AGREEMENT.—It shall not be a requirement that an Indian tribe or Indians be identified in the authorizing statute for a program or element of a program to be eligible for inclusion in a compact or funding agreement under this title.

“(d) FUNDING AGREEMENT TERMS.—Each funding agreement under this title shall set forth—

“(1) terms that generally identify the programs, services, functions, and activities (or portions thereof) to be performed or administered; and

“(2) for the items identified in paragraph (1)—

“(A) the general budget category assigned;

“(B) the funds to be provided, including those funds to be provided on a recurring basis;

“(C) the time and method of transfer of the funds;

“(D) the responsibilities of the Secretary; and

“(E) any other provision with respect to which the Indian tribe and the Secretary agree.

“(e) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that is withdrawing or retroceding the operation of one or more programs, services, functions, or activities (or portions thereof) identified in a funding agreement, or unless otherwise agreed to by the parties, each funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, and the terms of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement.

“(f) EXISTING FUNDING AGREEMENTS.—Each Indian tribe participating in the Tribal Self-Governance Demonstration Project established under title III on the date of the enactment of this title shall have the option at any time thereafter to—

“(1) retain the Tribal Self-Governance Demonstration Project funding agreement of that Indian tribe (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

“(2) instead of retaining a funding agreement or portion thereof under paragraph (1), negotiate a new funding agreement in a manner consistent with the requirements of this title.

“(g) STABLE BASE FUNDING.—At the option of an Indian tribe, a funding agreement may provide for a stable base budget specifying the recurring funds (including, for purposes of this provision, funds available under section 106(a)) to be transferred to such Indian tribe, for such period as may be specified in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations by sub-sub activity excluding earmarks.

“SEC. 506. GENERAL PROVISIONS.

“(a) APPLICABILITY.—The provisions of this section shall apply to compacts and funding agreements negotiated under this title and an Indian tribe may, at its option, include provisions that reflect such requirements in a compact or funding agreement.

“(b) CONFLICTS OF INTEREST.—Indian tribes participating in self-governance under this title shall ensure that internal measures

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are in place to address conflicts of interest in the administration of self-governance programs, services, functions, or activities (or portions thereof).

“(c) AUDITS.—

Applicability.

“(1) SINGLE AGENCY AUDIT ACT.—The provisions of chapter 75 of title 31, United States Code, requiring a single agency audit report shall apply to funding agreements under this title.

“(2) COST PRINCIPLES.—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by section 106 other provisions of law, or by any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget. No other audit or accounting standards shall be required by the Secretary. Any claim by the Federal Government against the Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to the provisions of section 106(f).

“(d) RECORDS.—

“(1) IN GENERAL.—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of the Indian tribe shall not be considered Federal records for purposes of chapter 5 of title 5, United States Code.

Notice.

“(2) RECORDKEEPING SYSTEM.—The Indian tribe shall maintain a recordkeeping system, and, after 30 days advance notice, provide the Secretary with reasonable access to such records to enable the Department of Health and Human Services to meet its minimum legal recordkeeping system requirements under sections 3101 through 3106 of title 44, United States Code.

“(e) REDESIGN AND CONSOLIDATION.—An Indian tribe may redesign or consolidate programs, services, functions, and activities (or portions thereof) included in a funding agreement under section 505 and reallocate or redirect funds for such programs, services, functions, and activities (or portions thereof) in any manner which the Indian tribe deems to be in the best interest of the health and welfare of the Indian community being served, only if the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law.

“(f) RETROCESSION.—An Indian tribe may retrocede, fully or partially, to the Secretary programs, services, functions, or activities (or portions thereof) included in the compact or funding agreement. Unless the Indian tribe rescinds the request for retrocession, such retrocession will become effective within the timeframe specified by the parties in the compact or funding agreement. In the absence of such a specification, such retrocession shall become effective on—

“(1) the earlier of—

“(A) 1 year after the date of submission of such request;

or

“(B) the date on which the funding agreement expires;

or

“(2) such date as may be mutually agreed upon by the Secretary and the Indian tribe.

“(g) WITHDRAWAL.—

“(1) PROCESS.—

“(A) IN GENERAL.—An Indian tribe may fully or partially withdraw from a participating inter-tribal consortium or tribal organization its share of any program, function, service, or activity (or portions thereof) included in a compact or funding agreement.

“(B) EFFECTIVE DATE.—The withdrawal referred to in subparagraph (A) shall become effective within the timeframe specified in the resolution which authorizes transfer to the participating tribal organization or inter-tribal consortium. In the absence of a specific timeframe set forth in the resolution, such withdrawal shall become effective on—

“(i) the earlier of—

“(I) 1 year after the date of submission of such request; or

“(II) the date on which the funding agreement expires; or

“(ii) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the participating tribal organization or inter-tribal consortium that has signed the compact or funding agreement on behalf of the withdrawing Indian tribe, inter-tribal consortium, or tribal organization.

“(2) DISTRIBUTION OF FUNDS.—When an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating inter-tribal consortium or tribal organization—

“(A) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of funds supporting those programs, services, functions, or activities (or portions thereof) that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated in the funding agreement of the inter-tribal consortium or tribal organization); and

“(B) the funds referred to in subparagraph (A) shall be transferred from the funding agreement of the inter-tribal consortium or tribal organization, on the condition that the provisions of sections 102 and 105(i), as appropriate, shall apply to that withdrawing Indian tribe.

“(3) REGAINING MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some programs, services, functions, or activities (or portions thereof) carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract.

“(h) NONDUPLICATION.—For the period for which, and to the extent to which, funding is provided under this title or under the compact or funding agreement, the Indian tribe shall not be entitled to contract with the Secretary for such funds under section 102, except that such Indian tribe shall be eligible for new programs on the same basis as other Indian tribes.

“SEC. 507. PROVISIONS RELATING TO THE SECRETARY.

“(a) MANDATORY PROVISIONS.—

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458aaa-6.

“(1) HEALTH STATUS REPORTS.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision that requires the Indian tribe to report on health status and service delivery—

“(A) to the extent such data is not otherwise available to the Secretary and specific funds for this purpose are provided by the Secretary under the funding agreement; and

“(B) if such reporting shall impose minimal burdens on the participating Indian tribe and such requirements are promulgated under section 517.

“(2) REASSUMPTION.—

“(A) IN GENERAL.—Compacts or funding agreements negotiated between the Secretary and an Indian tribe shall include a provision authorizing the Secretary to reassume operation of a program, service, function, or activity (or portions thereof) and associated funding if there is a specific finding relative to that program, service, function, or activity (or portion thereof) of—

“(i) imminent endangerment of the public health caused by an act or omission of the Indian tribe, and the imminent endangerment arises out of a failure to carry out the compact or funding agreement; or

“(ii) gross mismanagement with respect to funds transferred to a tribe by a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

“(B) PROHIBITION.—The Secretary shall not reassume operation of a program, service, function, or activity (or portions thereof) unless—

“(i) the Secretary has first provided written notice and a hearing on the record to the Indian tribe; and

“(ii) the Indian tribe has not taken corrective action to remedy the imminent endangerment to public health or gross mismanagement.

“(C) EXCEPTION.—

“(i) IN GENERAL.—Notwithstanding subparagraph (B), the Secretary may, upon written notification to the Indian tribe, immediately reassume operation of a program, service, function, or activity (or portion thereof) if—

“(I) the Secretary makes a finding of imminent substantial and irreparable endangerment of the public health caused by an act or omission of the Indian tribe; and

“(II) the endangerment arises out of a failure to carry out the compact or funding agreement.

“(ii) REASSUMPTION.—If the Secretary reassumes operation of a program, service, function, or activity (or portion thereof) under this subparagraph, the Secretary shall provide the Indian tribe with a hearing on the record not later than 10 days after such re-assumption.

“(D) HEARINGS.—In any hearing or appeal involving a decision to reassume operation of a program, service, function, or activity (or portion thereof), the Secretary shall have the burden of proof of demonstrating by clear and

Deadline.

convincing evidence the validity of the grounds for the reassumption.

“(b) FINAL OFFER.—In the event the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary. Not more than 45 days after such submission, or within a longer time agreed upon by the Indian tribe, the Secretary shall review and make a determination with respect to such offer. In the absence of a timely rejection of the offer, in whole or in part, made in compliance with subsection (c), the offer shall be deemed agreed to by the Secretary.

Deadline.

“(c) REJECTION OF FINAL OFFERS.—

“(1) IN GENERAL.—If the Secretary rejects an offer made under subsection (b) (or one or more provisions or funding levels in such offer), the Secretary shall provide—

“(A) a timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

“(i) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title;

“(ii) the program, function, service, or activity (or portion thereof) that is the subject of the final offer is an inherent Federal function that cannot legally be delegated to an Indian tribe;

“(iii) the Indian tribe cannot carry out the program, function, service, or activity (or portion thereof) in a manner that would not result in significant danger or risk to the public health; or

“(iv) the Indian tribe is not eligible to participate in self-governance under section 503;

“(B) technical assistance to overcome the objections stated in the notification required by subparagraph (A);

“(C) the Indian tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter and the opportunity for appeal on the objections raised, except that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a Federal district court pursuant to section 110(a); and

“(D) the Indian tribe with the option of entering into the severable portions of a final proposed compact or funding agreement, or provision thereof, (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

“(2) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian tribe exercises the option specified in paragraph (1)(D), that Indian tribe shall retain the right to appeal the Secretary’s rejection under this section, and subparagraphs (A), (B), and (C) of that paragraph shall only apply to that portion of the proposed final compact, funding agreement, or provision thereof that was rejected by the Secretary.

“(d) BURDEN OF PROOF.—With respect to any hearing or appeal or civil action conducted pursuant to this section, the Secretary

shall have the burden of demonstrating by clear and convincing evidence the validity of the grounds for rejecting the offer (or a provision thereof) made under subsection (b).

“(e) GOOD FAITH.—In the negotiation of compacts and funding agreements the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy. The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance, in a manner consistent with the purposes specified in section 3 of the Tribal Self-Governance Amendments of 2000.

“(f) SAVINGS.—To the extent that programs, functions, services, or activities (or portions thereof) carried out by Indian tribes under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 508(c), the Secretary shall make such savings available to the Indian tribes, inter-tribal consortia, or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

“(g) TRUST RESPONSIBILITY.—The Secretary is prohibited from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

“(h) DECISIONMAKER.—A decision that constitutes final agency action and relates to an appeal within the Department of Health and Human Services conducted under subsection (c) shall be made either—

“(1) by an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

“(2) by an administrative judge.

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“SEC. 508. TRANSFER OF FUNDS.

“(a) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolutions. In any instance where a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year, or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

“(b) MULTIYEAR FUNDING.—The Secretary is authorized to employ, upon tribal request, multiyear funding agreements. References in this title to funding agreements shall include such multiyear funding agreements.

“(c) AMOUNT OF FUNDING.—The Secretary shall provide funds under a funding agreement under this title in an amount equal to the amount that the Indian tribe would have been entitled

to receive under self-determination contracts under this Act, including amounts for direct program costs specified under section 106(a)(1) and amounts for contract support costs specified under section 106(a) (2), (3), (5), and (6), including any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members, all without regard to the organizational level within the Department where such functions are carried out.

“(d) PROHIBITIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is expressly prohibited from—

“(A) failing or refusing to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this Act, except as required by Federal law;

“(B) withholding portions of such funds for transfer over a period of years; and

“(C) reducing the amount of funds required under this Act—

“(i) to make funding available for self-governance monitoring or administration by the Secretary;

“(ii) in subsequent years, except pursuant to—

“(I) a reduction in appropriations from the previous fiscal year for the program or function to be included in a compact or funding agreement;

“(II) a congressional directive in legislation or accompanying report;

“(III) a tribal authorization;

“(IV) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

“(V) completion of a project, activity, or program for which such funds were provided;

“(iii) to pay for Federal functions, including Federal pay costs, Federal employee retirement benefits, automated data processing, technical assistance, and monitoring of activities under this Act; or

“(iv) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance;

“(2) EXCEPTION.—The funds described in paragraph (1)(C) may be increased by the Secretary if necessary to carry out this Act or as provided in section 105(c)(2).

“(e) OTHER RESOURCES.—In the event an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation including the use of interagency motor pool vehicles) or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall acquire and transfer such personnel, supplies, or resources to the Indian tribe.

“(f) REIMBURSEMENT TO INDIAN HEALTH SERVICE.—With respect to functions transferred by the Indian Health Service to an Indian tribe, the Indian Health Service shall provide goods

Applicability.

and services to the Indian tribe, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received from those goods and services, along with the funds received from the Indian tribe pursuant to this title, may be credited to the same or subsequent appropriation account which provided the funding, such amounts to remain available until expended.

“(g) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

“(h) INTEREST OR OTHER INCOME ON TRANSFERS.—An Indian tribe is entitled to retain interest earned on any funds paid under a compact or funding agreement to carry out governmental or health purposes and such interest shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the interest is earned or in any subsequent fiscal year. Funds transferred under this title shall be managed using the prudent investment standard.

“(i) CARRYOVER OF FUNDS.—All funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended. In the event that an Indian tribe elects to carry over funding from 1 year to the next, such carryover shall not diminish the amount of funds the Indian tribe is authorized to receive under its funding agreement in that or any subsequent fiscal year.

“(j) PROGRAM INCOME.—All Medicare, Medicaid, or other program income earned by an Indian tribe shall be treated as supplemental funding to that negotiated in the funding agreement. The Indian tribe may retain all such income and expend such funds in the current year or in future years except to the extent that the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) provides otherwise for Medicare and Medicaid receipts. Such funds shall not result in any offset or reduction in the amount of funds the Indian tribe is authorized to receive under its funding agreement in the year the program income is received or for any subsequent fiscal year.

“(k) LIMITATION OF COSTS.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement. If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity in the compact or funding agreement is insufficient the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary. If the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

25 USC
458aaa-8.**“SEC. 509. CONSTRUCTION PROJECTS.**

“(a) IN GENERAL.—Indian tribes participating in tribal self-governance may carry out construction projects under this title if they elect to assume all Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

“(1) designating a certifying officer to represent the Indian tribe and to assume the status of a responsible Federal official under such laws; and

“(2) accepting the jurisdiction of the Federal court for the purpose of enforcement of the responsibilities of the responsible Federal official under such environmental laws.

“(b) NEGOTIATIONS.—Construction project proposals shall be negotiated pursuant to the statutory process in section 105(m) and resulting construction project agreements shall be incorporated into funding agreements as addenda.

“(c) CODES AND STANDARDS.—The Indian tribe and the Secretary shall agree upon and specify appropriate building codes and architectural and engineering standards (including health and safety) which shall be in conformity with nationally recognized standards for comparable projects.

“(d) RESPONSIBILITY FOR COMPLETION.—The Indian tribe shall assume responsibility for the successful completion of the construction project in accordance with the negotiated construction project agreement.

“(e) FUNDING.—Funding for construction projects carried out under this title shall be included in funding agreements as annual advance payments, with semiannual payments at the option of the Indian tribe. Annual advance and semiannual payment amounts shall be determined based on mutually agreeable project schedules reflecting work to be accomplished within the advance payment period, work accomplished and funds expended in previous payment periods, and the total prior payments. The Secretary shall include associated project contingency funds with each advance payment installment. The Indian tribe shall be responsible for the management of the contingency funds included in funding agreements.

“(f) APPROVAL.—The Secretary shall have at least one opportunity to approve project planning and design documents prepared by the Indian tribe in advance of construction of the facilities specified in the scope of work for each negotiated construction project agreement or amendment thereof which results in a significant change in the original scope of work. The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually. The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

“(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors (excluding tribes and tribal organizations) in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects funded by the United States under this Act shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction alteration, or repair work to which the Act of March 3, 1931, is applicable under this section, the Secretary of Labor shall have the authority and functions set forth in the Reorganization Plan numbered 14, of 1950, and section 2 of the Act of June 13, 1934 (48 Stat. 948).

“(h) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian tribe, no provision of the Office of Federal Procurement Policy Act, the Federal Acquisition Regulations issued pursuant thereto, or any other law or regulation pertaining to Federal

procurement (including Executive orders) shall apply to any construction project conducted under this title.

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“SEC. 510. FEDERAL PROCUREMENT LAWS AND REGULATIONS.

“Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy Act (41 U.S.C. 401 et seq.) and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply.

25 USC
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“SEC. 511. CIVIL ACTIONS.

“(a) CONTRACT DEFINED.—For the purposes of section 110, the term ‘contract’ shall include compacts and funding agreements entered into under this title.

“(b) APPLICABILITY OF CERTAIN LAWS.—Section 2103 of the Revised Statutes (25 U.S.C. 81) and section 16 of the Act of June 18, 1934 (48 Stat. 987; chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts entered into by Indian tribes participating in self-governance under this title.

“(c) REFERENCES.—All references in this Act to section 1 of the Act of June 26, 1936 (49 Stat. 1967; chapter 831) are hereby deemed to include the first section of the Act of July 3, 1952 (66 Stat. 323; chapter 549; 25 U.S.C. 82a).

25 USC
458aaa-11.

“SEC. 512. FACILITATION.

“(a) SECRETARIAL INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws, Executive orders, and regulations in a manner that will facilitate—

“(1) the inclusion of programs, services, functions, and activities (or portions thereof) and funds associated therewith, in the agreements entered into under this section;

“(2) the implementation of compacts and funding agreements entered into under this title; and

“(3) the achievement of tribal health goals and objectives.

“(b) REGULATION WAIVER.—

“(1) IN GENERAL.—An Indian tribe may submit a written request to waive application of a regulation promulgated under section 517 or the authorities specified in section 505(b) for a compact or funding agreement entered into with the Indian Health Service under this title, to the Secretary identifying the applicable Federal regulation sought to be waived and the basis for the request.

Deadline.

“(2) APPROVAL.—Not later than 90 days after receipt by the Secretary of a written request by an Indian tribe to waive application of a regulation for a compact or funding agreement entered into under this title, the Secretary shall either approve or deny the requested waiver in writing. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is prohibited by Federal law. A failure to approve or deny a waiver request not later than 90 days after receipt shall be deemed an approval of such request. The Secretary’s decision shall be final for the Department.

Deadline.

“(c) ACCESS TO FEDERAL PROPERTY.—In connection with any compact or funding agreement executed pursuant to this title or

an agreement negotiated under the Tribal Self-Governance Demonstration Project established under title III, as in effect before the enactment of the Tribal Self-Governance Amendments of 2000, upon the request of an Indian tribe, the Secretary—

“(1) shall permit an Indian tribe to use existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary’s jurisdiction under such terms and conditions as may be agreed upon by the Secretary and the Indian tribe for their use and maintenance;

“(2) may donate to an Indian tribe title to any personal or real property found to be excess to the needs of any agency of the Department, or the General Services Administration, except that—

“(A) subject to the provisions of subparagraph (B), title to property and equipment furnished by the Federal Government for use in the performance of the compact or funding agreement or purchased with funds under any compact or funding agreement shall, unless otherwise requested by the Indian tribe, vest in the appropriate Indian tribe;

“(B) if property described in subparagraph (A) has a value in excess of \$5,000 at the time of retrocession, withdrawal, or reassumption, at the option of the Secretary upon the retrocession, withdrawal, or reassumption, title to such property and equipment shall revert to the Department of Health and Human Services; and

“(C) all property referred to in subparagraph (A) shall remain eligible for replacement, maintenance, and improvement on the same basis as if title to such property were vested in the United States; and

“(3) shall acquire excess or surplus Government personal or real property for donation to an Indian tribe if the Secretary determines the property is appropriate for use by the Indian tribe for any purpose for which a compact or funding agreement is authorized under this title.

“(d) MATCHING OR COST-PARTICIPATION REQUIREMENT.—All funds provided under compacts, funding agreements, or grants made pursuant to this Act, shall be treated as non-Federal funds for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program.

“(e) STATE FACILITATION.—States are hereby authorized and encouraged to enact legislation, and to enter into agreements with Indian tribes to facilitate and supplement the initiatives, programs, and policies authorized by this title and other Federal laws benefiting Indians and Indian tribes.

“(f) RULES OF CONSTRUCTION.—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance and any ambiguity shall be resolved in favor of the Indian tribe.

“SEC. 513. BUDGET REQUEST.

“(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

“(1) IN GENERAL.—The President shall identify in the annual budget request submitted to Congress under section

25 USC
458aaa-12.

President.

1105 of title 31, United States Code, all funds necessary to fully fund all funding agreements authorized under this title, including funds specifically identified to fund tribal base budgets. All funds so appropriated shall be apportioned to the Indian Health Service. Such funds shall be provided to the Office of Tribal Self-Governance which shall be responsible for distribution of all funds provided under section 505.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Indian Health Service to reduce the amount of funds that a self-governance tribe is otherwise entitled to receive under its funding agreement or other applicable law, whether or not such funds are apportioned to the Office of Tribal Self-Governance under this section.

“(b) PRESENT FUNDING; SHORTFALLS.—In such budget request, the President shall identify the level of need presently funded and any shortfall in funding (including direct program and contract support costs) for each Indian tribe, either directly by the Secretary of Health and Human Services, under self-determination contracts, or under compacts and funding agreements authorized under this title.

25 USC
458aaa-13.

Deadline.

“SEC. 514. REPORTS.

“(a) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than January 1 of each year after the date of the enactment of the Tribal Self-Governance Amendments of 2000, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a written report regarding the administration of this title.

“(2) ANALYSIS.—The report under paragraph (1) shall include a detailed analysis of the level of need being presently funded or unfunded for each Indian tribe, either directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this Act. In compiling reports pursuant to this section, the Secretary may not impose any reporting requirements on participating Indian tribes or tribal organizations, not otherwise provided in this Act.

“(b) CONTENTS.—The report under subsection (a) shall—

“(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds; and

“(2) identify—

“(A) the relative costs and benefits of self-governance;

“(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and their members;

“(C) the funds transferred to each self-governance Indian tribe and the corresponding reduction in the Federal bureaucracy;

“(D) the funding formula for individual tribal shares of all headquarters funds, together with the comments of affected Indian tribes or tribal organizations, developed under subsection (c); and

“(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of those functions by type and location;

“(3) contain a description of the method or methods (or any revisions thereof) used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements;

“(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of no less than 30 days, beginning on the date of distribution); and

Deadline.

“(5) include the separate views and comments of the Indian tribes or tribal organizations.

“(c) **REPORT ON FUND DISTRIBUTION METHOD.**—Not later than 180 days after the date of the enactment of the Tribal Self-Governance Amendments of 2000, the Secretary shall, after consultation with Indian tribes, submit a written report to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate that describes the method or methods used to determine the individual tribal share of funds controlled by all components of the Indian Health Service (including funds assessed by any other Federal agency) for inclusion in self-governance compacts or funding agreements.

Deadline.

“SEC. 515. DISCLAIMERS.

“(a) **NO FUNDING REDUCTION.**—Nothing in this title shall be construed to limit or reduce in any way the funding for any program, project, or activity serving an Indian tribe under this or other applicable Federal law. Any Indian tribe that alleges that a compact or funding agreement is in violation of this section may apply the provisions of section 110.

25 USC
458aaa-14.

“(b) **FEDERAL TRUST AND TREATY RESPONSIBILITIES.**—Nothing in this Act shall be construed to diminish in any way the trust responsibility of the United States to Indian tribes and individual Indians that exists under treaties, Executive orders, or other laws and court decisions.

“(c) **OBLIGATIONS OF THE UNITED STATES.**—The Indian Health Service under this Act shall neither bill nor charge those Indians who may have the economic means to pay for services, nor require any Indian tribe to do so.

“SEC. 516. APPLICATION OF OTHER SECTIONS OF THE ACT.

“(a) **MANDATORY APPLICATION.**—All provisions of sections 5(b), 6, 7, 102(c) and (d), 104, 105(k) and (l), 106(a) through (k), and 111 of this Act and section 314 of Public Law 101-512 (coverage under chapter 171 of title 28, United States Code, commonly known as the ‘Federal Tort Claims Act’), to the extent not in conflict with this title, shall apply to compacts and funding agreements authorized by this title.

25 USC
458aaa-15.

“(b) **DISCRETIONARY APPLICATION.**—At the request of a participating Indian tribe, any other provision of title I, to the extent such provision is not in conflict with this title, shall be made a part of a funding agreement or compact entered into under this title. The Secretary is obligated to include such provision at the option of the participating Indian tribe or tribes. If such provision is incorporated it shall have the same force and effect as

if it were set out in full in this title. In the event an Indian tribe requests such incorporation at the negotiation stage of a compact or funding agreement, such incorporation shall be deemed effective immediately and shall control the negotiation and resulting compact and funding agreement.

25 USC
458aaa-16.

Deadline.

Federal Register,
publication.

“SEC. 517. REGULATIONS.

“(a) IN GENERAL.—

“(1) PROMULGATION.—Not later than 90 days after the date of the enactment of the Tribal Self-Governance Amendments of 2000, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

“(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register by the Secretary no later than 1 year after the date of the enactment of the Tribal Self-Governance Amendments of 2000.

“(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire 21 months after the date of the enactment of the Tribal Self-Governance Amendments of 2000.

“(b) COMMITTEE.—

“(1) IN GENERAL.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this Act.

“(2) REQUIREMENTS.—The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

“(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

“(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

“(e) EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.—Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 105(g) and regulations promulgated under section 517.

25 USC
458aaa-17.

“SEC. 518. APPEALS.

“In any appeal (including civil actions) involving decisions made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

“(1) the validity of the grounds for the decision made; and

“(2) that the decision is fully consistent with provisions and policies of this title.

“SEC. 519. AUTHORIZATION OF APPROPRIATIONS.25 USC
458aaa-18.

“(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

“(b) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of this Act, the provision of funds under this Act shall be subject to the availability of appropriations and the Secretary is not required to reduce funding for programs, projects, or activities serving a tribe in order to make funds available to another tribe or tribal organization under this Act.”.

SEC. 5. TRIBAL SELF-GOVERNANCE DEPARTMENT.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE VI—TRIBAL SELF-GOVERNANCE—DEPARTMENT OF HEALTH AND HUMAN SERVICES25 USC 450f
note.**“SEC. 601. DEFINITIONS.**

“(a) IN GENERAL.—In this title, the Secretary may apply the definitions contained in title V.

“(b) OTHER DEFINITIONS.—In this title:

“(1) AGENCY.—The term ‘agency’ means any agency or other organizational unit of the Department of Health and Human Services, other than the Indian Health Service.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“SEC. 602. DEMONSTRATION PROJECT FEASIBILITY.

“(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of a tribal self-governance demonstration project for appropriate programs, services, functions, and activities (or portions thereof) of the agency.

“(b) CONSIDERATIONS.—In conducting the study, the Secretary shall consider—

“(1) the probable effects on specific programs and program beneficiaries of such a demonstration project;

“(2) statutory, regulatory, or other impediments to implementation of such a demonstration project;

“(3) strategies for implementing such a demonstration project;

“(4) probable costs or savings associated with such a demonstration project;

“(5) methods to assure quality and accountability in such a demonstration project; and

“(6) such other issues that may be determined by the Secretary or developed through consultation pursuant to section 603.

“(c) REPORT.—Not later than 18 months after the date of the enactment of this title, the Secretary shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives. The report shall contain—

Deadline.

“(1) the results of the study under this section;

“(2) a list of programs, services, functions, and activities (or portions thereof) within each agency with respect to which it would be feasible to include in a tribal self-governance demonstration project;

“(3) a list of programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) that could be included in a tribal self-governance demonstration project without amending statutes, or waiving regulations that the Secretary may not waive;

“(4) a list of legislative actions required in order to include those programs, services, functions, and activities (or portions thereof) included in the list provided pursuant to paragraph (2) but not included in the list provided pursuant to paragraph (3) in a tribal self-governance demonstration project; and

“(5) any separate views of tribes and other entities consulted pursuant to section 603 related to the information provided pursuant to paragraphs (1) through (4).

“SEC. 603. CONSULTATION.

“(a) STUDY PROTOCOL.—

“(1) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with Indian tribes to determine a protocol for consultation under subsection (b) prior to consultation under such subsection with the other entities described in such subsection.

“(2) REQUIREMENTS FOR PROTOCOL.—The protocol shall require, at a minimum, that—

“(A) the government-to-government relationship with Indian tribes forms the basis for the consultation process;

“(B) the Indian tribes and the Secretary jointly conduct the consultations required by this section; and

“(C) the consultation process allows for separate and direct recommendations from the Indian tribes and other entities described in subsection (b).

“(b) CONDUCTING STUDY.—In conducting the study under this title, the Secretary shall consult with Indian tribes, States, counties, municipalities, program beneficiaries, and interested public interest groups, and may consult with other entities as appropriate.

“SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this title. Such sums shall remain available until expended.”.

SEC. 6. AMENDMENTS CLARIFYING CIVIL PROCEEDINGS.

Section 102(e)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(e)(1)) is amended by inserting after “subsection (b)(3)” the following: “or any civil action conducted pursuant to section 110(a)”.

SEC. 7. SPEEDY ACQUISITION OF GOODS, SERVICES, OR SUPPLIES.

Section 105(k) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(k)) is amended—

(1) by striking “deemed an executive agency” and inserting “deemed an executive agency and part of the Indian Health Service”; and

(2) by adding at the end the following: “For purposes of carrying out such contract, grant, or agreement, the Secretary

shall, at the request of an Indian tribe, enter into an agreement for the acquisition, on behalf of the Indian tribe, of any goods, services, or supplies available to the Secretary from the General Services Administration or other Federal agencies that are not directly available to the Indian tribe under this section or under any other Federal law, including acquisitions from prime vendors. All such acquisitions shall be undertaken through the most efficient and speedy means practicable, including electronic ordering arrangements.”.

SEC. 8. PATIENT RECORDS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended by adding at the end the following:

“(o) PATIENT RECORDS.—

“(1) IN GENERAL.—At the option of an Indian tribe or tribal organization, patient records may be deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the ‘Federal Records Act of 1950’ for the limited purposes of making such records eligible for storage by Federal Records Centers to the same extent and in the same manner as other Department of Health and Human Services patient records.

“(2) TREATMENT OF RECORDS.—Patient records that are deemed to be Federal records under those provisions of title 44, United States Code, that are commonly referred to as the ‘Federal Records Act of 1950’ pursuant to this subsection shall not be considered Federal records for the purposes of chapter 5 of title 5, United States Code.”.

SEC. 9. ANNUAL REPORTS.

Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1) is amended—

(1) by redesignating subsections (c) through (n) as subsections (d) through (o), respectively; and

(2) by inserting after subsection (b), the following:

“(c) ANNUAL REPORTS.—Not later than May 15 of each year, the Secretary shall prepare and submit to Congress an annual report on the implementation of this Act. Such report shall include—

Deadline.

“(1) an accounting of the total amounts of funds provided for each program and the budget activity for direct program costs and contract support costs of tribal organizations under self-determination;

“(2) an accounting of any deficiency in funds needed to provide required contract support costs to all contractors for the fiscal year for which the report is being submitted;

“(3) the indirect cost rate and type of rate for each tribal organization that has been negotiated with the appropriate Secretary;

“(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

“(5) the indirect cost pool amounts and the types of costs included in the indirect cost pool; and

“(6) an accounting of any deficiency in funds needed to maintain the preexisting level of services to any Indian tribes affected by contracting activities under this Act, and a statement of the amount of funds needed for transitional purposes

to enable contractors to convert from a Federal fiscal year accounting cycle, as authorized by section 105(d).”.

SEC. 10. REPEAL.

Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is repealed.

25 USC 450f
note.

SEC. 11. SAVINGS PROVISION.

Funds appropriated for title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) shall be available for use under title V of such Act.

SEC. 12. APPLICATION TO ALASKA.

(a) Notwithstanding any other provision of law, nothing in this Act, the amendments made thereby, nor its implementation, shall affect—

(1) the right of the Consortium or Southcentral Foundation to carry out the programs, functions, services and activities as specified in section 325 of Public Law 105-83 (111 Stat. 55-56); or

(2) the prohibitions in section 351 of section 101(e) of division A, Public Law 105-277.

(b) Section 351 of section 101(e) of division A, Public Law 105-277 and section 326 of Public Law 105-83 (111 Stat. 57) are amended by inserting “as amended” after the phrase “Public Law 93-638 (25 U.S.C. 450 et seq.)” where such phrase appears in each section.

25 USC 458aaa
note.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

Approved August 18, 2000.

LEGISLATIVE HISTORY—H.R. 1167 (S. 979):

HOUSE REPORTS: No. 106-477 (Comm. on Resources).

SENATE REPORTS: No. 106-221 accompanying S. 979 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 17, considered and passed House.

Vol. 146 (2000): Apr. 4, considered and passed Senate, amended, in lieu of S. 979.

July 24, House concurred in Senate amendment with amendments pursuant to H. Res. 562.

July 26, Senate concurred in House amendments.

Note: In line 1 of section 12(a)(1), the words “Consortium or” have been added in lieu of “Consortium of”.



Public Law 106–261
106th Congress

An Act

To designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

Aug. 18, 2000
[H.R. 1749]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(161) WILSON CREEK, NORTH CAROLINA.—(A) The 23.3 mile segment of Wilson Creek in the State of North Carolina from its headwaters to its confluence with Johns River, to be administered by the Secretary of Agriculture in the following classifications:

“(i) The 2.9 mile segment from its headwaters below Calloway Peak downstream to the confluence of Little Wilson Creek, as a scenic river.

“(ii) The 4.6 segment from Little Wilson Creek downstream to the confluence of Crusher Branch, as a wild river.

“(iii) The 15.8 segment from Crusher Branch downstream to the confluence of Johns River, as a recreational river.

“(B) The Forest Service or any other agency of the Federal Government may not undertake condemnation proceedings for the purpose of acquiring public right-of-way or access to Wilson Creek against the private property of T. Henry Wilson, Jr., or his heirs or assigns, located in Avery County, North Carolina (within the area 36°, 4 min., 21 sec. North 81°, 47 min., 37° West and 36°, 3 min., 13 sec. North and 81° 45 min. 55 sec. West), in the area of Wilson Creek designated as a wild river.”.

Approved August 18, 2000.

LEGISLATIVE HISTORY—H.R. 1749:

HOUSE REPORTS: No. 106–500 (Comm. on Resources).

SENATE REPORTS: No. 106–320 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Feb. 29, considered and passed House.

June 27, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Aug. 18, Presidential statement.



Public Law 106–263
106th Congress

An Act

To provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes.

Aug. 18, 2000
[H.R. 3291]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act”.

Shivwits Band of
the Paiute Indian
Tribe of Utah
Water Rights
Settlement Act.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is the official policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle the water rights claims of Indian tribes to avoid lengthy and costly litigation.

(2) Any meaningful policy of Indian self-determination and economic self-sufficiency requires the development of viable Indian reservation economies.

(3) The quantification of water rights and the development of water use facilities is essential to the development of viable Indian reservation economies, particularly in the arid Western States.

(4) The Act of March 3, 1891, provided for the temporary support of the Shebit (or Shivwits) tribe of Indians in Washington County, Utah, and appropriated moneys for the purchase of improvements on lands along the Santa Clara River for the use of said Indians. Approximately 26,880 acres in the same area were set aside as a reservation for the Shivwits Band by Executive order dated April 21, 1916. Additional lands were added to the reservation by Congress on May 28, 1937.

(5) The waters of the Santa Clara River are fully appropriated except during high flow periods. A water right was awarded to the United States for the benefit of the Shivwits Band in the 1922 adjudication entitled *St. George Santa Clara Field Co., et al. v. Newcastle Reclamation Co., et al.*, for “1.38 cubic feet of water per second for the irrigation of 83.2 acres of land and for culinary, domestic, and stock watering purposes”, but no provision has been made for water resource development to benefit the Shivwits Band. In general, the remainder of the Santa Clara River’s flow is either diverted on the reservation and delivered through a canal devoted exclusively to non-Indian use that traverses the reservation to a reservoir owned by the Ivins Irrigation Company; dedicated

to decreed and certificated rights of irrigation companies downstream of the reservation; or impounded in the Gunlock Reservoir upstream of the reservation. The Band's lack of access to water has frustrated its efforts to achieve meaningful self-determination and economic self-sufficiency.

(6) On July 21, 1980, the State of Utah, pursuant to title 73, chapter 4, Utah Code Ann., initiated a statutory adjudication of water rights in the Fifth Judicial District Court in Washington County, Utah, Civil No. 800507596, which encompasses all of the rights to the use of water, both surface and underground, within the drainage area of the Virgin River and its tributaries in Utah ("Virgin River Adjudication"), including the Santa Clara River Drainage ("Santa Clara System").

(7) The United States was joined as a party in the Virgin River Adjudication pursuant to section 666 of title 43, United States Code. On February 17, 1987, the United States filed a Statement of Water User Claim asserting a water right based on State law and a Federal reserved water rights claim for the benefit of the Shivwits Band to water from the Santa Clara River System. This was the only claim the United States filed for any Indian tribe or band in the Virgin River Adjudication within the period allowed by title 73, chapter 4, Utah Code Ann., which bars the filing of claims after the time prescribed therein.

(8) The Virgin River adjudication will take many years to conclude, entail great expense, and prolong uncertainty as to the availability of water supplies, and thus, the parties have sought to settle their dispute over water and reduce the burdens of litigation.

(9) After lengthy negotiation, which included participation by representatives of the United States Government for the benefit of the Shivwits Band, the State of Utah, the Shivwits Band, the Washington County Water Conservancy District, the City of St. George, and others on the Santa Clara River System, the parties have entered into agreements to resolve all water rights claims between and among themselves and to quantify the water right entitlement of the Shivwits Band, and to provide for the construction of water projects to facilitate the settlement of these claims.

(10) Pursuant to the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, the Shivwits Band will receive the right to a total of 4,000 acre-feet of water annually in settlement of its existing State law claims and Federal reserved water right claims.

(11) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Shivwits Band, it is appropriate that the United States participate in the implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement in accordance with this Act.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the Santa Clara River for the

Shivwits Band, and the United States for the benefit of the Shivwits Band;

(2) to promote the self-determination and economic self-sufficiency of the Shivwits Band, in part by providing funds to the Shivwits Band for its use in developing a viable reservation economy;

(3) to approve, ratify, and confirm the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, and the Shivwits Water Right described therein;

(4) to authorize the Secretary of the Interior to execute the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, and to take such actions as are necessary to implement these agreements in a manner consistent with this Act; and

(5) to authorize the appropriation of funds necessary for implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement.

SEC. 4. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) UTAH.—The term “Utah” means the State of Utah, by and through its Department of Natural Resources.

(3) SHIVWITS BAND.—The term “Shivwits Band” means the Shivwits Band of the Paiute Indian Tribe of Utah, a constituent band of the Paiute Indian Tribe of Utah, a federally recognized Indian tribe organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and the Act of April 3, 1980 (94 Stat. 317).

(4) PAIUTE INDIAN TRIBE OF UTAH.—The term “Paiute Indian Tribe of Utah” means the federally recognized Indian Tribe organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and the Act of April 3, 1980 (94 Stat. 317), comprised of five bands of Southern Paiute Indians (Shivwits, Indian Peaks, Cedar, Koosharem, and Kanosh Bands).

(5) DISTRICT.—The term “District” means the Washington County Water Conservancy District, a Utah water conservancy district.

(6) ST. GEORGE.—The term “St. George” means St. George City, a Utah municipal corporation.

(7) VIRGIN RIVER ADJUDICATION.—The term “Virgin River Adjudication” means the statutory adjudication of water rights initiated pursuant to title 73, chapter 4, Utah Code Ann. and pending in the Fifth Judicial District Court in Washington County, Utah, Civil No. 800507596.

(8) ST. GEORGE WATER REUSE PROJECT AGREEMENT.—The term “St. George Water Reuse Project Agreement” means the agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, and St. George City, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(9) **SANTA CLARA PROJECT AGREEMENT.**—The term “Santa Clara Project Agreement” means the agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, the Washington County Water Conservancy District, St. George City, the New Santa Clara Field Canal Company, the St. George Clara Field Canal Company, the Ivins Irrigation Company, the Southgate Irrigation Company, Bloomington Irrigation Company, Ed Bowler, and the Lower Gunlock Reservoir Company, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means that agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, the Washington County Water Conservancy District, St. George City, the New Santa Clara Field Canal Company, the St. George Clara Field Canal Company, the Ivins Irrigation Company, the Southgate Irrigation Company, Bloomington Irrigation Company, Ed Bowler, and the Lower Gunlock Reservoir Company, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(11) **SHIVWITS WATER RIGHT.**—The term “Shivwits Water Right” means the water rights of the Shivwits Band set forth in the Settlement Agreement and as settled, confirmed, and ratified by section 7 of this Act.

(12) **SHIVWITS BAND TRUST FUND.**—The term “Shivwits Band Trust Fund” means the Trust Fund authorized in section 11 of this Act to further the purposes of the Settlement Agreement and this Act.

(13) **VIRGIN RIVER RESOURCE MANAGEMENT AND RECOVERY PROGRAM.**—The term “Virgin River Resource Management and Recovery Program” means the proposed multiagency program, to be administered by the United States Fish and Wildlife Service, Bureau of Land Management, National Park Service, Utah, and the District, whose primary purpose is to prioritize and implement native fish recovery actions that offset impacts due to future water development in the Virgin River basin.

SEC. 5. ST. GEORGE WATER REUSE PROJECT.

(a) **ST. GEORGE WATER REUSE PROJECT.**—The St. George Water Reuse Project shall consist of water treatment facilities, a pipeline, and associated pumping and delivery facilities owned and operated by St. George, which is a component of, and shall divert water from, the Water Reclamation Facility located in St. George, Utah, and shall transport this water for delivery to and use by St. George and the Shivwits Band. St. George shall make 2,000 acre-feet of water available annually for use by the Shivwits Band in accordance with the St. George Water Reuse Project Agreement and this Act.

(b) **PROJECT CONSTRUCTION OPERATION AND MAINTENANCE.**—
(1) St. George shall be responsible for the design, engineering, permitting, construction, operation, maintenance, repair, and replacement of the St. George Water Reuse Project, and the payment of its proportionate share of these project costs as provided for in the St. George Water Reuse Project Agreement.

(2) The Shivwits Band and the United States for the benefit of the Shivwits Band shall make available, in accordance with the terms of the St. George Water Reuse Agreement and this Act, a total of \$15,000,000 to St. George for the proportionate share of the design, engineering, permitting, construction, operation, maintenance, repair, and replacement of the St. George Water Reuse Project associated with the 2,000 acre-feet annually to be provided to the Shivwits Band.

SEC. 6. SANTA CLARA PROJECT.

(a) **SANTA CLARA PROJECT.**—The Santa Clara Project shall consist of a pressurized pipeline from the existing Gunlock Reservoir across the Shivwits Reservation to and including Ivins Reservoir, along with main lateral pipelines. The Santa Clara Project shall pool and deliver the water rights of the parties as set forth in the Santa Clara Project Agreement. The Santa Clara Project shall deliver to the Shivwits Band a total of 1,900 acre-feet annually in accordance with the Santa Clara Project Agreement and this Act.

(b) **INSTREAM FLOW.**—The Santa Clara Project shall release instream flow water from the Gunlock Reservoir into the Santa Clara River for the benefit of the Virgin Spinedace, in accordance with the Santa Clara Project Agreement and this Act.

(c) **PROJECT FUNDING.**—The Utah Legislature and the United States Congress have each appropriated grants of \$750,000 for the construction of the Santa Clara Project. The District shall provide a grant of \$750,000 for the construction of the Santa Clara Project. The District shall provide any additional funding required for the construction of the Santa Clara Project.

(d) **PROJECT CONSTRUCTION, OPERATION, AND MAINTENANCE.**—The District shall be responsible for the permitting, design, engineering, construction, and the initial operation, maintenance, repair, and replacement of the Santa Clara Project. Operation, maintenance, repair, and replacement activities and costs of the Santa Clara Project shall be handled in accordance with the terms of the Santa Clara Project Agreement.

SEC. 7. SHIVWITS WATER RIGHT.

(a) **IN GENERAL.**—The Shivwits Band and its members shall have the right in perpetuity to divert, pump, impound, use, and reuse a total of 4,000 acre-feet of water annually from the Virgin River and Santa Clara River systems, to be taken as follows:

(1) 1,900 acre-feet annually from the Santa Clara River System, with an 1890 priority date in accordance with the terms of the Santa Clara Project Agreement.

(2) 2,000 acre-feet of water annually from the St. George Water Reuse Project as provided for in the St. George Water Reuse Project Agreement. The Shivwits Band shall have first priority to the reuse water provided from the St. George Water Reclamation Facility.

(3) 100 acre-feet annually, with a 1916 priority date, from groundwater on the Shivwits Reservation.

(b) **WATER RIGHTS CLAIMS.**—All water rights claims of the Shivwits Band, and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, are hereby settled. The Shivwits Water Right is hereby ratified, confirmed, and shall be held in trust by the United States for the benefit of the Shivwits Band.

(c) **SETTLEMENT.**—The Shivwits Band may use water from the springs and runoff located on the Shivwits Reservation. The amount used from these sources will be reported annually to the Utah State Engineer by the Shivwits Band and shall be counted against the annual 4,000 acre-feet Shivwits Water Right.

(d) **ABANDONMENT, FORFEITURE, OR NONUSE.**—The Shivwits Water Right shall not be subject to loss by abandonment, forfeiture, or nonuse.

(e) **USE OR LEASE.**—The Shivwits Band may use or lease the Shivwits Water Right for either or both of the following:

(1) For any purpose permitted by tribal or Federal law anywhere on the Shivwits Band Reservation. Once the water is delivered to the Reservation, such use shall not be subject to State law, regulation, or jurisdiction.

(2) For any beneficial use off the Shivwits Reservation in accordance with the St. George Water Reuse Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and all applicable Federal and State laws.

No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Shivwits Water Right.

SEC. 8. RATIFICATION OF AGREEMENTS.

Except to the extent that the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement conflict with the provisions of this Act, such agreements are hereby approved, ratified, and confirmed. The Secretary is hereby authorized to execute, and take such other actions as are necessary to implement, such agreements.

SEC. 9. SATISFACTION OF CLAIMS.

(a) **FULL SATISFACTION OF CLAIMS.**—The benefits realized by the Shivwits Band and its members under the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and this Act shall constitute full and complete satisfaction of all water rights claims, and any continuation thereafter of any of these claims, of the Shivwits Band and its members, and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, for water rights or injuries to water rights under Federal and State laws from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be—

(1) deemed to recognize or establish any right of a member of the Shivwits Band to water on the Shivwits Reservation; or

(2) interpreted or construed to prevent or prohibit the Shivwits Band from participating in the future in other water projects, or from purchasing additional water rights for their benefit and use, to the same extent as any other entity.

(b) **WAIVER AND RELEASE.**—By the approval, ratification, and confirmation herein of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, the United States executes the following waiver and release in conjunction with the Reservation of Rights and Retention of Claims set forth in the Settlement Agreement, to be effective upon satisfaction of the conditions set forth in section 14 of this Act. Except as otherwise provided in the Settlement Agreement, this Act, or the proposed judgment and decree referred to in section

14(a)(7) of this Act, the United States, on behalf of the Shivwits Band and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, waives and releases the following:

(1) All claims for water rights or injuries to water rights for lands within the Shivwits Reservation that accrued at any time up to and including the effective date determined by section 14 of this Act, and any continuation thereafter of any of these claims, that the United States for the benefit of the Shivwits Band may have against Utah, any agency or political subdivision thereof, or any person, entity, corporation, or municipal corporation.

(2) All claims for water rights or injuries to water rights for lands outside of the Shivwits Reservation, where such claims are based on aboriginal occupancy of the Shivwits Band, its members, or their predecessors, that accrued at any time up to and including the effective date determined by section 14 of this Act, and any continuation thereafter of any of these claims, that the United States for the benefit of the Shivwits Band may have against Utah, any agency or political subdivision thereof, or any person, entity, corporation, or municipal corporation.

(3) All claims for trespass to lands on the Shivwits Reservation regarding the use of Ivins Reservoir that accrued at any time up to and including the effective date determined by section 14 of this Act.

(c) DEFINITIONS.—For purposes of this section—

(1) “water rights” means rights under State and Federal law to divert, pump, impound, use or reuse, or to permit others to divert, pump, impound, use or reuse water; and

(2) “injuries to water rights” means the loss, deprivation, or diminution of water rights.

(d) SAVINGS PROVISION.—In the event the waiver and release contained in subsection (b) of this section do not become effective pursuant to section 14, the Shivwits Band and the United States shall retain the right to assert past and future water rights claims as to all lands of the Shivwits Reservation, and the water rights claims and defenses of all other parties to the agreements shall also be retained.

SEC. 10. WATER RIGHTS AND HABITAT ACQUISITION PROGRAM.

Environmental
protection.
Wildlife.

(a) IN GENERAL.—The Secretary is authorized to establish a water rights and habitat acquisition program in the Virgin River Basin—

(1) primarily for the benefit of native plant and animal species in the Santa Clara River Basin which have been listed, are likely to be listed, or are the subject of a duly approved conservation agreement under the Endangered Species Act; and

(2) secondarily for the benefit of native plant and animal species in other parts of the Virgin River Basin which have been listed, are likely to be listed, or are the subject of a duly approved conservation agreement under the Endangered Species Act.

(b) WATER AND WATER RIGHTS.—The Secretary is authorized to acquire water and water rights, with or without the lands to which such rights are appurtenant, and to acquire shares in irrigation and water companies, and to transfer, hold, and exercise such

water and water rights and related interests to assist the conservation and recovery of any native plant or animal species described in subsection (a).

(c) **REQUIREMENTS.**—Acquisition of the water rights and related interests pursuant to this section shall be subject to the following requirements:

(1) Water rights acquired must satisfy eligibility criteria adopted by the Secretary.

(2) Water right purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to the water rights acquisition program established by this section.

(3) All water rights shall be transferred and administered in accordance with any applicable State law.

(d) **HABITAT PROPERTY.**—The Secretary is authorized to acquire, hold, and transfer habitat property to assist the conservation and recovery of any native plant or animal species described in section 10(a). Acquisition of habitat property pursuant to this section shall be subject to the following requirements:

(1) Habitat property acquired must satisfy eligibility criteria adopted by the Secretary.

(2) Habitat property purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to the habitat acquisition program established by this section.

(e) **CONTRACT.**—The Secretary is authorized to administer the water rights and habitat acquisition program by contract or agreement with a non-Federal entity which the Secretary determines to be qualified to administer such program. The water rights and habitat acquisition program shall be administered pursuant to the Virgin River Resource Management and Recovery Program.

(f) **AUTHORIZATION.**—There is authorized to be appropriated from the Land and Water Conservation Fund for fiscal years prior to the fiscal year 2004, a total of \$3,000,000 for the water rights and habitat acquisition program authorized in this section. The Secretary is authorized to deposit and maintain this appropriation in an interest bearing account, said interest to be used for the purposes of this section. The funds authorized to be appropriated by this section shall not be in lieu of or supersede any other commitments by Federal, State, or local agencies. The funds appropriated pursuant to this section shall be available until expended, and shall not be expended for the purpose set forth in subsection (a)(2) until the Secretary has evaluated the effectiveness of the instream flow required and provided by the Santa Clara Project Agreement, and has assured that the appropriations authorized in this section are first made available for the purpose set forth in subsection (a)(1).

SEC. 11. SHIVWITS BAND TRUST FUND.

(a) **ESTABLISHMENT OF TRUST FUND.**—There is established in the Treasury of the United States a fund to be known as the “Shivwits Band Trust Fund” (hereinafter called the “Trust Fund”). The Secretary shall deposit into the Trust Fund the funds authorized to be appropriated in subsections (b) and (c). Except as otherwise provided in this Act, the Trust Fund principal and any income accruing thereon shall be managed in accordance with the American

Indian Trust Fund Management Reform Act (108 Stat. 4239; 25 U.S.C. 4001 et seq.).

(b) **AUTHORIZATION.**—There is authorized to be appropriated a total of \$20,000,000, for fiscal years prior to the fiscal year 2004 for the following purposes:

(1) \$5,000,000, which shall be made available to the Shivwits Band from the Trust Fund for purposes including but not limited to those that would enable the Shivwits Band to put to beneficial use all or part of the Shivwits Water Right, to defray the costs of any water development project in which the Shivwits Band is participating, or to undertake any other activity that may be necessary or desired for implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, the Settlement Agreement, or for economic development on the Shivwits Reservation.

(2) \$15,000,000, which shall be made available by the Secretary and the Shivwits Band to St. George for the St. George Water Reuse Project, in accordance with the St. George Water Reuse Project Agreement.

(c) **SHARE OF CERTAIN COSTS.**—There is authorized to be appropriated to the Trust Fund in fiscal years prior to the fiscal year 2004 a total of \$1,000,000 to assist with the Shivwits Band's proportionate share of operation, maintenance, repair, and replacement costs of the Santa Clara Project as provided for in the Santa Clara Project Agreement.

(d) **USE OF THE TRUST FUND.**—Except for the \$15,000,000 appropriated pursuant to subsection (b)(2), all Trust Fund principal and income accruing thereon may be used by the Shivwits Band for the purposes described in subsections (b)(1) and (c). The Shivwits Band, with the approval of the Secretary, may withdraw the Trust Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.). If the Shivwits Band exercises its right pursuant to this subsection to withdraw the Trust Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(e) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Trust Fund, or of the income accruing thereon, or of any revenue generated from any water use subcontract, shall be distributed to any member of the Shivwits Band on a per capita basis.

(f) **LIMITATION.**—The moneys authorized to be appropriated under subsections (b) and (c) shall not be available for expenditure or withdrawal by the Shivwits Band until the requirements of section 14 have been met so that the decree has become final and the waivers and releases executed pursuant to section 9(b) have become effective. Once the settlement becomes effective pursuant to the terms of section 14 of this Act, the assets of the Trust Fund belong to the Shivwits Band and are not returnable to the United States Government.

SEC. 12. ENVIRONMENTAL COMPLIANCE.

(a) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Signing by the Secretary of the St. George Water Reuse Project Agreement, the

Santa Clara Project Agreement, or the Settlement Agreement does not constitute major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **OTHER REQUIREMENTS.**—The Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable environmental laws in implementing the terms of the St. George Water Reuse Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and this Act.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) **OTHER INDIAN TRIBES.**—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community, other than the Shivwits Band and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band.

(b) **PRECEDENT.**—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

(c) **WAIVER OF SOVEREIGN IMMUNITY.**—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States. Furthermore, the submission of any portion of the Settlement Agreement to the District Court in the Virgin River Adjudication shall not expand State court jurisdiction or expand in any manner the waiver of sovereign immunity of the United States in section 666 of title 43, United States Code, or any other provision of Federal law.

(d) **APPRAISALS.**—Notwithstanding any other law to the contrary, the Secretary is authorized to approve any right-of-way appraisal which has been completed in accordance with the provisions of the Santa Clara Project Agreement.

SEC. 14. EFFECTIVE DATE.

(a) **IN GENERAL.**—The waiver and release contained in section 9(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the funds authorized by sections 11(b) and 11(c) have been appropriated and deposited into the Trust Fund;

(2) the funds authorized by section 10(f) have been appropriated;

(3) the St. George Water Reuse Project Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(4) the Santa Clara Project Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(5) the Settlement Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(6) the State Engineer of Utah has taken all actions and approved all applications necessary to implement the provisions of the St. George Water Reuse Agreement, the Santa Clara

Federal Register,
publication.

Project Agreement, and the Settlement Agreement, from which no further appeals may be taken; and

(7) the court has entered a judgment and decree confirming the Shivwits Water Right in the Virgin River Adjudication pursuant to Utah Rule of Civil Procedure 54(b), that confirms the Shivwits Water Right and is final as to all parties to the Santa Clara Division of the Virgin River Adjudication and from which no further appeals may be taken, which the United States and Utah find is consistent in all material aspects with the Settlement Agreement and with the proposed judgment and decree agreed to by the parties to the Settlement Agreement.

(b) DEADLINE.—If the requirements of paragraphs (1) through (7) of subsection (a) are not completed to allow the Secretary's statement of findings to be published by December 31, 2003—

(1) except as provided in section 9(d), this Act shall be of no further force and effect; and

(2) all unexpended funds appropriated under section 11(b) and (c), together with all interest earned on such funds shall revert to the general fund of the United States Treasury on October 1, 2004.

Approved August 18, 2000.

LEGISLATIVE HISTORY—H.R. 3291:

HOUSE REPORTS: No. 106-743 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

July 27, considered and passed Senate.



Public Law 106–264
106th Congress

An Act

Aug. 19, 2000
[H.R. 3519]

To provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic.

Global AIDS and
Tuberculosis
Relief Act of
2000.
Health and
health care.
Diseases.
22 USC 6801
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Global AIDS and Tuberculosis Relief Act of 2000”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Findings and purposes.

Subtitle A—United States Assistance

Sec. 111. Additional assistance authorities to combat HIV and AIDS.
Sec. 112. Voluntary contribution to Global Alliance for Vaccines and Immunizations and International AIDS Vaccine Initiative.
Sec. 113. Coordinated donor strategy for support and education of orphans in sub-Saharan Africa.
Sec. 114. African Crisis Response Initiative and HIV/AIDS training.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

Sec. 121. Establishment.
Sec. 122. Grant authorities.
Sec. 123. Administration.
Sec. 124. Advisory Board.

CHAPTER 2—REPORTS

Sec. 131. Reports to Congress.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

Sec. 141. Authorization of appropriations.
Sec. 142. Certification requirement.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Assistance for tuberculosis prevention, treatment, control, and elimination.

TITLE III—ADMINISTRATIVE AUTHORITIES

Sec. 301. Effective program oversight.

Sec. 302. Termination expenses.

**TITLE I—ASSISTANCE TO COUNTRIES
WITH LARGE POPULATIONS HAVING
HIV/AIDS**Global AIDS
Research and
Relief Act of
2000.**SEC. 101. SHORT TITLE.**22 USC 6801
note.

This title may be cited as the “Global AIDS Research and Relief Act of 2000”.

SEC. 102. DEFINITIONS.22 USC 6801
note.

In this title:

(1) AIDS.—The term “AIDS” means the acquired immune deficiency syndrome.

(2) ASSOCIATION.—The term “Association” means the International Development Association.

(3) BANK.—The term “Bank” or “World Bank” means the International Bank for Reconstruction and Development.

(4) HIV.—The term “HIV” means the human immunodeficiency virus, the pathogen which causes AIDS.

(5) HIV/AIDS.—The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

SEC. 103. FINDINGS AND PURPOSES.

22 USC 6802.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Surgeon General of the United States, the epidemic of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) will soon become the worst epidemic of infectious disease in recorded history, eclipsing both the bubonic plague of the 1300’s and the influenza epidemic of 1918–1919 which killed more than 20,000,000 people worldwide.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 34,300,000 people in the world today are living with HIV/AIDS, of which approximately 95 percent live in the developing world.

(3) UNAIDS data shows that among children age 14 and under worldwide, more than 3,800,000 have died from AIDS, more than 1,300,000 are living with the disease; and in 1 year alone—1999—an estimated 620,000 became infected, of which over 90 percent were babies born to HIV-positive women.

(4) Although sub-Saharan Africa has only 10 percent of the world’s population, it is home to more than 24,500,000—roughly 70 percent—of the world’s HIV/AIDS cases.

(5) Worldwide, there have already been an estimated 18,800,000 deaths because of HIV/AIDS, of which more than 80 percent occurred in sub-Saharan Africa.

(6) The gap between rich and poor countries in terms of transmission of HIV from mother to child has been increasing. Moreover, AIDS threatens to reverse years of steady progress of child survival in developing countries. UNAIDS believes that by the year 2010, AIDS may have increased

mortality of children under 5 years of age by more than 100 percent in regions most affected by the virus.

(7) According to UNAIDS, by the end of 1999, 13,200,000 children have lost at least one parent to AIDS, including 12,100,000 children in sub-Saharan Africa, and are thus considered AIDS orphans.

(8) At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase dramatically, potentially increasing threefold or more in the next 10 years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse, or child soldiery.

(9) Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities, and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves afflicted by HIV/AIDS, will be essential.

(10) The 1999 annual report by the United Nations Children's Fund (UNICEF) states "[t]he number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community."

(11) The discovery of a relatively simple and inexpensive means of interrupting the transmission of HIV from an infected mother to the unborn child—namely with nevirapine (NVP), which costs US\$4 a tablet—has created a great opportunity for an unprecedented partnership between the United States Government and the governments of Asian, African and Latin American countries to reduce mother-to-child transmission (also known as "vertical transmission") of HIV.

(12) According to UNAIDS, if implemented this strategy will decrease the proportion of orphans that are HIV-infected and decrease infant and child mortality rates in these developing regions.

(13) A mother-to-child antiretroviral drug strategy can be a force for social change, providing the opportunity and impetus needed to address often long-standing problems of inadequate services and the profound stigma associated with HIV-infection and the AIDS disease. Strengthening the health infrastructure to improve mother-and-child health, antenatal, delivery and postnatal services, and couples counseling generates enormous spillover effects toward combating the AIDS epidemic in developing regions.

(14) United States Census Bureau statistics show life expectancy in sub-Saharan Africa falling to around 30 years of age within a decade, the lowest in a century, and project life expectancy in 2010 to be 29 years of age in Botswana, 30 years of age in Swaziland, 33 years of age in Namibia and Zimbabwe, and 36 years of age in South Africa, Malawi, and Rwanda, in contrast to a life expectancy of 70 years of

age in many of the countries without a high prevalence of AIDS.

(15) A January 2000 United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that the economic costs of infectious diseases—especially HIV/AIDS—are already significant and could reduce GDP by as much as 20 percent or more by 2010 in some sub-Saharan African nations.

(16) According to the same NIE report, HIV prevalence among militias in Angola and the Democratic Republic of the Congo are estimated at 40 to 60 percent, and at 15 to 30 percent in Tanzania.

(17) The HIV/AIDS epidemic is of increasing concern in other regions of the world, with UNAIDS estimating that there are more than 5,600,000 cases in South and South-east Asia, that the rate of HIV infection in the Caribbean is second only to sub-Saharan Africa, and that HIV infections have doubled in just 2 years in the former Soviet Union.

(18) Despite the discouraging statistics on the spread of HIV/AIDS, some developing nations—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of HIV infection.

(19) AIDS, like all diseases, knows no national boundaries, and there is no certitude that the scale of the problem in one continent can be contained within that region.

(20) Accordingly, United States financial support for medical research, education, and disease containment as a global strategy has beneficial ramifications for millions of Americans and their families who are affected by this disease, and the entire population which is potentially susceptible.

(b) PURPOSES.—The purposes of this title are to—

(1) help prevent human suffering through the prevention, diagnosis, and treatment of HIV/AIDS; and

(2) help ensure the viability of economic development, stability, and national security in the developing world by advancing research to—

(A) understand the causes associated with HIV/AIDS in developing countries; and

(B) assist in the development of an AIDS vaccine.

Subtitle A—United States Assistance

SEC. 111. ADDITIONAL ASSISTANCE AUTHORITIES TO COMBAT HIV AND AIDS.

(a) ASSISTANCE FOR PREVENTION OF HIV/AIDS AND VERTICAL TRANSMISSION.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraphs:

Children and youth.

“(4)(A) Congress recognizes the growing international dilemma of children with the human immunodeficiency virus (HIV) and the merits of intervention programs aimed at this problem. Congress further recognizes that mother-to-child transmission prevention strategies can serve as a major force for change in developing regions, and it is, therefore, a major objective of the foreign assistance program to control the acquired immune deficiency syndrome (AIDS) epidemic.

“(B) The agency primarily responsible for administering this part shall—

“(i) coordinate with UNAIDS, UNICEF, WHO, national and local governments, and other organizations to develop and implement effective strategies to prevent vertical transmission of HIV; and

“(ii) coordinate with those organizations to increase intervention programs and introduce voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

“(5)(A) Congress expects the agency primarily responsible for administering this part to make the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS) a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV and AIDS.

“(B) Assistance described in subparagraph (A) shall include help providing—

“(i) primary prevention and education;

“(ii) voluntary testing and counseling;

“(iii) medications to prevent the transmission of HIV from mother to child; and

“(iv) care for those living with HIV or AIDS.

“(6)(A) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President \$300,000,000 for each of the fiscal years 2001 and 2002 to carry out paragraphs (4) and (5).

“(B) Of the funds authorized to be appropriated under subparagraph (A), not less than 65 percent is authorized to be available through United States and foreign nongovernmental organizations, including private and voluntary organizations, for-profit organizations, religious affiliated organizations, educational institutions, and research facilities.

“(C)(i) Of the funds authorized to be appropriated by subparagraph (A), not less than 20 percent is authorized to be available for programs as part of a multidonor strategy to address the support and education of orphans in sub-Saharan Africa, including AIDS orphans.

“(ii) Assistance made available under this subsection, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

“(D) Of the funds authorized to be appropriated under subparagraph (A), not less than 8.3 percent is authorized to be available to carry out the prevention strategies for vertical transmission referred to in paragraph (4)(A).

“(E) Of the funds authorized to be appropriated by subparagraph (A), not more than 7 percent may be used for the administrative expenses of the agency primarily responsible for carrying out this part of this Act in support of activities described in paragraphs (4) and (5).

“(F) Funds appropriated under this paragraph are authorized to remain available until expended.”.

(b) TRAINING AND TRAINING FACILITIES IN SUB-SAHARAN AFRICA.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by adding at the end the following

new sentence: “In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries.”.

SEC. 112. VOLUNTARY CONTRIBUTION TO GLOBAL ALLIANCE FOR VACCINES AND IMMUNIZATIONS AND INTERNATIONAL AIDS VACCINE INITIATIVE.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended by adding at the end the following new subsections:

“(k) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President \$50,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the Global Alliance for Vaccines and Immunizations.

“(l) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President \$10,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the International AIDS Vaccine Initiative.”.

(b) **REPORT.**—At the close of fiscal year 2001, the President shall submit a report to the appropriate congressional committees on the effectiveness of the Global Alliance for Vaccines and Immunizations and the International AIDS Vaccine Initiative during that fiscal year in meeting the goals of—

Deadline.
President.

- (1) improving access to sustainable immunization services;
- (2) expanding the use of all existing, safe, and cost-effective vaccines where they address a public health problem;
- (3) accelerating the development and introduction of new vaccines and technologies;
- (4) accelerating research and development efforts for vaccines needed primarily in developing countries; and
- (5) making immunization coverage a centerpiece in international development efforts.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In subsection (b), the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 113. COORDINATED DONOR STRATEGY FOR SUPPORT AND EDUCATION OF ORPHANS IN SUB-SAHARAN AFRICA.

22 USC 6811.

(a) **STATEMENT OF POLICY.**—It is in the national interest of the United States to assist in mitigating the burden that will be placed on sub-Saharan African social, economic, and political institutions as these institutions struggle with the consequences of a dramatically increasing AIDS orphan population, many of whom are themselves infected by HIV and living with AIDS. Effectively addressing that burden and its consequences in sub-Saharan Africa will require a coordinated multidonor strategy.

(b) **DEVELOPMENT OF STRATEGY.**—The President shall coordinate the development of a multidonor strategy to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic in sub-Saharan Africa.

President.

(c) **DEFINITION.**—In this section, the term “HIV/AIDS” means, with respect to an individual, an individual who is infected with the human immunodeficiency virus (HIV), the pathogen that causes the acquired immune deficiency virus (AIDS), or living with AIDS.

22 USC 6812.

SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/AIDS TRAINING.

(a) **FINDINGS.**—Congress finds that—

(1) the spread of HIV/AIDS constitutes a threat to security in Africa;

(2) civil unrest and war may contribute to the spread of the disease to different parts of the continent;

(3) the percentage of soldiers in African militaries who are infected with HIV/AIDS is unknown, but estimates range in some countries as high as 40 percent; and

(4) it is in the interests of the United States to assist the countries of Africa in combating the spread of HIV/AIDS.

(b) **EDUCATION ON THE PREVENTION OF THE SPREAD OF AIDS.**—In undertaking education and training programs for military establishments in African countries, the United States shall ensure that classroom training under the African Crisis Response Initiative includes military-based education on the prevention of the spread of AIDS.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

22 USC 6821.

SEC. 121. ESTABLISHMENT.

(a) **NEGOTIATIONS FOR ESTABLISHMENT OF TRUST FUND.**—The Secretary of the Treasury shall seek to enter into negotiations with the World Bank or the Association, in consultation with the Administrator of the United States Agency for International Development and other United States Government agencies, and with the member nations of the World Bank or the Association and with other interested parties, for the establishment within the World Bank of—

(1) the World Bank AIDS Trust Fund (in this subtitle referred to as the “Trust Fund”) in accordance with the provisions of this chapter; and

(2) the Advisory Board to the Trust Fund in accordance with section 124.

(b) **PURPOSE.**—The purpose of the Trust Fund should be to use contributed funds to—

(1) assist in the prevention and eradication of HIV/AIDS and the care and treatment of individuals infected with HIV/AIDS; and

(2) provide support for the establishment of programs that provide health care and primary and secondary education for children orphaned by the HIV/AIDS epidemic.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Trust Fund should be governed by a Board of Trustees, which should be composed of representatives of the participating donor countries to the Trust Fund. Individuals appointed to the Board should have demonstrated

knowledge and experience in the fields of public health, epidemiology, health care (including delivery systems), and development.

(2) UNITED STATES REPRESENTATION.—

(A) IN GENERAL.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the qualifications described in paragraph (1).

President.
Congress.

(B) EFFECTIVE AND TERMINATION DATES.—

(i) EFFECTIVE DATE.—This paragraph shall take effect upon the date the Secretary of the Treasury certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

Certification.

(ii) TERMINATION DATE.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

SEC. 122. GRANT AUTHORITIES.

22 USC 6822.

(a) PROGRAM OBJECTIVES.—

(1) IN GENERAL.—In carrying out the purpose of section 121(b), the Trust Fund, acting through the Board of Trustees, should provide only grants, including grants for technical assistance to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including access to affordable drugs.

(2) ACTIVITIES SUPPORTED.—Among the activities the Trust Fund should provide grants for should be—

(A) programs to promote the best practices in prevention, including health education messages that emphasize risk avoidance such as abstinence;

(B) measures to ensure a safe blood supply;

(C) voluntary HIV/AIDS testing and counseling;

(D) measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling, and access to infant formula or other alternatives for infant feeding;

(E) programs to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic;

(F) measures for the deterrence of gender-based violence and the provision of post-exposure prophylaxis to victims of rape and sexual assault; and

(G) incentives to promote affordable access to treatments against AIDS and related infections.

(3) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives of paragraph (1), the Trust Fund should coordinate its activities with governments, civil society, non-governmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.

(b) **PRIORITY.**—In providing grants under this section, the Trust Fund should give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate.

(c) **ELIGIBLE GRANT RECIPIENTS.**—Governments and nongovernmental organizations should be eligible to receive grants under this section.

(d) **PROHIBITION.**—The Trust Fund should not make grants for the purpose of project development associated with bilateral or multilateral bank loans.

22 USC 6823.

SEC. 123. ADMINISTRATION.

(a) **APPOINTMENT OF AN ADMINISTRATOR.**—The Board of Trustees, in consultation with the appropriate officials of the Bank, should appoint an Administrator who should be responsible for managing the day-to-day operations of the Trust Fund.

(b) **AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.**—The Trust Fund should be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(c) **ACCOUNTABILITY OF FUNDS AND CRITERIA FOR PROGRAMS.**—As part of the negotiations described in section 121(a), the Secretary of the Treasury shall, consistent with subsection (d)—

(1) take such actions as are necessary to ensure that the Bank or the Association will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Trust Fund.

(d) **SELECTION OF PROJECTS AND RECIPIENTS.**—The Board of Trustees should establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the grant-making process.

(e) **TRANSPARENCY OF OPERATIONS.**—The Board of Trustees should ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

22 USC 6824.

SEC. 124. ADVISORY BOARD.

(a) **IN GENERAL.**—There should be an Advisory Board to the Trust Fund.

(b) **APPOINTMENTS.**—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of development, health care (especially HIV/AIDS), epidemiology, medicine, biomedical research, and social sciences; and

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in affected countries.

(c) **RESPONSIBILITIES.**—The Advisory Board should provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) **PROHIBITION ON PAYMENT OF COMPENSATION.**—

(1) **IN GENERAL.**—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(2) **UNITED STATES REPRESENTATIVE.**—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Board.

CHAPTER 2—REPORTS

SEC. 131. REPORTS TO CONGRESS.

22 USC 6831.

(a) **ANNUAL REPORTS BY TREASURY SECRETARY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

Deadline.

(2) **REPORT ELEMENTS.**—The report shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established, acceptable to the Secretary of the Treasury and the Administrator of the United States Agency for International Development, that would be used to determine the programs and activities that should be assisted by the Trust Fund.

(b) **GAO REPORT ON TRUST FUND EFFECTIVENESS.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of the Congress a report evaluating the effectiveness of the Trust Fund, including—

Deadline.

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in reducing the worldwide spread of AIDS; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

(c) **APPROPRIATE COMMITTEES DEFINED.**—In subsection (a), the term “appropriate committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

22 USC 6841.

SEC. 141. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to HIV/AIDS or economic development, there is authorized to be appropriated to the Secretary of the Treasury \$150,000,000 for each of the fiscal years 2001 and 2002 for payment to the Trust Fund.

(b) **ALLOCATION OF FUNDS.**—Of the amounts authorized to be appropriated by subsection (a) for the fiscal years 2001 and 2002, \$50,000,000 are authorized to be available each such fiscal year only for programs that benefit orphans.

22 USC 6842.

SEC. 142. CERTIFICATION REQUIREMENT.

(a) **IN GENERAL.**—Prior to the initial obligation or expenditure of funds appropriated pursuant to section 141, the Secretary of the Treasury shall certify that adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

(b) **TRANSMITTAL OF CERTIFICATION.**—The certification required by subsection (a), and the bases for that certification, shall be submitted by the Secretary of the Treasury to Congress.

International
Tuberculosis
Control Act of
2000.

**TITLE II—INTERNATIONAL
TUBERCULOSIS CONTROL**

22 USC 2151
note.

SEC. 201. SHORT TITLE.

This title may be cited as the “International Tuberculosis Control Act of 2000”.

22 USC 2151b
note.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world’s total population is infected with tuberculosis; and

(C) tuberculosis is the world’s leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public

health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 111(a) of this Act, is further amended by adding at the end the following:

“(7)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those nations that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

“(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development and implementation of a comprehensive tuberculosis control program; and

“(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, in those countries in which the agency has established development programs, by December 31, 2010.

“(B) There is authorized to be appropriated to the President, \$60,000,000 for each of the fiscal years 2001 and 2002 to be used

to carry out this paragraph. Funds appropriated under this subparagraph are authorized to remain available until expended.”.

TITLE III—ADMINISTRATIVE AUTHORITIES

SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end thereof the following new subsection:

“(1) The Administrator of the agency primarily responsible for administering part I may use funds made available under that part to provide program and management oversight for activities that are funded under that part and that are conducted in countries in which the agency does not have a field mission or office.”.

SEC. 302. TERMINATION EXPENSES.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

“SEC. 617. TERMINATION EXPENSES.

“(a) **IN GENERAL.**—Funds made available under this Act and the Arms Export Control Act, may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such Acts prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

“(b) **LIABILITY TO CONTRACTORS.**—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such Acts prior to the termination of assistance.

“(c) **TERMINATION EXPENSES.**—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

“(d) **GUARANTY PROGRAMS.**—Provisions of this or any other Act requiring the termination of assistance under this or any other Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

“(e) RELATION TO OTHER PROVISIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.”.

Approved August 19, 2000.

LEGISLATIVE HISTORY—H.R. 3519:

HOUSE REPORTS: No. 106-548 (Comm. on Banking and Financial Services).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 15, considered and passed House.

July 26, considered and passed Senate, amended.

July 27, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Aug. 19, Presidential statement.



Public Law 106–265
106th Congress

An Act

Sept. 19, 2000
[H.R. 4040]

To amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Long-Term Care
Security Act.

**TITLE I—FEDERAL LONG-TERM CARE
INSURANCE**

5 USC 9001 note.

SEC. 1001. SHORT TITLE.

This title may be cited as the “Long-Term Care Security Act”.

SEC. 1002. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 90—LONG-TERM CARE INSURANCE

“Sec.

“9001. Definitions.

“9002. Availability of insurance.

“9003. Contracting authority.

“9004. Financing.

“9005. Preemption.

“9006. Studies, reports, and audits.

“9007. Jurisdiction of courts.

“9008. Administrative functions.

“9009. Cost accounting standards.

“§ 9001. Definitions

For purposes of this chapter:

“(1) EMPLOYEE.—The term ‘employee’ means—

“(A) an employee as defined by section 8901(1);

“(B) an individual described in section 2105(e); and

“(C) an individual employed by the Tennessee Valley

Authority,

but does not include an individual employed by the government of the District of Columbia.

“(2) ANNUITANT.—The term ‘annuitant’ has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term ‘employee’ were considered to have the meaning given to it under paragraph (1) of this subsection.

“(3) MEMBER OF THE UNIFORMED SERVICES.—The term ‘member of the uniformed services’ means a member of the uniformed services, other than a retired member of the uniformed services, who is—

“(A) on active duty or full-time National Guard duty for a period of more than 30 days; and

“(B) a member of the Selected Reserve.

“(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term ‘retired member of the uniformed services’ means a member or former member of the uniformed services entitled to retired or retainer pay, including a member or former member retired under chapter 1223 of title 10 who has attained the age of 60 and who satisfies such eligibility requirements as the Office of Personnel Management prescribes under section 9008.

“(5) QUALIFIED RELATIVE.—The term ‘qualified relative’ means each of the following:

“(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

“(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

“(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

“(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

“(6) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ refers to an individual described in paragraph (1), (2), (3), (4), or (5).

“(7) QUALIFIED CARRIER.—The term ‘qualified carrier’ means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

“(8) STATE.—The term ‘State’ includes the District of Columbia.

“(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term ‘qualified long-term care insurance contract’ has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

“(10) APPROPRIATE SECRETARY.—The term ‘appropriate Secretary’ means—

“(A) except as otherwise provided in this paragraph, the Secretary of Defense;

“(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

“(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

“(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

“§ 9002. Availability of insurance

“(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

“(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

“(1) the only coverage provided is under qualified long-term care insurance contracts; and

“(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

“(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one’s status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

“(d) UNDERWRITING STANDARDS.—

“(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

“(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

“(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

“(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

“(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual’s first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

“(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

“§ 9003. Contracting authority

“(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with one or more qualified carriers for a policy or policies of long-term care insurance. The Office

shall ensure that each resulting contract (hereafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

“(b) TERMS AND CONDITIONS.—

“(1) IN GENERAL.—Each master contract under this chapter shall contain—

“(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

“(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

“(C) the terms of the enrollment period; and

“(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

“(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

“(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

“(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

“(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

“(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

“(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

“(i) to establish internal procedures designed to expeditiously resolve such disputes; and

“(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for one or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

“(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

“(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

“(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

“(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

Courts.

“(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

“(d) DURATION.—

“(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

“(2) EXCEPTION.—

“(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting ‘ending on the last day of the 7-year period described in paragraph (2)(B)’ for ‘of 7 years’.

“(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

Deadline.
President.

“(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification, terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

“(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

“§ 9004. Financing

“(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

“(b) WITHHOLDINGS.—

“(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

“(A) in the case of an employee, be withheld from the pay of such employee;

“(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

“(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the pay of such member; and

“(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

“(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

“(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

“(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

“(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

Records.

“(f) REIMBURSEMENTS.—

“(1) REASONABLE INITIAL COSTS.—

“(A) IN GENERAL.—The Employees’ Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

“(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

“(2) SUBSEQUENT COSTS.—

“(A) IN GENERAL.—There is hereby established in the Employees’ Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

Contracts.

“(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

“§ 9005. Preemption

“The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

“§ 9006. Studies, reports, and audits

Contracts.

“(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

“(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

“(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

Records.
Certification.

“(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

“(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

“§ 9007. Jurisdiction of courts

“The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

“§ 9008. Administrative functions

Regulations.

“(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

“(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

Regulations.

“(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible

individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

“(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

“(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

“(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

“(A) the projected effect of inflation on the value of those benefits; and

“(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

“(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

“(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

“(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

“(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

“(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

“(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

“§ 9009. Cost accounting standards

“The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.”.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

“90. Long-Term Care Insurance 9001.”.

5 USC 9001 note. **SEC. 1003. EFFECTIVE DATE.**

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this title, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of the enactment of this Act.

Federal
Erroneous
Retirement
Coverage
Corrections Act.
5 USC 8331 note.

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Federal Erroneous Retirement Coverage Corrections Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

Sec. 2001. Short title; table of contents.

Sec. 2002. Definitions.

Sec. 2003. Applicability.

Sec. 2004. Irrevocability of elections.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

Sec. 2101. Employees.

Sec. 2102. Annuitants and survivors.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

Sec. 2111. Applicability.

Sec. 2112. Correction mandatory.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

Sec. 2121. Employee who should be Social Security-Only covered, but who is erroneously CSRS or CSRS-Offset covered instead.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

Sec. 2131. Employee who should be Social Security-Only covered, CSRS covered, or CSRS-Offset covered and is not FERS-Eligible, but who is erroneously FERS covered instead.

Sec. 2132. FERS-Eligible employee who should have been CSRS covered, CSRS-Offset covered, or Social Security-Only covered, but who was erroneously FERS covered instead without an election.

Sec. 2133. Retroactive effect.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

Sec. 2141. Applicability.

Sec. 2142. Correction mandatory.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

Sec. 2151. Applicability.

Sec. 2152. Correction mandatory.

Subtitle B—General Provisions

Sec. 2201. Identification and notification requirements.

Sec. 2202. Information to be furnished to and by authorities administering this title.

Sec. 2203. Service credit deposits.

Sec. 2204. Provisions related to Social Security coverage of misclassified employees.

Sec. 2205. Thrift Savings Plan treatment for certain individuals.

Sec. 2206. Certain agency amounts to be paid into or remain in the CSRDF.

Sec. 2207. CSRS coverage determinations to be approved by OPM.

Sec. 2208. Discretionary actions by Director.

Sec. 2209. Regulations.

Subtitle C—Other Provisions

Sec. 2301. Provisions to authorize continued conformity of other Federal retirement systems.

Sec. 2302. Authorization of payments.

Sec. 2303. Individual right of action preserved for amounts not otherwise provided for under this title.

Subtitle D—Effective Date

Sec. 2401. Effective date.

SEC. 2002. DEFINITIONS.

5 USC 8331 note.

For purposes of this title:

(1) **ANNUITANT.**—The term “annuitant” has the meaning given such term under section 8331(9) or 8401(2) of title 5, United States Code.

(2) **CSRS.**—The term “CSRS” means the Civil Service Retirement System.

(3) **CSRDF.**—The term “CSRDF” means the Civil Service Retirement and Disability Fund.

(4) **CSRS COVERED.**—The term “CSRS covered”, with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than service subject to section 8334(k) of such title.

(5) **CSRS-OFFSET COVERED.**—The term “CSRS-Offset covered”, with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) **EMPLOYEE.**—The term “employee” has the meaning given such term under section 8331(1) or 8401(11) of title 5, United States Code.

(7) **EXECUTIVE DIRECTOR.**—The term “Executive Director of the Federal Retirement Thrift Investment Board” or “Executive Director” means the Executive Director appointed under section 8474 of title 5, United States Code.

(8) **FERS.**—The term “FERS” means the Federal Employees’ Retirement System.

(9) **FERS COVERED.**—The term “FERS covered”, with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) **FORMER EMPLOYEE.**—The term “former employee” means an individual who was an employee, but who is not an annuitant.

(11) **OASDI TAXES.**—The term “OASDI taxes” means the OASDI employee tax and the OASDI employer tax.

(12) **OASDI EMPLOYEE TAX.**—The term “OASDI employee tax” means the tax imposed under section 3101(a) of the

Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term “OASDI employer tax” means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term “OASDI trust funds” means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term “Office” means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term “retirement coverage determination” means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term “retirement coverage error” means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986.

(18) SOCIAL SECURITY-ONLY COVERED.—The term “Social Security-Only covered”, with respect to any service, means Government service that—

(A) constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410); and

(B)(i) is subject to OASDI taxes; but

(ii) is not subject to CSRS or FERS.

(19) SURVIVOR.—The term “survivor” has the meaning given such term under section 8331(10) or 8401(28) of title 5, United States Code.

(20) THRIFT SAVINGS FUND.—The term “Thrift Savings Fund” means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

5 USC 8331 note. **SEC. 2003. APPLICABILITY.**

(a) IN GENERAL.—This title shall apply with respect to retirement coverage errors that occur before, on, or after the date of the enactment of this Act.

(b) LIMITATION.—Except as otherwise provided in this title, this title shall not apply to any erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986.

5 USC 8331 note. **SEC. 2004. IRREVOCABILITY OF ELECTIONS.**

Any election made (or deemed to have been made) by an employee or any other individual under this title shall be irrevocable.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

SEC. 2101. EMPLOYEES.

5 USC 8331 note.

(a) **APPLICABILITY.**—This section shall apply in the case of any employee or former employee who should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered or CSRS-Offset covered instead.

(b) **UNCORRECTED ERROR.**—

(1) **APPLICABILITY.**—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described under paragraph (3). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS-Offset covered, such individual shall be treated as CSRS-Offset covered, retroactive to the date of the retirement coverage error.

(2) **COVERAGE.**—

(A) **ELECTION.**—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or FERS covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

Deadline.

(B) **NONELECTION.**—If the individual does not make an election by the date provided under subparagraph (A), a CSRS-Offset covered individual shall remain CSRS-Offset covered and a CSRS covered individual shall be treated as CSRS-Offset covered.

(3) **REGULATIONS.**—The Office shall prescribe regulations to carry out this subsection.

(c) **CORRECTED ERROR.**—

(1) **APPLICABILITY.**—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b).

(2) **COVERAGE.**—

(A) **ELECTION.**—

(i) **CSRS-OFFSET COVERED.**—Not later than 180 days after the date of the enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered, effective as of the date of the retirement coverage error.

Deadline.
Regulations.

(ii) **THRIFT SAVINGS FUND CONTRIBUTIONS.**—If under this section an individual elects to be CSRS-Offset covered, all employee contributions to the Thrift

Savings Fund made during the period of FERS coverage (and earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under title 5, United States Code, that would otherwise be applicable.

(B) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(C) INELIGIBILITY FOR ELECTION.—An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424 of title 5, United States Code, or a distribution under section 8433(b), (c), or (h)(1)(A) of title 5, United States Code, may not make an election under this subsection.

(3) CORRECTIVE ACTION TO REMAIN IN EFFECT.—If an individual is ineligible to make an election or does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

5 USC 8331 note.

SEC. 2102. ANNUITANTS AND SURVIVORS.

(a) IN GENERAL.—This section shall apply in the case of an individual who is—

(1) an annuitant who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead; or

(2) a survivor of an employee who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead.

(b) COVERAGE.—

Deadline.
Regulations.

(1) ELECTION.—Not later than 180 days after the date of the enactment of this Act, the Office shall prescribe regulations authorizing an individual described under subsection (a) to elect CSRS-Offset coverage or FERS coverage, effective as of the date of the retirement coverage error.

Deadline.

(2) TIME LIMITATION.—An election under this subsection shall be made not later than 18 months after the effective date of the regulations prescribed under paragraph (1).

Regulations.

(3) REDUCED ANNUITY.—

(A) AMOUNT IN ACCOUNT.—If the individual elects CSRS-Offset coverage, the amount in the employee's Thrift Savings Fund account under subchapter III of chapter 84 of title 5, United States Code, on the date of retirement that represents the Government's contributions and earnings on those contributions (whether or not such amount was subsequently distributed from the Thrift Savings Fund) will form the basis for a reduction in the individual's annuity, under regulations prescribed by the Office.

(B) REDUCTION.—The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in

subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(4) REDUCED BENEFIT.—If—

(A) a surviving spouse elects CSRS-Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid, then the survivor's CSRS-Offset benefit shall be subject to a reduction, under regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to under subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(5) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error may not make an election under this subsection unless repayment of that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(c) NONELECTION.—If the individual does not make an election under subsection (b) before any time limitation under this section, the retirement coverage shall be subject to the following rules:

(1) CORRECTIVE ACTION PREVIOUSLY TAKEN.—If corrective action was taken before the end of any time limitation under this section, that corrective action shall remain in effect.

(2) CORRECTIVE ACTION NOT PREVIOUSLY TAKEN.—If corrective action was not taken before such time limitation, the employee shall be CSRS-Offset covered, retroactive to the date of the retirement coverage error.

**CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN
FERS COVERED, CSRS-OFFSET COVERED, OR CSRS
COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SE-
CURITY-ONLY COVERED INSTEAD**

SEC. 2111. APPLICABILITY.

5 USC 8331 note.

This chapter shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 2112. CORRECTION MANDATORY.

5 USC 8331 note.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) **CORRECTED ERROR.**—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

5 USC 8331 note. **SEC. 2121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.**

(a) **APPLICABILITY.**—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) **UNCORRECTED ERROR.**—

(1) **APPLICABILITY.**—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) **COVERAGE.**—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(3) **ELECTION.**—

(A) **IN GENERAL.**—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) **NONELECTION.**—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain CSRS-Offset covered.

(C) **REGULATIONS.**—The Office shall prescribe regulations to carry out this paragraph.

(c) **CORRECTED ERROR.**—

(1) **APPLICABILITY.**—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b)(3).

(2) **ELECTION.**—Not later than 180 days after the date of the enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error.

(3) **NONELECTION.**—If an eligible individual does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

Deadline.

Deadline.
Regulations.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

SEC. 2131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, CSRS COVERED, OR CSRS-OFFSET COVERED AND IS NOT FERS-ELIGIBLE, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD. 5 USC 8331 note.

(a) **APPLICABILITY.**—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) **UNCORRECTED ERROR.**—

(1) **APPLICABILITY.**—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (2).

(2) **COVERAGE.**—

(A) **ELECTION.**—

(i) **IN GENERAL.**—Upon written notice of a retirement coverage error, an individual may elect to remain FERS covered or to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

Deadline.

(ii) **TREATMENT OF FERS ELECTION.**—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

(B) **NONELECTION.**—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) **EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.**—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under section 8351 or 8432 of title 5, United States Code.

(4) **REGULATIONS.**—Except as provided under paragraph (3), the Office shall prescribe regulations to carry out this subsection.

(c) **CORRECTED ERROR.**—

(1) **APPLICABILITY.**—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under paragraph (2).

(2) **ELECTION.**—Not later than 180 days after the date of the enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations to remain Social Security-Only covered, CSRS covered,

Deadline.
Regulations.

or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) **NONELECTION.**—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) **TREATMENT OF FERS ELECTION.**—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99-335; 100 Stat. 599).

5 USC 8331 note. **SEC. 2132. FERS-ELIGIBLE EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, CSRS-OFFSET COVERED, OR SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY FERS COVERED INSTEAD WITHOUT AN ELECTION.**

(a) **IN GENERAL.**—

(1) **FERS ELECTION PREVENTED.**—If an individual was prevented from electing FERS coverage because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act or the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105-61; 111 Stat. 1318 et seq.), the individual—

(A) is deemed to have elected FERS coverage; and

(B) shall remain covered by FERS, unless the individual declines, under regulations prescribed by the Office, to be FERS covered.

(2) **DECLINING FERS COVERAGE.**—If an individual described under paragraph (1)(B) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(b) **EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.**—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under title 5, United States Code, that would otherwise be applicable.

(c) **INAPPLICABILITY OF DURATION OF ERRONEOUS COVERAGE.**—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

5 USC 8331 note. **SEC. 2133. RETROACTIVE EFFECT.**

Effective date.

This chapter shall be effective as of January 1, 1987, except that section 2132 shall not apply to individuals who made or were deemed to have made elections similar to those provided in this section under regulations prescribed by the Office before the effective date of this title.

**CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN
CSRS-OFFSET COVERED, BUT WHO WAS ERRO-
NEOUSLY CSRS COVERED INSTEAD****SEC. 2141. APPLICABILITY.**

5 USC 8331 note.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

SEC. 2142. CORRECTION MANDATORY.

5 USC 8331 note.

(a) **UNCORRECTED ERROR.**—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) **CORRECTED ERROR.**—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

**CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN
CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-
OFFSET COVERED INSTEAD****SEC. 2151. APPLICABILITY.**

5 USC 8331 note.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

SEC. 2152. CORRECTION MANDATORY.

5 USC 8331 note.

(a) **UNCORRECTED ERROR.**—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) **CORRECTED ERROR.**—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

Subtitle B—General Provisions**SEC. 2201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.**

5 USC 8331 note.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their rights under this title.

**SEC. 2202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES
ADMINISTERING THIS TITLE.**

5 USC 8331 note.

(a) **APPLICABILITY.**—The authorities identified in this subsection are—

- (1) the Director of the Office of Personnel Management;
- (2) the Commissioner of Social Security; and
- (3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) **AUTHORITY TO OBTAIN INFORMATION.**—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this title. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) **AUTHORITY TO PROVIDE INFORMATION.**—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority believes necessary to enable the department or agency to carry out its responsibilities under this title.

(d) **LIMITATION; SAFEGUARDS.**—Each of the respective authorities under subsection (a) shall—

(1) request or provide only such information as that authority considers necessary; and

(2) establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

5 USC 8331 note. **SEC. 2203. SERVICE CREDIT DEPOSITS.**

(a) **CSRS DEPOSIT.**—In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage,

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) **FERS DEPOSIT.**—

(1) **APPLICABILITY.**—This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and

(B)(i) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or

(ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) **REDUCED ANNUITY.**—

(A) **IN GENERAL.**—If at the time of commencement of an annuity there is remaining unpaid CSRS civilian or military service credit deposit for service described under paragraph (1), the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e)(2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) **AMOUNT.**—The reduced annuity to which the individual is entitled shall be equal to an amount that, when

Regulations.

taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of the unreduced annuity benefit that would have been provided the individual.

(3) SURVIVOR ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of a survivor annuity, there is remaining unpaid any CSRS service credit deposit described under paragraph (1), and there has been no actuarial reduction in an annuity under paragraph (2), the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e)(2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced survivor annuity benefit that would have been provided the individual.

SEC. 2204. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES. 5 USC 8331 note.

(a) DEFINITIONS.—In this section, the term—

(1) “covered individual” means any employee, former employee, or annuitant who—

(A) is or was employed erroneously subject to CSRS coverage as a result of a retirement coverage error; and

(B) is or was retroactively converted to CSRS-offset coverage, FERS coverage, or Social Security-Only coverage; and

(2) “excess CSRS deduction amount” means an amount equal to the difference between the CSRS deductions withheld and the CSRS-Offset or FERS deductions, if any, due with respect to a covered individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—

(1) IN GENERAL.—In order to carry out the Commissioner of Social Security’s responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed a covered individual to report (in coordination with the Office of Personnel Management) in such form and within such timeframe as the Commissioner may specify, any or all of—

(A) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage; and

(B) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner’s responsibilities under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) COMPLIANCE.—The head of an agency or the Office shall comply with a request from the Commissioner under paragraph (1).

(3) WAGES.—For purposes of section 201 of the Social Security Act (42 U.S.C. 401), wages reported under this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1986.

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—The Office shall transfer from the Civil Service Retirement and Disability Fund to the General Fund of the Treasury an amount equal to the lesser of the excess CSRS deduction amount or the OASDI taxes due for covered individuals (as adjusted by amounts transferred relating to applicable OASDI employee taxes as a result of corrections made, including corrections made before the date of the enactment of this Act). If the excess CSRS deductions exceed the OASDI taxes, any difference shall be paid to the covered individual or survivors, as appropriate.

(d) PAYMENT OF OASDI EMPLOYER TAXES.—

(1) IN GENERAL.—Each employing agency shall pay an amount equal to the OASDI employer taxes owed with respect to covered individuals during the applicable period of erroneous coverage (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of the enactment of this Act).

(2) PAYMENT.—Amounts paid under this subsection shall be determined subject to any limitation under section 6501 of the Internal Revenue Code of 1986.

5 USC 8331 note. **SEC. 2205. THRIFT SAVINGS PLAN TREATMENT FOR CERTAIN INDIVIDUALS.**

(a) APPLICABILITY.—This section applies to an individual who—

(1) is eligible to make an election of coverage under section 2101 or 2102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is described in section 2111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) PAYMENT INTO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—

(A) PAYMENT.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a(a)(2) of such title on the employee's retroactive contributions to such Fund.

(B) AMOUNT.—Earnings under subparagraph (A) shall be computed in accordance with the procedures for computing lost earnings under section 8432a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee's contributions.

(C) EXCEPTIONS.—If an individual made retroactive contributions before the effective date of the regulations

under section 2101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible. The alternative calculation shall yield an amount that is as close as practicable to the amount computed under subparagraph (B), taking into account earnings previously paid.

(2) **ADDITIONAL EMPLOYEE CONTRIBUTION.**—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 2101(c), the employee involved shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made after the date of the correction) shall be treated in accordance with paragraph (1).

(c) **REGULATIONS.**—

(1) **EXECUTIVE DIRECTOR.**—The Executive Director shall prescribe regulations appropriate to carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 2101(c).

(2) **OFFICE.**—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of lost earnings on retroactive employee contributions made before the effective date of the regulations under section 2101(c).

SEC. 2206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CSRDF. 5 USC 8331 note.

(a) **CERTAIN EXCESS AGENCY CONTRIBUTIONS TO REMAIN IN THE CSRDF.**—

(1) **IN GENERAL.**—Any amount described under paragraph

(2) shall—

(A) remain in the CSRDF; and

(B) may not be paid or credited to an agency.

(2) **AMOUNTS.**—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this title, that the Office determines to be excess as a result of such election.

(b) **ADDITIONAL EMPLOYEE RETIREMENT DEDUCTIONS TO BE PAID BY AGENCY.**—If a correction in a retirement coverage error results in an increase in employee deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee's pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CSRDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

5 USC 8331 note. **SEC. 2207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.**

No agency shall place an individual under CSRS coverage unless—

- (1) the individual has been employed with CSRS coverage within the preceding 365 days; or
- (2) the Office has agreed in writing that the agency's coverage determination is correct.

5 USC 8331 note. **SEC. 2208. DISCRETIONARY ACTIONS BY DIRECTOR.**

(a) **IN GENERAL.**—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this title in circumstances involving an individual's inability to make a timely election due to a cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this title.

(b) **SIMILAR ACTIONS.**—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) **JUDICIAL REVIEW.**—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) **REGULATIONS.**—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

Deadline.

(e) **REPORT.**—The Office of Personnel Management shall, not later than 180 days after the date of the enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

5 USC 8331 note. **SEC. 2209. REGULATIONS.**

(a) **IN GENERAL.**—In addition to the regulations specifically authorized in this title, the Office may prescribe such other regulations as are necessary for the administration of this title.

(b) **FORMER SPOUSE.**—The regulations prescribed under this title shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

Subtitle C—Other Provisions

SEC. 2301. PROVISIONS TO AUTHORIZE CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

5 USC 8331 note.

(a) **FOREIGN SERVICE.**—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this title in the same manner as if this title were part of—

Applicability.

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

(b) **CENTRAL INTELLIGENCE AGENCY.**—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this title in the same manner as if this title were part of—

Applicability.

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

SEC. 2302. AUTHORIZATION OF PAYMENTS.

5 USC 8331 note.

All payments authorized or required by this title to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this title, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 2303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS TITLE.

5 USC 8331 note.

Nothing in this title shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this title).

Subtitle D—Effective Date

5 USC 8331 note. **SEC. 2401. EFFECTIVE DATE.**

Except as otherwise provided in this title, this title shall take effect on the date of the enactment of this Act.

Approved September 19, 2000.

LEGISLATIVE HISTORY—H.R. 4040 (S. 2420):

HOUSE REPORTS: No. 106–610, Pt. 1 (Comm. on Government Reform).

SENATE REPORTS: No. 106–344 accompanying S. 2420 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

July 25, considered and passed Senate, amended, in lieu of S. 2420.

July 27, House concurred in Senate amendments with amendments.

Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Sept. 19, Presidential remarks and statement.



Public Law 106–266
106th Congress

An Act

To designate the Federal facility located at 1301 Emmet Street in Charlottesville,
Virginia, as the “Pamela B. Gwin Hall”.

Sept. 22, 2000
[H.R. 1729]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. DESIGNATION.

The Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, shall be known and designated as the “Pamela B. Gwin Hall”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Pamela B. Gwin Hall”.

Approved September 22, 2000.

LEGISLATIVE HISTORY—H.R. 1729:

HOUSE REPORTS: No. 106–587 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 3, considered and passed House.

Sept. 13, considered and passed Senate.



Public Law 106–267
106th Congress

An Act

Sept. 22, 2000
[H.R. 1901]

To designate the United States border station located in Pharr, Texas, as the
“Kika de la Garza United States Border Station”.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. DESIGNATION.

The United States border station located in Pharr, Texas, shall
be known and designated as the “Kika de la Garza United States
Border Station”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper,
or other record of the United States to the border station referred
to in section 1 shall be deemed to be a reference to the “Kika
de la Garza United States Border Station”.

Approved September 22, 2000.

LEGISLATIVE HISTORY—H.R. 1901:

HOUSE REPORTS: No. 106–586 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 3, considered and passed House.

Sept. 13, considered and passed Senate.



Public Law 106–268
106th Congress

An Act

To designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the “Adrian A. Spears Judicial Training Center”.

Sept. 22, 2000
[H.R. 1959]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 643 East Durango Boulevard in San Antonio, Texas, shall be known and designated as the “Adrian A. Spears Judicial Training Center”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Adrian A. Spears Judicial Training Center”.

Approved September 22, 2000.

LEGISLATIVE HISTORY—H.R. 1959:

HOUSE REPORTS: No. 106–688 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 27, considered and passed House.

Sept. 13, considered and passed Senate.



Public Law 106–269
106th Congress

An Act

Sept. 22, 2000
[H.R. 4608]

To designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the “James H. Quillen United States Courthouse”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, shall be known and designated as the “James H. Quillen United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “James H. Quillen United States Courthouse”.

Approved September 22, 2000.

LEGISLATIVE HISTORY—H.R. 4608:

HOUSE REPORTS: No. 106–689 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 27, considered and passed House.

Sept. 13, considered and passed Senate.



Public Law 106–270
106th Congress

An Act

To reauthorize the participation of the Bureau of Reclamation in the Deschutes
Resources Conservancy, and for other purposes.

Sept. 22, 2000
[S. 1027]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Deschutes Resources Conservancy
Reauthorization Act of 2000”.

Deschutes
Resources
Conservancy
Reauthorization
Act of 2000.

**SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION
IN DESCHUTES RESOURCES CONSERVANCY.**

Section 301 of the Oregon Resource Conservation Act of 1996
(division B of Public Law 104–208; 110 Stat. 3009–534) is
amended—

(1) in subsection (b)(3), by inserting before the period at
the end the following: “, and up to a total amount of \$2,000,000
during each of fiscal years 2002 through 2006”; and

(2) in subsection (h), by inserting before the period at
the end the following: “and \$2,000,000 for each of fiscal years
2002 through 2006”.

Approved September 22, 2000.

LEGISLATIVE HISTORY—S. 1027 (H.R. 1787):

HOUSE REPORTS: Nos. 106–712 accompanying H.R. 1787 and 106–805 (both from
Comm. on Resources).

SENATE REPORTS: No. 106–96 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): July 1, considered and passed Senate.

Vol. 146 (2000): Sept. 12, considered and passed House.



Public Law 106–271
106th Congress

An Act

Sept. 22, 2000
[S. 1117]

To establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

Corinth
Battlefield
Preservation Act
of 2000.
16 USC 430f–6
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Corinth Battlefield Preservation Act of 2000”.

16 USC 430f–6.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

- (A) the State of Mississippi;
- (B) the State of Tennessee;
- (C) the city of Corinth, Mississippi;
- (D) other public entities; and
- (E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites in and around the city of Corinth that—

- (A) are consistent with the themes of the Siege and Battle of Corinth;
- (B) meet the criteria for designation as a unit of the National Park System; and
- (C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

16 USC 430f–7.

In this Act:

(1) MAP.—The term “Map” means the map entitled “Park Boundary-Corinth Unit”, numbered 304/80,007, and dated October 1998.

(2) PARK.—The term “Park” means the Shiloh National Military Park.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) UNIT.—The term “Unit” means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

16 USC 430f–8.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as “Battery Robinett Boundary” on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or non-profit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

16 USC 430f–9.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

- (1) donation;
- (2) purchase with donated or appropriated funds; or
- (3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as “Friends of the Siege and Battle of Corinth”.

16 USC 430f–10.

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **DUTIES.**—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) **COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—To carry out this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) **TECHNICAL ASSISTANCE.**—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) **RESOURCES OUTSIDE THE UNIT.**—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

16 USC 430f–11.

(a) **IN GENERAL.**—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

- (1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and
- (2) are under the ownership of—
 - (A) the State of Mississippi (including a political subdivision of the State);
 - (B) the State of Tennessee (including a political subdivision of the State);
 - (C) a nonprofit organization; or
 - (D) a private person.

(b) **CONTENTS OF STUDY.**—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

- (A) the area in and around the city of Corinth; and
- (B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

- (A) the role of the railroad in the Civil War;
- (B) the story of the Corinth contraband camp; and
- (C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

- (A) State entities and their political subdivisions;
- (B) historical societies and commissions;
- (C) civic groups; and
- (D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

- (A) acquisition;
- (B) development;
- (C) interpretation;
- (D) operation; and
- (E) maintenance.

(c) **REPORT.**—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

Deadline.

- (1) the Committee on Energy and Natural Resources of the Senate; and
- (2) the Committee on Resources of the House of Representatives.

16 USC 430f–12. **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act, including \$3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5(d)).

Approved September 22, 2000.

LEGISLATIVE HISTORY—S. 1117:

SENATE REPORTS: No. 106–186 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Sept. 12, considered and passed House.



Public Law 106–272
106th Congress

An Act

To authorize the development and maintenance of a multi-agency campus project
in the town of Jackson, Wyoming.

Sept. 22, 2000
[S. 1374]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Jackson Multi-
Agency Campus
Act of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jackson Multi-Agency Campus
Act of 2000”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) the management of public land and natural resources
and the service of the public in the area of Jackson, Wyoming,
are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of

Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of
several of the agencies and entities specified in paragraph

(1) on 1 site to—

(A) facilitate communication between the agencies and
entities;

(B) reduce costs to the Federal, State, and local govern-
ments; and

(C) better serve the public.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to authorize the Federal agencies specified in subsection

(a)—

(A) to develop and maintain the Project in Jackson,
Wyoming, in cooperation with the other agencies and enti-
ties specified in subsection (a); and

(B) to provide resources and enter into such agreements
as are necessary for the planning, design, construction,
operation, maintenance, and fixture modifications of all
elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term “construction cost” means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term “Federal parcel” means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as “Bridger-Teton National Forest” on the Map; and

(B) the parcel comprising approximately 80 acres, known as the “Cache Creek Administrative Site”, located adjacent to the town.

(4) MAP.—The term “Map” means the map entitled “Multi-Agency Campus Project Site”, dated March 31, 1999, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(5) MASTER PLAN.—The term “master plan” means the document entitled “Conceptual Master Plan”, dated July 14, 1998, and on file at the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(6) PROJECT.—The term “Project” means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture (including a designee of the Secretary).

(8) STATE PARCEL.—The term “State parcel” means the parcel of land comprising approximately 3 acres, depicted as “Wyoming Game and Fish” on the Map.

(9) TOWN.—The term “town” means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY CAMPUS PROJECT, JACKSON, WYOMING.

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—

Deadline.

(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) CONVEYANCE.—

(A) SECRETARY.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

(B) TOWN.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this section in exchange for the land described in section 5(a)(1).

(b) OFFER TO CONVEY STATE PARCEL.—

(1) IN GENERAL.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as “Parcel Three”, to the United States to be used for construction of an administrative facility for the Bridger-Teton National Forest.

(2) CONVEYANCE.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

SEC. 5. CONVEYANCE OF FEDERAL LAND.

(a) IN GENERAL.—In exchange for the consideration described in section 4, the Secretary shall convey—

(1) to the town, in a manner that equalizes values—

(A) the portion of the Federal parcel, comprising approximately 9.3 acres, depicted on the Map as “Parcel Two”; and

(B) if an additional conveyance of land is necessary to equalize the values of land exchanged after the conveyance of Parcel Two, an appropriate portion of the portion of the Federal parcel comprising approximately 80 acres, known as the “Cache Creek Administrative Site” and located adjacent to the town; and

(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as “Parcel One”.

(b) REVERSIONARY INTERESTS.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth in the deed between the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.

(a) VALUATION OF LAND TO BE CONVEYED.—

(1) IN GENERAL.—The fair market and improvement values of the land to be exchanged under this Act shall be determined—

(A) by appraisals acceptable to the Secretary, using nationally recognized appraisal standards; and

(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL REPORT.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) NO EFFECT ON VALUE OF REVERSIONARY INTERESTS.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

(b) VALUE OF FEDERAL LAND GREATER THAN CONSTRUCTION COSTS.—If the value of the Federal land to be conveyed to the town under section 5(a)(1) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the Federal land conveyed so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(c) VALUE OF FEDERAL LAND EQUAL TO VALUE OF STATE PARCEL.—

(1) IN GENERAL.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(2) BOUNDARIES.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(d) PAYMENT OF CASH EQUALIZATION.—Notwithstanding subsections (b) and (c), the values of Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized

by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

SEC. 7. ADDITIONAL PROVISIONS.

(a) **CONSTRUCTION OF FEDERAL FACILITIES.**—The construction of facilities on Federal land within the boundaries of the Project shall be—

(1) supervised and managed by the town in accordance with the memorandum of understanding referred to in section 4(a)(1)(B); and

(2) carried out to standards and specifications approved by the Secretary.

(b) **ACCESS.**—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of facilities under this Act.

(c) **ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.**—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) **WETLAND.**—

(1) **IN GENERAL.**—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as “wetlands”.

(2) **DEEDS AND CONVEYANCE DOCUMENTS.**—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

Approved September 22, 2000.

LEGISLATIVE HISTORY—S. 1374:

HOUSE REPORTS: No. 106–748 (Comm. on Resources).

SENATE REPORTS: No. 106–215 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Sept. 12, considered and passed House.



Public Law 106–273
106th Congress

An Act

Sept. 22, 2000
[S. 1937]

To amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)) is amended by adding at the end the following:

“(7) REQUIRED SALE.—

“(A) DEFINITION OF A JOINT OPERATING ENTITY.—In this section, the term ‘joint operating entity’ means an entity that is lawfully organized under State law as a public body or cooperative prior to the date of enactment of this paragraph, and is formed by and whose members or participants are two or more public bodies or cooperatives, each of which was a customer of the Bonneville Power Administration on or before January 1, 1999.

“(B) SALE.—Pursuant to paragraph (1), the Administrator shall sell, at wholesale to a joint operating entity, electric power solely for the purpose of meeting the regional firm power consumer loads of regional public bodies and cooperatives that are members of or participants in the joint operating entity.

“(C) NO RESALE.—A public body or cooperative to which a joint operating entity sells electric power under subparagraph (B) shall not resell that power except to retail customers of the public body or cooperative or to another regional member or participant of the same joint operating entity, or except as otherwise permitted by law.”.

Approved September 22, 2000.

LEGISLATIVE HISTORY—S. 1937:

HOUSE REPORTS: No. 106–820, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Sept. 12, considered and passed House.



Public Law 106–274
106th Congress

An Act

To protect religious liberty, and for other purposes.

Sept. 22, 2000

[S. 2869]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Religious Land Use and Institutionalized Persons Act of 2000”.

Religious Land
Use and
Institutionalized
Persons Act of
2000.
42 USC 2000cc
note.
42 USC 2000cc.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) **SUBSTANTIAL BURDENS.**—

(1) **GENERAL RULE.**—No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) **SCOPE OF APPLICATION.**—This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) **DISCRIMINATION AND EXCLUSION.**—

(1) **EQUAL TERMS.**—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) **NONDISCRIMINATION.**—No government shall impose or implement a land use regulation that discriminates against

any assembly or institution on the basis of religion or religious denomination.

(3) EXCLUSIONS AND LIMITS.—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

42 USC
2000cc–1.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) GENERAL RULE.—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(b) SCOPE OF APPLICATION.—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

42 USC
2000cc–2.

SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) BURDEN OF PERSUASION.—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) FULL FAITH AND CREDIT.—Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting “the Religious Land Use and Institutionalized Persons Act of 2000,” after “Religious Freedom Restoration Act of 1993,”; and

(2) by striking the comma that follows a comma.

(e) PRISONERS.—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) **AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT.**—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) **LIMITATION.**—If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

42 USC
2000cc–3.

(a) **RELIGIOUS BELIEF UNAFFECTED.**—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) **RELIGIOUS EXERCISE NOT REGULATED.**—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) **CLAIMS TO FUNDING UNAFFECTED.**—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) **OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.**—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) **GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.**—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW.**—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption

that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) **BROAD CONSTRUCTION.**—This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) **NO PREEMPTION OR REPEAL.**—Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) **SEVERABILITY.**—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

42 USC
2000cc–4.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the “Establishment Clause”). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term “granting”, used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) **DEFINITIONS.**—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–2) is amended—

(1) in paragraph (1), by striking “a State, or a subdivision of a State” and inserting “or of a covered entity”;

(2) in paragraph (2), by striking “term” and all that follows through “includes” and inserting “term ‘covered entity’ means”; and

(3) in paragraph (4), by striking all after “means” and inserting “religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.”.

(b) **CONFORMING AMENDMENT.**—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–3(a)) is amended by striking “and State”.

42 USC
2000cc–5.

SEC. 8. DEFINITIONS.

In this Act:

(1) **CLAIMANT.**—The term “claimant” means a person raising a claim or defense under this Act.

(2) **DEMONSTRATES.**—The term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion.

(3) **FREE EXERCISE CLAUSE.**—The term “Free Exercise Clause” means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) **GOVERNMENT.**—The term “government”—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and
(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) LAND USE REGULATION.—The term “land use regulation” means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant’s use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) PROGRAM OR ACTIVITY.—The term “program or activity” means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(7) RELIGIOUS EXERCISE.—

(A) IN GENERAL.—The term “religious exercise” includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

(B) RULE.—The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

Approved September 22, 2000.

LEGISLATIVE HISTORY—S. 2869:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Sept. 22, Presidential statement.



Public Law 106–275
106th Congress

Joint Resolution

Sept. 29, 2000

[H.J. Res. 109]

Making continuing appropriations for the fiscal year 2001, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 2001, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 2000 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236);

(3) the District of Columbia Appropriations Act, 2001;

(4) the Energy and Water Development Appropriations Act, 2001;

(5) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956;

(6) the Department of the Interior and Related Agencies Appropriations Act, 2001;

(7) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001;

(8) the Legislative Branch Appropriations Act, 2001;

(9) the Department of Transportation and Related Agencies Appropriations Act, 2001;

(10) the Treasury and General Government Appropriations Act, 2001; and

(11) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 2000, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 2000, for a continuing project or activity which was conducted in fiscal year 2000 and for which there is fiscal year 2001 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 2000, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 2000, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 2001 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 2000, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000: *Provided*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 2000, for a continuing project or activity which was conducted in fiscal year 2000 and for which there is fiscal year 2001 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 2000.

SEC. 104. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 2000 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Expiration date.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 6, 2000, whichever first occurs.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 2001 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 2000 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2001 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 112. Amounts provided by section 101 of this joint resolution, for projects and activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, affected by the termination of the Violent Crime Reduction Trust Fund, shall be distributed into the accounts established in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as passed by the House.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, only the following activities funded with Federal Funds for the District of Columbia, may be continued

under this joint resolution at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Resident Tuition Support, Corrections Trustee Operations, Court Services and Offender Supervision, District of Columbia Courts, and Defender Services in District of Columbia Courts.

SEC. 115. Activities authorized by sections 1309(a)(2), as amended by Public Law 104–208, and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106(c) of this joint resolution.

SEC. 116. Notwithstanding subsections (a)(2) and (h)(1)(B) of section 3011 of Public Law 106–31, activities authorized for fiscal year 2000 by such section may continue during the period covered by this joint resolution.

SEC. 117. Notwithstanding any other provision of this joint resolution, the rate for operations for projects and activities for decennial census programs that would be funded under the heading “Bureau of the Census, Periodic Censuses and Programs” in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, shall be the budget request.

SEC. 118. Notwithstanding any other provision of this joint resolution except section 106, the United States Geological Survey may sign a contract to maintain Landsat–7 flight operations consistent with the President’s Budget proposal to transfer Landsat–7 flight operations responsibility from the National Aeronautics and Space Administration to the United States Geological Survey beginning in fiscal year 2001.

SEC. 119. Notwithstanding any other provision of this joint resolution, funds previously appropriated to the American Section of the International Joint Commission in Public Law 106–246 may be obligated and expended in fiscal year 2001 without regard to section 15 of the State Department Basic Authorities Act of 1956, as amended.

Approved September 29, 2000.

LEGISLATIVE HISTORY—H.J. Res. 109:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Sept. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Sept. 29, Presidential statement.



Public Law 106–276
106th Congress

An Act

Oct. 2, 2000
[S. 1638]

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—Section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d–5(a)) is amended—

(1) by striking “May 1, 1992”, and inserting “January 1, 1978,”; and

(2) by striking “October 1, 1997,” and inserting “January 1, 1978,”.

42 USC 3796d–5
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1999.

Approved October 2, 2000.

LEGISLATIVE HISTORY—S. 1638 (H.R. 2059):

HOUSE REPORTS: No. 106–800 accompanying H.R. 2059 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 15, considered and passed Senate.

Sept. 19, considered and passed House.



Public Law 106–277
106th Congress

An Act

To authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

Oct. 2, 2000
[S. 2460]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.

Section 102 of the Act of October 30, 1998 (Public Law 105–323) is amended—

22 USC 2708
note.

(1) in the section heading, by inserting “**OR RWANDA**” after “**YUGOSLAVIA**”;

(2) in subsection (a)(2), by inserting “or the International Criminal Tribunal for Rwanda” after “Yugoslavia”; and

(3) in subsection (c)—

(A) by inserting “(1)” immediately after “REFERENCE.—”; and

(B) by adding at the end the following:

“(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.”.

Approved October 2, 2000.

LEGISLATIVE HISTORY—S. 2460:

CONGRESSIONAL RECORD, Vol. 146 (2000):
June 23, considered and passed Senate.
Sept. 19, considered and passed House.



Public Law 106–278
106th Congress

An Act

Oct. 6, 2000
[H.R. 940]

To designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pennsylvania.
Historic
preservation.
Lackawanna
Valley National
Heritage Area
Act of 2000.
16 USC 461 note.

**TITLE I—LACKAWANNA VALLEY
NATIONAL HERITAGE AREA**

SEC. 101. SHORT TITLE.

This title may be cited as the “Lackawanna Valley National Heritage Area Act of 2000”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 103. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term “Heritage Area” means the Lackawanna Valley National Heritage Area established by section 104.

(2) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area specified in section 104(c).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 106(b).

(4) PARTNER.—The term “partner” means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 104. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 105.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 105. COMPACT.

(a) IN GENERAL.—To carry out this title, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES OF MANAGEMENT ENTITY.**—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this title to hire and compensate staff.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) **SPECIFICATION OF FUNDING SOURCES.**—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) **OTHER REQUIRED ELEMENTS.**—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(A) **IN GENERAL.**—Not later than the last day of the 3-year period beginning on the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this title

Deadline.

with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this title— Records.

(A) submit a report to the Secretary that specifies— Reports.
(i) the accomplishments of the management entity;

and
(ii) the expenses and income of the management entity;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS TITLE.—The management entity shall not use Federal funds received under this title to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds obtained through law other than this title for any purpose for which the funds are authorized to be used.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 106(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 108. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this title after September 30, 2012.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) 50-PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

Deadline.

TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA

Schuykill River
Valley National
Heritage Area
Act.

SEC. 201. SHORT TITLE.

This title may be cited as the “Schuykill River Valley National Heritage Area Act”. 16 USC 461 note.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Schuykill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;

(2) the Schuykill River is distinctive as the first spine of modern industrial development in Pennsylvania and one of the first in the United States;

(3) the Schuykill River Valley played a significant role in the struggle for nationhood;

(4) the Schuykill River Valley developed a prosperous and productive agricultural economy that survives today;

(5) the Schuykill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;

(6) the Schuykill River Valley developed into a significant anthracite mining region that continues to thrive today;

(7) the Schuykill River Valley developed early transportation systems, including the Schuykill Canal and the Reading Railroad;

(8) the Schuykill River Valley developed a significant industrial base, including textile mills and iron works;

(9) there is a longstanding commitment to—

(A) repairing the environmental damage to the river and its surroundings caused by the largely unregulated industrial activity; and

(B) completing the Schuykill River Trail along the 128-mile corridor of the Schuykill Valley;

(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuykill River as a system for transportation, agriculture, industry, commerce, and immigration; and

(11)(A) the Department of the Interior is responsible for protecting the Nation’s cultural and historical resources; and

(B) there are significant examples of such resources within the Schuykill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuykill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuykill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 203. DEFINITIONS.

In this title:

(1) **COOPERATIVE AGREEMENT.**—The term “cooperative agreement” means the cooperative agreement entered into under section 204(d).

(2) **HERITAGE AREA.**—The term “Heritage Area” means the Schuylkill River Valley National Heritage Area established by section 204.

(3) **MANAGEMENT ENTITY.**—The term “management entity” means the management entity of the Heritage Area appointed under section 204(c).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 205.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Pennsylvania.

SEC. 204. ESTABLISHMENT.

(a) **IN GENERAL.**—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.

(2) **CONTENTS.**—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—

(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;

(B) an identification and description of the management entity that will administer the Heritage Area; and

(C) a description of the role of the State.

SEC. 205. MANAGEMENT PLAN.

Deadline.

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

- (1) take into consideration State, county, and local plans;
- (2) involve residents, public agencies, and private organizations working in the Heritage Area;
- (3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and
- (4) include—

(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;

(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(D) a program for implementation of the management plan by the management entity;

(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and

(F) an interpretation plan for the Heritage Area.

(c) **DISQUALIFICATION FROM FUNDING.**—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of the enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.

(d) **UPDATE OF PLAN.**—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—For purposes of preparing and implementing the management plan, the management entity may—

- (1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and
- (2) hire and compensate staff.

(b) **DUTIES OF THE MANAGEMENT ENTITY.**—The management entity shall—

- (1) develop and submit the management plan under section 205;

(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

- (i) preserving the Heritage Area;
- (ii) establishing and maintaining interpretive exhibits in the Heritage Area;
- (iii) developing recreational resources in the Heritage Area;
- (iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;
- (v) restoring historic buildings relating to the themes of the Heritage Area; and
- (vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

Public
information.

(4) conduct public meetings at least quarterly regarding the implementation of the management plan;

(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and

Records.

(6) for any fiscal year in which Federal funds are received under this title—

Reports.

(A) submit to the Secretary a report describing—

- (i) the accomplishments of the management entity;
- (ii) the expenses and income of the management entity; and
- (iii) each entity to which the management entity made any grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for their permitted purposes.

(d) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan. Deadline.

(2) MANAGEMENT PLAN CONTENTS.—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—

(A) local elected officials;

(B) the State;

(C) business and industry groups;

(D) organizations interested in the protection of natural and cultural resources; and

(E) other community organizations and individual stakeholders.

(3) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval; and

(ii) make recommendations for revisions in the cooperative agreement or plan.

(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(c) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve substantial amendments to the management plan.

(2) **FUNDING EXPENDITURE LIMITATION.**—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) **IN GENERAL.**—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) **FUNDING.**—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 209. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of the enactment of this title.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title not more than \$10,000,000, of which not more than \$1,000,000 is authorized to be appropriated for any 1 fiscal year.

(b) **FEDERAL SHARE.**—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.

Approved October 6, 2000.

LEGISLATIVE HISTORY—H.R. 940 (S. 905):

HOUSE REPORTS: No. 106-285 (Comm. on Resources).

SENATE REPORTS: Nos. 106-185 accompanying S. 905 and 106-342 (both from Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 13, considered and passed House.

Vol. 146 (2000): July 27, considered and passed Senate, amended; passage vitiated.

Sept. 18, considered and passed Senate, amended.

Sept. 21, House concurred in Senate amendments.



Public Law 106–279
106th Congress

An Act

To provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, and for other purposes.

Oct. 6, 2000
[H.R. 2909]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Inter-country Adoption Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—UNITED STATES CENTRAL AUTHORITY

- Sec. 101. Designation of central authority.
- Sec. 102. Responsibilities of the Secretary of State.
- Sec. 103. Responsibilities of the Attorney General.
- Sec. 104. Annual report on intercountry adoptions.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

- Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.
- Sec. 202. Process for accreditation and approval; role of accrediting entities.
- Sec. 203. Standards and procedures for providing accreditation or approval.
- Sec. 204. Secretarial oversight of accreditation and approval.
- Sec. 205. State plan requirement.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

- Sec. 301. Adoptions of children immigrating to the United States.
- Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.
- Sec. 303. Adoptions of children emigrating from the United States.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

- Sec. 401. Access to Convention records.
- Sec. 402. Documents of other Convention countries.
- Sec. 403. Authorization of appropriations; collection of fees.
- Sec. 404. Enforcement.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Recognition of Convention adoptions.
- Sec. 502. Special rules for certain cases.
- Sec. 503. Relationship to other laws.
- Sec. 504. No private right of action.
- Sec. 505. Effective dates; transition rule.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress recognizes—

Inter-country
Adoption Act of
2000.
42 USC 14901
note.

42 USC 14901.

(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993); and

(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad, and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for implementation by the United States of the Convention;

(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and

(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.

42 USC 14902.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ACCREDITED AGENCY.—The term “accredited agency” means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.

(2) ACCREDITING ENTITY.—The term “accrediting entity” means an entity designated under section 202(a) to accredit agencies and approve persons under title II.

(3) ADOPTION SERVICE.—The term “adoption service” means—

(A) identifying a child for adoption and arranging an adoption;

(B) securing necessary consent to termination of parental rights and to adoption;

(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;

(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;

(E) post-placement monitoring of a case until final adoption; and

(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement. The term “providing”, with respect to an adoption service, includes facilitating the provision of the service.

(4) AGENCY.—The term “agency” means any person other than an individual.

(5) APPROVED PERSON.—The term “approved person” means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.

(6) ATTORNEY GENERAL.—Except as used in section 404, the term “Attorney General” means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

(7) **CENTRAL AUTHORITY.**—The term “central authority” means the entity designated as such by any Convention country under Article 6(1) of the Convention.

(8) **CENTRAL AUTHORITY FUNCTION.**—The term “central authority function” means any duty required to be carried out by a central authority under the Convention.

(9) **CONVENTION.**—The term “Convention” means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(10) **CONVENTION ADOPTION.**—The term “Convention adoption” means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.

(11) **CONVENTION RECORD.**—The term “Convention record” means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.

(12) **CONVENTION COUNTRY.**—The term “Convention country” means a country party to the Convention.

(13) **OTHER CONVENTION COUNTRY.**—The term “other Convention country” means a Convention country other than the United States.

(14) **PERSON.**—The term “person” shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.

(15) **PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.**—The term “person with an ownership or control interest” has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a-3).

(16) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(17) **STATE.**—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

TITLE I—UNITED STATES CENTRAL AUTHORITY

SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.

42 USC 14911.

(a) **IN GENERAL.**—For purposes of the Convention and this Act—

(1) the Department of State shall serve as the central authority of the United States; and

(2) the Secretary shall serve as the head of the central authority of the United States.

(b) **PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.**—

(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.

(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's Issues shall have a strong background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

(c) **AUTHORITY TO ISSUE REGULATIONS.**—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.

42 USC 14912.

SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

(a) **LIAISON RESPONSIBILITIES.**—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) **INFORMATION EXCHANGE.**—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other matters necessary and appropriate for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or, in the case of a child emigrating to the United States for the purpose of adoption, to the competent authority in the child's country of origin

Deadline.
Notice.

with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;

(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) ACCREDITATION AND APPROVAL RESPONSIBILITIES.—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

(d) ADDITIONAL RESPONSIBILITIES.—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.

(e) ESTABLISHMENT OF REGISTRY.—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.

(f) METHODS OF PERFORMING RESPONSIBILITIES.—The Secretary may—

(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and

Federal Register, publication.

(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.

SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

42 USC 14913.

In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.

SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

42 USC 14914.

(a) REPORTS REQUIRED.—Beginning 1 year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means,

Effective date.

and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall set forth with respect to the year concerned, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.

(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.

(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

42 USC 14921.

SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.

(a) IN GENERAL.—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

- (1) is accredited or approved in accordance with this title;
- or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:

(1) BACKGROUND STUDIES AND HOME STUDIES.—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) CHILD WELFARE SERVICES.—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) LEGAL SERVICES.—The provision of legal services by a person who is not providing any adoption service in the case.

(4) PROSPECTIVE ADOPTIVE PARENTS ACTING ON OWN BEHALF.—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.

SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES. 42 USC 14922.

(a) DESIGNATION OF ACCREDITING ENTITIES.—

(1) IN GENERAL.—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity. Contracts.

(2) QUALIFIED ENTITIES.—In paragraph (1), the term “qualified entity” means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or

(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—

(i) has expertise in developing and administering standards for entities providing child welfare services;

(ii) accredits only agencies located in the State in which the public entity is located; and

(iii) meets such other criteria as the Secretary may by regulation establish.

(b) DUTIES OF ACCREDITING ENTITIES.—The duties described in this subsection are the following:

(1) ACCREDITATION AND APPROVAL.—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.

(2) OVERSIGHT.—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary. Procedures.

(3) **ENFORCEMENT.**—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) **DATA, RECORDS, AND REPORTS.**—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.

(c) **REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.**—

(1) **CORRECTION OF DEFICIENCY.**—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) **NO OTHER ADMINISTRATIVE REVIEW.**—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) **JUDICIAL REVIEW.**—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) **FEES.**—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

42 USC 14923.

SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.

(a) **IN GENERAL.**—

(1) **PROMULGATION OF REGULATIONS.**—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) **CONSIDERATION OF VIEWS.**—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) **APPLICABILITY OF NOTICE AND COMMENT RULES.**—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) MINIMUM REQUIREMENTS.—

(1) ACCREDITATION.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) SPECIFIC REQUIREMENTS.—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before: (I) the adoption; or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

Records.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including, in the case of a child emigrating to the United States for the purpose of adoption, the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term "background report (home study)" includes any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.

Reports.

(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.

(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.

(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.

(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.

(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—

(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;

(ii) cooperating with reviews, inspections, and audits;

(iii) safeguarding sensitive individual information; and

(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.

(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.

(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.

(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.

(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.

(c) TEMPORARY REGISTRATION OF COMMUNITY BASED AGENCIES.—

(1) ONE-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) TWO-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into

force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) **CRITERIA FOR REGISTRATION.**—Agencies registered under this subsection shall meet the following criteria:

(A) The agency is licensed in the State in which it is located and is a nonprofit agency.

(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.

(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.

(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.

(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.

SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL. 42 USC 14924.

(a) **OVERSIGHT OF ACCREDITING ENTITIES.**—The Secretary shall—

(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and

(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.

(b) **SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.**—

(1) **SECRETARY'S AUTHORITY.**—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—

(A) the agency or person is substantially out of compliance with applicable requirements; and

(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.

(2) **CORRECTION OF DEFICIENCY.**—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—

(A) notify the accrediting entity that the deficiencies have been corrected; and Notification.

(B)(i) in the case of a suspension, terminate the suspension; or

(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.

(c) DEBARMENT.—

(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—

(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and

(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.

(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.

(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.

(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.

(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—

(1) IN GENERAL.—Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial non-compliance with applicable requirements.

(2) REGULATIONS.—Regulations promulgated under section 203 shall provide for—

(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(A)(ii); and

(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.

(3) REPEATED FAILURES TO COMPLY.—Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).

(4) FAILURE TO COMPLY WITH CERTAIN REQUIREMENTS.—A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.

SEC. 205. STATE PLAN REQUIREMENT.

Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking “and” at the end;

(2) in paragraph (12), by striking “children.” and inserting “children;”; and

(3) by adding at the end the following new paragraphs:

“(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

“(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.”.

Records.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.

42 USC 14931.

(a) LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.—

(1) ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—

(A) receives appropriate notification from the central authority of such child's country of origin; and

(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.

(2) **LEGAL EFFECT OF CERTIFICATES.**—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.

(b) **LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.**—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.

(c) **CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.**—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.

(a) **DEFINITION OF CHILD.**—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking “or” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; or”; and

(3) by adding after subparagraph (F) the following new subparagraph:

“(G) a child, under the age of sixteen at the time a petition is filed on the child’s behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least 25 years of age—

“(i) if—

“(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

“(II) the child’s natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child’s emigration and adoption;

“(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

“(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

“(V) in the case of a child who has not been adopted—

“(aa) the competent authority of the foreign state has approved the child’s emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

“(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child’s proposed residence; and

“(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.”

(b) APPROVAL OF PETITIONS.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—

(1) by striking “(d)” and inserting “(d)(1)”;

(2) by striking “section 101(b)(1)(F)” and inserting “subparagraph (F) or (G) of section 101(b)(1)”; and

(3) by adding at the end the following new paragraph:

“(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child’s country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.”

(c) DEFINITION OF PARENT.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting “and paragraph (1)(G)(i)” after “second proviso therein”.

SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.

42 USC 14932.

(a) DUTIES OF ACCREDITED AGENCY OR APPROVED PERSON.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:

(1) Ensure that, in accordance with the Convention—

(A) a background study on the child is completed;

(B) the accredited agency or approved person—

(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and

(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and

(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.

(2) Furnish to the State court with jurisdiction over the case—

Records. (A) documentation of the matters described in paragraph (1);

Reports. (B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and

(C) a declaration by the central authority (or other competent authority) of such other Convention country—

(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and

(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.

Records. (3) Furnish to the United States central authority—

(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;

(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(b) CONDITIONS ON STATE COURT ORDERS.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) the material described in subsection (a)(2); and

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(2) has determined that the adoptive placement is in the best interests of the child.

Certification.

(c) DUTIES OF THE SECRETARY OF STATE.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.

(d) FILING WITH REGISTRY REGARDING NONCONVENTION ADOPTIONS.—Accredited agencies, approved persons, and other persons,

including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).

TITLE IV—ADMINISTRATION AND ENFORCEMENT

SEC. 401. ACCESS TO CONVENTION RECORDS.

42 USC 14941.

(a) PRESERVATION OF CONVENTION RECORDS.—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.

Deadline.
Regulations.

(2) **APPLICABILITY OF NOTICE AND COMMENT RULES.**—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) ACCESS TO CONVENTION RECORDS.—

(1) **PROHIBITION.**—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.

(2) **EXCEPTION FOR ADMINISTRATION OF THE CONVENTION.**—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.

(3) **PENALTIES FOR UNLAWFUL DISCLOSURE.**—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) **ACCESS TO NON-CONVENTION RECORDS.**—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.

SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

42 USC 14942.

Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

42 USC 14943.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) **ASSESSMENT OF FEES.**—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.

(c) **RESTRICTION.**—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.

42 USC 14944.

SEC. 404. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),

shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation.

(b) **CIVIL ENFORCEMENT.**—

(1) **AUTHORITY OF ATTORNEY GENERAL.**—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) **FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.**—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) **CRIMINAL PENALTIES.**—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than \$250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.

42 USC 14951.

Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.

42 USC 14952.

(a) **AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.**—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.

(b) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.

(2) **NONDELEGATION.**—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.

42 USC 14953.

(a) **PREEMPTION OF INCONSISTENT STATE LAW.**—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.

(b) **APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.**—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

(c) **RELATIONSHIP TO OTHER LAWS.**—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.

42 USC 14954.

The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

42 USC 14901
note.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE.**(a) EFFECTIVE DATES.—**

(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.

(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.

(b) TRANSITION RULE.—The Convention and this Act shall not apply—

(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or

(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

Approved October 6, 2000.

LEGISLATIVE HISTORY—H.R. 2909:

HOUSE REPORTS: No. 106–691, Pt. 1 (Comm. on International Relations).
CONGRESSIONAL RECORD, Vol. 146 (2000):

July 18, considered and passed House.

July 27, considered and passed Senate, amended.

Sept. 18, House concurred in Senate amendment with an amendment.

Sept. 20, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 6, Presidential statement.



Public Law 106–280
106th Congress

An Act

To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

Oct. 6, 2000
[H.R. 4919]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Security Assistance Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Security
Assistance Act of
2000.
22 USC 2151
note.

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authorities

Sec. 101. Authorization of appropriations.
Sec. 102. Requirements relating to country exemptions for licensing of defense items for export to foreign countries.

Subtitle B—Stockpiling of Defense Articles for Foreign Countries

Sec. 111. Additions to United States war reserve stockpiles for allies.
Sec. 112. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.

Subtitle C—Other Assistance

Sec. 121. Defense drawdown special authorities.
Sec. 122. Increased authority for the transport of excess defense articles.

TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 201. Authorization of appropriations.
Sec. 202. Additional requirements.

TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Sec. 301. Nonproliferation and export control assistance.
Sec. 302. Nonproliferation and export control training in the United States.
Sec. 303. Science and technology centers.
Sec. 304. Trial transit program.
Sec. 305. Exception to authority to conduct inspections under the Chemical Weapons Convention Implementation Act of 1998.

TITLE IV—ANTITERRORISM ASSISTANCE

Sec. 401. Authorization of appropriations.

TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

Subtitle A—Establishment of a National Security Assistance Strategy

Sec. 501. National Security Assistance Strategy.

Subtitle B—Allocations for Certain Countries

- Sec. 511. Security assistance for new NATO members.
- Sec. 512. Increased training assistance for Greece and Turkey.
- Sec. 513. Assistance for Israel.
- Sec. 514. Assistance for Egypt.
- Sec. 515. Security assistance for certain countries.
- Sec. 516. Border security and territorial independence.

TITLE VI—TRANSFERS OF NAVAL VESSELS

- Sec. 601. Authority to transfer naval vessels to certain foreign countries.
- Sec. 602. Inapplicability of aggregate annual limitation on value of transferred excess defense articles.
- Sec. 603. Costs of transfers.
- Sec. 604. Conditions relating to combined lease-sale transfers.
- Sec. 605. Funding of certain costs of transfers.
- Sec. 606. Repair and refurbishment in United States shipyards.
- Sec. 607. Sense of the Congress regarding transfer of naval vessels on a grant basis.
- Sec. 608. Expiration of authority.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Utilization of defense articles and defense services.
- Sec. 702. Annual military assistance report.
- Sec. 703. Report on government-to-government arms sales end-use monitoring program.
- Sec. 704. MTCR report transmittals.
- Sec. 705. Stinger missiles in the Persian Gulf region.
- Sec. 706. Sense of the Congress regarding excess defense articles.
- Sec. 707. Excess defense articles for Mongolia.
- Sec. 708. Space cooperation with Russian persons.
- Sec. 709. Sense of the Congress relating to military equipment for the Philippines.
- Sec. 710. Waiver of certain costs.

22 USC 2305
note.

SEC. 2. DEFINITION.

In this Act, the term “appropriate committees of Congress” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

TITLE I—MILITARY AND RELATED ASSISTANCE

Subtitle A—Foreign Military Sales and Financing Authorities

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section \$3,550,000,000 for fiscal year 2001 and \$3,627,000,000 for fiscal year 2002.

SEC. 102. REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.

(a) REQUIREMENTS OF EXEMPTION.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(j) REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.—

“(1) REQUIREMENT FOR BILATERAL AGREEMENT.—

“(A) IN GENERAL.—The President may utilize the regulatory or other authority pursuant to this Act to exempt a foreign country from the licensing requirements of this Act with respect to exports of defense items only if the United States Government has concluded a binding bilateral agreement with the foreign country. Such agreement shall—

“(i) meet the requirements set forth in paragraph (2); and

“(ii) be implemented by the United States and the foreign country in a manner that is legally-binding under their domestic laws.

“(B) EXCEPTION.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.

“(2) REQUIREMENTS OF BILATERAL AGREEMENT.—A bilateral agreement referred to paragraph (1)—

“(A) shall, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy requiring—

“(i) conditions on the handling of all United States-origin defense items exported to the foreign country, including prior written United States Government approval for any reexports to third countries;

“(ii) end-use and retransfer control commitments, including securing binding end-use and retransfer control commitments from all end-users, including such documentation as is needed in order to ensure compliance and enforcement, with respect to such United States-origin defense items;

“(iii) establishment of a procedure comparable to a ‘watchlist’ (if such a watchlist does not exist) and full cooperation with United States Government law enforcement agencies to allow for sharing of export and import documentation and background information on foreign businesses and individuals employed by or otherwise connected to those businesses; and

“(iv) establishment of a list of controlled defense items to ensure coverage of those items to be exported under the exemption; and

“(B) should, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy regarding—

“(i) controls on the export of tangible or intangible technology, including via fax, phone, and electronic media;

“(ii) appropriate controls on unclassified information relating to defense items exported to foreign nationals;

“(iii) controls on international arms trafficking and brokering;

“(iv) cooperation with United States Government agencies, including intelligence agencies, to combat efforts by third countries to acquire defense items, the export of which to such countries would not be authorized pursuant to the export control regimes of the foreign country and the United States; and

“(v) violations of export control laws, and penalties for such violations.

Deadline.

“(3) ADVANCE CERTIFICATION.—Not less than 30 days before authorizing an exemption for a foreign country from the licensing requirements of this Act for the export of defense items, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a certification that—

“(A) the United States has entered into a bilateral agreement with that foreign country satisfying all requirements set forth in paragraph (2);

“(B) the foreign country has promulgated or enacted all necessary modifications to its laws and regulations to comply with its obligations under the bilateral agreement with the United States; and

“(C) the appropriate congressional committees will continue to receive notifications pursuant to the authorities, procedures, and practices of section 36 of this Act for defense exports to a foreign country to which that section would apply and without regard to any form of defense export licensing exemption otherwise available for that country.

“(4) DEFINITIONS.—In this section:

“(A) DEFENSE ITEMS.—The term ‘defense items’ means defense articles, defense services, and related technical data.

“(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(ii) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.”.

(b) NOTIFICATION OF EXEMPTION.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended—

(1) by inserting “(1)” after “(f)”; and

(2) by adding at the end the following:

“(2) The President may not authorize an exemption for a foreign country from the licensing requirements of this Act for the export of defense items under subsection (j) or any other provision of this Act until 30 days after the date on which the President has transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a notification that includes—

“(A) a description of the scope of the exemption, including a detailed summary of the defense articles, defense services, and related technical data covered by the exemption; and

“(B) a determination by the Attorney General that the bilateral agreement concluded under subsection (j) requires the compilation and maintenance of sufficient documentation relating to the export of United States defense articles, defense services, and related technical data to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire sophisticated United States defense items.

“(3) Paragraph (2) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.”.

(c) EXPORTS OF COMMERCIAL COMMUNICATIONS SATELLITES.—

(1) AMENDMENT OF THE ARMS EXPORT CONTROL ACT.—Section 36(c)(2) of the Arms Export Control Act (22 U.S.C. 2776(c)(2)) is amended—

(A) by striking “and” at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) in the case of a license for an export of a commercial communications satellite for launch from, and by nationals of, the Russian Federation, Ukraine, or Kazakhstan, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and”.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the appropriate committees of Congress and the appropriate agencies of the United States Government should review the commodity jurisdiction of United States commercial communications satellites.

(d) SENSE OF THE CONGRESS ON SUBMISSION TO THE SENATE OF CERTAIN AGREEMENTS AS TREATIES.—It is the sense of the Congress that, prior to amending the International Traffic in Arms Regulations, the Secretary of State should consult with the appropriate committees of Congress for the purpose of determining whether certain agreements regarding defense trade with the United Kingdom and Australia should be submitted to the Senate as treaties.

Subtitle B—Stockpiling of Defense Articles for Foreign Countries

SEC. 111. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

“(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$50,000,000 for fiscal year 2001.

“(B) Of the amount specified in subparagraph (A), not more than \$50,000,000 may be made available for stockpiles in the Republic of Korea.”.

SEC. 112. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) **TRANSFERS TO ISRAEL.**—

(1) **AUTHORITY.**—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) **ITEMS COVERED.**—The items referred to in paragraph (1) are munitions, equipment, and material such as armor, artillery, automatic weapons ammunition, and missiles that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel;

and

(D) as of the date of the enactment of this Act, are located in a stockpile in Israel.

(b) **CONCESSIONS.**—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

Deadline.

(c) **ADVANCE NOTIFICATION OF TRANSFER.**—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) **EXPIRATION OF AUTHORITY.**—No transfer may be made under the authority of this section 3 years after the date of the enactment of this Act.

Subtitle C—Other Assistance

SEC. 121. DEFENSE DRAWDOWN SPECIAL AUTHORITIES.

(a) **EMERGENCY DRAWDOWN.**—Section 506(a)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)(B)) is amended by striking “\$150,000,000” and inserting “\$200,000,000”.

(b) **ADDITIONAL DRAWDOWN.**—Section 506(a)(2)(A)(i) of such Act (22 U.S.C. 2318(a)(2)(A)(i)) is amended—

(1) by striking “or” at the end of subclause (II); and

(2) by striking subclause (III) and inserting the following:

“(III) chapter 8 of part II (relating to antiterrorism assistance);

“(IV) chapter 9 of part II (relating to non-proliferation assistance); or

“(V) the Migration and Refugee Assistance Act of 1962; or”.

SEC. 122. INCREASED AUTHORITY FOR THE TRANSPORT OF EXCESS DEFENSE ARTICLES.

Section 516(e)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(2)(C)) is amended by striking “25,000” and inserting “50,000”.

TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President \$55,000,000 for fiscal year 2001 and \$65,000,000 for fiscal year 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

SEC. 202. ADDITIONAL REQUIREMENTS.

Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new sections:

“SEC. 547. CONSULTATION REQUIREMENT.

22 USC 2347f.

“The selection of foreign personnel for training under this chapter shall be made in consultation with the United States defense attache to the relevant country.

“SEC. 548. RECORDS REGARDING FOREIGN PARTICIPANTS.

22 USC 2347g.

“In order to contribute most effectively to the development of military professionalism in foreign countries, the Secretary of Defense shall develop and maintain a database containing records on each foreign military or defense ministry civilian participant in education and training activities conducted under this chapter after December 31, 2000. This record shall include the type of instruction received, the dates of such instruction, whether such instruction was completed successfully, and, to the extent practicable, a record of the person’s subsequent military or defense ministry career and current position and location.”.

TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

SEC. 301. NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following new chapter:

“CHAPTER 9—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE**“SEC. 581. PURPOSES.**

22 USC 2349bb.

“The purposes of assistance under this chapter are to halt the proliferation of nuclear, chemical, and biological weapons, and conventional weaponry, through support of activities designed—

“(1) to enhance the nonproliferation and export control capabilities of friendly countries by providing training and equipment to detect, deter, monitor, interdict, and counter proliferation;

“(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of vital national security interest;

“(3) to accomplish the activities and objectives set forth in sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853, 5854), without regard to the limitation of those sections to the independent states of the former Soviet Union; and

“(4) to promote multilateral activities, including cooperation with international organizations, relating to nonproliferation.

22 USC
2349bb–1.

“SEC. 582. AUTHORIZATION OF ASSISTANCE.

“Notwithstanding any other provision of law (other than section 502B or section 620A of this Act), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance in order to carry out the purposes of this chapter. Such assistance may include training services and the provision of funds, equipment, and other commodities related to the detection, deterrence, monitoring, interdiction, and prevention or countering of proliferation, the establishment of effective nonproliferation laws and regulations, and the apprehension of those individuals involved in acts of proliferation of such weapons.

22 USC
2349bb–2.

“SEC. 583. TRANSIT INTERDICTION.

“(a) ALLOCATION OF FUNDS.—In providing assistance under this chapter, the President should ensure that not less than one-quarter of the total of such assistance is expended for the purpose of enhancing the capabilities of friendly countries to detect and interdict proliferation-related shipments of cargo that originate from, and are destined for, other countries.

“(b) PRIORITY TO CERTAIN COUNTRIES.—Priority shall be given in the apportionment of the assistance described under subsection (a) to any friendly country that has been determined by the Secretary of State to be a country frequently transited by proliferation-related shipments of cargo.

22 USC
2349bb–3.

“SEC. 584. LIMITATIONS.

“The limitations contained in section 573(a) and (d) of this Act shall apply to this chapter.

22 USC
2349bb–4.

“SEC. 585. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this chapter \$129,000,000 for fiscal year 2001 and \$142,000,000 for fiscal year 2002.

“(b) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) may be used notwithstanding any other provision of law (other than section 502B or 620A) and shall remain available until expended.

“(c) TREATMENT OF FISCAL YEAR 2001 APPROPRIATIONS.—Amounts made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, under ‘Nonproliferation, Antiterrorism, Demining, and Related Programs’ and ‘Assistance for the Independent States of the Former Soviet Union’ accounts for the activities described in subsection (d) shall be considered to be made available pursuant to this chapter.

“(d) COVERED ACTIVITIES.—The activities referred to in subsection (c) are—

- “(1) assistance under the Nonproliferation and Disarmament Fund;
- “(2) assistance for science and technology centers in the independent states of the former Soviet Union;
- “(3) export control assistance; and
- “(4) export control and border assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) or the FREEDOM Support Act (22 U.S.C. 5801 et seq.).”

SEC. 302. NONPROLIFERATION AND EXPORT CONTROL TRAINING IN THE UNITED STATES.

Of the amounts made available for fiscal years 2001 and 2002 under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301, \$2,000,000 is authorized to be available each such fiscal year for the purpose of training and education of personnel from friendly countries in the United States.

SEC. 303. SCIENCE AND TECHNOLOGY CENTERS.

(a) **AVAILABILITY OF FUNDS.**—Of the amounts made available for the fiscal years 2001 and 2002 under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301, \$59,000,000 for fiscal year 2001 and \$65,000,000 for fiscal year 2002 are authorized to be available for science and technology centers in the independent states of the former Soviet Union.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress, taking into account section 1132 of H. R. 3427 of the One Hundred Sixth Congress (as enacted by section 1000(a)(7) of Public Law 106–113), that the practice of auditing entities receiving funds authorized under this section should be significantly expanded and that the burden of supplying auditors should be spread equitably within the United States Government.

SEC. 304. TRIAL TRANSIT PROGRAM.

(a) **ALLOCATION OF FUNDS.**—Of the amount made available for fiscal year 2001 under chapter 9 of the Foreign Assistance Act of 1961, as added by section 301, \$5,000,000 is authorized to be available to establish a static cargo x-ray facility in Malta, if the Secretary of State first certifies to the appropriate committees of Congress that the Government of Malta has provided adequate assurances that such a facility will be utilized in connection with random cargo inspections by Maltese customs officials of container traffic transiting through the Malta Freeport.

(b) **REQUIREMENT OF WRITTEN ASSESSMENT.**—In the event that a facility is established in Malta pursuant to subsection (a), the Secretary of State shall submit a written assessment to the appropriate committees of Congress not later than 270 days after such a facility commences operation detailing—

- (1) statistics on utilization of the facility by Malta;
- (2) the contribution made by the facility to United States nonproliferation and export control objectives; and
- (3) the feasibility of establishing comparable facilities in other countries identified by the Secretary of State pursuant to section 583 of the Foreign Assistance Act of 1961, as added by section 301.

(c) **TREATMENT OF ASSISTANCE.**—Assistance under this section shall be considered as assistance under section 583(a) of the Foreign

Assistance Act of 1961 (relating to transit interdiction), as added by section 301.

SEC. 305. EXCEPTION TO AUTHORITY TO CONDUCT INSPECTIONS UNDER THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998.

Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723) is amended by adding at the end the following new subsection:

“(c) EXCEPTION.—The requirement under subsection (b)(2)(A) shall not apply to inspections of United States chemical weapons destruction facilities (as used within the meaning of part IV(C)(13) of the Verification Annex to the Convention).”.

TITLE IV—ANTITERRORISM ASSISTANCE

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 574(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa–4(a)) is amended by striking “\$9,840,000” and all that follows through the period and inserting the following: “\$72,000,000 for fiscal year 2001 and \$73,000,000 for fiscal year 2002.”.

TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

Subtitle A—Establishment of a National Security Assistance Strategy

22 USC 2305.

Deadline.

SEC. 501. NATIONAL SECURITY ASSISTANCE STRATEGY.

(a) MULTIYEAR PLAN.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter at the time of submission of the congressional presentation materials of the foreign operations appropriations budget request, the Secretary of State should submit to the appropriate committees of Congress a plan setting forth a National Security Assistance Strategy for the United States.

(b) ELEMENTS OF THE STRATEGY.—The National Security Assistance Strategy should—

(1) set forth a multi-year plan for security assistance programs;

(2) be consistent with the National Security Strategy of the United States;

(3) be coordinated with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff;

(4) be prepared, in consultation with other agencies, as appropriate;

(5) identify overarching security assistance objectives, including identification of the role that specific security assistance programs will play in achieving such objectives;

(6) identify a primary security assistance objective, as well as specific secondary objectives, for individual countries;

(7) identify, on a country-by-country basis, how specific resources will be allocated to accomplish both primary and secondary objectives;

(8) discuss how specific types of assistance, such as foreign military financing and international military education and training, will be combined at the country level to achieve United States objectives; and

(9) detail, with respect to each of the paragraphs (1) through (8), how specific types of assistance provided pursuant to the Arms Export Control Act and the Foreign Assistance Act of 1961 are coordinated with United States assistance programs managed by the Department of Defense and other agencies.

(c) COVERED ASSISTANCE.—The National Security Assistance Strategy should cover assistance provided under—

(1) section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(2) chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and

(3) section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i).

Subtitle B—Allocations for Certain Countries

SEC. 511. SECURITY ASSISTANCE FOR NEW NATO MEMBERS.

(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for the fiscal years 2001 and 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$30,300,000 for fiscal year 2001 and \$35,000,000 for fiscal year 2002 are authorized to be available on a grant basis for all of the following countries: the Czech Republic, Hungary, and Poland.

(b) MILITARY EDUCATION AND TRAINING.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), \$5,100,000 for fiscal year 2001 and \$7,000,000 for fiscal year 2002 are authorized to be available for all of the following countries: the Czech Republic, Hungary, and Poland.

(c) SELECT PRIORITIES.—In providing assistance under this section, the President shall give priority to supporting activities that are consistent with the objectives set forth in the following conditions of the Senate resolution of ratification for the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic:

(1) Condition (1)(A)(v), (vi), and (vii), relating to common threats, the core mission of NATO, and the capacity to respond to common threats.

(2) Condition (1)(B), relating to the fundamental importance of collective defense.

(3) Condition (1)(C), relating to defense planning, command structures, and force goals.

(4) Conditions (4)(B)(i) and (4)(B)(ii), relating to intelligence matters.

SEC. 512. INCREASED TRAINING ASSISTANCE FOR GREECE AND TURKEY.

(a) **IN GENERAL.**—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—

(1) \$1,000,000 for fiscal year 2001 and \$1,000,000 for fiscal year 2002 are authorized to be available for Greece; and

(2) \$2,500,000 for fiscal year 2001 and \$2,500,000 for fiscal year 2002 are authorized to be available for Turkey.

(b) **USE FOR PROFESSIONAL MILITARY EDUCATION.**—Of the amounts available under paragraphs (1) and (2) of subsection (a) for fiscal year 2002, \$500,000 of each such amount should be available for purposes of professional military education.

(c) **USE FOR JOINT TRAINING.**—It is the sense of the Congress that, to the maximum extent practicable, amounts available under subsection (a) that are used in accordance with subsection (b) should be used for joint training of Greek and Turkish officers.

SEC. 513. ASSISTANCE FOR ISRAEL.

(a) **DEFINITIONS.**—In this section:

(1) **ESF ASSISTANCE.**—The term “ESF assistance” means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), relating to the economic support fund.

(2) **FOREIGN MILITARY FINANCING PROGRAM.**—The term “Foreign Military Financing Program” means the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(b) **ESF ASSISTANCE.**—

(1) **IN GENERAL.**—Of the amounts made available for each of the fiscal years 2001 and 2002 for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel.

(2) **COMPUTATION OF AMOUNT.**—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for ESF assistance for Israel for the preceding fiscal year, minus

(B) \$120,000,000.

(c) **FMF PROGRAM.**—

(1) **IN GENERAL.**—Of the amount made available for each of the fiscal years 2001 and 2002 for assistance under the Foreign Military Financing Program, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available on a grant basis for Israel.

(2) **COMPUTATION OF AMOUNT.**—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for assistance under the Foreign Military Financing Program for Israel for the preceding fiscal year, plus

(B) \$60,000,000.

(3) **DISBURSEMENT OF FUNDS.**—Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal year 2001 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2001, or October 31, 2000, whichever date is later.

(4) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests that funds be used for such purposes, grants made available for Israel out of funds authorized to be available under paragraph (1) for Israel for fiscal year 2001 shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$520,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.

SEC. 514. ASSISTANCE FOR EGYPT.

(a) DEFINITIONS.—In this section:

(1) ESF ASSISTANCE.—The term “ESF assistance” means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), relating to the economic support fund.

(2) FOREIGN MILITARY FINANCING PROGRAM.—The term “Foreign Military Financing Program” means the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years 2001 and 2002 for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Egypt.

(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for ESF assistance for Egypt during the preceding fiscal year, minus

(B) \$40,000,000.

(c) FMF PROGRAM.—Of the amount made available for each of the fiscal years 2001 and 2002 for assistance under the Foreign Military Financing Program, \$1,300,000,000 is authorized to be made available on a grant basis for Egypt.

(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.

(e) DISBURSEMENT OF FUNDS.—Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2001 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of the date of the enactment of this Act, or by October 31, 2000, whichever is later, provided that—

(1) withdrawal of funds from such account shall be made only on authenticated instructions from the Defense Finance and Accounting Service of the Department of Defense;

(2) in the event such account is closed, the balance of the account shall be transferred promptly to the appropriations account for the Foreign Military Financing Program; and

(3) none of the interest accrued by such account should be obligated unless the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives are notified.

SEC. 515. SECURITY ASSISTANCE FOR CERTAIN COUNTRIES.

(a) **FOREIGN MILITARY FINANCING.**—Of the amounts made available for the fiscal years 2001 and 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) \$18,200,000 for fiscal year 2001 and \$20,500,000 for fiscal year 2002 are authorized to be available on a grant basis for all of the following countries: Estonia, Latvia, and Lithuania;

(2) \$2,000,000 for fiscal year 2001 and \$5,000,000 for fiscal year 2002 are authorized to be available on a grant basis for the Philippines;

(3) \$4,500,000 for fiscal year 2001 and \$5,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Georgia;

(4) \$3,000,000 for fiscal year 2001 and \$3,500,000 for fiscal year 2002 are authorized to be available on a grant basis for Malta;

(5) \$3,500,000 for fiscal year 2001 and \$4,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Slovenia;

(6) \$8,400,000 for fiscal year 2001 and \$8,500,000 for fiscal year 2002 are authorized to be available on a grant basis for Slovakia;

(7) \$11,000,000 for fiscal year 2001 and \$11,100,000 for fiscal year 2002 are authorized to be available on a grant basis for Romania;

(8) \$8,500,000 for fiscal year 2001 and \$8,600,000 for fiscal year 2002 are authorized to be available on a grant basis for Bulgaria; and

(9) \$100,000,000 for fiscal year 2001 and \$105,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Jordan.

(b) **IMET.**—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—

(1) \$2,300,000 for fiscal year 2001 and \$4,000,000 for fiscal year 2002 are authorized to be available for all of the following countries: Estonia, Latvia, and Lithuania;

(2) \$1,400,000 for fiscal year 2001 and \$1,500,000 for fiscal year 2002 are authorized to be available for the Philippines;

(3) \$475,000 for fiscal year 2001 and \$1,000,000 for fiscal year 2002 are authorized to be available for Georgia;

(4) \$200,000 for fiscal year 2001 and \$1,000,000 for fiscal year 2002 are authorized to be available for Malta;

(5) \$700,000 for fiscal year 2001 and \$1,000,000 for fiscal year 2002 are authorized to be available for Slovenia;

(6) \$700,000 for fiscal year 2001 and \$1,000,000 for fiscal year 2002 are authorized to be available for Slovakia;

(7) \$1,300,000 for fiscal year 2001 and \$1,500,000 for fiscal year 2002 are authorized to be available for Romania; and

(8) \$1,100,000 for fiscal year 2001 and \$1,200,000 for fiscal year 2002 are authorized to be available for Bulgaria.

SEC. 516. BORDER SECURITY AND TERRITORIAL INDEPENDENCE.

(a) **GUUAM COUNTRIES AND ARMENIA.**—For the purpose of carrying out section 499C of the Foreign Assistance Act of 1961 and assisting GUUAM countries and Armenia to strengthen national control of their borders and to promote the independence and territorial sovereignty of such countries, the following amounts are authorized to be made available for fiscal years 2001 and 2002:

(1) \$5,000,000 for fiscal year 2001 and \$20,000,000 for fiscal year 2002 are of the amounts made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) \$2,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002 of the amounts made available under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301.

(3) \$500,000 for fiscal year 2001 and \$5,000,000 for fiscal year 2002 of the amounts made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

(4) \$1,000,000 for fiscal year 2001 and \$2,000,000 for fiscal year 2002 of the amounts made available to carry out chapter 8 of part II of the Foreign Assistance Act.

(b) **GUUAM COUNTRIES DEFINED.**—In this section, the term “GUUAM countries” means the group of countries that signed a protocol on quadrilateral cooperation on November 25, 1997, together with Uzbekistan.

TITLE VI—TRANSFERS OF NAVAL VESSELS

SEC. 601. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

President.

(a) **BRAZIL.**—The President is authorized to transfer to the Government of Brazil two “THOMASTON” class dock landing ships ALAMO (LSD 33) and HERMITAGE (LSD 34), and four “GARCIA” class frigates BRADLEY (FF 1041), DAVIDSON (FF 1045), SAMPLE (FF 1048) and ALBERT DAVID (FF 1050). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) **CHILE.**—The President is authorized to transfer to the Government of the Chile two “OLIVER HAZARD PERRY” class guided missile frigates WADSWORTH (FFG 9), and ESTOCIN (FFG 15). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761).

(c) **GREECE.**—The President is authorized to transfer to the Government of Greece two “KNOX” class frigates VREELAND (FF 1068), and TRIPPE (FF 1075). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) **TURKEY.**—The President is authorized to transfer to the Government of Turkey two “OLIVER HAZARD PERRY” class guided missile frigates JOHN A. MOORE (FFG 19), and FLATLEY

(FFG 21). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761). The authority granted by this subsection is in addition to that granted under section 1018(a)(9) of Public Law 106-65.

SEC. 602. INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of naval vessels authorized under section 601 to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be included in the aggregate annual value of transferred excess defense articles which is subject to the aggregate annual limitation set forth in section 516(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)).

SEC. 603. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this title shall be charged to the recipient.

SEC. 604. CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS.

A transfer of a vessel on a combined lease-sale basis authorized by section 601 shall be made in accordance with the following requirements:

(1) The President may initially transfer the vessel by lease, with lease payments suspended for the term of the lease, if the country entering into the lease for the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the vessel.

(2) The President may not deliver to the purchasing country title to the vessel until the purchase price of the vessel under such a foreign military sales agreement is paid in full.

(3) Upon payment of the purchase price in full under such a sales agreement and delivery of title to the recipient country, the President shall terminate the lease.

(4) If the purchasing country fails to make full payment of the purchase price in accordance with the sales agreement by the date required under the sales agreement—

(A) the sales agreement shall be immediately terminated;

(B) the suspension of lease payments under the lease shall be vacated; and

(C) the United States shall be entitled to retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date.

(5) If a sales agreement is terminated pursuant to paragraph (4), the United States shall not be required to pay any interest to the recipient country on any amount paid to the United States by the recipient country under the sales agreement and not retained by the United States under the lease.

SEC. 605. FUNDING OF CERTAIN COSTS OF TRANSFERS.

There are authorized to be appropriated to the Defense Vessels Transfer Program Account such funds as may be necessary to cover the costs (as defined in section 502 of the Congressional

Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by section 601. Funds authorized to be appropriated under the preceding sentence for the purpose described in that sentence may not be available for any other purpose.

SEC. 606. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under section 601, that the country to which the vessel is transferred will have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 607. SENSE OF THE CONGRESS REGARDING TRANSFER OF NAVAL VESSELS ON A GRANT BASIS.

It is the sense of the Congress that naval vessels authorized under section 601 to be transferred to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) should be so transferred only if the United States receives appropriate benefits from such countries for transferring the vessel on a grant basis.

SEC. 608. EXPIRATION OF AUTHORITY.

The authority granted by section 601 shall expire 2 years after the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. UTILIZATION OF DEFENSE ARTICLES AND DEFENSE SERVICES.

Section 502 of the Foreign Assistance Act of 1961 (22 U.S.C. 2302) is amended in the first sentence by inserting “(including for antiterrorism and nonproliferation purposes)” after “internal security”.

SEC. 702. ANNUAL MILITARY ASSISTANCE REPORT.

Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: “and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report”.

SEC. 703. REPORT ON GOVERNMENT-TO-GOVERNMENT ARMS SALES END-USE MONITORING PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the President shall prepare and transmit to the appropriate committees of Congress a report that contains a summary of the status of the efforts of the Defense Security Cooperation Agency to implement the End-Use Monitoring Enhancement Plan relating to government-to-government transfers of defense articles, defense services, and related technologies.

Deadline.

SEC. 704. MTCR REPORT TRANSMITTALS.

For purposes of section 71(d) of the Arms Export Control Act (22 U.S.C. 2797(d)), the requirement that reports under that section

22 USC 2797
note.

shall be transmitted to the Congress shall be considered to be a requirement that such reports shall be transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing and Urban Affairs of the Senate.

SEC. 705. STINGER MISSILES IN THE PERSIAN GULF REGION.

(a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.

(b) ADDITIONAL TRANSFERS AUTHORIZED.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground-to-air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life.

SEC. 706. SENSE OF THE CONGRESS REGARDING EXCESS DEFENSE ARTICLES.

It is the sense of the Congress that the President should make expanded use of the authority provided under section 21(a) of the Arms Export Control Act to sell excess defense articles by utilizing the flexibility afforded by section 47 of such Act to ascertain the “market value” of excess defense articles.

SEC. 707. EXCESS DEFENSE ARTICLES FOR MONGOLIA.

(a) USES FOR WHICH FUNDS ARE AVAILABLE.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during the fiscal years 2001 and 2002, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Mongolia.

(b) CONTENT OF CONGRESSIONAL NOTIFICATION.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (a) shall include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.

SEC. 708. SPACE COOPERATION WITH RUSSIAN PERSONS.

(a) ANNUAL CERTIFICATION.—

(1) REQUIREMENT.—The President shall submit each year to the appropriate committees of Congress, with respect to each Russian person described in paragraph (2), a certification that the reports required to be submitted to Congress during the preceding calendar year under section 2 of the Iran Non-proliferation Act of 2000 (Public Law 106–178) do not identify that person on account of a transfer to Iran of goods, services, or technology described in section 2(a)(1)(B) of such Act.

(2) APPLICABILITY.—The certification requirement under paragraph (1) applies with respect to each Russian person

that, as of the date of the certification, is a party to an agreement relating to commercial cooperation on MTCR equipment or technology with a United States person pursuant to an arms export license that was issued at any time since January 1, 2000.

(3) EXEMPTION.—No activity or transfer which specifically has been the subject of a Presidential determination pursuant to section 5(a)(1), (2), or (3) of the Iran Nonproliferation Act of 2000 (Public Law 106-178) shall cause a Russian person to be considered as having been identified in the reports submitted during the preceding calendar year under section 2 of that Act for the purposes of the certification required under paragraph (1).

(4) COMMENCEMENT AND TERMINATION OF REQUIREMENT.—

(A) TIMES FOR SUBMISSION.—The President shall submit—

(i) the first certification under paragraph (1) not later than 60 days after the date of the enactment of this Act; and

Deadline.

(ii) each annual certification thereafter on the anniversary of the first submission.

(B) TERMINATION OF REQUIREMENT.—No certification is required under paragraph (1) after termination of cooperation under the specific license, or 5 years after the date on which the first certification is submitted, whichever is the earlier date.

(b) TERMINATION OF EXISTING LICENSES.—If, at any time after the issuance of a license under section 36(c) of the Arms Export Control Act relating to the use, development, or co-production of commercial rocket engine technology with a foreign person, the President determines that the foreign person has engaged in any action described in section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)) since the date the license was issued, the President may terminate the license.

(c) REPORT ON EXPORT LICENSING OF MTCR ITEMS UNDER \$50,000,000.—Section 71(d) of the Arms Export Control Act (22 U.S.C. 2797(d)) is amended by striking “Within 15 days” and all that follows through “MTCR Annex,” and inserting “Within 15 days after the issuance of a license (including any brokering license) for the export of items valued at less than \$50,000,000 that are controlled under this Act pursuant to United States obligations under the Missile Technology Control Regime and are goods or services that are intended to support the design, utilization, development, or production of a space launch vehicle system listed in Category I of the MTCR Annex,”.

Deadline.

(d) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term “foreign person” has the meaning given the term in section 74(7) of the Arms Export Control Act (22 U.S.C. 2797c(7)).

(2) MTCR EQUIPMENT OR TECHNOLOGY.—The term “MTCR equipment or technology” has the meaning given the term in section 74(5) of the Arms Export Control Act (22 U.S.C. 2797c(5)).

(3) PERSON.—The term “person” has the meaning given the term in section 74(8) of the Arms Export Control Act (22 U.S.C. 2797c(8)).

(4) UNITED STATES PERSON.—The term “United States person” has the meaning given the term in section 74(6) of the Arms Export Control Act (22 U.S.C. 2797c(6)).

SEC. 709. SENSE OF THE CONGRESS RELATING TO MILITARY EQUIPMENT FOR THE PHILIPPINES.

(a) IN GENERAL.—It is the sense of the Congress that the United States Government should work with the Government of the Philippines to enable that Government to procure military equipment that can be used to upgrade the capabilities and to improve the quality of life of the armed forces of the Philippines.

(b) MILITARY EQUIPMENT.—Military equipment described in subsection (a) should include—

(1) naval vessels, including amphibious landing crafts, for patrol, search-and-rescue, and transport;

(2) F–5 aircraft and other aircraft that can assist with reconnaissance, search-and-rescue, and resupply;

(3) attack, transport, and search-and-rescue helicopters; and

(4) vehicles and other personnel equipment.

SEC. 710. WAIVER OF CERTAIN COSTS.

Notwithstanding any other provision of law, the President may waive the requirement to impose an appropriate charge for a proportionate amount of any nonrecurring costs of research, development, and production under section 21(e)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(B)) for the November 1999 sale of five UH–60L helicopters to the Republic of Colombia in support of counternarcotics activities.

Approved October 6, 2000.

LEGISLATIVE HISTORY—H.R. 4919 (S. 2901):

HOUSE REPORTS: No. 106–868 (Comm. on Conference).

SENATE REPORTS: No. 106–351 accompanying S. 2901 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Sept. 7, considered and passed Senate, amended, in lieu of S. 2901.

Sept. 21, House agreed to conference report.

Sept. 22, Senate agreed to conference report.



Public Law 106–281
106th Congress

An Act

To amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

Oct. 6, 2000
[H.R. 5193]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FHA Downpayment Simplification Extension Act of 2000”.

FHA
Downpayment
Simplification
Extension Act of
2000.
12 USC 1701
note.

SEC. 2. EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS.

Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended by striking “executed for insurance in fiscal years 1998, 1999, and 2000” and inserting “closed on or before October 30, 2000”.

Approved October 6, 2000.

LEGISLATIVE HISTORY—H.R. 5193:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Sept. 19, considered and passed House.
Sept. 28, considered and passed Senate.



Public Law 106–282
106th Congress

Joint Resolution

Oct. 6, 2000
[H.J. Res. 110]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, p. 810.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275 is amended by striking “October 6, 2000” in section 106(c) and inserting in lieu thereof “October 14, 2000”.

Approved October 6, 2000.

LEGISLATIVE HISTORY—H.J. Res. 110:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed House.

Oct. 4, 5, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 6, Presidential statement.



Public Law 106–283
106th Congress

An Act

To amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes

Oct. 6, 2000
[S. 430]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kake Tribal Corporation Land Transfer Act”.

Kake Tribal
Corporation Land
Transfer Act.
43 USC 1601
note.

SEC. 2. DECLARATION OF PURPOSE.

The purpose of this Act is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.

43 USC 1629h
note.

SEC. 3. AMENDMENT OF ALASKA NATIVE CLAIMS SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 note) is amended by adding at the end the following new section:

“KAKE TRIBAL CORPORATION LAND TRANSFER

“SEC. 42. (a) IN GENERAL.—If—

43 USC 1629h.

“(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85–508) to lands described in subsection (c)(2) of this section; and

“(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as ‘Secretary’) shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

Deadline.

“(b) EFFECT ON SELECTION TOTALS.—(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a), 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

“(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this Act. However, the conveyance of such land to Kake Tribal Corporation shall not count against

or otherwise affect the Corporation's remaining entitlement under section 16(b).

“(c) LANDS SUBJECT TO EXCHANGE.—(1) The lands to be transferred to the City of Kake under subsection (a) are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as ‘KTC Land to City of Kake’ on the map entitled ‘Kake Land Exchange-2000’, dated May 2000.

“(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) are the surface and subsurface estate to approximately 1,389 acres of Federal lands depicted as ‘Jenny Creek-Land Selected by the State of Alaska to KTC’ on the map entitled ‘Kake Land Exchange-2000’, dated May 2000.

“(3) In addition to the transfers authorized under subsection (a), the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as ‘KTC Land-Conservation Easement to SEAL Trust’ on the map entitled ‘Kake Land Exchange-2000’, dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast Alaska that is under the administrative jurisdiction of the Secretary. Any exchange under this paragraph shall be subject to the mutual consent of the United States Forest Service and Sealaska Corporation.

“(d) WITHDRAWAL.—Subject to valid existing rights, the lands described in subsection (c)(2) are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

“(e) MAPS.—The maps referred to in this Act shall be maintained on file in the Office of the Chief, United States Forest Service, the Office of the Secretary of the Interior, and the Office of the Petersburg Ranger District, Alaska.

“(f) WATERSHED MANAGEMENT.—The United States Forest Service may cooperate with Kake Tribal Corporation and the City of Kake in developing a watershed management plan that provides for the protection of the watershed in the public interest. Grants may be made, and contracts and cooperative agreements may be entered into, to the extent necessary to assist the City of Kake and Kake Tribal Corporation in the preparation and implementation of a watershed management plan for the land within the City of Kake's municipal watershed.

“(g) EFFECTIVE DATE.—This section is effective upon the execution of one or more conservation easements that, subject to valid existing rights of third parties—

“(1) encumber all lands depicted as ‘KTC Land to City of Kake’ and ‘KTC Land-Conservation Easement to SEAL Trust’ on a map entitled ‘Kake Land Exchange-2000’ dated May 2000;

“(2) provide for the relinquishment by Kake Tribal Corporation of the Corporation's development rights on lands described in paragraph (1); and

“(3) provide for perpetual protection and management of lands depicted as ‘KTC Land to City of Kake’ and ‘KTC Land-Conservation Easement to SEAL Trust’ on the map described in paragraph (1) as—

“(A) a watershed;

Expiration date.

“(B) a municipal drinking water source in accordance with the laws of the State of Alaska;

“(C) a source of fresh water for the Gunnuk Creek Hatchery; and

“(D) habitat for black bear, deer, birds, and other wildlife.

“(h) **TIMBER MANUFACTURING; EXPORT RESTRICTION.**—Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized such sums as may be necessary to carry out this Act, including to compensate Kake Tribal Corporation for relinquishing its development rights pursuant to subsection (g)(2) and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h). No funds authorized under this section may be paid to Kake Tribal Corporation unless Kake Tribal Corporation is a party to the conservation easements described in subsection (g).”.

Approved October 6, 2000.

LEGISLATIVE HISTORY—S. 430:

HOUSE REPORTS: No. 106-489 (Comm. on Resources).

SENATE REPORTS: No. 106-31 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Apr. 19, considered and passed Senate.

Vol. 146 (2000): May 22, considered and passed House, amended.

Sept. 22, Senate concurred in House amendment.



Public Law 106–284
106th Congress

An Act

Oct. 10, 2000
[H.R. 999]

To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Beaches
Environmental
Assessment and
Coastal Health
Act of 2000.
Inter-
governmental
relations.
Public health and
safety.
33 USC 1251
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Beaches Environmental Assessment and Coastal Health Act of 2000”.

SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

“(i) COASTAL RECREATION WATER QUALITY CRITERIA.—

“(1) ADOPTION BY STATES.—

“(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months after the date of the enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

“(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

“(2) FAILURE OF STATES TO ADOPT.—

“(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

Deadlines.

“(B) EXCEPTION.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of the enactment of this subsection.

Publication.

“(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.”.

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

“(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 18 months after the date of the enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of the enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

Deadlines.

“(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

“(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

“(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

“(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.”.

(b) REVISED CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

“(9) REVISED CRITERIA FOR COASTAL RECREATION WATERS.—

Deadlines.

“(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.

Publication.

“(B) REVIEWS.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter,

the Administrator shall review and, as necessary, revise the water quality criteria.”.

SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

33 USC 1346.

“SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Deadline.
Publication.

“(a) MONITORING AND NOTIFICATION.—

“(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

“(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

“(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

“(2) LEVEL OF PROTECTION.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.

“(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—

“(1) IN GENERAL.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

“(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);

“(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

“(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

“(iv) the State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints

will prevent consistency with the performance criteria under subsection (a); and

“(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

“(B) GRANTS TO LOCAL GOVERNMENTS.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.

“(3) OTHER REQUIREMENTS.—

“(A) REPORT.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—

“(i) data collected as part of the program for monitoring and notification as described in subsection (c); and

“(ii) actions taken to notify the public when water quality standards are exceeded.

“(B) DELEGATION.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

“(4) FEDERAL SHARE.—

“(A) IN GENERAL.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

“(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and

“(ii) provided in cash or in kind.

“(c) CONTENT OF STATE AND LOCAL GOVERNMENT PROGRAMS.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

“(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

“(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

“(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—

“(A) the periods of recreational use of the waters;

“(B) the nature and extent of use during certain periods;

“(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and

“(D) any effect of storm events on the waters;

“(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

“(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

“(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—

“(A) the Administrator, in such form as the Administrator determines to be appropriate; and

“(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

“(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

“(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

Deadline.

“(d) FEDERAL AGENCY PROGRAMS.—Not later than 3 years after the date of the enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

“(1) protects the public health and safety;

“(2) is consistent with the performance criteria published under subsection (a);

Reports.

“(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and

“(4) addresses the matters specified in subsection (c).

Public information.

“(e) DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—

“(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and

“(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—

“(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

“(B) the Administrator determines should be included.

“(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

“(g) LIST OF WATERS.—

“(1) IN GENERAL.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

“(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

“(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

“(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—

“(A) publication in the Federal Register; and

“(B) electronic media.

“(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

“(h) EPA IMPLEMENTATION.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

“(1) to conduct monitoring and notification; and

“(2) for related salaries, expenses, and travel.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), \$30,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(21) COASTAL RECREATION WATERS.—

“(A) IN GENERAL.—The term ‘coastal recreation waters’ means—

“(i) the Great Lakes; and

Deadline.

Public information.

Federal Register, publication.

“(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.

“(B) EXCLUSIONS.—The term ‘coastal recreation waters’ does not include—

“(i) inland waters; or

“(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

“(22) FLOATABLE MATERIAL.—

“(A) IN GENERAL.—The term ‘floatable material’ means any foreign matter that may float or remain suspended in the water column.

“(B) INCLUSIONS.—The term ‘floatable material’ includes—

“(i) plastic;

“(ii) aluminum cans;

“(iii) wood products;

“(iv) bottles; and

“(v) paper products.

“(23) PATHOGEN INDICATOR.—The term ‘pathogen indicator’ means a substance that indicates the potential for human infectious disease.”.

SEC. 6. INDIAN TRIBES.

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking “and 404” and inserting “404, and 406”.

33 USC 1375a.

Deadline.

SEC. 7. REPORT.

(a) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.R. 999 (S. 522):

HOUSE REPORTS: No. 106-98 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 106-366 accompanying S. 522 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Apr. 22, considered and passed House.

Vol. 146 (2000): Sept. 21, considered and passed Senate, amended.

Sept. 26, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 10, Presidential statement.



Public Law 106-285
106th Congress

An Act

Oct. 10, 2000
[H.R. 2647]

To amend the Act entitled “An Act relating to the water rights of the Ak-Chin Indian Community” to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTITUTIONAL AUTHORITY.

The Constitutional authority for this Act rests in article I, section 8, authorizing Congress to “regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes”.

Ak-Chin Water
Use Amendments
Act of 2000.
Arizona.

SEC. 2. TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) **SHORT TITLE.**—This section may be cited as the “Ak-Chin Water Use Amendments Act of 2000”.

(b) **AUTHORIZATION OF USE OF WATER.**—Section 2(j) of the Act of October 19, 1984 (Public Law 98-530; 98 Stat. 2698), as amended by section 10 of the Act of October 24, 1992 (Public Law 102-497; 106 Stat. 3258), is amended to read as follows:

“(j)(1) The Ak-Chin Indian Community (hereafter in this Act referred to as the ‘Community’) shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational, or other beneficial use, in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into options to lease, to renew options to lease, to extend the initial terms of leases for the same or a lesser term as the initial term of the lease, to renew leases for the same or a lesser term as the initial term of the lease, to exchange or temporarily dispose of water to which it is entitled for the beneficial use in the areas initially designated as the Pinal, Phoenix, and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

“(2) Notwithstanding paragraph (1), the initial term of any lease entered into under this subsection shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, enters into an option to lease, renews an option to lease, extends a lease, renews a lease, or exchanges or temporarily disposes of water, such action shall only be valid pursuant to a contract that has been accepted and ratified

by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.”.

(c) APPROVAL OF LEASE AND AMENDMENT OF LEASE.—The option and lease agreement among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of December 14, 1996, and the Amendment Number One thereto among the Ak-Chin Indian Community, the United States of America, and Del Webb Corporation, dated as of January 7, 1999, are hereby ratified and approved. The Secretary of the Interior is hereby authorized and directed to execute Amendment Number One, and the restated agreement as provided in Amendment Number One, not later than 60 days after the date of the enactment of this Act.

Deadline.

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.R. 2647:

HOUSE REPORTS: No. 106-598 (Comm. on Resources).

SENATE REPORTS: No. 106-415 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

Sept. 27, considered and passed Senate.



Public Law 106–286
106th Congress

An Act

Oct. 10, 2000
[H.R. 4444]

To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—Normal trade relations for the People's Republic of China.

(2) Division B—United States-China Relations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Organization of Act into divisions; table of contents.

**DIVISION A—NORMAL TRADE RELATIONS FOR THE PEOPLE'S
REPUBLIC OF CHINA**

TITLE I—NORMAL TRADE RELATIONS

Sec. 102. Effective date.

Sec. 103. Relief from market disruption.

Sec. 104. Amendment to section 123 of the Trade Act of 1974—compensation authority.

DIVISION B—UNITED STATES-CHINA RELATIONS

TITLE II—GENERAL PROVISIONS

Sec. 201. Short title of division; table of contents of division.

Sec. 202. Findings.

Sec. 203. Policy.

Sec. 204. Definitions.

**TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S
REPUBLIC OF CHINA**

Sec. 301. Establishment of Congressional-Executive Commission on the People's Republic of China.

Sec. 302. Functions of the Commission.

Sec. 303. Membership of the Commission.

Sec. 304. Votes of the Commission.

Sec. 305. Expenditure of appropriations.

Sec. 306. Testimony of witnesses, production of evidence; issuance of subpoenas; administration of oaths.

Sec. 307. Appropriations for the Commission.

Sec. 308. Staff of the Commission.

Sec. 309. Printing and binding costs.

TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S REPUBLIC
OF CHINA'S WTO COMMITMENTS

Subtitle A—Review of Membership of the People's Republic of China in the WTO

Sec. 401. Review within the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

Sec. 411. Findings.

Sec. 412. Purpose.

Sec. 413. Authorization of appropriations.

Subtitle C—Report on Compliance by the People's Republic of China With
WTO Obligations

Sec. 421. Report on compliance.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S REPUBLIC
OF CHINASubtitle A—Task Force on Prohibition of Importation of Products of Forced or
Prison Labor From the People's Republic of China

Sec. 501. Establishment of Task Force.

Sec. 502. Functions of Task Force.

Sec. 503. Composition of Task Force.

Sec. 504. Authorization of appropriations.

Sec. 505. Reports to Congress.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

Sec. 511. Establishment of technical assistance and rule of law programs.

Sec. 512. Administrative authorities.

Sec. 513. Prohibition relating to human rights abuses.

Sec. 514. Authorization of appropriations.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

Sec. 601. Accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

Sec. 701. Authorizations of appropriations for broadcasting capital improvements
and international broadcasting operations.**DIVISION A—NORMAL TRADE RELA-
TIONS FOR THE PEOPLE'S REPUBLIC
OF CHINA****TITLE I—NORMAL TRADE RELATIONS****SEC. 101. TERMINATION OF APPLICATION OF CHAPTER 1 OF TITLE
IV OF THE TRADE ACT OF 1974 TO THE PEOPLE'S
REPUBLIC OF CHINA.**19 USC 2431
note.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of chapter 1 of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), as designated by section 3(a)(2) of this Act, the President may—

(1) determine that such chapter should no longer apply to the People's Republic of China; and

(2) after making a determination under paragraph (1) with respect to the People's Republic of China, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE WORLD TRADE ORGANIZATION.—Prior to making the determination

provided for in subsection (a)(1) and pursuant to the provisions of section 122 of the Uruguay Round Agreements Act (19 U.S.C. 3532), the President shall transmit a report to Congress certifying that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

19 USC 2431
note.

SEC. 102. EFFECTIVE DATE.

(a) **EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.**—The extension of nondiscriminatory treatment pursuant to section 101(a) shall be effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization.

(b) **TERMINATION OF APPLICABILITY OF TITLE IV.**—On and after the effective date under subsection (a) of the extension of non-discriminatory treatment to the products of the People's Republic of China, chapter 1 of title IV of the Trade Act of 1974 (as designated by section 103(a)(2) of this Act) shall cease to apply to that country.

SEC. 103. RELIEF FROM MARKET DISRUPTION.

(a) **IN GENERAL.**—Title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) is amended—

- (1) in the title heading, by striking “CURRENTLY”;
- (2) by inserting before section 401 the following:

**“CHAPTER 1—TRADE RELATIONS WITH
CERTAIN COUNTRIES”;**

and

- (3) by adding at the end the following new chapter:

**“CHAPTER 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND DIVERSION OF
TRADE TO THE UNITED STATES MARKET**

19 USC 2451.

“SEC. 421. ACTION TO ADDRESS MARKET DISRUPTION.

“(a) **PRESIDENTIAL ACTION.**—If a product of the People's Republic of China is being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of a like or directly competitive product, the President shall, in accordance with the provisions of this section, proclaim increased duties or other import restrictions with respect to such product, to the extent and for such period as the President considers necessary to prevent or remedy the market disruption.

“(b) **INITIATION OF AN INVESTIGATION.**—(1) Upon the filing of a petition by an entity described in section 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)), upon the request of the President or the United States Trade Representative (in this subtitle referred to as the ‘Trade Representative’), upon resolution of either the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate (in this subtitle referred to as the ‘Committees’) or on its own motion, the United States International Trade Commission (in this subtitle referred to as the ‘Commission’) shall promptly make an investigation to determine whether products of the People's Republic of China are being imported into the United States in such increased quantities or

under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

“(2) The limitations on investigations set forth in section 202(h)(1) of the Trade Act of 1974 (19 U.S.C. 2252(h)(1)) shall apply to investigations conducted under this section.

“(3) The provisions of subsections (a)(8) and (i) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252(a)(8) and (i)), relating to treatment of confidential business information, shall apply to investigations conducted under this section.

“(4) Whenever a petition is filed, or a request or resolution is received, under this subsection, the Commission shall transmit a copy thereof to the President, the Trade Representative, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, except that in the case of confidential business information, the copy may include only nonconfidential summaries of such information.

“(5) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties an opportunity to be present, to present evidence, to respond to the presentations of other parties, and otherwise to be heard.

Federal Register,
publication.

“(c) MARKET DISRUPTION.—(1) For purposes of this section, market disruption exists whenever imports of an article like or directly competitive with an article produced by a domestic industry are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat of material injury, to the domestic industry.

“(2) For purposes of paragraph (1), the term ‘significant cause’ refers to a cause which contributes significantly to the material injury of the domestic industry, but need not be equal to or greater than any other cause.

“(d) FACTORS IN DETERMINATION.—In determining whether market disruption exists, the Commission shall consider objective factors, including—

“(1) the volume of imports of the product which is the subject of the investigation;

“(2) the effect of imports of such product on prices in the United States for like or directly competitive articles; and

“(3) the effect of imports of such product on the domestic industry producing like or directly competitive articles.

The presence or absence of any factor under paragraph (1), (2), or (3) is not necessarily dispositive of whether market disruption exists.

“(e) TIME FOR COMMISSION DETERMINATIONS.—The Commission shall make and transmit to the President and the Trade Representative its determination under subsection (b)(1) at the earliest practicable time, but in no case later than 60 days (or 90 days in the case of a petition requesting relief under subsection (i)) after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, under subsection (b). If the Commissioners voting are equally divided with respect to its determination, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

Deadline.

“(f) RECOMMENDATIONS OF COMMISSION ON PROPOSED REMEDIES.—If the Commission makes an affirmative determination under subsection (b), or a determination which the President or the Trade Representative may consider as affirmative under subsection (e), the Commission shall propose the amount of increase in, or imposition of, any duty or other import restrictions necessary to prevent or remedy the market disruption. Only those members of the Commission who agreed to the affirmative determination under subsection (b) are eligible to vote on the proposed action to prevent or remedy market disruption. Members of the Commission who did not agree to the affirmative determination may submit, in the report required under subsection (g), separate views regarding what action, if any, should be taken to prevent or remedy market disruption.

Deadline.

“(g) REPORT BY COMMISSION.—(1) Not later than 20 days after a determination under subsection (b) is made, the Commission shall submit a report to the President and the Trade Representative.

“(2) The Commission shall include in the report required under paragraph (1) the following:

“(A) The determination made under subsection (b) and an explanation of the basis for the determination.

“(B) If the determination under subsection (b) is affirmative, or may be considered by the President or the Trade Representative as affirmative under subsection (e), the recommendations of the Commission on proposed remedies under subsection (f) and an explanation of the basis for each recommendation.

“(C) Any dissenting or separate views by members of the Commission regarding the determination and any recommendation referred to in subparagraphs (A) and (B).

“(D) A description of—

“(i) the short- and long-term effects that implementation of the action recommended under subsection (f) is likely to have on the petitioning domestic industry, on other domestic industries, and on consumers; and

“(ii) the short- and long-term effects of not taking the recommended action on the petitioning domestic industry, its workers, and the communities where production facilities of such industry are located, and on other domestic industries.

Federal Register,
publication.

“(3) The Commission, after submitting a report to the President under paragraph (1), shall promptly make it available to the public (but shall not include confidential business information) and cause a summary thereof to be published in the Federal Register.

Federal Register,
publication.

“(h) OPPORTUNITY TO PRESENT VIEWS AND EVIDENCE ON PROPOSED MEASURE AND RECOMMENDATION TO THE PRESIDENT.—(1) Within 20 days after receipt of the Commission’s report under subsection (g) (or 15 days in the case of an affirmative preliminary determination under subsection (i)(1)(B)), the Trade Representative shall publish in the Federal Register notice of any measure proposed by the Trade Representative to be taken pursuant to subsection (a) and of the opportunity, including a public hearing, if requested, for importers, exporters, and other interested parties to submit their views and evidence on the appropriateness of the proposed measure and whether it would be in the public interest.

“(2) Within 55 days after receipt of the report under subsection (g) (or 35 days in the case of an affirmative preliminary determination under subsection (i)(1)(B)), the Trade Representative, taking into account the views and evidence received under paragraph (1) on the measure proposed by the Trade Representative, shall make a recommendation to the President concerning what action, if any, to take to prevent or remedy the market disruption.

“(i) CRITICAL CIRCUMSTANCES.—(1) When a petition filed under subsection (b) alleges that critical circumstances exist and requests that provisional relief be provided under this subsection with respect to the product identified in the petition, the Commission shall, not later than 45 days after the petition containing the request is filed—

Deadline.

“(A) determine whether delay in taking action under this section would cause damage to the relevant domestic industry which would be difficult to repair; and

“(B) if the determination under subparagraph (A) is affirmative, make a preliminary determination of whether imports of the product which is the subject of the investigation have caused or threatened to cause market disruption.

If the Commissioners voting are equally divided with respect to either of its determinations, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

“(2) On the date on which the Commission completes its determinations under paragraph (1), the Commission shall transmit a report on the determinations to the President and the Trade Representative, including the reasons for its determinations. If the determinations under paragraph (1) are affirmative, or may be considered by the President or the Trade Representative as affirmative under paragraph (1), the Commission shall include in its report its recommendations on proposed provisional measures to be taken to prevent or remedy the market disruption. Only those members of the Commission who agreed to the affirmative determinations under paragraph (1) are eligible to vote on the proposed provisional measures to prevent or remedy market disruption. Members of the Commission who did not agree to the affirmative determinations may submit, in the report, dissenting or separate views regarding the determination and any recommendation of provisional measures referred to in this paragraph.

“(3) If the determinations under paragraph (1) are affirmative, or may be considered by the President or the Trade Representative as affirmative under paragraph (1), the Trade Representative shall, within 10 days after receipt of the Commission’s report, determine the amount or extent of provisional relief that is necessary to prevent or remedy the market disruption and shall provide a recommendation to the President on what provisional measures, if any, to take.

“(4)(A) The President shall determine whether to provide provisional relief and proclaim such relief, if any, within 10 days after receipt of the recommendation from the Trade Representative.

“(B) Such relief may take the form of—

“(i) the imposition of or increase in any duty;

“(ii) any modification, or imposition of any quantitative restriction on the importation of an article into the United States; or

“(iii) any combination of actions under clauses (i) and (ii).

“(C) Any provisional action proclaimed by the President pursuant to a determination of critical circumstances shall remain in effect not more than 200 days.

“(D) Provisional relief shall cease to apply upon the effective date of relief proclaimed under subsection (a), upon a decision by the President not to provide such relief, or upon a negative determination by the Commission under subsection (b).

“(j) AGREEMENTS WITH THE PEOPLE’S REPUBLIC OF CHINA.—

(1) The Trade Representative is authorized to enter into agreements for the People’s Republic of China to take such action as necessary to prevent or remedy market disruption, and should seek to conclude such agreements before the expiration of the 60-day consultation period provided for under the product-specific safeguard provision of the Protocol of Accession of the People’s Republic of China to the WTO, which shall commence not later than 5 days after the Trade Representative receives an affirmative determination provided for in subsection (e) or a determination which the Trade Representative considers to be an affirmative determination pursuant to subsection (e).

“(2) If no agreement is reached with the People’s Republic of China pursuant to consultations under paragraph (1), or if the President determines that an agreement reached pursuant to such consultations is not preventing or remedying the market disruption at issue, the President shall provide import relief in accordance with subsection (a).

“(k) STANDARD FOR PRESIDENTIAL ACTION.—(1) Within 15 days after receipt of a recommendation from the Trade Representative under subsection (h) on the appropriate action, if any, to take to prevent or remedy the market disruption, the President shall provide import relief for such industry pursuant to subsection (a), unless the President determines that provision of such relief is not in the national economic interest of the United States or, in extraordinary cases, that the taking of action pursuant to subsection (a) would cause serious harm to the national security of the United States.

“(2) The President may determine under paragraph (1) that providing import relief is not in the national economic interest of the United States only if the President finds that the taking of such action would have an adverse impact on the United States economy clearly greater than the benefits of such action.

Federal Register,
publication.

“(l) PUBLICATION OF DECISION AND REPORTS.—(1) The President’s decision, including the reasons therefor and the scope and duration of any action taken, shall be published in the Federal Register.

Federal Register,
publication.

“(2) The Commission shall promptly make public any report transmitted under this section, but shall not make public any information which the Commission determines to be confidential, and shall publish notice of such report in the Federal Register.

Deadline.

“(m) EFFECTIVE DATE OF RELIEF.—Import relief under this section shall take effect not later than 15 days after the President’s determination to provide such relief.

“(n) MODIFICATIONS OF RELIEF.—(1) At any time after the end of the 6-month period beginning on the date on which relief under subsection (m) first takes effect, the President may request that the Commission provide a report on the probable effect of the modification, reduction, or termination of the relief provided on

the relevant industry. The Commission shall transmit such report to the President within 60 days of the request.

“(2) The President may, after receiving a report from the Commission under paragraph (1), take such action to modify, reduce, or terminate relief that the President determines is necessary to continue to prevent or remedy the market disruption at issue.

“(3) Upon the granting of relief under subsection (k), the Commission shall collect such data as is necessary to allow it to respond rapidly to a request by the President under paragraph (1).

“(o) EXTENSION OF ACTION.—(1) Upon request of the President, or upon petition on behalf of the industry concerned filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any relief provided under subsection (k) is to terminate, the Commission shall investigate to determine whether action under this section continues to be necessary to prevent or remedy market disruption.

Deadline.

“(2) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

Federal Register,
publication.

“(3) The Commission shall transmit to the President a report on its investigation and determination under this subsection not later than 60 days before the action under subsection (m) is to terminate.

Reports.
Deadline.

“(4) The President, after receiving an affirmative determination from the Commission under paragraph (3), may extend the effective period of any action under this section if the President determines that the action continues to be necessary to prevent or remedy the market disruption.

“SEC. 422. ACTION IN RESPONSE TO TRADE DIVERSION.

19 USC 2451a.

“(a) MONITORING BY CUSTOMS SERVICE.—In any case in which a WTO member other than the United States requests consultations with the People’s Republic of China under the product-specific safeguard provision of the Protocol of Accession of the People’s Republic of China to the World Trade Organization, the Trade Representative shall inform the United States Customs Service, which shall monitor imports into the United States of those products of Chinese origin that are the subject of the consultation request. Data from such monitoring shall promptly be made available to the Commission upon request by the Commission.

“(b) INITIATION OF INVESTIGATION.—(1) Upon the filing of a petition by an entity described in section 202(a) of the Trade Act of 1974, upon the request of the President or the Trade Representative, upon resolution of either of the Committees, or on its own motion, the Commission shall promptly make an investigation to determine whether an action described in subsection (c) has caused, or threatens to cause, a significant diversion of trade into the domestic market of the United States.

“(2) The Commission shall publish notice of the commencement of any proceeding under this subsection in the Federal Register

Federal Register,
publication.

and shall, within a reasonable time thereafter, hold public hearings at which the Commission shall afford interested parties an opportunity to be present, to present evidence, to respond to the presentations of other parties, and otherwise to be heard.

“(3) The provisions of subsections (a)(8) and (i) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252(a)(8) and (i)), relating to treatment of confidential business information, shall apply to investigations conducted under this section.

“(c) ACTIONS DESCRIBED.—An action is described in this subsection if it is an action—

“(1) by the People’s Republic of China to prevent or remedy market disruption in a WTO member other than the United States;

“(2) by a WTO member other than the United States to withdraw concessions under the WTO Agreement or otherwise to limit imports to prevent or remedy market disruption;

“(3) by a WTO member other than the United States to apply a provisional safeguard within the meaning of the product-specific safeguard provision of the Protocol of Accession of the People’s Republic of China to the WTO; or

“(4) any combination of actions described in paragraphs (1) through (3).

“(d) BASIS FOR DETERMINATION OF SIGNIFICANT DIVERSION.—

(1) In determining whether significant diversion or the threat thereof exists for purposes of this section, the Commission shall take into account, to the extent such evidence is reasonably available—

“(A) the monitoring conducted under subsection (a);

“(B) the actual or imminent increase in United States market share held by such imports from the People’s Republic of China;

“(C) the actual or imminent increase in volume of such imports into the United States;

“(D) the nature and extent of the action taken or proposed by the WTO member concerned;

“(E) the extent of exports from the People’s Republic of China to that WTO member and to the United States;

“(F) the actual or imminent changes in exports to that WTO member due to the action taken or proposed;

“(G) the actual or imminent diversion of exports from the People’s Republic of China to countries other than the United States;

“(H) cyclical or seasonal trends in import volumes into the United States of the products at issue; and

“(I) conditions of demand and supply in the United States market for the products at issue.

The presence or absence of any factor under any of subparagraphs (A) through (I) is not necessarily dispositive of whether a significant diversion of trade or the threat thereof exists.

“(2) For purposes of making its determination, the Commission shall examine changes in imports into the United States from the People’s Republic of China since the time that the WTO member commenced the investigation that led to a request for consultations described in subsection (a).

“(3) If more than one action by a WTO member or WTO members against a particular product is identified in the petition,

request, or resolution under subsection (b) or during the investigation, the Commission may cumulatively assess the actual or likely effects of such actions jointly in determining whether a significant diversion of trade or threat thereof exists.

“(e) COMMISSION DETERMINATION; AGREEMENT AUTHORITY.—

(1) The Commission shall make and transmit to the President and the Trade Representative its determination under subsection (b) at the earliest practicable time, but in no case later than 45 days after the date on which the petition is filed, the request or resolution is received, or the motion is adopted, under subsection (b). If the Commissioners voting are equally divided with respect to its determination, then the determination agreed upon by either group of Commissioners may be considered by the President and the Trade Representative as the determination of the Commission.

Deadline.

“(2) The Trade Representative is authorized to enter into agreements with the People’s Republic of China or the other WTO members concerned to take such action as necessary to prevent or remedy significant trade diversion or threat thereof into the domestic market of the United States, and should seek to conclude such agreements before the expiration of the 60-day consultation period provided for under the product-specific safeguard provision of the Protocol of Accession of the People’s Republic of China to the WTO, which shall commence not later than 5 days after the Trade Representative receives an affirmative determination provided for in paragraph (1) or a determination which the Trade Representative considers to be an affirmative determination pursuant to paragraph (1).

“(3) REPORT BY COMMISSION.—

Deadline.

“(A) Not later than 10 days after a determination under subsection (b), is made, the Commission shall transmit a report to the President and the Trade Representative.

“(B) The Commission shall include in the report required under subparagraph (A) the following:

“(i) The determination made under subsection (b) and an explanation of the basis for the determination.

“(ii) If the determination under subsection (b) is affirmative, or may be considered by the President or the Trade Representative as affirmative under subsection (e)(1), the recommendations of the Commission on increased tariffs or other import restrictions to be imposed to prevent or remedy the trade diversion or threat thereof, and explanations of the bases for such recommendations. Only those members of the Commission who agreed to the affirmative determination under subsection (b) are eligible to vote on the proposed action to prevent or remedy the trade diversion or threat thereof.

“(iii) Any dissenting or separate views by members of the Commission regarding the determination and any recommendation referred to in clauses (i) and (ii).

“(iv) A description of—

“(I) the short- and long-term effects that implementation of the action recommended under clause (ii) is likely to have on the petitioning domestic industry, on other domestic industries, and on consumers; and

“(II) the short- and long-term effects of not taking the recommended action on the petitioning domestic

	industry, its workers and the communities where production facilities of such industry are located, and on other domestic industries.
Federal Register, publication.	“(C) The Commission, after submitting a report to the President under subparagraph (A), shall promptly make it available to the public (with the exception of confidential business information) and cause a summary thereof to be published in the Federal Register.
Federal Register, publication.	“(f) PUBLIC COMMENT.—If consultations fail to lead to an agreement with the People’s Republic of China or the WTO member concerned within 60 days, the Trade Representative shall promptly publish notice in the Federal Register of any proposed action to prevent or remedy the trade diversion, and provide an opportunity for interested persons to present views and evidence on whether the proposed action is in the public interest.
	“(g) RECOMMENDATION TO THE PRESIDENT.—Within 20 days after the end of consultations pursuant to subsection (e), the Trade Representative shall make a recommendation to the President on what action, if any, should be taken to prevent or remedy the trade diversion or threat thereof.
	“(h) PRESIDENTIAL ACTION.—Within 20 days after receipt of the recommendation from the Trade Representative, the President shall determine what action to take to prevent or remedy the trade diversion or threat thereof.
Deadline.	“(i) DURATION OF ACTION.—Action taken under subsection (h) shall be terminated not later than 30 days after expiration of the action taken by the WTO member or members involved against imports from the People’s Republic of China.
	“(j) REVIEW OF CIRCUMSTANCES.—(1) The Commission shall review the continued need for action taken under subsection (h) if the WTO member or members involved notify the Committee on Safeguards of the WTO of any modification in the action taken by them against the People’s Republic of China pursuant to consultation referred to in subsection (a). The Commission shall, not later than 60 days after such notification, determine whether a significant diversion of trade continues to exist and report its determination to the President. The President shall determine, within 15 days after receiving the Commission’s report, whether to modify, withdraw, or keep in place the action taken under subsection (h).
Deadline.	
19 USC 2451b.	<p>“SEC. 423. REGULATIONS; TERMINATION OF PROVISION.</p> <p>“(a) TO CARRY OUT RESTRICTIONS AND MONITORING.—The President shall by regulation provide for the efficient and fair administration of any restriction proclaimed pursuant to the subtitle and to provide for effective monitoring of imports under section 422(a).</p> <p>“(b) TO CARRY OUT AGREEMENTS.—To carry out an agreement concluded pursuant to consultations under section 421(j) or 422(e)(2), the President is authorized to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by such agreement.</p> <p>“(c) TERMINATION DATE.—This subtitle and any regulations issued under this subtitle shall cease to be effective 12 years after the date of entry into force of the Protocol of Accession of the People’s Republic of China to the WTO.”</p> <p>(b) CONFORMING AMENDMENT.—The table of contents of the Trade Act of 1974 is amended—</p> <p>(1) in the item relating to title IV, by striking the following:</p>

“CURRENTLY”;

(2) by inserting before the item relating to section 401 the following:

“CHAPTER 1—TRADE RELATIONS WITH CERTAIN COUNTRIES”;

and

(3) by adding after the item relating to section 409 the following:

“CHAPTER 2—RELIEF FROM MARKET DISRUPTION TO INDUSTRIES AND DIVERSION OF
TRADE TO THE UNITED STATES MARKET

“Sec. 421. Action to address market disruption.

“Sec. 422. Action in response to trade diversion.

“Sec. 423. Regulations; termination of provision.”

**SEC. 104. AMENDMENT TO SECTION 123 OF THE TRADE ACT OF 1974—
COMPENSATION AUTHORITY.**

Section 123(a)(1) of the Trade Act of 1974 (19 U.S.C. 2133(a)(1)) is amended by inserting after “title III” the following: “, or under chapter 2 of title IV of the Trade Act of 1974”.

**DIVISION B—UNITED STATES-CHINA
RELATIONS**

U.S.-China
Relations Act of
2000.

TITLE II—GENERAL PROVISIONS

**SEC. 201. SHORT TITLE OF DIVISION; TABLE OF CONTENTS OF DIVI-
SION.**

22 USC 6901
note.

(a) SHORT TITLE OF DIVISION.—This division may be cited as the “U.S.-China Relations Act of 2000”.

(b) TABLE OF CONTENTS OF DIVISION.—The table of contents of this division is as follows:

DIVISION B—UNITED STATES-CHINA RELATIONS

TITLE II—GENERAL PROVISIONS

Sec. 201. Short title of division; table of contents of division.

Sec. 202. Findings.

Sec. 203. Policy.

Sec. 204. Definitions.

**TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S
REPUBLIC OF CHINA**

Sec. 301. Establishment of Congressional-Executive Commission on the People's Republic of China.

Sec. 302. Functions of the Commission.

Sec. 303. Membership of the Commission.

Sec. 304. Votes of the Commission.

Sec. 305. Expenditure of appropriations.

Sec. 306. Testimony of witnesses, production of evidence; issuance of subpoenas; administration of oaths.

Sec. 307. Appropriations for the Commission.

Sec. 308. Staff of the Commission.

Sec. 309. Printing and binding costs.

**TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE'S REPUBLIC
OF CHINA'S WTO COMMITMENTS**

Subtitle A—Review of Membership of the People's Republic of China in the WTO

Sec. 401. Review within the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

Sec. 411. Findings.

Sec. 412. Purpose.

Sec. 413. Authorization of appropriations.

Subtitle C—Report on Compliance by the People's Republic of China With WTO
Obligations

Sec. 421. Report on compliance.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE'S REPUBLIC
OF CHINA

Subtitle A—Task Force on Prohibition of Importation of Products of Forced or
Prison Labor From the People's Republic of China

Sec. 501. Establishment of Task Force.

Sec. 502. Functions of Task Force.

Sec. 503. Composition of Task Force.

Sec. 504. Authorization of appropriations.

Sec. 505. Reports to Congress.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

Sec. 511. Establishment of technical assistance and rule of law programs.

Sec. 512. Administrative authorities.

Sec. 513. Prohibition relating to human rights abuses.

Sec. 514. Authorization of appropriations.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

Sec. 601. Accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

Sec. 701. Authorizations of appropriations for broadcasting capital improvements
and international broadcasting operations.

22 USC 6901.

SEC. 202. FINDINGS.

The Congress finds the following:

(1) In 1980, the United States opened trade relations with the People's Republic of China by entering into a bilateral trade agreement, which was approved by joint resolution enacted pursuant to section 405(c) of the Trade Act of 1974.

(2) Since 1980, the President has consistently extended nondiscriminatory treatment to products of the People's Republic of China, pursuant to his authority under section 404 of the Trade Act of 1974.

(3) Since 1980, the United States has entered into several additional trade-related agreements with the People's Republic of China, including a memorandum of understanding on market access in 1992, two agreements on intellectual property rights protection in 1992 and 1995, and an agreement on agricultural cooperation in 1999.

(4) Trade in goods between the People's Republic of China and the United States totaled almost \$95,000,000,000 in 1999, compared with approximately \$18,000,000,000 in 1989, representing growth of approximately 428 percent over 10 years.

(5) The United States merchandise trade deficit with the People's Republic of China has grown from approximately \$6,000,000,000 in 1989 to over \$68,000,000,000 in 1999, a growth of over 1,000 percent.

(6) The People's Republic of China currently restricts imports through relatively high tariffs and nontariff barriers, including import licensing, technology transfer, and local content requirements.

(7) United States businesses attempting to sell goods to markets in the People's Republic of China have complained of uneven application of tariffs, customs procedures, and other

laws, rules, and administrative measures affecting their ability to sell their products in the Chinese market.

(8) On November 15, 1999, the United States and the People's Republic of China concluded a bilateral agreement concerning terms of the People's Republic of China's eventual accession to the World Trade Organization.

(9) The commitments that the People's Republic of China made in its November 15, 1999, agreement with the United States promise to eliminate or greatly reduce the principal barriers to trade with and investment in the People's Republic of China, if those commitments are effectively complied with and enforced.

(10) The record of the People's Republic of China in implementing trade-related commitments has been mixed. While the People's Republic of China has generally met the requirements of the 1992 market access memorandum of understanding and the 1992 and 1995 agreements on intellectual property rights protection, other measures remain in place or have been put into place which tend to diminish the benefit to United States businesses, farmers, and workers from the People's Republic of China's implementation of those earlier commitments. Notably, administration of tariff-rate quotas and other trade-related laws remains opaque, new local content requirements have proliferated, restrictions on importation of animal and plant products are not always supported by sound science, and licensing requirements for importation and distribution of goods remain common. Finally, the Government of the People's Republic of China has failed to cooperate with the United States Customs Service in implementing a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

(11) The human rights record of the People's Republic of China is a matter of very serious concern to the Congress. The Congress notes that the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China finds that "[t]he Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent."

(12) The Congress deplores violations by the Government of the People's Republic of China of human rights, religious freedoms, and worker rights that are referred to in the Department of State's 1999 Country Reports on Human Rights Practices for the People's Republic of China, including the banning of the Falun Gong spiritual movement, denial in many cases, particularly politically sensitive ones, of effective representation by counsel and public trials, extrajudicial killings and torture, forced abortion and sterilization, restriction of access to Tibet and Xinjiang, perpetuation of "reeducation through labor", denial of the right of workers to organize labor unions or bargain collectively with their employers, and failure to implement a 1992 memorandum of understanding prohibiting trade in products made by prison labor.

SEC. 203. POLICY.

22 USC 6902.

It is the policy of the United States—

(1) to develop trade relations that broaden the benefits of trade, and lead to a leveling up, rather than a leveling down, of labor, environmental, commercial rule of law, market access, anticorruption, and other standards across national borders;

(2) to pursue effective enforcement of trade-related and other international commitments by foreign governments through enforcement mechanisms of international organizations and through the application of United States law as appropriate;

(3) to encourage foreign governments to conduct both commercial and noncommercial affairs according to the rule of law developed through democratic processes;

(4) to encourage the Government of the People's Republic of China to afford its workers internationally recognized worker rights;

(5) to encourage the Government of the People's Republic of China to protect the human rights of people within the territory of the People's Republic of China, and to take steps toward protecting such rights, including, but not limited to—

(A) ratifying the International Covenant on Civil and Political Rights;

(B) protecting the right to liberty of movement and freedom to choose a residence within the People's Republic of China and the right to leave from and return to the People's Republic of China; and

(C) affording a criminal defendant—

(i) the right to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(ii) the right to be informed, if he or she does not have legal assistance, of the right set forth in clause (i);

(iii) the right to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(iv) the right to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(v) the right to be presumed innocent until proved guilty according to law; and

(vi) the right to be tried without undue delay;

and

(6) to highlight in the United Nations Human Rights Commission and in other appropriate fora violations of human rights by foreign governments and to seek the support of other governments in urging improvements in human rights practices.

22 USC 6903.

SEC. 204. DEFINITIONS.

In this division:

(1) **DISPUTE SETTLEMENT UNDERSTANDING.**—The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes

referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(16)).

(2) **GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA.**—The term “Government of the People’s Republic of China” means the central Government of the People’s Republic of China and any other governmental entity, including any provincial, prefectural, or local entity and any enterprise that is controlled by the central Government or any such governmental entity or as to which the central Government or any such governmental entity is entitled to receive a majority of the profits.

(3) **INTERNATIONALLY RECOGNIZED WORKER RIGHTS.**—The term “internationally recognized worker rights” has the meaning given that term in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) and includes the right to the elimination of the “worst forms of child labor”, as defined in section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(4) **TRADE REPRESENTATIVE.**—The term “Trade Representative” means the United States Trade Representative.

(5) **WTO; WORLD TRADE ORGANIZATION.**—The terms “WTO” and “World Trade Organization” mean the organization established pursuant to the WTO Agreement.

(6) **WTO AGREEMENT.**—The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(7) **WTO MEMBER.**—The term “WTO member” has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

TITLE III—CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA

SEC. 301. ESTABLISHMENT OF CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA. 22 USC 6911.

There is established a Congressional-Executive Commission on the People’s Republic of China (in this title referred to as the “Commission”).

SEC. 302. FUNCTIONS OF THE COMMISSION. 22 USC 6912.

(a) **MONITORING COMPLIANCE WITH HUMAN RIGHTS.**—The Commission shall monitor the acts of the People’s Republic of China which reflect compliance with or violation of human rights, in particular, those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, including, but not limited to, effectively affording—

(1) the right to engage in free expression without fear of any prior restraints;

(2) the right to peaceful assembly without restrictions, in accordance with international law;

(3) religious freedom, including the right to worship free of involvement of and interference by the government;

(4) the right to liberty of movement and freedom to choose a residence within the People’s Republic of China and the right to leave from and return to the People’s Republic of China;

(5) the right of a criminal defendant—

(A) to be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing;

(B) to be informed, if he or she does not have legal assistance, of the right set forth in subparagraph (A);

(C) to have legal assistance assigned to him or her in any case in which the interests of justice so require and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(D) to a fair and public hearing by a competent, independent, and impartial tribunal established by the law;

(E) to be presumed innocent until proved guilty according to law; and

(F) to be tried without undue delay;

(6) the right to be free from torture and other forms of cruel or unusual punishment;

(7) protection of internationally recognized worker rights;

(8) freedom from incarceration as punishment for political opposition to the government;

(9) freedom from incarceration as punishment for exercising or advocating human rights (including those described in this section);

(10) freedom from arbitrary arrest, detention, or exile;

(11) the right to fair and public hearings by an independent tribunal for the determination of a citizen's rights and obligations; and

(12) free choice of employment.

(b) VICTIMS LISTS.—The Commission shall compile and maintain lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of the People's Republic of China due to their pursuit of the rights described in subsection (a). In compiling such lists, the Commission shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families.

(c) MONITORING DEVELOPMENT OF RULE OF LAW.—The Commission shall monitor the development of the rule of law in the People's Republic of China, including, but not limited to—

(1) progress toward the development of institutions of democratic governance;

(2) processes by which statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China are developed and become binding within the People's Republic of China;

(3) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of the People's Republic of China are published and are made accessible to the public;

(4) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules, and other legal acts of the Government of the People's Republic of China;

(5) the extent to which individuals are treated equally under the laws of the of the People's Republic of China without regard to citizenship;

(6) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(7) the extent to which laws in the People's Republic of China are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(d) BILATERAL COOPERATION.—The Commission shall monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward increasing the interchange of people and ideas between the United States and the People's Republic of China and expanding cooperation in areas that include, but are not limited to—

(1) increasing enforcement of human rights described in subsection (a); and

(2) developing the rule of law in the People's Republic of China.

(e) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In performing the functions described in subsections (a) through (d), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, including receiving reports and updates from such organizations and evaluating such reports.

(f) COOPERATION WITH SPECIAL COORDINATOR.—In performing the functions described in subsections (a) through (d), the Commission shall cooperate with the Special Coordinator for Tibetan Issues in the Department of State.

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report may contain recommendations for legislative or executive action.

Deadline.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL HEARINGS ON ANNUAL REPORTS.—(1) The Committee on International Relations of the House of Representatives shall, not later than 30 days after the receipt by the Congress of the report referred to in subsection (g), hold hearings on the contents of the report, including any recommendations contained therein, for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committee deems advisable, with a view to reporting to the House of Representatives any appropriate legislation in furtherance of such recommendations. If any such legislation is considered by the Committee on International Relations within 45 days after receipt by the Congress of the report referred to in subsection (g), it shall be reported by the committee not later than 60 days after receipt by the Congress of such report.

Deadline.

Deadline.

(2) The provisions of paragraph (1) are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such are deemed a part of the rules of the House, and they supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of the House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(j) SUPPLEMENTAL REPORTS.—The Commission may submit to the President and the Congress reports that supplement the reports described in subsection (g), as appropriate, in carrying out subsections (a) through (c).

22 USC 6913.

SEC. 303. MEMBERSHIP OF THE COMMISSION.

(a) SELECTION AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of 23 members as follows:

(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five members shall be selected from the majority party and four members shall be selected, after consultation with the minority leader of the House, from the minority party.

(2) Nine Members of the Senate appointed by the President of the Senate. Five members shall be selected, after consultation with the majority leader of the Senate, from the majority party, and four members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One representative of the Department of State, appointed by the President of the United States from among officers and employees of that Department.

(4) One representative of the Department of Commerce, appointed by the President of the United States from among officers and employees of that Department.

(5) One representative of the Department of Labor, appointed by the President of the United States from among officers and employees of that Department.

(6) Two at-large representatives, appointed by the President of the United States, from among the officers and employees of the executive branch.

(b) CHAIRMAN AND COCHAIRMAN.—

(1) DESIGNATION OF CHAIRMAN.—At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the members of the Commission from the Senate as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the members of the Commission from the House as Chairman of the Commission.

(2) DESIGNATION OF COCHAIRMAN.—At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the members of the Commission from the House as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the members of the Commission from the Senate as Cochairman of the Commission.

SEC. 304. VOTES OF THE COMMISSION.

22 USC 6914.

Decisions of the Commission, including adoption of reports and recommendations to the executive branch or to the Congress, shall be made by a majority vote of the members of the Commission present and voting. Two-thirds of the Members of the Commission shall constitute a quorum for purposes of conducting business.

SEC. 305. EXPENDITURE OF APPROPRIATIONS.

22 USC 6915.

For each fiscal year for which an appropriation is made to the Commission, the Commission shall issue a report to the Congress on its expenditures under that appropriation.

SEC. 306. TESTIMONY OF WITNESSES, PRODUCTION OF EVIDENCE; ISSUANCE OF SUBPOENAS; ADMINISTRATION OF OATHS.

22 USC 6916.

In carrying out this title, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and electronically recorded data as it considers necessary. Subpoenas may be issued only pursuant to a two-thirds vote of members of the Commission present and voting. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by the Chairman, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by the Chairman, may administer oaths to any witness.

SEC. 307. APPROPRIATIONS FOR THE COMMISSION.

22 USC 6917.

(a) AUTHORIZATION; DISBURSEMENTS.—

(1) **AUTHORIZATION.**—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

(2) **DISBURSEMENTS.**—Appropriations to the Commission shall be disbursed on vouchers approved—

(A) jointly by the Chairman and the Cochairman; or

(B) by a majority of the members of the personnel and administration committee established pursuant to section 308.

(b) **FOREIGN TRAVEL FOR OFFICIAL PURPOSES.**—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Cochairman.

SEC. 308. STAFF OF THE COMMISSION.

22 USC 6918.

(a) **PERSONNEL AND ADMINISTRATION COMMITTEE.**—The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior member of the Commission from the minority party of the House of Representatives, and the senior member of the Commission from the minority party of the Senate.

(b) **COMMITTEE FUNCTIONS.**—All decisions pertaining to the hiring, firing, and fixing of pay of personnel of the Commission shall be by a majority vote of the personnel and administration committee, except that—

(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of the Cochairman's senior staff member; and

(2) the Chairman and Cochairman shall each have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

Subject to subsection (d), the personnel and administration committee may appoint and fix the pay of such other personnel as it considers desirable.

(c) STAFF APPOINTMENTS.—All staff appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(d) QUALIFICATIONS OF PROFESSIONAL STAFF.—The personnel and administration committee shall ensure that the professional staff of the Commission consists of persons with expertise in areas including human rights, internationally recognized worker rights, international economics, law (including international law), rule of law and other foreign assistance programming, Chinese politics, economy and culture, and the Chinese language.

(e) COMMISSION EMPLOYEES AS CONGRESSIONAL EMPLOYEES.—

(1) IN GENERAL.—For purposes of pay and other employment benefits, rights, and privileges, and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(2) COMPETITIVE STATUS.—For purposes of section 3304(c)(1) of title 5, United States Code, employees of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

22 USC 6919.

SEC. 309. PRINTING AND BINDING COSTS.

For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

TITLE IV—MONITORING AND ENFORCEMENT OF THE PEOPLE’S REPUBLIC OF CHINA’S WTO COMMITMENTS

Subtitle A—Review of Membership of the People’s Republic of China in the WTO

22 USC 6931.

SEC. 401. REVIEW WITHIN THE WTO.

It shall be the objective of the United States to obtain as part of the Protocol of Accession of the People’s Republic of China to the WTO, an annual review within the WTO of the compliance by the People’s Republic of China with its terms of accession to the WTO.

Subtitle B—Authorization To Promote Compliance With Trade Agreements

SEC. 411. FINDINGS.

22 USC 6941.

The Congress finds as follows:

(1) The opening of world markets through the elimination of tariff and nontariff barriers has contributed to a 56-percent increase in exports of United States goods and services since 1992.

(2) Such export expansion, along with an increase in trade generally, has helped fuel the longest economic expansion in United States history.

(3) The United States Government must continue to be vigilant in monitoring and enforcing the compliance by our trading partners with trade agreements in order for United States businesses, workers, and farmers to continue to benefit from the opportunities created by market-opening trade agreements.

(4) The People's Republic of China, as part of its accession to the World Trade Organization, has committed to eliminating significant trade barriers in the agricultural, services, and manufacturing sectors that, if realized, would provide considerable opportunities for United States farmers, businesses, and workers.

(5) For these opportunities to be fully realized, the United States Government must effectively monitor and enforce its rights under the agreements on the accession of the People's Republic of China to the WTO.

SEC. 412. PURPOSE.

22 USC 6942.

The purpose of this subtitle is to authorize additional resources for the agencies and departments engaged in monitoring and enforcement of United States trade agreements and trade laws with respect to the People's Republic of China.

SEC. 413. AUTHORIZATION OF APPROPRIATIONS.

22 USC 6943.

(a) DEPARTMENT OF COMMERCE.—There is authorized to be appropriated to the Department of Commerce, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff for—

(1) monitoring compliance by the People's Republic of China with its commitments under the WTO, assisting United States negotiators with ongoing negotiations in the WTO, and defending United States antidumping and countervailing duty measures with respect to products of the People's Republic of China;

(2) enforcement of United States trade laws with respect to products of the People's Republic of China; and

(3) a Trade Law Technical Assistance Center to assist small- and medium-sized businesses, workers, and unions in evaluating potential remedies available under the trade laws of the United States with respect to trade involving the People's Republic of China.

(b) OVERSEAS COMPLIANCE PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to the Department of Commerce and the Department of State, in addition to amounts otherwise available, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, to provide staff for monitoring in the People's Republic of China that country's compliance with its international trade obligations and to support the enforcement of the trade laws of the United States, as part of an Overseas Compliance Program which monitors abroad compliance with international trade obligations and supports the enforcement of United States trade laws.

(2) REPORTING.—The annual report on compliance by the People's Republic of China submitted to the Congress under section 421 of this Act shall include the findings of the Overseas Compliance Program with respect to the People's Republic of China.

(c) UNITED STATES TRADE REPRESENTATIVE.—There are authorized to be appropriated to the Office of the United States Trade Representative, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff in—

(1) the Office of the General Counsel, the Monitoring and Enforcement Unit, and the Office of the Deputy United States Trade Representative in Geneva, Switzerland, to investigate, prosecute, and defend cases before the WTO, and to administer United States trade laws, including title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) and other trade laws relating to intellectual property, government procurement, and telecommunications, with respect to the People's Republic of China;

(2) the Office of Economic Affairs, to analyze the impact on the economy of the United States, including United States exports, of acts of the Government of the People's Republic of China affecting access to markets in the People's Republic of China and to support the Office of the General Counsel in presenting cases to the WTO involving the People's Republic of China;

(3) the geographic office for the People's Republic of China; and

(4) offices relating to the WTO and to different sectors of the economy, including agriculture, industry, services, and intellectual property rights protection, to monitor and enforce the trade agreement obligations of the People's Republic of China in those sectors.

(d) DEPARTMENT OF AGRICULTURE.—There are authorized to be appropriated to the Department of Agriculture, in addition to amounts otherwise available for such purposes, such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter, for additional staff to increase legal and technical expertise in areas covered by trade agreements and United States trade law, including food safety and biotechnology, for purposes of monitoring compliance by the People's Republic of China with its trade agreement obligations.

Subtitle C—Report on Compliance by the People’s Republic of China With WTO Obligations

SEC. 421. REPORT ON COMPLIANCE.

22 USC 6951.

(a) **IN GENERAL.**—Not later than 1 year after the entry into force of the Protocol of Accession of the People’s Republic of China to the WTO, and annually thereafter, the Trade Representative shall submit a report to Congress on compliance by the People’s Republic of China with commitments made in connection with its accession to the World Trade Organization, including both multilateral commitments and any bilateral commitments made to the United States.

Deadline.

(b) **PUBLIC PARTICIPATION.**—In preparing the report described in subsection (a), the Trade Representative shall seek public participation by publishing a notice in the Federal Register and holding a public hearing.

Federal Register, publication.

TITLE V—TRADE AND RULE OF LAW ISSUES IN THE PEOPLE’S REPUBLIC OF CHINA

Subtitle A—Task Force on Prohibition of Importation of Products of Forced or Prison Labor From the People’s Republic of China

SEC. 501. ESTABLISHMENT OF TASK FORCE.

22 USC 6961.

There is hereby established a task force on prohibition of importation of products of forced or prison labor from the People’s Republic of China (hereafter in this subtitle referred to as the “Task Force”).

SEC. 502. FUNCTIONS OF TASK FORCE.

22 USC 6962.

The Task Force shall monitor and promote effective enforcement of and compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) by performing the following functions:

(1) Coordinate closely with the United States Customs Service to promote maximum effectiveness in the enforcement by the Customs Service of section 307 of the Tariff Act of 1930 with respect to the products of the People’s Republic of China. In order to assure such coordination, the Customs Service shall keep the Task Force informed, on a regular basis, of the progress of its investigations of allegations that goods are being entered into the United States, or that such entry is being attempted, in violation of the prohibition in section 307 of the Tariff Act of 1930 on entry into the United States of goods mined, produced, or manufactured wholly or in part in the People’s Republic of China by convict labor, forced labor, or indentured labor under penal sanctions. Such investigations may include visits to foreign sites where goods allegedly are

being mined, produced, or manufactured in a manner that would lead to prohibition of their importation into the United States under section 307 of the Tariff Act of 1930.

(2) Make recommendations to the Customs Service on seeking new agreements with the People's Republic of China to allow Customs Service officials to visit sites where goods may be mined, produced, or manufactured by convict labor, forced labor, or indentured labor under penal sanctions.

(3) Work with the Customs Service to assist the People's Republic of China and other foreign governments in monitoring the sale of goods mined, produced, or manufactured by convict labor, forced labor, or indentured labor under penal sanctions to ensure that such goods are not exported to the United States.

(4) Coordinate closely with the Customs Service to promote maximum effectiveness in the enforcement by the Customs Service of section 307 of the Tariff Act of 1930 with respect to the products of the People's Republic of China. In order to assure such coordination, the Customs Service shall keep the Task Force informed, on a regular basis, of the progress of its monitoring of ports of the United States to ensure that goods mined, produced, or manufactured wholly or in part in the People's Republic of China by convict labor, forced labor, or indentured labor under penal sanctions are not imported into the United States.

(5) Advise the Customs Service in performing such other functions, consistent with existing authority, to ensure the effective enforcement of section 307 of the Tariff Act of 1930.

(6) Provide to the Customs Service all information obtained by the departments represented on the Task Force relating to the use of convict labor, forced labor, or/and indentured labor under penal sanctions in the mining, production, or manufacture of goods which may be imported into the United States.

22 USC 6963.

SEC. 503. COMPOSITION OF TASK FORCE.

The Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Secretary of State, the Commissioner of Customs, and the heads of other executive branch agencies, as appropriate, acting through their respective designees at or above the level of Deputy Assistant Secretary, or in the case of the Customs Service, at or above the level of Assistant Commissioner, shall compose the Task Force. The designee of the Secretary of the Treasury shall chair the Task Force.

22 USC 6964.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary for the Task Force to carry out the functions described in section 502.

22 USC 6965.

SEC. 505. REPORTS TO CONGRESS.

Deadline.

(a) **FREQUENCY OF REPORTS.**—Not later than the date that is 1 year after the date of the enactment of this Act, and not later than the end of each 1-year period thereafter, the Task Force shall submit to the Congress a report on the work of the Task Force during the preceding 1-year period.

(b) **CONTENTS OF REPORTS.**—Each report under subsection (a) shall set forth, at a minimum—

- (1) the number of allegations of violations of section 307 of the Tariff Act of 1930 with respect to products of the Peoples' Republic of China that were investigated during the preceding 1-year period;
- (2) the number of actual violations of section 307 of the Tariff Act of 1930 with respect to the products of the People's Republic of China that were discovered during the preceding 1-year period;
- (3) in the case of each attempted entry of products of the People's Republic of China in violation of such section 307 discovered during the preceding 1-year period—
 - (A) the identity of the exporter of the goods;
 - (B) the identity of the person or persons who attempted to sell the goods for export; and
 - (C) the identity of all parties involved in transshipment of the goods; and
- (4) such other information as the Task Force considers useful in monitoring and enforcing compliance with section 307 of the Tariff Act of 1930.

Subtitle B—Assistance To Develop Commercial and Labor Rule of Law

SEC. 511. ESTABLISHMENT OF TECHNICAL ASSISTANCE AND RULE OF LAW PROGRAMS. 22 USC 6981.

(a) **COMMERCE RULE OF LAW PROGRAM.**—The Secretary of Commerce, in consultation with the Secretary of State, is authorized to establish a program to conduct rule of law training and technical assistance related to commercial activities in the People's Republic of China.

(b) **LABOR RULE OF LAW PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Labor, in consultation with the Secretary of State, is authorized to establish a program to conduct rule of law training and technical assistance related to the protection of internationally recognized worker rights in the People's Republic of China.

(2) **USE OF AMOUNTS.**—In carrying out paragraph (1), the Secretary of Labor shall focus on activities including, but not limited to—

(A) developing, laws, regulations, and other measures to implement internationally recognized worker rights;

(B) establishing national mechanisms for the enforcement of national labor laws and regulations;

(C) training government officials concerned with implementation and enforcement of national labor laws and regulations; and

(D) developing an educational infrastructure to educate workers about their legal rights and protections under national labor laws and regulations.

(3) **LIMITATION.**—The Secretary of Labor may not provide assistance under the program established under this subsection to the All-China Federation of Trade Unions.

(c) **LEGAL SYSTEM AND CIVIL SOCIETY RULE OF LAW PROGRAM.**—The Secretary of State is authorized to establish a program to conduct rule of law training and technical assistance related to

development of the legal system and civil society generally in the People's Republic of China.

(d) CONDUCT OF PROGRAMS.—The programs authorized by this section may be used to conduct activities such as seminars and workshops, drafting of commercial and labor codes, legal training, publications, financing the operating costs for nongovernmental organizations working in this area, and funding the travel of individuals to the United States and to the People's Republic of China to provide and receive training.

22 USC 6982.

SEC. 512. ADMINISTRATIVE AUTHORITIES.

In carrying out the programs authorized by section 511, the Secretary of Commerce and the Secretary of Labor (in consultation with the Secretary of State) may utilize any of the authorities contained in the Foreign Assistance Act of 1961 and the Foreign Service Act of 1980.

22 USC 6983.

SEC. 513. PROHIBITION RELATING TO HUMAN RIGHTS ABUSES.

Amounts made available to carry out this subtitle may not be provided to a component of a ministry or other administrative unit of the national, provincial, or other local governments of the People's Republic of China, to a nongovernmental organization, or to an official of such governments or organizations, if the President has credible evidence that such component, administrative unit, organization or official has been materially responsible for the commission of human rights violations.

22 USC 6984.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMERCIAL LAW PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce to carry out the program described in section 511(a) such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(b) LABOR LAW PROGRAM.—There are authorized to be appropriated to the Secretary of Labor to carry out the program described in section 511(b) such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(c) LEGAL SYSTEM AND CIVIL SOCIETY RULE OF LAW PROGRAM.—There are authorized to be appropriated to the Secretary of State to carry out the program described in section 511(c) such sums as may be necessary for fiscal year 2001, and each fiscal year thereafter.

(d) CONSTRUCTION WITH OTHER LAWS.—Except as provided in this division, funds may be made available to carry out the purposes of this subtitle notwithstanding any other provision of law.

TITLE VI—ACCESSION OF TAIWAN TO THE WTO

22 USC 6991.

SEC. 601. ACCESSION OF TAIWAN TO THE WTO.

It is the sense of the Congress that—

(1) immediately upon approval by the General Council of the WTO of the terms and conditions of the accession of the People's Republic of China to the WTO, the United States representative to the WTO should request that the General Council of the WTO consider Taiwan's accession to the WTO

as the next order of business of the Council during the same session; and

(2) the United States should be prepared to aggressively counter any effort by any WTO member, upon the approval of the General Council of the WTO of the terms and conditions of the accession of the People's Republic of China to the WTO, to block the accession of Taiwan to the WTO.

TITLE VII—RELATED ISSUES

SEC. 701. AUTHORIZATIONS OF APPROPRIATIONS FOR BROADCASTING CAPITAL IMPROVEMENTS AND INTERNATIONAL BROADCASTING OPERATIONS. 22 USC 7001.

(a) **BROADCASTING CAPITAL IMPROVEMENTS.**—In addition to such sums as may otherwise be authorized to be appropriated, there are authorized to be appropriated for “Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements” \$65,000,000 for the fiscal year 2001.

(b) **INTERNATIONAL BROADCASTING OPERATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to such sums as are otherwise authorized to be appropriated, there are authorized to be appropriated \$34,000,000 for each of the fiscal years 2001 and 2002 for “Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, International Broadcasting Operations” for the purposes under paragraph (2).

(2) **USES OF FUNDS.**—In addition to other authorized purposes, funds appropriated pursuant to paragraph (1) shall be used for the following:

(A) To increase personnel for the program development office to enhance marketing programming in the People's Republic of China and neighboring countries.

(B) To enable Radio Free Asia's expansion of news research, production, call-in show capability, and web site/Internet enhancement for the People's Republic of China and neighboring countries.

(C) VOA enhancements, including the opening of new news bureaus in Taipei and Shanghai, enhancement of TV Mandarin, and an increase of stringer presence abroad.

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.R. 4444 (S. 2277):

HOUSE REPORTS: No. 106-632 (Comm. on Ways and Means).

SENATE REPORTS: No. 106-305 accompanying S. 2277 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 23, 24, considered and passed House.

Sept. 7, 8, 11-15, 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 10, Presidential remarks.



Public Law 106–287
106th Congress

An Act

To grant the consent of the Congress to the Kansas and Missouri Metropolitan
Culture District Compact.

Oct. 10, 2000
[H.R. 4700]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. CONSENT TO COMPACT.

The Congress consents to the Kansas and Missouri Metropolitan Culture District Compact entered into between the State of Kansas and the State of Missouri. The compact reads substantially as follows:

**“KANSAS AND MISSOURI METROPOLITAN CULTURE
DISTRICT COMPACT**

“ARTICLE I. AGREEMENT AND PLEDGE

“The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the future planning and development of the metropolitan culture district, holding in high trust for the benefit of this people and of the nation, the special blessings and natural advantages thereof.

“ARTICLE II. POLICY AND PURPOSE

“The party states, desiring by common action to fully utilize and improve their cultural facilities, coordinate the services of their cultural organizations, enhance the cultural activities of their citizens, and achieve solid financial support for such cultural facilities, organizations and activities, declare that it is the policy of each state to realize such desires on a basis of cooperation with one another, thereby serving the best interests of their citizenry and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the creation of a metropolitan culture district as the means to implementation of the policy herein declared with the most beneficial and economical use of human and material resources.

“ARTICLE III. DEFINITIONS

“As used in this compact, unless the context clearly requires otherwise:

“(a) ‘Metropolitan culture district’ means a political subdivision of the states of Kansas and Missouri which is created under and pursuant to the provisions of this compact and which is composed of the counties in the states of Kansas and Missouri which act

to create or to become a part of the district in accordance with the provisions of Article IV.

“(b) ‘Commission’ means the governing body of the metropolitan culture district.

“(c) ‘Cultural activities’ means sports or activities which contribute to or enhance the aesthetic, artistic, historical, intellectual or social development or appreciation of members of the general public.

“(d) ‘Cultural organizations’ means nonprofit and tax exempt social, civic or community organizations and associations which are dedicated to the development, provision, operation, supervision, promotion or support of cultural activities in which members of the general public may engage or participate.

“(e) ‘Cultural facilities’ means facilities operated or used for sports or participation or engagement in cultural activities by members of the general public.

“ARTICLE IV. THE DISTRICT

“(a) The counties in Kansas and Missouri eligible to create and initially compose the metropolitan culture district shall be those counties which meet one or more of the following criteria:

“(1) The county has a population in excess of 300,000, and is adjacent to the state line;

“(2) The county contains a part of a city with a population according to the most recent federal census of at least 400,000; or

“(3) The county is contiguous to any county described in provisions (1) or (2) of this subpart (a). The counties of Johnson in Kansas and Jackson in Missouri shall be sine qua non to the creation and initial composition of the district. Additional counties in Kansas and Missouri shall be eligible to become a part of the metropolitan culture district if such counties are contiguous to any one or more of the counties which compose the district and within 60 miles of the counties that are required by this article to establish the district;

“(b)(1) Whenever the governing body of any county which is eligible to create or become a part of the metropolitan culture district shall determine that creation of or participation in the district is in the best interests of the citizens of the county and that the levy of a tax to provide on a cooperative basis with another county or other counties for financial support of the district would be economically practical and cost beneficial to the citizens of the county, the governing body may adopt by majority vote a resolution authorizing the same.

“(2) Wherever a petition, signed by not less than the number of qualified electors of an eligible county equal to 5% of the number of ballots cast and counted at the last preceding gubernatorial election held in the county and requesting adoption of a resolution authorizing creation of or participation in the metropolitan culture district and the levy of a tax for the purpose of contributing to the financial support of the district, is filed with the governing body of the county, the governing body shall adopt such a resolution.

“(3) Implementation of a resolution adopted under this subpart (b) shall be conditioned upon approval of the resolution by a majority of the qualified electors of the county voting at an election conducted for such purpose.

“(c)(1) Upon adoption of a resolution pursuant to subpart (b)(1) or subpart (b)(2), the governing body of the county shall request, within 36 months after adoption of the resolution, the county election officer to submit to the qualified electors of the county the question of whether the governing body shall be authorized to implement the resolution. The resolution shall be printed on the ballot and in the notice of election. The question shall be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer. If a majority of the qualified electors are opposed to implementation of the resolution authorizing creation of, or participation in, the district and the levy of a tax for financial support thereof, the same shall not be implemented. The governing body of the county may review procedures for authorization to create or become a part of the district and to levy a tax for financial support thereof at any time following rejection of the question.

Deadline.

“(2) The ballot for the proposition in any county shall be in substantially the following form:

“Shall a retail sales tax of _____ (insert amount, not to exceed $\frac{1}{4}$ cent) be levied and collected in Kansas and Missouri metropolitan culture district consisting of the county(ies) of _____ (insert name of counties) for the support of cultural facilities and organizations within the district?

YES

NO

The governing body of the county may place additional language on the ballot to describe the use or allocation of the funds.

“(d)(1) The metropolitan culture district shall be created when implementation of a resolution authorizing the creation of the district and the levy of a tax for contribution to the financial support thereof is approved by respective majorities of the qualified electors of at least Johnson County, Kansas, and Jackson County, Missouri.

“(2) When implementation of a resolution authorizing participation in the metropolitan culture district and the levy of a tax for contribution to the financial support thereof is approved by a majority of the qualified electors of any county eligible to become a part of the district, the governing body of the county shall proceed with the performance of all things necessary and incidental to participation in the district.

“(3) Any question for the levy of a tax submitted after July 1, 2000, may be submitted to the electors of the county at the primary or general election next following the date of the request filed with the county election officer; at a special election called and held as otherwise provided by law; at an election called and held on the first Tuesday after the first Monday in February, except in Presidential election years; at an election called and held on the first Tuesday after the first Monday in March, June, August, or November; or at an election called and held on the first Tuesday in April, except that no question for a tax levy may be submitted to the electors prior to January 1, 2002.

“(4) No question shall be submitted to the electors authorizing the levy of a tax the proceeds of which will be exclusively dedicated to sports or sports facilities.

“(e) Any of the counties composing the metropolitan culture district may withdraw from the district by adoption of a resolution and approval of the resolution by a majority of the qualified electors of the county, all in the same manner provided in this Article

IV for creating or becoming a part of the metropolitan culture district. The governing body of a withdrawing county shall provide for the sending of formal written notice of withdrawal from the district to the governing body of the other county or each of the other counties comprising the district. Actual withdrawal shall not take effect until 90 days after notice has been sent. A withdrawing county shall not be relieved from any obligation which such county may have assumed or incurred by reason of being a part of the district, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district.

“ARTICLE V. THE COMMISSION

“(a) The metropolitan culture district shall be governed by the metropolitan culture commission which shall be a body corporate and politic and which shall be composed of resident electors of the states of Kansas and Missouri, respectively, as follows:

“(1) A member of the governing body of each county which is a part of the district, who shall be appointed by majority vote of such governing body;

“(2) A member of the governing body of each city, with a population according to the most recent federal census of at least 50,000, located in whole or in part within each county which is a part of the district, who shall be appointed by majority vote of such governing body;

“(3) Two members of the governing body of a county with a consolidated or unified county government and city of the first class which is a part of the district, who shall be appointed by majority vote of such governing body;

“(4) A member of the arts commission of Kansas or the Kansas commission for the humanities, who shall be appointed by the governor of Kansas; and

“(5) A member of the arts commission of Missouri or the Missouri humanities council, who shall be appointed by the governor of Missouri.

Expiration dates. To the extent possible, the gubernatorial appointees to the commission shall be residents of the district. The term of each commissioner initially appointed by a county governing body shall expire concurrently with such commissioner’s tenure as a county officer or three years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a county governing body shall expire concurrently with such successor commissioner’s tenure as a county officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner initially appointed by a city governing body shall expire concurrently with such commissioner’s tenure as a city officer or two years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner succeeding a commissioner initially appointed by a city governing body shall expire concurrently with such successor commissioner’s tenure as a city officer or four years after the date of appointment as a commissioner, whichever occurs sooner. The term of each commissioner appointed by the governor of Kansas or the governor of Missouri shall expire concurrently with the term of the appointing governor, the commissioner’s tenure as a state officer, or four years after the date of appointment as a commissioner of the district, whichever occurs sooner. Any

vacancy occurring in a commissioner position for reasons other than expiration of terms of office shall be filled for the unexpired term by appointment in the same manner that the original appointment was made. Any commissioner may be removed for cause by the appointing authority of the commissioner.

“(b) The commission shall select annually, from its membership, a chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded in such amounts as the commission may require.

“(c) The commission may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

“(d) The commission shall fix the time and place at which its meetings shall be held. Meetings shall be held within the district and shall be open to the public. Public notice shall be given of all meetings.

“(e) A majority of the commissioners from each state shall constitute, in the aggregate, a quorum for the transaction of business. No action of the commission shall be binding unless taken at a meeting at which at least a quorum is present, and unless a majority of the commissioners from each state, present at such meeting, shall vote in favor thereof. No action of the commission taken at a meeting thereof shall be binding unless the subject of such action is included in a written agenda for such meeting, the agenda and notice of meeting having been mailed to each commissioner by postage paid first-class mail at least 14 calendar days prior to the meeting.

“(f) The commissioners from each state shall be subject to the provisions of the laws of the states of Kansas and Missouri, respectively, which relate to conflicts of interest of public officers and employees. If any commissioner has a direct or indirect financial interest in any cultural facility, organization or activity supported by the district or commission or in any other business transaction of the district or commission, the commissioner shall disclose such interest in writing to the other commissioners and shall abstain from voting on any matter relating to such facility, organization or activity or to such business transaction.

“(g) If any action at law or equity, or other legal proceeding, shall be brought against any commissioner for any act or omission arising out of the performance of duties as a commissioner, the commissioner shall be indemnified in whole and held harmless by the commission for any judgment or decree entered against the commissioner and, further, shall be defended at the cost and expense of the commission in any such proceeding.

“ARTICLE VI. POWERS AND DUTIES OF THE COMMISSION

“(a) The commission shall adopt a seal and suitable bylaws governing its management and procedure.

“(b) The commission has the power to contract and to be contracted with, and to sue and to be sued.

“(c) The commission may receive for any of its purposes and functions any contributions or moneys appropriated by counties or cities and may solicit and receive any and all donations, and grants of money, equipment, supplies, materials and services from any state or the United States or any agency thereof, or from

any institution, foundation, organization, person, firm or corporation, and may utilize and dispose of the same.

“(d) Upon receipt of recommendations from the advisory committee provided in subsection (g), the commission may provide donations, contributions and grants or other support, financial or otherwise, or in aid of cultural organizations, facilities or activities in counties which are part of the district. In determining whether to provide any such support the commission shall consider the following factors:

“(1) economic impact upon the district;

“(2) cultural benefit to citizens of the district and to the general public;

“(3) contribution to the quality of life and popular image of the district;

“(4) contribution to the geographical balance of cultural facilities and activities within and outside the district;

“(5) the breadth of popular appeal within and outside the district;

“(6) the needs of the community as identified in an objective cultural needs assessment study of the metropolitan area; and

“(7) any other factor deemed appropriate by the commission.

“(e) The commission may own and acquire by gift, purchase, lease or devise cultural facilities within the territory of the district. The commission may plan, construct, operate and maintain and contract for the operation and maintenance of cultural facilities within the territory of the district. The commission may sell, lease, or otherwise dispose of cultural facilities within the territory of the district.

“(f) At any time following five years from and after the creation of the metropolitan cultural district as provided in paragraph (1) of subsection (d) of article IV, the commission may borrow moneys for the planning, construction, equipping, operation, maintenance, repair, extension, expansion, or improvement of any cultural facility and, in that regard, the commission at such time may:

“(1) issue notes, bonds or other instruments in writing of the commission in evidence of the sum or sums to be borrowed. No notes, bonds or other instruments in writing shall be issued pursuant to this subsection until the issuance of such notes, bonds or instruments has been submitted to and approved by a majority of the qualified electors of the district voting at an election called and held thereon. Such election shall be called and held in the manner provided by law;

“(2) issue refunding notes, bonds or other instruments in writing for the purpose of refunding, extending or unifying the whole or any part of its outstanding indebtedness from time to time whether evidenced by notes, bonds or other instruments in writing. Such refunding notes, bonds or other instruments in writing shall not exceed in amount the principal of the outstanding indebtedness to be refunded and the accrued interest thereon to the date of such refunding;

“(3) provide that all notes, bonds and other instruments in writing issued hereunder shall or may be payable, both as to principal and interest, from sales tax revenues authorized under this compact and disbursed to the district by counties comprising the district, admissions and other revenues collected from the use of any cultural facility or facilities constructed

hereunder, or from any other resources of the commission, and further may be secured by a mortgage or deed of trust upon any property interest of the commission; and

“(4) prescribe the details of all notes, bonds or other instruments in writing, and of the issuance and sale thereof. The commission shall have the power to enter into covenants with the holders of such notes, bonds or other instruments in writing, not inconsistent with the powers granted herein, without further legislative authority.

“(g) The commission shall appoint an advisory committee composed of members of the general public consisting of an equal number of persons from both the states of Kansas and Missouri who have demonstrated interest, expertise, knowledge or experience in cultural organizations or activities. The advisory committee shall make recommendations annually to the commission regarding donations, contributions and grants or other support, financial or otherwise, for or in aid of cultural organizations, facilities and activities in counties which are part of the district.

Appointment.

“(h) The commission may provide for actual and necessary expenses of commissioners and advisory committee members incurred in the performance of their official duties.

“(i) The commission shall cause to be prepared annually a report on the operations and transactions conducted by the commission during the preceding year. The report shall be submitted to the legislatures and governors of the compacting states, to the governing bodies of the counties comprising the district, and to the governing body of each city that appoints a commissioner. The commission shall publish the annual report in the official county newspaper of each of the counties comprising the district.

Reports.

“(j) The commission has the power to apply to the congress of the United States for its consent and approval of the compact. In the absence of the consent of congress and until consent is secured, the compact is binding upon the states of Kansas and Missouri in all respects permitted by law for the two states, without the consent of congress, for the purposes enumerated and in the manner provided in the compact.

Publication.

“(k) The commission has the power to perform all other necessary and incidental functions and duties and to exercise all other necessary and appropriate powers not inconsistent with the constitution or laws of the United States or of either of the states of Kansas or Missouri to effectuate the same.

“ARTICLE VII. FINANCE

“(a) The moneys necessary to finance the operation of the metropolitan culture district and the execution of the powers, duties and responsibilities of the commission shall be appropriated to the commission by the counties comprising the district. The moneys to be appropriated to the commission shall be raised by the governing bodies of the respective counties by the levy of taxes as authorized by the legislatures of the respective party states.

“(b) The commission shall not incur any indebtedness or obligation of any kind; nor shall the commission pledge the credit of either or any of the counties comprising the district or either of the states party to this compact, except as authorized in article VI. The budget of the district shall be prepared, adopted and published as provided by law for other political subdivisions of the

Records.

party states. No budget shall be adopted by the commission until it has been submitted to and reviewed by the governing bodies of the counties comprising the district and the governing body of each city represented on the commission.

“(c) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

“(d) The accounts of the commission shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states, the counties comprising the district, the cities that appoint a commissioner, and other persons authorized by the commission.

“ARTICLE VIII. ENTRY INTO FORCE

“(a) This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri when it has been entered into law by the legislatures of the respective states.

“(b) Amendments to the compact shall become effective upon enactment by the legislatures of the respective states.

“ARTICLE IX. TERMINATION

“This compact shall continue in force and remain binding upon a party state until its legislature shall have enacted a statute repealing the same and providing for the sending of formal written notice of enactment of such statute to the legislature of the other party state. Upon enactment of such a statute by the legislature of either party state, the sending of notice thereof to the other party state, and payment of any obligations which the metropolitan culture district commission may have incurred prior to the effective date of such statute, including, but not limited to, the retirement of any outstanding bonded indebtedness of the district, the agreement of the party states embodied in the compact shall be deemed fully executed, the compact shall be null and void and of no further force or effect, the metropolitan culture district shall be dissolved, and the metropolitan culture district commission shall be abolished.

“ARTICLE X. CONSTRUCTION AND SEVERABILITY

“The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either of the party states or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of either of the states party thereto, the compact shall thereby be nullified and voided and of no further force or effect.

“(a) The board of county commissioners of any county which has been authorized by a majority of the electors of the county to create or to become a part of the metropolitan culture district and to levy and collect a tax for the purpose of contributing to the financial support of the district shall adopt a resolution imposing

a countywide retailers' sales tax and pledging the revenues received therefrom for such purpose. The rate of such tax shall be fixed in an amount of not more than .25%. Any county levying a retailers' sales tax under authority of this section is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this section, the state director of taxation shall cause such tax to be collected within and outside the boundaries of such county at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to the metropolitan culture district retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any countywide retailers' sales tax collected pursuant to this section shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this section. All countywide retailers' sales tax revenue collected within any county pursuant to this section shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county.

“(b) All revenue received by any county treasurer from a countywide retailers' sales tax imposed pursuant to this section shall be appropriated by the county to the metropolitan culture district commission within 60 days of receipt of the funds by the county for expenditure by the commission pursuant to and in accordance with the provisions of the Kansas and Missouri metropolitan culture district compact. If any such revenue remains upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the county treasurer shall deposit such revenue to the credit of the general fund of the county.

Deadline.

“(c) Any countywide retailers' sales tax imposed pursuant to this section shall expire upon the date of actual withdrawal of the county from the metropolitan culture district or at any time the Kansas and Missouri metropolitan culture district compact becomes null and void and of no further force or effect. If any moneys remain in the metropolitan culture district retailers' sales tax fund upon nullification and voidance of the Kansas and Missouri metropolitan culture district compact, the state treasurer shall transfer such moneys to the county and city retailers' sales tax fund to be apportioned and remitted at the same time and in the same manner as other countywide retailers' sales tax revenues are apportioned and remitted.”.

Expiration date.

SEC. 2. RESERVATION OF RIGHTS.

The Congress expressly reserves the right to alter, amend, or repeal this Act.

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.R. 4700:

HOUSE REPORTS: No. 106–769 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Sept. 26, considered and passed Senate.



Public Law 106-288
106th Congress

Joint Resolution

Granting the consent of the Congress to the Red River Boundary Compact.

Oct. 10, 2000

[H.J. Res. 72]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Texas.
Oklahoma.

SECTION 1. CONGRESSIONAL CONSENT.

(a) **IN GENERAL.**—The consent of Congress is given to the Red River Compact entered into between the States of Texas and Oklahoma and the new boundary established by the compact.

(b) **NEW COMPACT.**—The compact referred to in subsection (a) sets the boundary between the States of Texas and Oklahoma as the vegetation line on the south bank of the Red River (except for the Texoma area where the boundary is established pursuant to procedures provided for in the compact) and is the compact—

(1) agreed to by the State of Texas in House Bill 1355 approved by the Governor of Texas on May 24, 1999; and

(2) agreed to by the State of Oklahoma in Senate Bill 175 approved by the Governor of Oklahoma on June 4, 1999.

(c) **COMPACT.**—The Acts referred to in subsection (b) are recognized by Congress as an interstate compact pursuant to section 10 of Article I of the United States Constitution.

(d) **CONSTRUCTION.**—The compact shall not in any manner alter—

(1) any present or future rights and interests of the Kiowa, Comanche, and Apache Tribes, the Chickasaw Nation, and the Choctaw Nation of Oklahoma and their members or Indian successors-in interest;

(2) any tribal trust lands;

(3) allotted lands that may be held in trust or lands subject to a Federal restriction against alienation;

(4) any boundaries of lands owned by the tribes and nations referred to in paragraph (1), including lands referred to in paragraphs (2) and (3), that exist now or that may be established in the future under Federal law; and

(5) the sovereign rights, jurisdiction, or other governmental interests of the Kiowa, Comanche, and Apache Tribes, the Chickasaw Nation, and the Choctaw Nation of Oklahoma and their members or Indian successors-in interest presently existing or which may be acknowledged by Federal and tribal law.

SEC. 2. EFFECTIVE DATE.

This joint resolution shall take effect on August 31, 2000.

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.J. Res. 72:

HOUSE REPORTS: No. 106-770 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Sept. 26, considered and passed Senate.

114 STAT. 920

PUBLIC LAW 106–288—OCT. 10, 2000

Approved October 10, 2000.

LEGISLATIVE HISTORY—H.J. Res. 72:

HOUSE REPORTS: No. 106–770 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Sept. 26, considered and passed Senate.



Public Law 106–290
106th Congress

An Act

To expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

Oct. 10, 2000
[S. 1324]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pennsylvania.
Historic
preservation.

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

Section 1 of the Act entitled “An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes” approved August 17, 1990 (16 U.S.C. 430g–4) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

“(b) **ADDITIONAL LAND.**—In addition to the land identified in subsection (a), the park shall also include the property commonly known as the Wills House located in the Borough of Gettysburg and identified as Tract P02–1 on the map entitled ‘Gettysburg National Military Park’ numbered MARO 305/80,011 Segment 2, and dated April 1981, revised May 14, 1999.”; and

(3) in subsection (c) (as redesignated by paragraph (1)), by striking “map referred to in subsection (a)” and inserting “maps referred to in subsections (a) and (b)”.

SEC. 2. ACQUISITION AND DISPOSAL OF LAND.

16 USC 430g–5.

Section 2 of the Act entitled “An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes” approved August 17, 1990 (16 U.S.C. 430g–4) is amended by striking “1(b)” each place it appears and inserting “1(c)”.

Approved October 10, 2000.

LEGISLATIVE HISTORY—S. 1324 (H.R. 2435):

HOUSE REPORTS: No. 106–736 accompanying H.R. 2435 (Comm. on Resources).

SENATE REPORTS: No. 106–187 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Sept. 26, considered and passed House.



Public Law 106–291
106th Congress

An Act

Oct. 11, 2000
[H.R. 4578]

Making appropriations for the Department of the Interior and related agencies
for the fiscal year ending September 30, 2001, and for other purposes.

Department of
the Interior and
Related Agencies
Appropriations
Act, 2001.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), \$709,733,000, to remain available until expended, of which \$3,898,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which \$3,000,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$34,328,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$709,733,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made

shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, research, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, \$425,513,000, to remain available until expended, of which not to exceed \$30,000,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the “Fire Protection” and “Emergency Department of the Interior Firefighting Fund” may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

For an additional amount for “Wildland Fire Management”, \$200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$16,860,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), \$150,000,000, of which not to exceed \$400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, \$31,100,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$104,267,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

43 USC 1735
note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary,

for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$776,595,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than \$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than \$1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed \$6,355,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount available for law enforcement, up to \$400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$63,015,000, to remain available until expended: *Provided*, That,

notwithstanding any provision of law or regulation, funds appropriated in Public Law 106-113 for exhibits at the J.N. Ding Darling National Wildlife Refuge Education Center in Florida shall be transferred immediately to the Ding Darling Wildlife Society for the purpose of constructing the exhibits.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$62,800,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, \$26,925,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$11,439,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$20,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, \$797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), \$2,500,000, to remain available until expended: *Provided*, That funds made available under this Act and Public Law 105-277 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of

the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105-56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,389,144,000, of which \$9,227,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed \$7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100-203: *Provided*, That the only funds in this account which may be made available to support United States Park Police operations are those needed to continue services at the same level as was provided in fiscal year 2000 at the Statue of Liberty and Gateway National Recreation Area, and those funds approved for emergency law and order incidents pursuant to established National Park Service procedures and those funds needed to maintain and repair United States Park Police administrative facilities.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$78,048,000, of which \$1,607,000 for security enhancements in the Washington, DC area shall remain available until expended.

NATIONAL RECREATION AND PRESERVATION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$58,359,000: *Provided*, That \$1,595,000 appropriated in Public Law 105-277 for the acquisition of interests in Ferry Farm, George Washington's Boyhood Home, shall be transferred to this account and shall be available until expended for a cooperative agreement for management of George Washington's Boyhood Home, Ferry Farm, as authorized in Public Law 105-355.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$10,000,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$79,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which \$7,177,000 pursuant to section 507 of Public Law 104-333 shall remain available until expended: *Provided*, That of the total amount provided, \$35,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$242,174,000, to remain available until expended: *Provided*, That \$650,000 for Lake Champlain National Historic Landmarks, \$300,000 for the Kendall County Courthouse, and

\$365,000 for the U.S. Grant Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

16 USC 460l–10a
note.

The contract authority provided for fiscal year 2001 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$110,540,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$40,500,000 is for the State assistance program including \$1,500,000 to administer the State assistance program, and of which \$12,000,000 may be for State grants for land acquisition in the State of Florida: *Provided*, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund: *Provided further*, That not to exceed \$50,000,000 derived from unexpended balances previously appropriated in Public Laws 106–113 and 103–211 for land acquisition assistance to the State of Florida shall be available until expended for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act.

ADMINISTRATIVE PROVISIONS

Reports.

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to

the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$862,046,000, of which \$62,879,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which \$1,525,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which \$32,822,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which \$157,923,000 shall be available until September 30, 2002 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53

passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, \$133,410,000, of which \$86,257,000, shall be available for royalty management activities; and an amount not to exceed \$107,410,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent \$107,410,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$107,410,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2002: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to

process or otherwise dispose of royalty production taken in kind: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$100,801,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

30 USC 1211
note.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$202,438,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be \$1,600,000 per State in fiscal year 2001: *Provided further*, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation

for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,741,212,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed \$93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$125,485,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to \$5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed \$423,056,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed \$60,194,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation

support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program; and of which not to exceed \$108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$357,404,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes

between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS
PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$37,526,000, to remain available until expended; of which \$25,225,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618 and 102-575, and for implementation of other enacted water rights settlements; of which \$8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106-163; of which \$2,127,000 shall be available pursuant to Public Laws 99-264, 100-383, 100-580 and 103-402; and of which \$2,000,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in *United States v. Michigan*, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, \$488,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government

relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2001, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$75,471,000, of which: (1) \$71,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public

48 USC 1469b.

Grants.
Close Up
Foundation.

Law 94-241; 90 Stat. 272); and (2) \$4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, not to exceed \$300,000 may be made available for transfer to the Disaster Assistance Direct Loan Program Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving a portion of the obligation of the Government of the Virgin Islands to pay interest which has accrued on Community Disaster Loan 841 during fiscal year 2000, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That of the amounts provided for technical assistance, the amount of \$700,000 shall be made available to the Prior Service Benefits Trust Fund for its program of benefit payments to individuals: *Provided further*, That none of this amount shall be used for administrative expenses of the Prior Service Benefits Trust Fund: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$20,745,000, to remain available until expended, as authorized by Public Law 99-239 and Public Law 99-658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$64,319,000, of which not to exceed \$8,500 may be for official reception and representation expenses, of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which \$300,000 shall be for a grant to Alaska Pacific University for the development of an ANILCA training curriculum.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$27,846,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$82,628,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

25 USC 4011
note.

25 USC 4011
note.
Records.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands by direct expenditure or cooperative agreement, \$9,000,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management, of which not to exceed \$1,000,000 shall be available for administrative expenses: *Provided*, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93-638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: *Provided further*, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: *Provided further*, That acquisitions shall be limited to one or more reservations as determined by the Secretary: *Provided further*, That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: *Provided further*, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interests shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: *Provided further*, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 19jj et seq.), \$5,403,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire operations” shall be exhausted within thirty days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or

economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United

States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs, hereafter may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

43 USC 1467a.

SEC. 114. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, hereafter the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

16 USC 460bb-3
note.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 117. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the

Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2001. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 120. The Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia is hereby named for Joseph V. Gartlan, Jr. and shall hereafter be referred to in any law, document, or records of the United States as the "Joseph V. Gartlan, Jr. Great Marsh Trail".

SEC. 121. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 122. (a) Notwithstanding any other provision of law, with respect to amounts made available for tribal priority allocations in Alaska, such amounts shall only be provided to tribes the membership of which on June 1, 2000 is composed of at least 25 individuals who are Natives (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act) who reside in the area generally known as the village for such tribe.

(b) Amounts that would have been made available for tribal priority allocations in Alaska but for the limitation contained in subsection (a) shall be provided to the respective Alaska Native regional nonprofit corporation (as listed in section 103(a)(2) of Public Law 104-193, 110 Stat. 2159) for the respective region in which a tribe subject to subsection (a) is located, notwithstanding any resolution authorized under federal law to the contrary.

SEC. 123. (a) In this section—

(1) the term "Huron Cemetery" means the lands that form the cemetery that is popularly known as the Huron Cemetery,

Virginia.
Recreation and
recreational
areas.
16 USC 668dd
note.

located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term “Secretary” means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—
(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

“Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

“Thence South 28 poles to the ‘true point of beginning’;

“Thence South 71 degrees East 10 poles and 18 links;

“Thence South 18 degrees and 30 minutes West 28 poles;

“Thence West 11 and one-half poles;

“Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the ‘true point of beginning’, containing 2 acres or more.”.

SEC. 124. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 125. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act”.

SEC. 126. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 127. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 128. Section 112 of Public Law 103-138 (107 Stat. 1399) is amended by striking “permit LP-GLBA005-93” and inserting

“permit LP-GLBA005-93 and in connection with a corporate reorganization plan, the entity that, after the corporate reorganization, holds entry permit CP-GLBA004-00 each”.

SEC. 129. Notwithstanding any other provision of law, the Secretary of the Interior shall designate Anchorage, Alaska, as a port of entry for the purpose of section 9(f)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1538(f)(1)).

16 USC 431 note.

SEC. 130. (a) The first section of Public Law 92-501 (86 Stat. 904) is amended by inserting after the first sentence “The park shall also include the land as generally depicted on the map entitled ‘subdivision of a portion of U.S. Survey 407, Tract B, dated May 12, 2000’”.

16 USC 431 note.

(b) Section 3 of Public Law 92-501 is amended to read as follows: “There are authorized to be appropriated such sums as are necessary to carry out the terms of this Act.”.

SEC. 131. (a) All proceeds, including bonuses, rents, and royalties, of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska (hereafter “proceeds”) attributable to the area subject to withdrawal for Kuukpik Corporation’s selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law 92-203 (85 Stat. 688), shall be deposited into a separate fund of the Treasury (hereafter “fund”).

Deadline.

(b) Within 120 days after the date of enactment of this Act, the Secretary of the Treasury shall transfer from the General Fund to the fund an amount determined by the Secretary of the Treasury, in consultation with the Secretary of the Interior, to be equal to the amount of interest income that would have been credited in the fund between May 5, 1999 and the date of enactment of this Act. For the purposes of this subsection (b), the Secretary of the Treasury shall calculate the interest income using a yield for a 52-week Treasury bill issued on or about May 5, 1999.

Effective date.

(c) On the date of the enactment of this Act, the Secretary of the Interior shall request the Secretary of the Treasury to invest such portion of the fund as is not, in the Secretary of the Interior’s judgment, required to meet current payment requirements from the fund as determined under subsection (d). Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Interior, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(d) Hereafter, amounts in the fund shall be available to the Secretary of the Interior, without fiscal year limitation, and the Secretary of the Interior shall pay to Arctic Slope Regional Corporation and the State of Alaska the amount of their entitlement when determined in accordance with applicable law, together with interest, as calculated by the Secretary of the Interior, from the date of receipt of the proceeds by the United States to the date of payment on the proportionate share of the fund distributed. Any remainder shall revert to the General Fund of the Treasury.

Harvey R.
Redmond.

SEC. 132. Notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood, Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska,

consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.

SEC. 133. CLARIFICATION OF TERMS OF CONVEYANCE TO NYE COUNTY, NEVADA. Section 132(b)(3) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A-165), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) LEASE.—Notwithstanding any provision of the Act of June 14, 1926 (commonly known as the ‘Recreation and Public Purposes Act’) (43 U.S.C. 869 et seq.), the county may enter into a long-term lease of any of the parcels described in paragraph (2) with a nonprofit organization under which the nonprofit organization would own and operate the Nevada Science and Technology Center for public, non-commercial purposes.”.

SEC. 134. MISSISSIPPI RIVER ISLAND NO. 228, IOWA, LAND EXCHANGE. (a) IDENTIFICATION OF LAND TO BE RECEIVED IN EXCHANGE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the “Secretary”), shall provide Dubuque Barge & Fleeting Services, Inc. (referred to in this section as “Dubuque”), a notice that identifies parcels of land or interests in land—

Deadline.

(1) that are of a value that is approximately equal to the value of a parcel comprising a 150-foot wide strip of land on the west side of the northern half of Mississippi River Island No. 228, as determined through an appraisal conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisition; and

(2) that the Secretary would consider acceptable in exchange for all right, title, and interest of the United States in and to that parcel.

(b) LAND FOR WILDLIFE AND FISH REFUGE.—Land or interests in land that the Secretary may consider acceptable for the purposes of subsection (a) include land or interests in land that would be suitable for inclusion in the Upper Mississippi River Wildlife and Fish Refuge.

(c) EXCHANGE.—Not later than 180 days after Dubuque offers land or interests in land identified in the notice under subsection (a), the Secretary shall convey all right, title, and interest of the United States in and to the parcel described in subsection (a) in exchange for the land or interests in land offered by Dubuque, and shall permanently discontinue barge fleeting at the Mississippi River island, Tract JO-4, Parcel A, in the W/2 SE/4, Section 30, T.29N., R.2W., Jo Daviess County, Illinois, located between miles #578 and #579, commonly known as Pearl Island.

Deadline.

SEC. 135. (a) FINDINGS.—The Senate makes the following findings—

(1) in 1990, pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 450 et seq., a class action lawsuit was filed by Indian tribal contractors and tribal consortia against the United States, the Secretary of the Interior and others seeking money damages, injunctive relief, and declaratory relief for alleged violations of the

ISDEAA (Ramah Navajo Chapter v. Lujan, 112 F.3d 1455 (10th Cir. 1997));

(2) the parties negotiated a partial settlement of the claim totaling \$76,200,000, plus applicable interest, which was approved by the court on May 14, 1999;

(3) the partial settlement was paid by the United States in September 1999, in the amount of \$82,000,000;

(4) the Judgment Fund was established to pay for legal judgments awarded to plaintiffs who have filed suit against the United States;

(5) the Contract Disputes Act of 1978 requires that the Judgment Fund be reimbursed by the responsible agency following the payment of an award from the Fund; and

(6) the shortfall in contract support payments found by the Court of Appeals for the 10th Circuit in Ramah resulted primarily from the non-payment or underpayment of indirect costs by agencies other than the Bureau of Indian Affairs and the Indian Health Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) repayment of the Judgment Fund for the partial settlement in Ramah from the accounts of the Bureau of Indian Affairs and Indian Health Service would significantly reduce funds appropriated to benefit tribes and individual Native Americans; and

(2) the Secretary of the Interior should work with the Director of the Office of Management and Budget to secure funding for repayment of the judgment in Ramah within the budgets of the agencies that did not pay indirect costs to plaintiffs during the period 1988 to 1993 or paid indirect costs at less than rates provided under the Indian Self-Determination Act during such period.

16 USC 754d.

SEC. 136. In fiscal year 2001 and thereafter and notwithstanding any other provision of law, the United States Fish and Wildlife Service shall establish and implement a fee schedule to permit a return to the Service for forensic laboratory services provided to non-Department of the Interior entities. Fees shall be collected as determined appropriate by the Director of the Fish and Wildlife Service and shall be credited to this appropriation and be available for expenditure without further appropriation until expended.

SEC. 137. BOUNDARY ADJUSTMENT TO EXCLUDE PRIVATE LAND AND ACCESS ROAD, ARGUS RANGE WILDERNESS, CALIFORNIA DESERT CONSERVATION AREA. (a) BOUNDARY ADJUSTMENT.—The boundary of the Argus Range Wilderness in the California Desert Conservation Area, as designated by section 102(a)(1) of the California Desert Protection Act of 1994 (Public Law 103-433; 16 U.S.C. 1132 note) is adjusted to exclude from the area encompassed by the wilderness—

(1) a parcel of private property located in the southwest quarter of the northeast quarter of section 35, township 21 south, range 42 east, Mount Diablo meridian, Inyo County, California; and

(2) the roadway described in subsection (b) that is used to access the private property.

(b) DESCRIPTION OF ROADWAY.—The roadway referred to in subsection (a) means—

(1) the main stem of the road running east and west through sections 35 and 36, township 21 south, range 42 east, and section 31, township 21 south, range 43 east, Mount Diablo meridian, to the point where the main stem first divides into two branches to provide access to the parcel of private property described in subsection (a) from the east and the north; and

(2) each of the two branches of that road, as described in paragraph (1).

(c) **LEGAL DESCRIPTION OF EXCLUDED AREA.**—The exact acreage and legal description of the area to be excluded from the wilderness area pursuant to subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. In connection with the main stem of the roadway described in subsection (b)(1), the Secretary shall exclude, at a minimum, all lands within 30 feet of the center line of the roadway.

SEC. 138. (a) Pursuant to the provisions of section 4(a)(3) of the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd(a)(3)), the Secretary of the Interior is directed to remove from the Columbia National Wildlife Refuge all right, title and interest of the United States in and to the following described properties:

16 USC 668dd
note.

Lots 1 and 2 of Block 144, in Othello Land Company's First Addition to Othello according to the recorded plat thereof, together with all lands presently or formerly occupied by public thoroughfares or rights of way abutting or adjoining the above described land, in the County of Adams, State of Washington, T.16 N., R.29E., W.M.

and to transfer said property without compensation to the City of Othello, Washington.

(b) The property conveyed under this section shall be used for public housing or other public purpose, and all right, title and interest in and to such property shall revert to the United States if it is used for any other purpose.

(c) The City of Othello shall hold the United States harmless, and shall indemnify the United States, for all claims, costs, damages, and judgements arising out of any act or omission relating to the property conveyed under this section.

SEC. 139. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2000" and inserting "2001".

SEC. 140. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 141. The building housing the visitors center within the boundaries of the Chincoteague National Wildlife Refuge on Assateague Island, Virginia, shall be known and designated as the "Herbert H. Bateman Educational and Administrative Center" and shall hereafter be referred to in any law, map, regulation, document, paper, or other record of the United States as the "Herbert H. Bateman Educational and Administrative Center".

16 USC 459f-5
note.

SEC. 142. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2000, may be credited to the appropriation from which funds were expended to acquire

or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 143. Public Law 105-83 (111 Stat. 1556) is amended as follows: Under the heading “Operation of Indian Programs” in the Bureau of Indian Affairs strike “non-Federal” in the last proviso and insert in lieu thereof “non-Department of the Interior”.

SEC. 144. (a) Notwithstanding any other provision of law, and subject to subsections (b) and (c), all conveyances to the city of Valley City, a municipal corporation of Barnes County, North Dakota, of lands described in subsection (b), heretofore or hereafter made directly by The Burlington Northern and Santa Fe Railway Company or its successors, are hereby validated to the extent that the conveyances would be legal and valid if all right, title, and interest of the United States, except minerals, were held by The Burlington Northern and Santa Fe Railway Company.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the land that formed part of the railroad right-of-way granted to the Northern Pacific Railroad Company, a predecessor to The Burlington Northern and Santa Fe Railway Company, by an Act of Congress on July 2, 1864, specifically a 400-foot wide right-of-way, being 200 feet wide on each side of the centerline of the rail track as originally located and constructed between milepost 69.05 and milepost 61.10 within Barnes County, North Dakota, as shown and described on the map entitled “City of Valley City—Railroad Parcels” dated September 1, 2000. Such map shall be placed on file and available for inspection in the offices of the Director of the Bureau of Land Management.

(c) ACCESS AND MINERAL RIGHTS.—

(1) PRESERVATION OF RIGHTS OF ACCESS.—Nothing in this section shall impair any rights of access in favor of the public or any owner of adjacent lands over, under, or across the lands described in section 2.

(2) MINERALS.—The United States reserves any federally owned mineral rights in the lands described in subsection (b), except that the United States disclaims any and all right of surface entry to the mineral estate of such lands.

SEC. 145. (a) SHORT TITLE.—This section may be cited as the “First Ladies National Historic Site Act of 2000”.

(b) FIRST LADIES NATIONAL HISTORIC SITE.—

(1) FINDINGS.—The Congress finds the following:

(A) Throughout the history of the United States, First Ladies have had an important impact on our Nation’s history.

(B) Little attention has been paid to the role of First Ladies and their impact on our Nation’s history.

(C) Establishment of the First Ladies National Historic Site will provide unique opportunities for education and study into the impact of First Ladies on our history.

(2) PURPOSES.—The purposes of this section are the following:

(A) To preserve and interpret the role and history of First Ladies for the benefit, inspiration, and education of the people of the United States.

(B) To interpret the impact of First Ladies on the history of the United States.

(C) To provide to school children and scholars access to information about the contributions of First Ladies

First Ladies
National Historic
Site Act of 2000.
16 USC 461 note.

through both a physical educational facility and an electronic virtual library.

(D) To establish the First Ladies National Historic Site in Canton, Ohio, the home of First Lady Ida Saxton McKinley.

(E) To create a public-private partnership between the National Park Service and the National First Ladies Library.

(3) ESTABLISHMENT OF FIRST LADIES NATIONAL HISTORIC SITE.—

(A) ESTABLISHMENT.—There is established in Canton, Ohio, the First Ladies National Historic Site.

(B) DESCRIPTION.—The historic site shall consist of—

(i) the land and improvements comprising the National Park Service property located at 331 Market Avenue South in Canton, Ohio, known as the Ida Saxton McKinley House; and

(ii) if acquired under subsection (b)(4), National Park Service property located at 205 Market Avenue South in Canton, Ohio, known as the City National Bank Building.

(4) ACQUISITION OF CITY NATIONAL BANK BUILDING.—The Secretary may acquire by donation, for inclusion in the historic site, the property located at 205 Market Avenue South in Canton, Ohio, known as the City National Bank Building.

(5) ADMINISTRATION OF THE HISTORIC SITE.—

(A) IN GENERAL.—The Secretary shall administer the historic site in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(B) COOPERATIVE AGREEMENTS.—

(i) To further the purposes of this section, the Secretary may enter into a cooperative agreement with the National First Ladies Library (a nonprofit corporation established under the laws of the District of Columbia) under which the National First Ladies Library may operate and maintain the site.

(ii) To further the purposes of this section, the Secretary may enter into cooperative agreements with other public and private organizations.

(C) ASSISTANCE.—The Secretary may provide to the National First Ladies Library—

(i) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site; and

(ii) subject to the availability of appropriations, financial assistance for the operation and maintenance of the historic site.

(D) ADMISSION FEES.—The Secretary may authorize the National First Ladies Library to—

(i) charge fees for admission to the historic site; and

(ii) retain and use for the historic site amounts paid as such fees.

(E) MANAGEMENT OF PROPERTY.—The Secretary may authorize the National First Ladies Library—

(i) to manage any property within the historic site;

(ii) to lease to other public or private entities any property managed under subparagraph (i) by the National First Ladies Library; and

(iii) to retain and use for the historic site amounts received under such leases.

(6) GENERAL MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in paragraph (B), prepare a general management plan for the historic site.

(B) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of—

(i) the National First Ladies Library; and

(ii) appropriate political subdivisions of the State of Ohio that have jurisdiction over the area where the historic site is located.

(C) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(7) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term “historic site” means the First Ladies National Historic Site established by subsection (b)(3).

(B) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 146. (a) CONTRIBUTIONS TOWARD ESTABLISHMENT OF ABRAHAM LINCOLN INTERPRETIVE CENTER.—

(1) GRANTS AUTHORIZED.—Subject to subsections (a)(2) and (a)(3), the Secretary of the Interior shall make grants to contribute funds for the establishment in Springfield, Illinois, of an interpretive center to preserve and make available to the public materials related to the life of President Abraham Lincoln and to provide interpretive and educational services which communicate the meaning of the life of Abraham Lincoln.

(2) PLAN AND DESIGN.—

Deadline.

(A) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the entity selected by the Secretary of the Interior to receive grants under subsection (a)(1) shall submit to the Secretary a plan and design for the interpretive center, including a description of the following:

(i) The design of the facility and site.

(ii) The method of acquisition.

(iii) The estimated cost of acquisition, construction, operation, and maintenance.

(iv) The manner and extent to which non-Federal entities will participate in the acquisition, construction, operation, and maintenance of the center.

(B) CONSULTATION AND COOPERATION.—The plan and design for the interpretive center shall be prepared in consultation with the Secretary of the Interior and the Governor of Illinois and in cooperation with such other public, municipal, and private entities as the Secretary considers appropriate.

(3) CONDITIONS ON GRANT.—

(A) MATCHING REQUIREMENT.—A grant under subsection (a)(1) may not be made until such time as the entity selected to receive the grant certifies to the Secretary of the Interior that funds have been contributed by the State of Illinois or raised from non-Federal sources for use to establish the interpretive center in an amount equal to at least double the amount of that grant.

(B) RELATION TO OTHER LINCOLN-RELATED SITES AND MUSEUMS.—The Secretary of the Interior shall further condition the grant under subsection (a)(1) on the agreement of the grant recipient to operate the resulting interpretive center in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Abraham Lincoln. Cooperative efforts to promote and interpret the life of Abraham Lincoln may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(4) PROHIBITION ON CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the interpretive center.

(5) NON-FEDERAL OPERATION.—The Secretary of the Interior shall have no involvement in the actual operation of the interpretive center, except at the request of the non-Federal entity responsible for the operation of the center.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior a total of \$50,000,000 to make grants under subsection (a)(1). Amounts so appropriated shall remain available for expenditure through fiscal year 2006.

SEC. 147. (a) SHORT TITLE.—This section may be cited as the “Palace of the Governors Annex Act”.

(b) CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.—

(1) FINDINGS.—Congress finds that—

(A) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;

(B) the Palace of the Governors—

(i) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico’s second capitol in Santa Fe by Governor Pedro de Peralta in 1610;

(ii) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and

Palace of the
Governors Annex
Act.

(iii) has been designated as a National Historic Landmark;

(C) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;

(D) the Palace of the Governors houses the history division of the Museum of New Mexico;

(E) the Museum has an extensive, priceless, and irreplaceable collection of—

(i) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);

(ii) pre-Columbian Art; and

(iii) historic artifacts, including—

(I) helmets and armor worn by the Don Juan de Onate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;

(II) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;

(III) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began;

(IV) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and

(V) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(F) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America's Treasures;

(G) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(H) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (E), because—

(i) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(ii) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(2) DEFINITIONS.—In this section:

(A) ANNEX.—The term “Annex” means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(B) OFFICE.—The term “Office” means the State Office of Cultural Affairs.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(D) STATE.—The term “State” means the State of New Mexico.

(3) GRANT.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(B) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (A), the Office shall—

(i) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(ii) enter into a memorandum of understanding with the Secretary under subsection ((b)(4).

(4) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(A) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(B) specifies a date for completion of the Annex.

(5) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(A) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(B) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(i) design;

(ii) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(iii) acquisitions for and renovation of the library;

(iv) conservation of the Palace of the Governors;

(v) construction, management, inspection, furnishing, and equipping of the Annex; and

(vi) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this section.

(6) USE OF FUNDS.—The funds received under a grant awarded under subsection (b)(3) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(7) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to paragraph (B), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section \$15,000,000, to remain available until expended.

(B) CONDITION.—Paragraph (A) authorizes sums to be appropriated on the condition that—

(i) after the date of enactment of this section and before January 1, 2010, the State appropriate at least \$8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(ii) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

SEC. 148. (a) Section 104 of the Act entitled “An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes”, approved November 19, 1988 (Public Law 100-698) is amended—

(1) in the flush material at the end of subsection (a), by striking “10 years” and inserting “20 years”; and

(2) in subsection (e), by striking “10 years” and inserting “20 years”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 105 of the Act entitled “An Act to establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes”, approved November 19, 1988 (Public Law 100-698) is amended by inserting “for each of fiscal years 2001 through 2010” after “\$3,000,000”.

(c) EFFECTIVE DATE.—The amendment made by section 1 shall be deemed to have taken effect on November 18, 1998.

SEC. 149. REDESIGNATION OF CUYAHOGA VALLEY NATIONAL RECREATION AREA AS CUYAHOGA VALLEY NATIONAL PARK. (a) REDESIGNATION.—The Cuyahoga Valley National Recreation Area is redesignated as Cuyahoga Valley National Park.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Cuyahoga Valley National Recreation Area is deemed to be a reference to Cuyahoga Valley National Park.

(c) CONFORMING AMENDMENTS.—The Act entitled “An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area” (Public Law 93-555; 16 U.S.C. 460ff et seq.), approved December 27, 1974, is amended—

(1) in section 1 by striking “National Recreation Area” and inserting “National Park”; and

(2) by striking “recreation area” each place it appears and inserting “park”.

(d) CLERICAL AMENDMENTS.—Section 5 of such Act (16 U.S.C. 460ff-4) is repealed, and section 6 of such Act (16 U.S.C. 460ff-5) is redesignated as section 5.

Sec. 150. (a) SHORT TITLE.—This section may be cited as the “National Underground Railroad Freedom Center Act”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the National Underground Railroad Freedom Center (hereinafter “Freedom Center”) is a nonprofit organization incorporated under the laws of the State of Ohio in 1995;

(B) the objectives of the Freedom Center are to interpret the history of the Underground Railroad through development of a national cultural institution in Cincinnati, Ohio, that will house an interpretive center, including

16 USC 461 note.

16 USC 461 note.

16 USC 461 note.

16 USC 460ff note.

16 USC 460ff note.

16 USC 460ff.

National Underground Railroad Freedom Center Act.

16 USC 461 note.

16 USC 469/-2 note.

museum, educational, and research facilities, all dedicated to communicating to the public the importance of the quest for human freedom which provided the foundation for the historic and inspiring story of the Underground Railroad;

(C) the city of Cincinnati has granted exclusive development rights for a prime riverfront location to the Freedom Center;

(D) the Freedom Center will be a national center linked through state-of-the-art technology to Underground Railroad sites and facilities throughout the United States and to a constituency that reaches across the United States, Canada, Mexico, the Caribbean and beyond; and

(E) the Freedom Center has reached an agreement with the National Park Service to pursue a range of historical and educational cooperative activities related to the Underground Railroad, including but not limited to assisting the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act.

(2) PURPOSES.—The purposes of this section are—

(A) to promote preservation and public awareness of the history of the Underground Railroad;

(B) to assist the Freedom Center in the development of its programs and facilities in Cincinnati, Ohio; and

(C) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (112 Stat. 679; 16 U.S.C. 469l and following).

(c) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) PROJECT BUDGET.—The term “project budget” means the total amount of funds expended by the Freedom Center on construction of its facility, development of its programs and exhibits, research, collection of informative and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center, prior to the opening of the Freedom Center facility in Cincinnati, Ohio.

(3) FEDERAL SHARE.—The term “Federal share” means an amount not to exceed 20 percent of the project budget and shall include all amounts received from the Federal Government under this legislation and any other Federal programs.

(4) NON-FEDERAL SHARE.—The term “non-Federal share” means all amounts obtained by the Freedom Center for the implementation of its facilities and programs from any source other than the Federal Government, and shall not be less than 80 percent of the project budget.

(5) THE FREEDOM CENTER FACILITY.—The term “the Freedom Center facility” means the facility, including the building and surrounding site, which will house the museum and research institute to be constructed and developed in Cincinnati, Ohio, on the site described in subsection (d)(3).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROGRAM AUTHORIZED.—From sums appropriated pursuant to the authority of subsection (d)(4) in any fiscal

year, the Secretary is authorized and directed to provide financial assistance to the Freedom Center, in order to pay the Federal share of the cost of authorized activities described in subsection (e).

(2) EXPENDITURE ON NON-FEDERAL PROPERTY.—The Secretary is authorized to expend appropriated funds under subsection (d)(1) of this section to assist in the construction of the Freedom Center facility and the development of programs and exhibits for that facility which will be funded primarily through private and non-Federal funds, on property owned by the city of Cincinnati, Hamilton County, and the State of Ohio.

(3) DESCRIPTION OF THE FREEDOM CENTER FACILITY SITE.—The facility referred to in subsections (d)(1) and (d)(2) will be located on a site described as follows: a 2-block area south of new South Second, west of Walnut Street, north of relocated Theodore M. Berry Way, and east of Vine Street in Cincinnati, Ohio.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$16,000,000 for the 4 fiscal year period beginning October 1, 1999. Funds not to exceed that total amount may be appropriated in 1 or more of such fiscal years. Funds shall not be disbursed until the Freedom Center has commitments for a minimum of 50 percent of the non-Federal share.

(5) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds appropriated to carry out the provisions of this section shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which the funds were appropriated.

(6) OTHER PROVISIONS.—Any grant made under this section shall provide that—

(A) no change or alteration may be made in the Freedom Center facility except with the agreement of the property owner and the Secretary;

(B) the Secretary shall have the right of access at reasonable times to the public portions of the Freedom Center facility for interpretive and other purposes; and

(C) conversion, use, or disposal of the Freedom Center facility for purposes contrary to the purposes of this section, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(i) all Federal funds made available to the grantee under this section; or

(ii) the proportion of the increased value of the Freedom Center facility attributable to such funds, as determined at the time of such conversion, use, or disposal.

(e) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—The Freedom Center may engage in any activity related to its objectives addressed in subsection (b)(1), including, but not limited to, construction of the Freedom Center facility, development of programs and exhibits related to the history of the Underground Railroad, research, collection of information and artifacts and educational activities related

to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center.

(2) PRIORITIES.—The Freedom Center shall give priority to—

- (A) construction of the Freedom Center facility;
- (B) development of programs and exhibits to be presented in or from the Freedom Center facility; and
- (C) providing assistance to the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 4691).

(f) APPLICATION.—

(1) IN GENERAL.—The Freedom Center shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each application shall—

- (A) describe the activities for which assistance is sought;
- (B) provide assurances that the non-Federal share of the cost of activities of the Freedom Center shall be paid from non-Federal sources, together with an accounting of costs expended by the Freedom Center to date, a budget of costs to be incurred prior to the opening of the Freedom Center facility, an accounting of funds raised to date, both Federal and non-Federal, and a projection of funds to be raised through the completion of the Freedom Center facility.

(2) APPROVAL.—The Secretary shall approve the application submitted pursuant to subsection (f)(1) unless such application fails to comply with the provisions of this section.

(g) REPORTS.—The Freedom Center shall submit an annual report to the appropriate committees of the Congress not later than January 31, 2000, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this section. The report shall—

Deadline.

(1) include a financial statement addressing the Freedom Center's costs incurred to date and projected costs, and funds raised to date and projected fundraising goals;

(2) include a comprehensive and detailed description of the Freedom Center's activities for the preceding and succeeding fiscal years; and

(3) include a description of the activities taken to assure compliance with this section.

(h) AMENDMENT TO THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1998.—The National Underground Railroad Network to Freedom Act of 1998 (112 Stat. 679; 16 U.S.C. 4691 and following) is amended by adding at the end the following:

“SEC. 4. PRESERVATION OF HISTORIC SITES OR STRUCTURES.

“(a) AUTHORITY TO MAKE GRANTS.—The Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

“(b) GRANT CONDITIONS.—Any grant made under this section shall provide that—

“(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

“(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

“(3) conversion, use, or disposal of such property for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.

“(c) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

“(d) FUNDING.—There are authorized to be appropriated to the Secretary for purposes of this section \$2,500,000 for fiscal year 2001 and each subsequent fiscal year. Amounts authorized but not appropriated in a fiscal year shall be available for appropriation in subsequent fiscal years.”.

SEC. 151. PRIORITY ABANDONED MINE AND ACID MINE REMEDIATION. For expenses necessary to reclaim abandoned coal mine sites and for acid mine drainage remediation caused by past coal mining practices in the anthracite region of Pennsylvania and other purposes consistent with title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, to be granted to the Commonwealth of Pennsylvania in addition to the amount granted under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, \$12,600,000, to be derived from funds pursuant to section 402(g)(2) of the Surface Mining Control and Reclamation Act, to remain available until expended: *Provided*, That of these funds, \$600,000 will be specifically used to continue a demonstration project funded in Public Law 106-113, in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage.

SEC. 152. Notwithstanding any other provision of law, from the unobligated balances derived from the Land and Water Conservation Fund appropriated in fiscal year 2000 for acquisition of land at Nisqually National Wildlife Refuge (Black River), \$850,000, together with other sums as may become available, is for the Nisqually Indian Tribe to acquire the fee title to the Kenneth W. Braget farm under the terms and conditions of the existing Purchase and Sale Agreement. The Nisqually Indian Tribe shall enter into a 25 year cooperative agreement/renewable lease with the U.S. Fish and Wildlife Service to manage those lands within the approved refuge boundary as part of the Nisqually National Wildlife Refuge. Such lands within the approved refuge boundary shall be managed in perpetuity for refuge purposes.

SEC. 153. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term “construction”, with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term “secretary” means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term “tribally controlled school” has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term “Department” means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term “demonstration program” means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department’s priority list for constructing or replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction on replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 154. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section

as the “Administrator”) shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the “Mine”).

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.— The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

- (1) Mine Service Building.
- (2) Sewage Treatment Building.
- (3) Electrical Switchgear Building.
- (4) Water Treatment Building/Plant.
- (5) Ventilation/Fan Building.
- (6) Water Storage Tanks.
- (7) Mine Hoist Cage and Headframe.
- (8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the “White River Oil Shale Mine” and described as follows:

- (1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.
- (2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

- (1) shall be deposited in a special account in the Treasury of the United States; and
- (2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

- (1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and
- (2) other applicable law.

SEC. 155. BLUE RIDGE PARKWAY. (a) The Blue Ridge Parkway headquarters building located at 199 Hemphill Knob in Asheville, North Carolina, shall be known and designated as the “Gary E. Everhardt Headquarters Building”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the headquarters building referred to in subsection (a) shall be deemed to be a reference to the “Gary E. Everhardt Headquarters Building”.

SEC. 156. None of the funds in this Act or any other Act shall be used, by the Secretary of the Interior to promulgate final rules to revise 43 C.F.R. subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106-31, may issue final rules to amend 43 C.F.R. subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled “Hardrock Mining on Federal Lands” so long as these regulations

are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

SEC. 157. (a) SHORT TITLE.—This section may be cited as the “Wheeling National Heritage Area Act of 2000”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) the area in and around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(B) the City of Wheeling has played an important part in the settlement of this country by serving as—

(i) the western terminus of the National Road of the early 1800’s;

(ii) the “Crossroads of America” throughout the nineteenth century;

(iii) one of the few major inland ports in the nineteenth century; and

(iv) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(C) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation’s expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(D) the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;

(E) the heritage themes and number and diversity of Wheeling’s remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(F) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(i) an inventory of the national and cultural resources in the City of Wheeling;

(ii) criteria for preserving and interpreting significant natural and historic resources;

(iii) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and

Wheeling
National
Heritage Area
Act of 2000.
16 USC 461 note.

(iv) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.

(2) PURPOSES.—The purposes of this section are—

(A) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(B) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(C) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(D) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

(c) DEFINITIONS.—As used in this section—

(1) the term “city” means the City of Wheeling;

(2) the term “heritage area” means the Wheeling National Heritage Area established in subsection (d);

(3) the term “plan” means the “Plan for the Wheeling National Heritage Area” dated August, 1992;

(4) the term “Secretary” means the Secretary of the Interior; and

(5) the term “State” means the State of West Virginia.

(d) WHEELING NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—In furtherance of the purposes of this section, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on the map entitled “Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia” and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) MANAGEMENT ENTITY.—

(A) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(B) To the extent consistent with this section, the management entity shall manage the heritage area in accordance with the plan.

(e) DUTIES OF THE MANAGEMENT ENTITY.—

(1) MISSION.—

(A) The primary mission of the management entity shall be—

(i) to implement and coordinate the recommendations contained in the plan;

(ii) ensure integrated operation of the heritage area; and

(iii) conserve and interpret the historic and cultural resources of the heritage area.

(B) The management entity shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities within the heritage area.

(2) RECOGNITION OF PLAN.—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(3) IMPLEMENTATION.—To the extent practicable, the management entity shall—

(A) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan;

(B) coordinate its activities with the City, the State, and the Secretary;

(C) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(i) assisting the City and the State in the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(ii) assisting the City, the State, or a nonprofit organization in the restoration of any historic building in the heritage area;

(iii) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(iv) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(v) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(vi) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(D) encourage intergovernmental cooperation in the achievement of these objectives;

(E) develop recommendations for design standards within the heritage area; and

(F) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(4) AUTHORITIES.—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this section to—

(A) make grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(B) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(C) hire and compensate such staff as the management entity deems necessary;

(D) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(E) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(F) contract for goods and services.

(5) ACQUISITION OF REAL PROPERTY.—

(A) Except as provided in paragraph (B), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(B)(i) Subject to subparagraph (ii), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(ii) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

(6) REVISION OF PLAN.—Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—

(A) a review of the implementation agenda for the heritage area;

(B) projected capital costs; and

(C) plans for partnership initiatives and expansion of community support.

(f) DUTIES OF THE SECRETARY.—

(1) INTERPRETIVE SUPPORT.—The Secretary may, upon request of the management entity, provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(2) TECHNICAL ASSISTANCE.—The Secretary may upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(3) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary may, in consultation with the management entity and consistent with the management plan, make grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(3) PLAN AMENDMENTS.—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall

consult with the management entity in reviewing any proposed amendments.

(g) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal department, agency, or other entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the management entity with respect to such activities.

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act, and to the extent practicable, coordinate such activities directly with the duties of the Secretary and the management entity.

(3) to the extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the heritage area.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this section for any fiscal year.

(2) MATCHING FUNDS.—Federal funding provided under this section shall be matched at least 25 percent by other funds or in-kind services.

(i) SUNSET.—The Secretary may not make any grant or provide any assistance under this section after September 30, 2015.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$229,616,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$238,455,000, to remain available until expended, as authorized by law: *Provided*, That none of the funds made available by this Act shall be used for the urban resources partnership program.

For an additional amount to cover necessary expenses for emergency pest management and forest health activities on Federal, State and private lands, \$12,500,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

NATIONAL FOREST SYSTEM

16 USC 698v-5
note.

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,280,693,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l-6a(i)), of which not less than an additional \$500,000 shall be available for use for law enforcement purposes in the national forest that, during calendar year 2000, had both the greatest number of methamphetamine dumps and the greatest number of methamphetamine laboratory law enforcement actions in the National Forest System, and of which not less than an additional \$500,000 shall be available for law enforcement purposes on the Pisgah and Nantahala National Forests, and of which for the purpose of implementing the Valles Caldera Preservation Act, \$990,000, to remain available until expended, shall be available to the Secretary for the management of the Valles Caldera National Preserve: *Provided*, That any remaining balances available for implementing the Valles Caldera Preservation Act be provided to the Valles Caldera Trust upon its assumption of the management of the Preserve: *Provided further*, That notwithstanding the limitations of 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248), for fiscal years 2001 and 2002, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board. Compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties. Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board: *Provided further*, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification: *Provided further*, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: *Provided further*, That \$5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: *Provided further*, That of the funds provided for Forest Products, \$700,000 shall be provided to the State of Alaska for monitoring activities at Forest Service log transfer facilities, in the form of an advance, direct lump sum payment.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection

agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, \$839,129,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for post advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, up to \$8,600,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wild-fire suppression activities of the Forest Service, \$426,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$468,568,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That any unobligated balances of amounts previously appropriated to the Forest Service "Construction", "Reconstruction and Construction", or "Reconstruction and Maintenance" accounts as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items may be transferred to and merged with the "Capital Improvement and Maintenance" account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C.

4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$102,205,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,500,000, to remain available until expended.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104-314, the direct grants provided from the Fund shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities: *Provided*, That a total of \$5,000,000 is hereby appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund established pursuant to Public Law 104-134, as amended, without further appropriation or fiscal year limitation. The Secretary of Agriculture shall distribute these funds to the City of Craig in fiscal year 2001.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 129 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed six for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 192 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, including the Oscoda-Wurtsmith land exchange in Michigan, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105-163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101-593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

16 USC 583j-9.

16 USC 583j-9.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701-3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty

percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101-612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: *Provided*, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105-277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and

16 USC 579d.

detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided*, That during fiscal year 2001 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$750,000.

Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll-61) is amended by adding at the end the following new subsection:

“(c) TRANSITION.—Until September 30, 2002, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority, before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.”

Joyce Liverca.

The Secretary of Agriculture shall pay \$4,449 from available funds to Joyce Liverca as reimbursement for various expenses incurred as a Federal employee in connection with certain high priority duties performed for the Forest Service.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$67,000,000 shall not be available until October 1, 2001: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon \$540,653,000, to remain available until expended, of which \$12,000,000 for oil technology research shall be derived by transfer from funds appropriated in prior years under the heading "Strategic Petroleum Reserve, SPR Petroleum Account" and of which \$95,000,000 shall be derived by transfer from funds appropriated in prior years under the heading "Clean Coal Technology", such funds to be available for a general request for proposals for the commercial scale demonstration of technologies to assure the reliability of the Nation's energy supply from existing and new electric generating facilities for which the Department of Energy upon review may provide financial assistance awards: *Provided*, That the request for proposals shall be issued no later than one hundred and twenty days following enactment of this Act, proposals shall be submitted no later than ninety days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than one hundred and sixty days after the receipt of proposals: *Provided further*, That no funds are to be obligated for selected proposals prior to September 30, 2001: *Provided further*, That funds provided shall be expended only in accordance with the provisions governing the use of funds contained under the heading under which they were originally appropriated: *Provided further*, That provisions for repayment of government contributions to individual projects shall be identical to those included in the Program Opportunity Notice (Solicitation Number DE-PS01-89FE 61825), issued by the Department of Energy on May 1, 1989, except that repayments from sale or licensing of technologies shall be from both domestic and foreign transactions: *Provided further*, That such repayments shall be deposited in this account to be retained for future projects: *Provided further*, That any project approved under this program shall be considered a Clean Coal Technology Demonstration Project, for the purposes of Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

Deadlines.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, \$1,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

10 USC 4730
note.

For expenses necessary to carry out engineering studies to determine the cost of development, the predicted rate and quantity of petroleum recovery, the methodology, and the equipment specifications for development of Shannon Formation at Naval Petroleum Reserve Numbered 3 (NPR-3), utilizing a below-the-reservoir production method, \$1,600,000, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2001 and any fiscal year thereafter: *Provided further*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2001 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

42 USC 6863
note.

For necessary expenses in carrying out energy conservation activities, \$816,940,000, to remain available until expended, of which \$2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided*, That \$191,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$153,000,000 for weatherization assistance grants and \$38,000,000 for State energy conservation grants: *Provided further*, That notwithstanding any other provision of law, the Secretary of Energy may waive up to fifty percent of the cost-sharing requirement for weatherization assistance provided for by Public Law 106-113 for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure non-federal resources and that such waiver is limited to one fiscal year and that no state may be granted such waiver more than twice: *Provided further*, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$165,000,000, to remain available until expended, of which \$4,000,000 shall be derived by transfer of unobligated balances of funds previously appropriated under the heading “SPR Petroleum Account”, and of which \$8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$75,675,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President

of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,240,658,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$431,756,000 for contract medical care shall remain available for obligation until September 30, 2002: *Provided further*, That of the funds provided, up to \$22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2002: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$248,781,000 shall

be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2001, of which not to exceed \$10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$363,904,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That notwithstanding any provision of law governing Federal construction, \$2,240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: *Provided further*, That \$5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: *Provided further*, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2001, the financial capability necessary to provide an appropriate facility: *Provided further*, That

joint venture funds unallocated after March 1, 2001, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: *Provided further*, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94-437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law

93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$15,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically

domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$4,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$387,755,000, of which not to exceed \$47,088,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$57,600,000, to remain available until expended, of which \$7,600,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, \$9,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101-185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery

may deem proper, \$64,781,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$10,871,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$7,310,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$98,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts “Matching Grants” account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$104,604,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$15,656,000, to remain available until expended, of which \$11,656,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, \$24,907,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, \$7,000,000 for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,078,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$3,189,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$6,500,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, \$34,439,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,400,000 shall be available to the Presidio Trust, to remain available until expended. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed \$10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Contracts.
Public
information.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 310. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having

authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 311. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2001, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 312. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, and 106-113 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2000 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 313. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” component of the President’s Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that

have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 314. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 315. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

16 USC 460bb
note.

SEC. 316. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

16 USC 459j-4
note.

SEC. 317. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 318. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 319. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

Reports.

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

16 USC 500 note.

SEC. 320. ADVISORY COMMITTEE ON FOREST COUNTIES PAYMENTS.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Forest Counties Payments Committee established by this section.

(2) COMMITTEES OF JURISDICTION.—The term “committees of jurisdiction” means the Committee on Agriculture, the Committee on Resources, and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

(3) ELIGIBLE COUNTY.—The term “eligible county” means a county that, for one or more of the fiscal years 1986 through 1999, received—

(A) a payment under title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), or the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.); or

(B) a portion of an eligible State’s payment, as described in paragraph (4).

(4) ELIGIBLE STATE.—The term “eligible State” means a State that, for one or more of the fiscal years 1986 through

1999, received a payment under the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), or section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(5) FEDERAL LANDS.—The term “Federal lands” means the following:

(A) Lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012).

(B) Such portions of the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), and the Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (chapter 47; 40 Stat. 1179), as are or may hereafter come under the jurisdiction of the Secretary of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(6) SUSTAINABLE FORESTRY.—The term “sustainable forestry” means the practice of meeting the forest resource needs and values of the present without compromising the similar capability of future generations.

(b) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) ESTABLISHMENT REQUIRED.—There is hereby established an advisory committee, to be known as the Forest Counties Payments Committee, to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.

Forest Counties
Payments
Committee.

(2) MEMBERS.—The Advisory Committee shall be composed of the following members:

(A) The Chief of the Forest Service, or a designee of the Chief who has significant expertise in sustainable forestry.

(B) The Director of the Bureau of Land Management, or a designee of the Director who has significant expertise in sustainable forestry.

(C) The Director of the Office of Management and Budget, or the Director’s designee.

(D) Two members who are elected members of the governing branches of eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act.

(E) Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the committees of jurisdiction of the Senate) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the committees of jurisdiction of the House of Representatives) within 60 days of the date of the enactment of this Act.

(3) GEOGRAPHIC REPRESENTATION.—In making appointments under subparagraphs (D) and (E) of paragraph (2), the President pro tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure that the Advisory Committee members are selected from geographically diverse locations.

(4) ORGANIZATION OF ADVISORY COMMITTEE.—

(A) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be selected from among the members appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

(B) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by paragraph (2). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under this section.

(C) COMPENSATION.—The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson of the Advisory Committee, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule, including traveltime, and while away from their homes or regular places of business, shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(5) STAFF AND RULES.—

(A) EXECUTIVE DIRECTOR.—The Advisory Committee shall have an Executive Director, who shall be appointed by the Advisory Committee and serve at the pleasure of the Advisory Committee. The Executive Director shall report to the Advisory Committee and assume such duties as the Advisory Committee may assign. The Executive Director shall be paid at a rate not in excess of the maximum rate of pay for grade GS-15, as provided in the General Schedule.

(B) OTHER STAFF.—In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such

title relating to classification and General Schedule pay rates, the Advisory Committee shall have authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under this section. To the extent practicable, such administrative and technical personnel, and other necessary support services, shall be provided for the Advisory Committee by the Chief of the Forest Service and the Director of the Bureau of Land Management.

(C) COMMITTEE RULES.—The Advisory Committee may establish such procedural and administrative rules as are necessary for the performance of its functions under this section.

(6) FEDERAL AGENCY COOPERATION.—The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Advisory Committee in the performance of its functions under this section and should furnish, as practicable, to the Advisory Committee information which the Advisory Committee deems necessary to carry out such functions.

(c) FUNCTIONS OF ADVISORY COMMITTEE.—

(1) DEVELOPMENT OF RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall develop recommendations for policy or legislative initiatives (or both) regarding alternatives for, or substitutes to, the payments required to be made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a) in order to provide a long-term method to generate annual payments to eligible States and eligible counties.

(B) REPORTING REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Advisory Committee shall submit to the committees of jurisdiction a final report containing the recommendations developed under this subsection. The Advisory Committee shall submit semiannual progress reports on its activities and expenditures to the committees of jurisdiction until the final report has been submitted.

Deadline.

(2) GUIDANCE FOR COMMITTEE.—In developing the recommendations required by paragraph (1), the Advisory Committee shall—

(A) evaluate the method by which payments are made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and the use of such payments;

(B) consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands;

(C) evaluate the economic, environmental, and social benefits which accrue to counties containing Federal lands, including recreation, natural resources industries, and the value of environmental services that result from Federal lands; and

(D) evaluate the expenditures by counties on activities on Federal lands which are Federal responsibilities.

(3) MONITORING AND RELATED REPORTING ACTIVITIES.—The Advisory Committee shall monitor the payments made to eligible States and eligible counties under the provisions of law referred to in paragraphs (3) and (4) of subsection (a), and related laws, and submit to the committees of jurisdiction an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.

(4) TESTIMONY.—The Advisory Committee shall make itself available for testimony or comments on the reports required to be submitted by the Advisory Committee and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rulemaking or other administrative decision process.

(d) FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(e) TERMINATION OF ADVISORY COMMITTEE.—The Advisory Committee shall terminate three years after the date of the enactment of this Act.

(f) FUNDING SOURCE.—At the request of the Executive Director of the Advisory Committee, the Secretary of Agriculture shall provide funds from any account available to the Secretary, not to exceed \$200,000 in fiscal year 2001, for the work of the Advisory Committee necessary to meet the requirements of this section.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 322. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 323. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 324. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 325. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2001, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be

expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 326. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to and used to fund personnel, training, or other administrative activities of the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 327. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 328. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume

not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 329. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

43 USC 1701
note.

SEC. 330. In fiscal years 2001 through 2005, the Secretaries of the Interior and Agriculture may pilot test agency-wide joint permitting and leasing programs, subject to annual review of Congress, and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the “Service First” initiative agency-wide to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

SEC. 331. FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO. (a) USE OF COLORADO STATE FOREST SERVICE.—Until September 30, 2004, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the Colorado State Forest Service to perform watershed restoration and protection services on National Forest System lands in the State of Colorado when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private lands. The types of services that may be extended to National Forest System lands include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of Colorado to serve as the agent for the Forest Service in providing all services necessary to facilitate the performance of watershed restoration and protection services under subsection (a). The services to be performed by the Colorado State Forest Service may be conducted with subcontracts utilizing State contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).

(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any watershed restoration and protection services on National Forest System lands proposed for performance by the Colorado State Forest Service under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State Forester

of Colorado or any other officer or employee of the Colorado State Forest Service.

SEC. 332. None of the funds appropriated or otherwise made available by this Act may be used to issue a record of decision implementing the Interior Columbia Basin Ecosystem Management Project until the Secretaries of Agriculture and the Interior submit to Congress a report evaluating, for the area to be covered by the project, both the effect of the year 2000 wildfires and the President's initiative for managing the impact of wildfires on communities and the environment. Reports.

SEC. 333. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2001 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 334. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in— 16 USC 460l–6a note.

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 335. Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii)) is amended by striking “\$750,000” and inserting “\$10,000,000”.

SEC. 336. In section 315(f) of title III of section 101(c) of Public Law 104-134 (16 U.S.C. 460l–6a note), as amended, strike “September 30, 2001” and insert “September 30, 2002”, and strike “September 30, 2004” and insert “September 30, 2005”.

SEC. 337. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships

31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): *Provided*, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

16 USC 2104
note.

SEC. 338. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105-825 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: *Provided*, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 339. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A-25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 340. None of the funds made available in this Act may be used by the Secretary of the Interior or the Secretary of Agriculture to implement a final rule for estimating fair market value land use rental fees for fiberoptic communications rights-of-way on Federal lands that amends or replaces the linear right-of-way rental fee schedule published on July 8, 1987 (43 CFR 2803.1-2(c)(1)(I)). In determining rental fees for fiberoptic rights-of-way, the Secretaries shall use the rates contained in the linear right-of-way rental fee schedules in place on May 1, 2000.

SEC. 341. Notwithstanding any other provision of law, for fiscal year 2001, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 344. From funds previously appropriated under the heading "DEPARTMENT OF ENERGY, FOSSIL ENERGY RESEARCH AND DEVELOPMENT", \$4,000,000 is available for computational services at the National Energy Technology Laboratory.

SEC. 345. BACKCOUNTRY LANDING STRIP ACCESS. (a) IN GENERAL.—Funds made available by this Act shall not be used to permanently close aircraft landing strips, officially recognized by State or Federal aviation officials, without public notice, consultation with cognizant State and Federal aviation officials and the consent of the Federal Aviation Administration.

(b) AIRCRAFT LANDING STRIPS.—An aircraft landing strip referred to in subsection (a) is a landing strip on Federal land administered by the Secretary of the Interior or the Secretary of Agriculture that is commonly known, and is consistently used for aircraft landing and departure activities.

(c) PERMANENT CLOSURE.—For the purposes of subsection (a), an aircraft landing strip shall be considered to be closed permanently if the intended duration of the closure is more than 180 days in any calendar year.

SEC. 346. COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.

(a) LAND ACQUISITION.—Section 9 of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g) is amended:

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

“(e) APPRAISALS.—

“(1) DEFINITION OF LANDOWNER.—In this subsection, the term ‘landowner’ means the owner of legal or equitable title as of September 1, 2000.

“(2) APPRAISAL STANDARDS.—Except as provided in paragraph (3), land acquired or conveyed by purchase or exchange under this section shall be appraised in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

“(3) SPECIAL MANAGEMENT AREAS.—

“(A) BEFORE APRIL 1, 2001.—Land within a special management area for which the landowner, before April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised—

“(i) without regard to the effect of any zoning or land use restriction made in response to this Act; but

“(ii) subject to any other current zoning or land use restriction imposed by the State or locality in which the land is located on the date of the offer.

“(B) ON OR AFTER APRIL 1, 2001.—Land within a special management area for which the landowner, on or after April 1, 2001, makes a written bona fide offer to convey to the Secretary for fair market value shall be appraised subject to—

“(i) any zoning or land use restriction made in response to this Act; and

“(ii) any other current zoning or land use restriction that applies to the land on the date of the offer.

“(f) AUTHORIZATION FOR CERTAIN LAND EXCHANGES.—

“(1) IN GENERAL.—To facilitate priority land exchanges through which land within the boundaries of the White Salmon Wild and Scenic River or within the scenic area is conveyed to the United States, the Secretary may accept title to such land as the Secretary determines to be appropriate within the States, regardless of the State in which the land conveyed by the Secretary in exchange is located, in accordance with land exchange authorities available to the Secretary under applicable law.

“(2) SPECIAL RULE FOR LAND CERTAIN EXCHANGES.—Notwithstanding any other provision of law—

“(A) any exchange described in paragraph (1) for which an agreement to initiate has been executed as of September 30, 2000, shall continue; and

“(B) any timber stumpage proceeds collected under the exchange shall be retained by the Forest Service to complete the exchange.”

(b) ADMINISTRATION OF SPECIAL MANAGEMENT AREAS.—Section 8(o) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544f) is amended—

(1) by striking “Any ordinance” and inserting the following:

“(1) IN GENERAL.—Any ordinance”;

(2) in the first sentence, by striking “the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 1973).” and inserting “section 9(e).”; and

(3) by adding at the end the following:

“(2) APPLICABILITY.—This subsection shall not apply to any land offered to the Secretary for acquisition after March 31, 2001.”.

(c) PUBLICATION OF NOTICE.—

Deadline.

(1) Not later than November 1, 2000, the Secretary of Agriculture shall provide notice of the provisions contained in the amendments made by subsections (a) and (b) through—

Federal Register,
publication.

(A) publication of a notice in the Federal Register and in newspapers of general circulation in the counties in the Columbia River Gorge National Scenic Area; and

(B) posting of a notice in each facility of the United States Postal Service located in those counties.

(2) If the counties wherein special management areas are located provide the Forest Service administrator of the Columbia River Gorge National Scenic Area lists of the names and addresses of landowners within the special management areas as of September 1, 2000, the Forest Service shall send to such names and addresses by certified first class mail notice of the provisions contained in the amendments made by subsections (a) and (b);

(A) The mailing shall occur within twenty working days of the receipt of the list; and

(B) The mailing shall constitute constructive notice to landowners, and proof of receipt by the addressee shall not be required.

(d) DESIGNATION OF SPECIAL MANAGEMENT AREAS.—Section 4(b)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544b(b)(2)) is amended—

(1) in paragraph (2), by striking “in this section” and inserting “by paragraph (1)”; and

(2) by adding at the end the following:

“(3) MODIFICATION OF BOUNDARIES.—The boundaries of the special management areas are modified as depicted on a map dated September 20, 2000, which shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia, and copies shall be available in the office of the Commission, and the headquarters of the scenic area.”.

(e) PAYMENTS TO LOCAL GOVERNMENTS.—Section 14(c)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544l(c)(3)) is amended—

(1) by striking “(3) No payment” and inserting the following:

“(3) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no payment”;

(2) by striking “fifth” and inserting “eighth”; and

(3) by adding at the end the following:

“(B) CONTINUATION OF CERTAIN PAYMENTS.—For any land or interest in land for which the Secretary is making

a payment in fiscal year 2000, such payment shall be continued for a total of eight fiscal years.”.

SEC. 347. (a) EXCHANGE REQUIRED.—In exchange for the non-Federal lands and the additional consideration described in subsection (b), the Secretary of Agriculture shall convey to Kern County, California, all right, title, and interest of the United States in and to four parcels of land under the jurisdiction of the Forest Service in Kern County, as follows:

(1) Approximately 70 acres known as Camp Owen as depicted on the map entitled “Camp Owen”, dated June 15, 2000.

(2) Approximately 4 acres known as Wofford Heights Park as depicted on the map entitled “Wofford Heights Park”, dated June 15, 2000.

(3) Approximately 4 acres known as the French Gulch maintenance yard as depicted on the map entitled “French Gulch Maintenance Yard”, dated June 15, 2000.

(4) Approximately 14 acres known as the Kernville Fish Hatchery as depicted on the map entitled “Kernville Fish Hatchery”, dated June 15, 2000.

(b) CONSIDERATION.—

(1) CONVEYANCE OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall convey to the Secretary a parcel of land for fair market value consisting of approximately 52 acres as depicted on the map entitled “Greenhorn Mountain Park”, located in Kern County, California, dated June 18, 2000.

(2) REPLACEMENT FACILITY.—As additional consideration for the conveyance of the storage facility located at the maintenance yard referred to in subsection (a)(3), Kern County shall provide a replacement storage facility of comparable size and condition, as acceptable to the Secretary, at the Greenhorn Ranger District Lake Isabella Maintenance Yard property.

(3) CASH EQUALIZATION PAYMENT.—As additional consideration for the conveyance of the Federal lands referred to in subsection (a), Kern County shall tender a cash equalization payment specified by the Secretary. The cash equalization payment shall be based upon an appraisal performed at the option of the Forest Service pursuant to section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this section must be acceptable to the Secretary, and the conveyance shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) TIME FOR CONVEYANCE.—Subject to subsection (c), the Secretary shall complete the conveyance of the Federal lands under subsection (a) within 3 months after Kern County tenders to the Secretary the consideration required by subsection (b).

(e) STATUS OF ACQUIRED LANDS.—Upon approval and acceptance of title by the Secretary, the non-Federal lands conveyed to the United States under this section shall become part of Sequoia National Forest, and the boundaries of the national forest shall be adjusted to include the acquired lands. The Secretary shall manage the acquired lands for recreational purposes in accordance with the laws and regulations pertaining to the National Forest

System. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the national forest, as adjusted pursuant to this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

(f) RELATIONSHIP TO ENVIRONMENTAL LIABILITY.—In connection with the conveyances under this section, the Secretary may require such additional terms and conditions related to environmental liability as the Secretary considers appropriate to protect the interests of the United States.

(g) LEGAL DESCRIPTIONS.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey or surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange (other than costs incurred by Kern County to comply with subsection (h)), shall be divided equally between the Secretary and Kern County.

(h) TREATMENT OF EXISTING UTILITY LINES AT CAMP OWEN.—Upon receipt of the Federal lands described in subsection (a)(1), Kern County shall grant an easement, and record the easement in the appropriate office, for permitted or licensed uses of those lands that are unrecorded as of the date of the conveyance.

(i) APPLICABLE LAW.—Except as otherwise provided in this section, any exchange of National Forest System land under this section shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

Deadline.

SEC. 348. (a) ESTABLISHMENT.—Not later than March 1, 2001, the Secretary shall cause to be established an advisory group to provide continuing expert advice and counsel to the Director of the National Energy Technology Laboratory (NETL) with respect to the research and development activities NETL conducts and manages.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of academia;

(ii) representatives of industry;

(iii) representatives of non-governmental organizations; and

(iv) representatives of energy regulatory agencies;

(B) a representative of the DOE's Office of Fossil Energy;

(C) a representative of the DOE's Office of Energy Efficiency and Renewable Energy;

(D) a representative of the DOE's Office of Science; and

(E) others, as appropriate.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Director—

(1) on management and strategic issues affecting the laboratory; and

(2) on the scientific and technical direction of the laboratory's R&D program;

(d) COMPENSATION; SUPPORT; PROCEDURES.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The NETL shall furnish to the advisory group clerical and administrative support.

(3) PROCEDURES AND REQUIREMENTS.—In carrying out its functions, the advisory group shall comply with the procedures and requirements that apply to similar groups providing advice and counsel to entities operating other Department of Energy laboratories rather than the procedures and requirements that apply to such a group providing advice directly to a Federal entity.

SEC. 349. (a) In furtherance of the purposes of the Umpqua Land Exchange Project (ULEP) and previous Congressional appropriations therefor, there is hereby appropriated the sum of \$4,300,000 to be derived from the Land and Water Conservation Fund. Such amount shall be available to the Foundation for Voluntary Land Exchanges (“Foundation”) working in conjunction with the Secretary of the Interior, and with the U.S. Bureau of Land Management as the lead Federal agency, to complete a Final Land Ownership Adjustment Plan (“Plan”) for the area (“Basin”), comprising approximately 675,000 acres, as generally depicted on a map entitled “Coast Range-Umpqua River Basin,” dated August 2000. No more than 15 percent of this appropriation shall be used by the agency for defraying administrative overhead.

(b) In preparing the Plan, the Secretary shall identify, no later than March 31, 2001, those lands or interests in land with willing sellers which merit emergency purchase by the United States due to critical environmental values or possibility of imminent development. For lands or interests in land so identified, the Secretary and the Foundation shall arrange with landowners to complete appraisals and purchase clearances required by law so that the Secretary may thereafter consummate purchases as soon as funds therefor are appropriated by the Congress.

(c) Pursuant to the funding and direction of subsection (a), the Secretary shall, in cooperation with the Foundation, no later than December 31, 2002, complete the Plan utilizing the Multi-Resource Land Allocation Model (“Model”) developed for the ULEP. The Plan shall identify: (1) non-Federal Lands or interests in land in the Basin which, with the concurrence of willing non-Federal landowners, are recommended for acquisition or exchange by the United States; (2) Federal lands or interests in land in the Basin recommended for disposal into non-Federal ownership in exchange for the acquired lands of equal value; and (3) specific land exchanges or purchases to implement the Plan. In addition, no later than December 31, 2002, the Secretary, in cooperation with the Foundation, shall complete a draft Habitat Conservation Plan (“HCP”) covering the lands to be disposed of by the United States and consistent with the Plan, a comprehensive Final Environmental Impact Statement covering the Plan, and a comprehensive Biological Opinion analyzing the net impacts of the Plan at Plan scale over time in 5 year increments, taking into consideration

Deadline.

all expected benefits to be achieved by the Plan and HCP, and any consistency determinations or amendments to any applicable Federal land management plans. The HCP shall cover all species analyzed in the Model (including species under the jurisdiction of the Secretary of Commerce).

Deadline.

(d) No later than March 31, 2002, the Secretary and the Foundation shall submit to the Committee on Resources of the U.S. House of Representatives, Committee on Energy and Natural Resources of the United States Senate, and the House and Senate Committees on Appropriations, a joint report summarizing the Plan and the land exchanges or purchases identified to implement the Plan, and outlining: (1) any Fiscal Year 2003 funding needed for land purchases; (2) any recommendations for actions to expedite or facilitate the specific land exchanges or purchases identified to implement the Plan, or the HCP; and (3) an action Plan for making the Model publicly available for additional land exchanges or other purposes upon completion of the exchanges.

Deadline.

(e) No later than June 15, 2003: (1) the Secretary with the Foundation and the financial participation and commitment of willing private landowners shall complete appraisals and other land purchase or exchange clearances required by law, including those pertaining to cultural and historic resources and hazardous materials; and (2) the Secretary shall consummate with willing non-Federal landowners the specific land exchanges previously identified in subsection (c) to implement the Plan, and together with the Secretary of Commerce, shall issue the HCP.

SEC. 350. Notwithstanding section 351 of section 101(e) of division A, Public Law 105-277, the Indian Health Service is authorized to provide additional contract health service funds to Ketchikan Indian Corporation's recurring budget for hospital-related services for patients of Ketchikan Indian Corporation and the Organized Village of Saxman.

Boise Laboratory
Replacement Act
of 2000.

SEC. 351. (a) SHORT TITLE.—This section may be cited as the “Boise Laboratory Replacement Act of 2000”.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the existing facilities of the Rocky Mountain Research Station Boise laboratory are outdated and no longer serve as a modern research facility;

(B) the Boise laboratory site is in the heart of a Boise city redevelopment zone, and the existing laboratory facilities detract from community improvement efforts;

(C) it is desirable to colocate the Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area—

(i) to facilitate communications and sharing of research data between the agency and the Idaho scientific community;

(ii) to facilitate development and maintenance of the Boise laboratory as a modern, high quality research facility; and

(iii) to reduce costs, better use assets, and better serve the public; and

(D) it is desirable to make the Boise laboratory site available for inclusion in a planned facility that is being developed on adjacent property by the University of Idaho

or the University of Idaho Foundation, a not-for-profit corporation acting on behalf of the University of Idaho, as a multiagency research and education facility to serve various agencies and educational institutions of the United States and the State.

(2) PURPOSE.—The purpose of this section is to authorize the Secretary—

(A) to sell or exchange the land and improvements currently occupied by the Boise laboratory site; and

(B) to acquire land, facilities, or interests in land and facilities, including condominium interests, to colocate the Rocky Mountain Research Station Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area, using—

(i) funds derived from sale or exchange of the existing Boise laboratory site; and

(ii) to the extent the funds received are insufficient to carry out the acquisition of replacement research facilities, funds subsequently made available by appropriation for the acquisition, construction, or improvement of the Rocky Mountain Research Station Boise laboratory.

(c) DEFINITIONS.—In this section:

(1) BOISE LABORATORY SITE.—The term “Boise laboratory site” means the approximately 3.26 acres of land and all improvements in section 10, T. 3 N., R. 2 E., Boise Meridian, as depicted on that Plat of Park View Addition to Boise, Ada County, Idaho, labeled “Boise Lab Site—May 22, 2000”, located at 316 East Myrtle Street, Boise, Idaho.

(2) CONDOMINIUM INTEREST.—The term “condominium interest” means an estate in land consisting of (in accordance with law of the State)—

(A) an undivided interest in common of a portion of a parcel of real property; and

(B) a separate fee simple interest in another portion of the parcel.

(3) FAIR MARKET VALUE.—The term “fair market value” means the cash value of land on a specific date, as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) STATE.—The term “State” means the State of Idaho.

(d) SALE OR EXCHANGE OF BOISE LABORATORY SITE.—

(1) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe and subject to valid existing rights, sell or exchange any or all right, title, and interest of the United States in and to the Boise laboratory site.

(2) RIGHT OF FIRST REFUSAL.—

(A) IN GENERAL.—After a determination of fair market value of the Boise laboratory site is approved by the Secretary, the University of Idaho or the University of Idaho Foundation, a not-for-profit organization acting on behalf of the University of Idaho, shall be allowed 210 days from

the effective date of value to exercise a right of first refusal to purchase the Boise laboratory site at fair market value.

(B) COOPERATIVE DEVELOPMENT.—If the University of Idaho or the University of Idaho Foundation exercises the right of first refusal under paragraph (A), to accomplish the purpose described in section (b)(2)(B), the Secretary shall, to the maximum extent practicable, cooperate with the University of Idaho in the development of a multiagency research and education facility on the Boise laboratory site and adjacent property.

(3) SOLICITATION OF OFFERS.—If the right of first refusal described in subsection (d)(2) is not exercised, the Secretary may solicit offers for purchase through sale or competitive exchange of any and all right, title, and interest of the United States in and to the Boise laboratory site.

(4) CONSIDERATION.—Consideration for sale or exchange of land under this subsection—

(A) shall be at least equal to the fair market value of the Boise laboratory site; and

(B) may include land, existing improvements, or improvements to be constructed to the specifications of the Secretary, including condominium interests, and cash, notwithstanding section 206(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(5) REJECTION OF OFFERS.—The Secretary may reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(e) DISPOSITION OF FUNDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under subsection (d) in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(2) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(A) the acquisition of or interest in land, or the acquisition of or construction of facilities, including condominium interests—

(i) to colocate the Boise laboratory with 1 of the State institutions of higher learning in the Boise metropolitan area; and

(ii) to replace other functions of the Boise laboratory; and

(B) to the extent the funds are not necessary to carry out paragraph (A), the acquisition of other land or interests in land in the State.

TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire suppression operations, burned areas rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$353,740,000 to remain

available until expended, of which \$21,829,000 is for hazardous fuels reduction, \$120,300,000 is for removal of hazardous fuels to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Interior, \$116,611,000 is for wildfire suppression, \$85,000,000 is for burned areas rehabilitation, and \$10,000,000 is for rural fire assistance: *Provided*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further*, That funds in this account are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the “Fire Protection” and “Emergency Department of the Interior Firefighting Fund” may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That the entire amount appropriated is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be made available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WILDLAND FIRE MANAGEMENT

For an additional amount to cover necessary expenses for emergency rehabilitation, hazard reduction activities in the urban-wildland interface, support to federal emergency response, repaying firefighting funds borrowed from programs, and wildfire suppression activities of the Forest Service, \$619,274,000, to remain available until expended, of which \$179,000,000 is for wildfire suppression, \$120,000,000 is for removal of hazardous fuels to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture, \$142,000,000 is for emergency rehabilitation, \$44,000,000 is for capital improvement and maintenance of fire facilities, \$16,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$50,494,000 is for state fire assistance, \$8,280,000 is for volunteer fire assistance, \$12,000,000 is for forest health activities on state, private, and federal lands, \$12,500,000 is for economic action programs, and \$35,000,000 is for assistance to non-federal entities most affected by fire using all existing authorities under the State and Private Forestry appropriation; and of which \$320,274,000 may be transferred to the “State and Private Forestry”, “National Forest System”, “Forest and Rangeland Research”, and “Capital Improvement and Maintenance” accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided*, That transfers of any amounts in excess of those authorized in this title, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105-163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That the entire amount appropriated is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be made available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as

an emergency requirement as defined by such Act, is transmitted by the President to the Congress: *Provided further*, That:

(1) In expending the funds provided with respect to this title for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

- (A) local private, nonprofit, or cooperative entities;
- (B) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;
- (C) small or micro-businesses; or
- (D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2) Within 60 days after enactment, the Secretary of Agriculture and the Secretary of the Interior shall, after consultation with State and local fire-fighting agencies, jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at high risk from wildfire, as defined by the Secretaries. This list shall include:

- (A) an identification of communities around which hazardous fuel reduction treatments are ongoing; and
- (B) an identification of communities around which the Secretaries are preparing to begin treatments in fiscal year 2001.

(3) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at high risk from wildfire that are included in the list published pursuant to paragraph (2) but that are not included in subparagraphs (A) and (B) of paragraph (2), along with an identification of reasons, including but not limited to lack of available funds, why there are no treatments ongoing or being prepared for these communities.

(4) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems. The documentation required by section 102(2)(C) of the National Environmental Policy Act accompanying the proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulation; and proposed

Federal Register,
publication.

Federal Register,
publication.

Federal Register,
publication.

Interior Columbia Basin Project; and the Sierra Nevada Framework/Sierra Nevada Forest Plan shall contain an analysis and explanation of any differences between the Cohesive Strategy and the policies and rule-making listed in this paragraph. Nothing in this title is intended or should require a delay in the rule-makings listed in this paragraph.

(5)(A) Funds provided to the Secretary of Agriculture by this title and to the Secretary of the Interior, the Secretary of Commerce, and the Council on Environmental Quality by this Act and any other applicable act appropriating funds for fiscal year 2001 shall be used as necessary to establish and implement the expedited procedures set forth in this paragraph for decisions to conduct hazardous fuel reduction treatments pursuant to paragraphs (1) and (2), and any post-burn treatments within the perimeters of areas burned by wildfire, on federal lands.

(B) The Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, and the Chairman of the Council on Environmental Quality shall use such funds specified in subparagraph (A) as necessary to evaluate the need for revised or expedited environmental compliance procedures including expedited procedures for the preparation of documentation required by section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2)) for treatment decisions referred to in subparagraph (A). The Secretary of Agriculture, the Secretary of the Interior, the Chairman of the Council on Environmental Quality shall report to the relevant congressional committee of jurisdiction within 60 days of enactment of this Act to apprise the Congress of the decision to develop any expedited procedures or adopt or recommend any other measures. Each Secretary may employ any expedited procedures developed pursuant to this subsection for a treatment decision when the Secretary determines the procedures to be appropriate for the decision. These procedures shall ensure that the period of preparation for environmental documentation be expedited to the maximum extent practicable. Each Secretary and the Council shall effect any modifications to existing regulations and guidance as may be necessary to provide for the expedited procedures within 180 days of the date of enactment of this Act.

(C) With the funds specified in subparagraph (A), the Secretary, as defined in section 3(15) of the Endangered Species Act of 1973 (16 U.S.C. 1532(15)), may accord priority as appropriate to consultation or conferencing under section 7 of such Act (16 U.S.C. 1536) concerning any treatment decision referred to in subparagraph (A) for which consultation or conferencing is required.

(D) With the funds specified in subparagraph (A), administrative review of any treatment decision referred to in subparagraph (A) shall be conducted as expeditiously as possible but under no circumstances shall exceed any statutory deadline applicable to such review.

(E) No provision in this title shall be construed to override any existing environmental law.

Reports.

TITLE V—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for “Management of Lands and Resources”, \$17,172,000 to remain available until expended, of which \$15,687,000 shall be used to address restoration needs caused by wildland fires and \$1,485,000 shall be used for the treatment of grasshopper and Mormon Cricket infestations on lands managed by the Bureau of Land Management: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for “Resource Management”, \$1,500,000, to remain available until expended, for support of the preparation and implementation of plans, programs, or agreements, identified by the State of Idaho, that address habitat for freshwater aquatic species on non-federal lands in the State voluntarily enrolled in such plans, programs, or agreements, of which \$200,000 shall be made available to the Boise, Idaho field office to participate in the preparation and implementation of the plans, programs, or agreements, of which \$300,000 shall be made available to the State of Idaho for preparation of the plans, programs, or agreements, including data collection and other activities associated with such preparation, and of which \$1,000,000 shall be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements: *Provided*, That the entire amount made available under this paragraph is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for salmon restoration and conservation efforts in the State of Maine, \$5,000,000, to remain available until expended, which amount shall be made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation or restoration efforts in coordination with the State of Maine and the Maine Atlantic Salmon Conservation Plan, including projects to: (1) assist in land acquisition and conservation easements to benefit Atlantic salmon; (2) develop irrigation and water use management measures to minimize any adverse effects on salmon habitat; and (3) develop and phase in enhanced aquaculture cages to minimize escape of Atlantic salmon: *Provided*, That, of the amounts appropriated under this paragraph, \$2,000,000 shall be made available to the Atlantic Salmon Commission for salmon restoration and conservation activities, including installing and upgrading weirs and fish collection facilities, conducting risk assessments, fish marking, and salmon genetics studies and testing,

and developing and phasing in enhanced aquaculture cages to minimize escape of Atlantic salmon, and \$500,000 shall be made available to the National Academy of Sciences to conduct a study of Atlantic salmon: *Provided further*, That amounts made available under this paragraph shall be provided to the National Fish and Wildlife Foundation not later than 15 days after the date of enactment of this Act: *Provided further*, That the entire amount made available under this paragraph is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for “Construction”, \$8,500,000, to remain available until expended, to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters and conduct critical habitat restoration directly necessitated by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for “Construction”, \$5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, \$2,700,000, to remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for “Operation of Indian Programs”, \$1,200,000, to remain available until expended, for repair of the portions of the Yakama Nation’s Signal Peak Road that have the most severe damage: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for “Federal Trust Programs” for unanticipated trust reform projects and costs related to the ongoing Cobell litigation, \$27,600,000, to remain available until expended: *Provided*, That funds provided herein for trust management improvements and litigation support may, as needed, be transferred to or merged with the “Operations of Indian Programs” account in the Bureau of Indian Affairs, the “Salaries and Expenses” account in the Office of the Solicitor, the “Salaries and Expenses” account in Departmental Management, the “Royalty and Offshore Minerals Management” account in the Minerals Management Service, and the “Management of Lands and Resources” account in the Bureau of Land Management: *Provided further*, That the entire amount provided under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for the Forest Service, notwithstanding any other provision of law, \$9,294,000 for the Alaska Railroad for—

(1) safety related track repair, damage, and control costs from avalanches, hurricane force winds, and severe winter storms; and

(2) oil spill clean-up, recovery, and remediation arising out of the related train derailments,

during the period of winter blizzards beginning December 21, 1999 for which the President declared a disaster on February 17, 2000 pursuant to the Stafford Act, as amended, (FEMA DR-1316-AK) as a direct lump sum payment and an additional \$2,000,000 for an avalanche prevention program in the Chugach National Forest, Kenai National Park, Kenai National Wildlife Refuge and nearby public lands to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FOREST SYSTEM

For an additional amount for emergency expenses resulting from damage from windstorms, \$7,249,000 to become available upon enactment of this Act, and to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Cabin User Fee
Fairness Act of
2000.

TITLE VI—USER FEES UNDER FOREST SYSTEM RECREATION RESIDENCE PROGRAM

16 USC 6201
note.

SEC. 601. SHORT TITLE.

This title may be cited as the “Cabin User Fee Fairness Act of 2000”.

16 USC 6201.

SEC. 602. FINDINGS.

Congress finds that—

(1) cabins located on forest land have provided a unique recreation experience to a large number of cabin owners, their families, and guests each year since Congress authorized the recreation residence program in 1915; and

(2) the fact that current appraisal procedures have, in certain circumstances, been inconsistently applied in determining fair market values for residential lots demonstrates that problems exist in accurately reflecting market values.

16 USC 6202.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to ensure, to the maximum extent practicable, that the National Forest System recreation residence program is managed to preserve the opportunity for individual and family-oriented recreation; and

(2) to develop and implement a more consistent procedure for determining cabin user fees, taking into consideration the limitations of an authorization and other relevant market factors.

16 USC 6203.

SEC. 604. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” means the Forest Service.

(2) AUTHORIZATION.—The term “authorization” means a special use permit for the use and occupancy of National Forest System land by a cabin owner under the authority of the program.

(3) BASE CABIN USER FEE.—The term “base cabin user fee” means the fee for an authorization that results from the appraisal of a lot as determined in accordance with sections 606 and 607.

(4) CABIN.—The term “cabin” means a privately built and owned recreation residence that is authorized for use and occupancy on National Forest System land.

(5) CABIN OWNER.—The term “cabin owner” means—

(A) a person authorized by the agency to use and to occupy a cabin on National Forest System land; and

(B) an heir or assign of such a person.

(6) CABIN USER FEE.—The term “cabin user fee” means a special use fee paid annually by a cabin owner to the Secretary in accordance with this title.

(7) CARETAKER CABIN.—The term “caretaker cabin” means a caretaker residence occupied in limited cases in which caretaker services are necessary to maintain the security of a tract.

(8) CURRENT CABIN USER FEE.—The term “current cabin user fee” means the most recent cabin user fee that results from an annual adjustment to the base cabin user fee in accordance with section 608.

(9) LOT.—The term “lot” means a parcel of land in the National Forest System—

(A) on which a cabin owner is authorized to build, use, occupy, and maintain a cabin and related improvements; and

(B) that is considered to be in its natural, native state at the time at which a use of the lot described in subparagraph (A) is first permitted by the Secretary.

(10) NATURAL, NATIVE STATE.—The term “natural, native state” means the condition of a lot or site, free of any improvements, at the time at which the lot or site is first authorized for recreation residence use by the agency.

(11) PROGRAM.—The term “program” means the recreation residence program established under the authority of the last paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497).

(12) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(13) TRACT.—The term “tract” means an established location within a National Forest containing 1 or more cabins authorized in accordance with the program.

(14) TRACT ASSOCIATION.—The term “tract association” means a cabin owner association in which all cabin owners within a tract are eligible for membership.

(15) TYPICAL LOT.—The term “typical lot” means a cabin lot, or a group of cabin lots, in a tract that is selected for use in an appraisal as being representative of, and that has similar value characteristics as, other lots or groups of lots within the tract.

SEC. 605. ADMINISTRATION OF RECREATION RESIDENCE PROGRAM. 16 USC 6204.

The Secretary shall ensure, to the maximum extent practicable, that the basis and procedure for calculating cabin user fees results in a fee for an authorization that reflects, in accordance with this title—

- (1) the market value of a lot; and
- (2) regional and local economic influences.

SEC. 606. APPRAISALS.

16 USC 6205.

(a) REQUIREMENTS FOR CONDUCTING APPRAISALS.—In implementing and conducting an appraisal process for determining cabin user fees, the Secretary shall—

(1) complete an inventory of improvements that were paid for by—

- (A) the agency;
- (B) third parties; or

(C) cabin owners (or predecessors of cabin owners), during the completion of which the Secretary shall presume that a cabin owner, or a predecessor of the owner, has paid for the capital costs of any utility, access, or facility serving the lot being appraised, unless the Forest Service produces evidence that the agency or a third party has paid for the capital costs;

(2) establish an appraisal process to determine the market value of the fee simple estate of a typical lot or lots considered to be in a natural, native state, subject to subsection (b)(4)(A);

(3) enter into a contract with an appropriate professional appraisal organization to manage the development of specific appraisal guidelines in accordance with subsection (b), subject to public comment and congressional review;

(4) require that an appraisal be performed by a State-certified general real estate appraiser, selected by the Secretary and licensed to practice in the State in which the lot is located;

(5) provide the appraiser with appraisal guidelines developed in accordance with this title;

(6) notwithstanding any other provision of law, require the appraiser to coordinate the appraisal closely with affected parties by seeking information, cooperation, and advice from cabin owners and tract associations;

(7) require that the appraiser perform the appraisal in compliance with—

(A) the most current edition of the Uniform Standards of Professional Appraisal Practice in effect on the date of the appraisal;

(B) the most current edition of the Uniform Appraisal Standards for Federal Land Acquisitions that is in effect on the date of the appraisal; and

(C) the specific appraisal guidelines developed in accordance with this title;

(8) require that the appraisal report—

(A) be a full narrative report, in compliance with the reporting standards of the Uniform Standards of Professional Appraisal Practice; and

(B) comply with the reporting guidelines established by the Uniform Appraisal Standards for Federal Land Acquisitions; and

(9) before accepting any appraisal, conduct a review of the appraisal to ensure that the guidelines made available to the appraiser have been followed and that the appraised values are properly supported.

(b) SPECIFIC APPRAISAL GUIDELINES.—In the development of specific appraisal guidelines in accordance with subsection (a)(3), the instructions to an appraiser shall require, at a minimum, the following:

(1) APPRAISAL OF A TYPICAL LOT.—

(A) IN GENERAL.—In conducting an appraisal under this section, the appraiser—

(i) shall not appraise each individual lot;

(ii) shall appraise a typical lot or lots, selected by the cabin owners and the agency in a manner consistent with the policy of the program; and

(iii) shall be provided, and give appropriate consideration to, any information contained in the inventory of improvements relating to the lot being appraised.

(B) ESTIMATE OF MARKET VALUE OF TYPICAL LOT.—

(i) IN GENERAL.—The appraiser shall estimate the market value of a typical lot in accordance with this title.

(ii) EQUIVALENCE TO LEGALLY SUBDIVIDED LOT.—In selecting a comparable sale under this title, the appraiser shall recognize that the typical lot will not usually be equivalent to a legally subdivided lot.

(2) EXCEPTION FOR CERTAIN SALES OF LAND.—In conducting an appraisal under this title, the appraiser—

(A) shall not select sales of comparable land that are sales of land within developed urban areas; and

(B) should not, in most circumstances, select a sale of comparable land that includes land that is encumbered by a conservation or recreational easement that is held by a government or institution, except land that is limited to use as a site for 1 home.

(3) ADJUSTMENTS FOR TYPICAL VALUE INFLUENCES.—

(A) IN GENERAL.—The appraiser shall consider, and adjust as appropriate, the price of sales of comparable land for all typical value influences described in subparagraph (B).

(B) VALUE INFLUENCES.—The typical value influences referred to in subparagraph (A) include—

(i) differences in the locations of the parcels;

(ii) accessibility, including limitations on access attributable to—

(I) weather;

(II) the condition of roads or trails;

(III) restrictions imposed by the agency; or

(IV) other factors;

(iii) the presence of marketable timber;

(iv) limitations on, or the absence of, services such as law enforcement, fire control, road maintenance, or snow plowing;

(v) the condition and regulatory compliance of any site improvements; and

(vi) any other typical value influences described in standard appraisal literature.

(4) ADJUSTMENTS TO SALES OF COMPARABLE PARCELS.—

(A) UTILITIES, ACCESS, OR FACILITIES.—

(i) AGENCY.—Utilities, access, or facilities serving a lot that are provided by the agency shall be included as features of the lot being appraised.

(ii) CABIN OWNERS.—Utilities, access, or facilities serving a lot that are provided by the cabin owner (or a predecessor of the cabin owner) shall not be included as a feature of the lot being appraised.

(iii) THIRD PARTIES.—Utilities, access, or facilities serving a lot that are provided by a third party shall not be included as a feature of the lot being appraised unless, in accordance with subsection (a)(1), the agency determines that the capital costs have not been or are not being paid by the cabin owner (or a predecessor of the cabin owner).

(iv) WITHDRAWAL OF UTILITY OR ACCESS BY AGENCY.—If, during the term of an authorization, the agency or an act of God creates a substantial and materially adverse change in—

(I) the provision or maintenance of any utility or access; or

(II) a qualitative feature of the lot or immediate surroundings,

the cabin owner shall have the right to request, and, at the discretion of the Secretary, obtain a new determination of the base cabin user fee at the expense of the agency.

(B) **ADJUSTMENT FOR EXCLUSION.**—In a case in which any comparable sale includes utilities, access, or facilities that are to be excluded in the appraisal of the subject lot, the price of the comparable sale shall be adjusted, as appropriate.

(C) **ADJUSTMENT PROCESS.**—

(i) **IN GENERAL.**—The appraiser shall consider and adjust, as appropriate, the price of each sale of a comparable parcel for all nonnatural features referred to in subparagraph (A)(ii) that—

(I)(aa) are present at, or add value to, the comparable parcel; but

(bb) are not present at the lot being appraised;

or

(II) are not included in the appraisal as described in subparagraph (A).

(ii) **ADJUSTMENTS.**—

(I) **IN GENERAL.**—In a case in which the price of a parcel sold is to be adjusted in accordance with subparagraph (B), the adjustment may be based on an analysis of market or cost information or both.

(II) **COST INFORMATION.**—If cost information is used as the basis of an adjustment under subclause (I), the cost information shall be supported by direct market evidence.

(iii) **ANALYSIS OF COST INFORMATION.**—An analysis of cost information under clause (ii)(I) should include allowances, as appropriate, if the allowances are consistent with—

(I) the Uniform Standards of Professional Appraisal Practice in effect on the date of the analysis; and

(II) the Uniform Appraisal Standards for Federal Land Acquisition.

(D) **REAPPRAISAL FOR AND RECALCULATION OF BASE CABIN USER FEE.**—Periodically, but not less often than once every 10 years, the Secretary shall recalculate the base cabin user fee (including conducting any reappraisal required to recalculate the base cabin user fee).

16 USC 6206.

SEC. 607. CABIN USER FEES.

(a) **IN GENERAL.**—The Secretary shall establish the cabin user fee as the amount that is equal to 5 percent of the market value of the lot, as determined in accordance with section 606, reflecting an adjustment to the typical market rate of return due to restrictions imposed by the permit, including—

(1) the limited term of the authorization;

(2) the absence of significant property rights normally attached to fee simple ownership; and

(3) the public right of access to, and use of, any open portion of the lot on which the cabin or other enclosed improvements are not located.

(b) **FEE FOR CARETAKER CABIN.**—The base cabin user fee for a lot on which a caretaker cabin is located shall not be greater than the base cabin user fee charged for the authorized use of a similar typical lot in the tract.

(c) **ANNUAL CABIN USER FEE IN THE EVENT OF DETERMINATION NOT TO REISSUE AUTHORIZATION.**—If the Secretary determines that an authorization should not be reissued at the end of a term, the Secretary shall—

(1) establish as the new base cabin user fee for the remaining term of the authorization the amount charged as the cabin user fee in the year that was 10 years before the year in which the authorization expires; and

(2) calculate the current cabin user fee for each of the remaining 9 years of the term of the authorization by multiplying—

(A) $\frac{1}{10}$ of the new base cabin user fee; by

(B) the number of years remaining in the term of the authorization after the year for which the cabin user fee is being calculated.

(d) **ANNUAL CABIN USER FEE IN EVENT OF CHANGED CONDITIONS.**—If a review of a decision to convert a lot to an alternative public use indicates that the continuation of the authorization for use and occupancy of the cabin by the cabin owner is warranted, and the decision is subsequently reversed, the Secretary may require the cabin owner to pay any portion of annual cabin user fees that were forgone as a result of the expectation of termination of use and occupancy of the cabin by the cabin owner.

(e) **TERMINATION OF FEE OBLIGATION IN LOSS RESULTING FROM ACTS OF GOD OR CATASTROPHIC EVENTS.**—On a determination by the agency that, because of an act of God or a catastrophic event, a lot cannot be safely occupied and the authorization for the lot should accordingly be terminated, the fee obligation of the cabin owner shall terminate effective on the date of the occurrence of the act or event.

SEC. 608. ANNUAL ADJUSTMENT OF CABIN USER FEE.

16 USC 6207.

(a) **IN GENERAL.**—The Secretary shall adjust the cabin user fee annually, using a rolling 5-year average of a published price index in accordance with subsection (b) or (c) that reports changes in rural or similar land values in the State, county, or market area in which the lot is located.

(b) **INITIAL INDEX.**—

(1) **IN GENERAL.**—For the period of 10 years beginning on the date of enactment of this title, the Secretary shall use changes in agricultural land prices in the appropriate State or county, as reported in the Index of Agricultural Land Prices published by the Department of Agriculture, to determine the annual adjustment to the cabin user fee in accordance with subsections (a) and (d).

(2) **STATEWIDE CHANGES.**—In determining the annual adjustment to the cabin user fee for an authorization located in a county in which agricultural land prices are influenced by the value influences described in section 606(b)(3), the Secretary shall use average statewide changes in the State in which the lot is located.

(c) **NEW INDEX.**—

Deadline.

(1) IN GENERAL.—Not later than 10 years after the date of enactment of this title, the Secretary may select and use an index other than the method of adjustment of a cabin user fee described in subsection (b)(2) to adjust a cabin user fee if the Secretary determines that a different index better reflects change in the value of a lot over time.

(2) SELECTION PROCESS.—Before selecting a new index, the Secretary shall—

Deadline.

(A) solicit and consider comments from the public; and

(B) not later than 60 days before the date on which the Secretary makes a final index selection, submit any proposed selection of a new index to—

(i) the Committee on Resources of the House of Representatives; and

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) LIMITATION.—In calculating an annual adjustment to the base cabin user fee as determined by the initial index described in section (b), the Secretary shall—

(1) limit any annual fee adjustment to an amount that is not more than 5 percent per year when the change in agricultural land values exceeds 5 percent in any 1 year; and

(2) apply the amount of any adjustment that exceeds 5 percent to the annual fee payment for the next year in which the change in the index factor is less than 5 percent.

16 USC 6208.

SEC. 609. PAYMENT OF CABIN USER FEES.

(a) DUE DATE FOR PAYMENT OF FEES.—A cabin user fee shall be prepaid annually by the cabin owner.

(b) PAYMENT OF EQUAL OR LESSER FEE.—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is equal to or less than the amount of the current base cabin user fee, the Secretary shall require payment of the new base cabin user fee by the cabin owner in accordance with subsection (a).

(c) PAYMENT OF GREATER FEE.—If, in accordance with section 607, the Secretary determines that the amount of a new base cabin user fee is greater than the amount of the current base cabin user fee, the Secretary shall—

(1) require full payment of the new base cabin user fee in the first year following completion of the fee determination procedure if the increase in the amount of the new base cabin user fee is not more than 100 percent of the current base cabin user fee; or

(2) phase in the increase over the current base cabin user fee in approximately equal increments over 3 years if the increase in the amount of the new base cabin user fee is more than 100 percent of the current base cabin user fee.

16 USC 6209.

SEC. 610. RIGHT OF SECOND APPRAISAL.

(a) RIGHT OF SECOND APPRAISAL.—On receipt of notice from the Secretary of the determination of a new base cabin user fee, the cabin owner—

(1) not later than 60 days after the date on which the notice is received, may notify the Secretary of the intent of the cabin owner to obtain a second appraisal; and

(2) may obtain, within 1 year following the date of receipt of the notice under this subsection, at the expense of the cabin

owner, a second appraisal of the typical lot on which the initial appraisal was conducted.

(b) CONDUCT OF SECOND APPRAISAL.—In conducting a second appraisal, the appraiser selected by the cabin owner shall—

(1) have qualifications equivalent to the appraiser that conducted the initial appraisal in accordance with section 606(a)(4);

(2) use the appraisal guidelines used in the initial appraisal in accordance with section 606(a)(5);

(3) consider all relevant factors in accordance with this title (including guidelines developed under section 606(a)(3)); and

(4) notify the Secretary of any material differences of fact or opinion between the initial appraisal conducted by the agency and the second appraisal.

(c) REQUEST FOR RECONSIDERATION OF BASE CABIN USER FEE.—

A cabin owner shall submit to the Secretary any request for reconsideration of the base cabin user fee, based on the results of the second appraisal, not later than 60 days after the receipt of the report for the second appraisal. Deadline.

(d) RECONSIDERATION OF BASE CABIN USER FEE.—On receipt of a request from the cabin owner under subsection (c) for reconsideration of a base cabin user fee, not later than 60 days after the date of receipt of the request, the Secretary shall—

(1) review the initial appraisal of the agency;

(2) review the results and commentary from the second appraisal;

(3) determine a new base cabin user fee in an amount that is—

(A) equal to the base cabin user fee determined by the initial or the second appraisal; or

(B) within the range of values, if any, between the initial and second appraisals; and

(4) notify the cabin owner of the amount of the new base cabin user fee.

SEC. 611. RIGHT OF APPEAL AND JUDICIAL REVIEW.

16 USC 6210.

(a) RIGHT OF APPEAL.—Notwithstanding any action of a cabin owner to exercise rights in accordance with section 610, the Secretary shall by regulation grant the cabin owner the right to an administrative appeal of the determination of a new base cabin user fee.

(b) JUDICIAL REVIEW.—A cabin owner that is adversely affected by a final decision of the Secretary under this title may bring a civil action in United States district court.

SEC. 612. CONSISTENCY WITH OTHER LAW AND RIGHTS.

16 USC 6211.

(a) CONSISTENCY WITH RIGHTS OF THE UNITED STATES.—Nothing in this title limits or restricts any right, title, or interest of the United States in or to any land or resource.

(b) SPECIAL RULE FOR ALASKA.—In determining a cabin user fee in the State of Alaska, the Secretary shall not establish or impose a cabin user fee or a condition affecting a cabin user fee that is inconsistent with 1303(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3193(d)).

16 USC 6212.

SEC. 613. REGULATIONS.

Deadline.

Not later than 2 years after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this title.

16 USC 6213.

SEC. 614. TRANSITION PROVISIONS.

(a) **ASSESSMENT OF ANNUAL FEES.**—For the period of time determined under subsection (b), the Secretary shall charge each cabin owner an annual fee as follows:

(1) **LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.**—For a lot that has not been appraised since September 30, 1995, the annual fee shall be equal to the amount of the annual fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

(2) **LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), for a lot that has been appraised on or after September 30, 1995, the annual fee shall be equal to the amount of the fee in effect on the date of enactment of this title, adjusted annually to reflect changes in the Implicit Price Deflator-Gross National Product Index.

(B) **APPRAISALS RESULTING IN BASE FEE INCREASE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), for a lot that has been appraised on or after September 30, 1995, for which the appraisal resulted in an increase of the base fee by an amount greater than \$3,000, the annual fee shall be equal to the sum of \$3,000 plus the amount of the annual fee in effect on October 1, 1996, adjusted annually to reflect the percentage change in the Implicit Price Deflator-Gross National Product Index.

(ii) **FEES PAID AFTER REQUEST OF NEW APPRAISAL OR PEER REVIEW.**—If—

(I) the cabin owner of a lot described in clause (i) requests a new appraisal or peer review under subsection (c); and

(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995,

the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 609, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 609, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

(b) **TERM.**—

(1) **LOTS NOT APPRAISED SINCE SEPTEMBER 30, 1995.**—For a lot that has not been appraised since September 30, 1995,

the Secretary shall charge fees in accordance with subsection (a)(2)(A) until—

(A) a base cabin user fee is determined in accordance with—

(i) this title; or

(ii) regulations and policies in effect on the date of enactment of this title; and

(B) the right of the cabin owner to a second appraisal under section 610 is exhausted.

(2) LOTS APPRAISED ON OR AFTER SEPTEMBER 30, 1995.—

For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge fees under subsection (a)(2) until—

(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c); or

(B) in the absence of a request for a peer review or a new appraisal under subsection (c), the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this title.

(c) REQUEST FOR NEW APPRAISAL UNDER NEW LAW.—

(1) IN GENERAL.—Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 606(a)(5), cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 613, may request, in accordance with paragraph (2), that the Secretary—

(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this title; or

(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

(2) APPRAISAL GROUPINGS BY TYPICAL LOT.—A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

(3) CONDUCT OF NEW APPRAISAL.—On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this title.

(4) PEER REVIEW OF EXISTING APPRAISALS.—

(A) IN GENERAL.—On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

(B) INCONSISTENCY.—If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this title, the Secretary shall, as appropriate and in accordance with this title—

(i) revise an existing base cabin user fee; or

(ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

(5) PAYMENT OF COSTS.—Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

(d) ASSUMPTION OF NEW BASE CABIN USER FEE.—In the absence of a request under subsection (c) for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 613, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 613 to be the base cabin user fee that complies with this section.

TITLE VII—TREATMENT OF CERTAIN FUNDS FOR MINER BENEFITS

SEC. 701. (a) REALLOCATION OF INTEREST.—Notwithstanding any other provision of law, interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) for fiscal years 1992 through 1995 not transferred to the Combined Fund identified in section 402(h)(2) of such Act prior to the date of enactment of this Act shall be transferred to such Combined Fund—

(1) in such amounts as estimated by the trustees of such Fund to offset the amount of any deficit in net assets in the Combined Fund through August 31, 2001;

(2) in the amount of \$2,200,000 for the purpose of the Combined Fund providing a refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1988), on a proportional basis, to those signatory operators or any related persons to such operators (as defined in section 9701(c) of the Internal Revenue Code of 1988) who have been denied such refunds as the result of final judgments or settlements if prior to the date of enactment of this Act such signatory operator (or any related persons to such operator)—

(A) had all of its beneficiary assignments made under section 9706 of the Internal Revenue Code of 1986 voided by the Commissioner of the Social Security Administration;

(B) was subject to a final judgment or final settlement of litigation adverse to a claim by such operator that the assignment of beneficiaries under section 9706 of the Internal Revenue Code of 1986 was unconstitutional as applied to it; and

(C) paid to the Combined Fund any premium amount that had not been refunded; and

(3) in such amounts as necessary for the purpose of the Combined Fund providing a monthly refund of any premium (as described in section 9704(a) of the Internal Revenue Code of 1986) paid by an assigned operator (as defined by section 9701(c)(5) of the Internal Revenue Code of 1986) commencing with the first monthly premium due date after the date of enactment of this Act and ending August 31, 2001, if according to the records of the Combined Fund such operator (or any related persons of such operator)—

(A) was not a signatory to the 1981 or later National Bituminous Coal Wage Agreement or any “me too” agreement related to such Coal Wage Agreement;

(B) reported credit hours to the UMWA 1974 Pension Plan on fewer than ten classified mine workers in every month during its last year of operations under the National Bituminous Coal Wage Agreement of 1978 or any “me too” agreement related to such Coal Wage Agreement;

(C) has had not more than 60 beneficiaries, including eligible dependents of retired miners, assigned to it under section 9706 of the Internal Revenue Code of 1986 not including beneficiary assignments relieved by the Social Security Administration;

(D) was assessed premiums by the Combined Fund in October 1999, made payments pursuant to that assessment and has no delinquency as of September 30, 2000; and

(E) is not directly engaged in the production or sale of coal and has no related person engaged in the production of coal as of September 30, 2000.

(b) SEPARABILITY CLAUSE.—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE VIII—LAND CONSERVATION, PRESERVATION AND INFRASTRUCTURE IMPROVEMENT

For activities authorized by law for the acquisition, conservation, and maintenance of Federal and non-Federal lands and resources, and for Payments in Lieu of Taxes, in addition to the amounts provided under previous titles of this Act, \$686,000,000, to remain available until expended, of which \$179,000,000 is for the acquisition of lands or interests in lands; and of which \$50,000,000 is for “National Park Service, Land Acquisition and State Assistance” for the state assistance program; and of which \$20,000,000 is for “Forest Service, National Forest System” for inventory and monitoring activities and planning; and of which \$78,000,000 is for “United States Fish and Wildlife Service, Cooperative Endangered Species Fund”; and of which \$20,000,000 is for “United States Fish and Wildlife Service, North American Wetlands Conservation Fund”; and of which \$20,000,000 is for “United States Geological Survey, Surveys, Investigations, and Research” for science and cooperative programs; and of which \$30,000,000 is for “Forest Service, State and Private Forestry” for the Forest Legacy program; and of which \$50,000,000 is for “United States Fish and Wildlife Service, State Wildlife Grants”; and of which \$20,000,000 is for “National Park Service, Urban Park and Recreation Fund”; and of which \$15,000,000 is for “National Park Service, Historic Preservation Fund” for grants to states and Indian tribes; and of which \$4,000,000 is for “Forest Service, State and Private Forestry” for urban and community forestry programs; and of which \$50,000,000 is for “Bureau of Land Management, Payments in Lieu of Taxes”; and of which \$150,000,000 is for “Federal Infrastructure Improvement” for the

deferred maintenance needs of the Federal land management agencies: *Provided*, That of the funds provided under this heading for the acquisition of lands or interests in lands, \$130,000,000 shall be available to the Department of the Interior and \$49,000,000 shall be available to the Department of Agriculture, Forest Service: *Provided further*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretaries, in writing, a list of specific acquisitions to be undertaken with such funds: *Provided further*, That of the funds provided under this heading for “Federal Infrastructure Improvement” for the deferred maintenance needs of the Federal land management agencies, \$25,000,000 shall be for the Bureau of Land Management, \$25,000,000 shall be for the United States Fish and Wildlife Service, \$50,000,000 shall be for the National Park Service and \$50,000,000 shall be for the Forest Service.

SEC. 801. (a) CATEGORIES.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended—

(1) in paragraph (6), by—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by inserting “and” after the semicolon; and

(C) adding at the end the following:

“(D) for the conservation spending category: \$1,760,000,000, in new budget authority and \$1,232,000,000 in outlays;”;

(2) in paragraph (7), by—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B), by striking the period and inserting “; and”; and

(C) adding at the end the following:

“(C) for the conservation spending category: \$1,920,000,000, in new budget authority and \$1,872,000,000 in outlays;”;

(3) by inserting after paragraph (7) the following:

“(8) with respect to fiscal year 2004 for the conservation spending category: \$2,080,000,000, in new budget authority and \$2,032,000,000 in outlays;

“(9) with respect to fiscal year 2005 for the conservation spending category: \$2,240,000,000, in new budget authority and \$2,192,000,000 in outlays;

“(10) with respect to fiscal year 2006 for the conservation spending category: \$2,400,000,000, in new budget authority and \$2,352,000,000 in outlays;

“(11) with respect to each fiscal year 2002 through 2006 for the Federal and State Land and Water Conservation Fund sub-category of the conservation spending category: \$540,000,000 in new budget authority and the outlays flowing therefrom;

“(12) with respect to each fiscal year 2002 through 2006 for the State and Other Conservation sub-category of the conservation spending category: \$300,000,000 in new budget authority and the outlays flowing therefrom;

“(13) with respect to each fiscal year 2002 through 2006 for the Urban and Historic Preservation sub-category of the conservation spending category: \$160,000,000 in new budget authority and the outlays flowing therefrom;

“(14) with respect to each fiscal year 2002 through 2006 for the Payments in Lieu of Taxes sub-category of the conservation spending category: \$50,000,000 in new budget authority and the outlays flowing therefrom;

“(15) with respect to each fiscal year 2002 through 2006 for the Federal Deferred Maintenance sub-category of the conservation spending category: \$150,000,000 in new budget authority and the outlays flowing therefrom;

“(16) with respect to fiscal year 2002 for the Coastal Assistance sub-category of the conservation spending category: \$440,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2003 for the Coastal Assistance sub-category of the conservation spending category: \$480,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2004 for the Coastal Assistance sub-category of the conservation spending category: \$520,000,000 in new budget authority and the outlays flowing therefrom; with respect to fiscal year 2005 for the Coastal Assistance sub-category of the conservation spending category: \$560,000,000 in new budget authority and the outlays flowing therefrom; and with respect to fiscal year 2006 for the Coastal Assistance sub-category of the conservation spending category: \$600,000,000 in new budget authority and the outlays flowing therefrom;”.

(b) ADDITION TO DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

“(H) CONSERVATION SPENDING.—(i) If a bill or resolution making appropriations for any fiscal year appropriates an amount for the conservation spending category that is less than the limit for the conservation spending category as specified in subsection (c), then the adjustment for new budget authority and outlays for the following fiscal year for that category shall be the amount of new budget authority and outlays that equals the difference between the amount appropriated and the amount of that category specified in subsection (c).

“(ii) If a bill or resolution making appropriations for any fiscal year appropriates an amount for any conservation spending sub-category that is less than the limit for that conservation spending sub-category as specified in subsections (c)(11)–(c)(16), then the adjustment for new budget authority for the following fiscal year for that sub-category shall be the amount of new budget authority that equals the difference between the amount appropriated and the amount of that sub-category specified in subsection (c)(11)–(c)(16).

“(iii) The total amount provided for any conservation activity within the conservation spending category may not exceed any authorized ceiling for that activity.”.

(c) CATEGORIES DEFINED.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(4)) is amended by adding at the end the following:

“(E) The term ‘conservation spending category’ means discretionary appropriations for conservation activities in the following budget accounts or portions thereof providing appropriations to preserve and protect lands, habitat, wildlife, and other natural resources, to provide recreational opportunities, and for related purposes:

“(i) 14-5033 Bureau of Land Management Land Acquisition.

“(ii) 14-5020 Fish and Wildlife Service Land Acquisition.

“(iii) 14-5035 National Park Service Land Acquisition and State Assistance.

“(iv) 12-9923 Forest Service Land Acquisition.

“(v) 14-5143 Fish and Wildlife Service Cooperative Endangered Species Conservation Fund.

“(vi) 14-5241 Fish and Wildlife Service North American Wetlands Conservation Fund.

“(vii) 14-1694 Fish and Wildlife Service State Wildlife Grants.

“(viii) 14-0804 United States Geological Survey Surveys, Investigations, and Research, the State Planning Partnership programs: Community/Federal Information Partnership, Urban Dynamics, and Decision Support for Resource Management.

“(ix) 12-1105 Forest Service State and Private Forestry, the Forest Legacy Program, Urban and Community Forestry, and Smart Growth Partnerships.

“(x) 14-1031 National Park Service Urban Park and Recreation Recovery program.

“(xi) 14-5140 National Park Service Historic Preservation Fund.

“(xii) Youth Conservation Corps.

“(xiii) 14-1114 Bureau of Land Management Payments in Lieu of Taxes.

“(xiv) Federal Infrastructure Improvement (as established in title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2001).

“(xv) 13-1460 NOAA Procurement Acquisition and Construction, the National Marine Sanctuaries and the National Estuarine Research Reserve Systems.

“(xvi) 13-1450 NOAA Operations, Research, and Facilities, the Coastal Zone Management Act programs, the National Marine Sanctuaries, the National Estuarine Research Reserve Systems, and Coral Restoration programs.

“(xvii) 13-1451 NOAA Pacific Coastal Salmon Recovery.

“(F) The term ‘Federal and State Land and Water Conservation Fund sub-category’ means discretionary appropriations for activities in the accounts described in (E)(i)–(E)(iv) or portions thereof.

“(G) The term ‘State and Other Conservation sub-category’ means discretionary appropriations for activities in

the accounts described in (E)(v)–(E)(ix), with the exception of Urban and Community Forestry as described in (E)(ix), or portions thereof.

“(H) The term ‘Urban and Historic Preservation sub-category’ means discretionary appropriations for activities in the accounts described in (E)(ix)–(E)(xii), with the exception of Forest Legacy and Smart Growth Partnerships as described in (E)(ix), or portions thereof.

“(I) The term ‘Payments in Lieu of Taxes sub-category’ means discretionary appropriations for activities in the account described in (E)(xiii) or portions thereof.

“(J) The term ‘Federal Deferred Maintenance sub-category’ means discretionary appropriations for activities in the account described in (E)(xiv) or portions thereof.

“(K) The term ‘Coastal Assistance sub-category’ means discretionary appropriations for activities in the accounts described in (E)(xv)–(E)(xvii) or portions thereof.”.

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000.

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2001”.

Approved October 11, 2000.

LEGISLATIVE HISTORY—H.R. 4578:

HOUSE REPORTS: No. 106–646 (Comm. on Appropriations) and No. 106–914 (Comm. of Conference).

SENATE REPORTS: No. 106–312 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 13–15, considered and passed House.

July 10, 12, 17, 18, considered and passed Senate, amended.

Oct. 3, House agreed to conference report.

Oct. 3–5, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 11, Presidential statement and remarks.



Public Law 106–292
106th Congress

An Act

Oct. 12, 2000
[H.R. 4115]

To authorize appropriations for the United States Holocaust Memorial Museum,
and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. AMENDMENT.

Chapter 23 of title 36, United States Code, is amended to
read as follows:

**“CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL
MUSEUM**

“Sec. 2301. Establishment of the United States Holocaust Memorial Museum; func-
tions.

“Sec. 2302. Functions of the Council; membership.

“Sec. 2303. Compensation; travel expenses; full-time officers or employees of United
States or Members of Congress.

“Sec. 2304. Administrative provisions.

“Sec. 2305. Staff.

“Sec. 2306. Insurance for museum.

“Sec. 2307. Gifts, bequests, and devises of property; tax treatment.

“Sec. 2308. Annual report.

“Sec. 2309. Audit of financial transactions.

“Sec. 2310. Authorization of appropriations.

**“SEC. 2301. ESTABLISHMENT OF THE UNITED STATES HOLOCAUST
MEMORIAL MUSEUM; FUNCTIONS.**

“The United States Holocaust Memorial Museum (hereafter
in this chapter referred to as the ‘Museum’) is an independent
establishment of the United State Government. The Museum
shall—

“(1) provide for appropriate ways for the Nation to
commemorate the Days of Remembrance, as an annual,
national, civic commemoration of the Holocaust, and encourage
and sponsor appropriate observances of such Days of Remem-
brance throughout the United States;

“(2) operate and maintain a permanent living memorial
museum to the victims of the Holocaust, in cooperation with
the Secretary of the Interior and other Federal agencies as
provided in section 2306 of this title; and

“(3) carry out the recommendations of the President’s
Commission on the Holocaust in its report to the President
of September 27, 1979, to the extent such recommendations
are not otherwise provided for in this chapter.

“SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.

“(a) IN GENERAL.—The United States Holocaust Memorial Council (hereafter in this chapter referred to as the ‘Council’) shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

Establishment.

“(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

President.

“(1) One appointed by the Secretary of the Interior.

“(2) One appointed by the Secretary of State.

“(3) One appointed by the Secretary of Education.

Of the 65 voting members, five shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and five shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

“(c) TERM OF OFFICE.—

“(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

“(2) The terms of the five Members of the United States House of Representatives and the five Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

“(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

“(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—

President.

The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

“(e) REAPPOINTMENT.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be reappointed to those offices.

“(f) BYLAWS.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

“(g) QUORUM.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

“(h) ASSOCIATED COMMITTEES.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

“SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.

“(a) IN GENERAL.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

“(b) EXCEPTION.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

“SEC. 2304. ADMINISTRATIVE PROVISIONS.

“(a) EXPERTS AND CONSULTANTS.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

“(b) AUTHORITY TO CONTRACT.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

“(c) ASSISTANCE FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

“(d) ADMINISTRATIVE SERVICES AND SUPPORT.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

“SEC. 2305. STAFF.

“(a) ESTABLISHMENT OF THE MUSEUM DIRECTOR AS CHIEF EXECUTIVE OFFICER.—There shall be a director of the Museum (hereafter in this chapter referred to as the ‘Director’) who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the

Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

“(b) APPOINTMENT OF EMPLOYEES.—The Director shall have authority to—

“(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

“(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of up to three employees notwithstanding any other provision of law; and

“(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time-to-time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

“SEC. 2306. INSURANCE FOR MUSEUM.

“The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

“SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY; TAX TREATMENT.

“The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

“SEC. 2308. ANNUAL REPORT.

“The Director shall transmit to Congress an annual report on the Director’s stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

“(1) An accounting of all financial transactions involving donated funds.

“(2) A description of the extent to which the objectives of this chapter are being met.

“(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

“(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

“SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.

“Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

“SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.

“To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.”.

Approved October 12, 2000.

LEGISLATIVE HISTORY—H.R. 4115:

HOUSE REPORTS: No. 106–751 (Comm. on Resources).

SENATE REPORTS: No. 106–436 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 7, considered and passed House.

Sept. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 12, Presidential statement.



Public Law 106–293
106th Congress

An Act

To provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

Oct. 12, 2000
[H.R. 4931]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Transition Act of 2000”.

Presidential
Transition Act of
2000.
3 USC 101 note.

SEC. 2. AMENDMENTS TO PRESIDENTIAL TRANSITION ACT OF 1963.

Section 3(a) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in the matter preceding paragraph (1) by striking “including—” and inserting “including the following:”;

(2) in each of paragraphs (1) through (6) by striking the semicolon at the end and inserting a period; and

(3) by adding at the end the following:

“(8)(A)(i) Notwithstanding subsection (b), payment of expenses during the transition for briefings, workshops, or other activities to acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance after inauguration.

“(ii) Activities under this paragraph may include interchange between such appointees and individuals who—

“(I) held similar leadership roles in prior administrations;

“(II) are department or agency experts from the Office of Management and Budget or an Office of Inspector General of a department or agency; or

“(III) are relevant staff from the General Accounting Office.

“(iii) Activities under this paragraph may include training or orientation in records management to comply with section 2203 of title 44, United States Code, including training on the separation of Presidential records and personal records to comply with subsection (b) of that section.

“(iv) Activities under this paragraph may include training or orientation in human resources management and performance-based management.

“(B) Activities under this paragraph shall be conducted primarily for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President.

“(9)(A) Notwithstanding subsection (b), development of a transition directory by the Administrator of General Services Administration, in consultation with the Archivist of the United States (head of the National Archives and Records Administration) for activities conducted under paragraph (8).

“(B) The transition directory shall be a compilation of Federal publications and materials with supplementary materials developed by the Administrator that provides information on the officers, organization, and statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency.

“(10)(A) Notwithstanding subsection (b), consultation by the Administrator with any candidate for President or Vice President to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems, if the candidate is elected.

“(B) Consultations under this paragraph shall be conducted at the discretion of the Administrator.”.

SEC. 3. REPORT ON IMPROVING THE FINANCIAL DISCLOSURE PROCESS FOR PRESIDENTIAL NOMINEES.

Deadline.

(a) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act, the Office of Government Ethics shall conduct a study and submit a report on improvements to the financial disclosure process for Presidential nominees required to file reports under section 101(b) of the Ethics in Government Act of 1978 (5 U.S.C. App.) to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) **CONTENT OF REPORT.**—

(1) **IN GENERAL.**—The report under this section shall include recommendations and legislative proposals on—

(A) streamlining, standardizing, and coordinating the financial disclosure process and the requirements of financial disclosure reports under the Ethics in Government Act of 1978 (5 U.S.C. App.) for Presidential nominees;

(B) avoiding duplication of effort and reducing the burden of filing with respect to financial disclosure of information to the White House Office, the Office of Government Ethics, and the Senate; and

(C) any other relevant matter the Office of Government Ethics determines appropriate.

(2) **LIMITATION RELATING TO CONFLICTS OF INTEREST.**—The recommendations and proposals under this subsection shall not (if implemented) have the effect of lessening substantive compliance with any conflict of interest requirement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Approved October 12, 2000.

LEGISLATIVE HISTORY—H.R. 4931 (S. 2705):

SENATE REPORTS: No. 106-348 accompanying S. 2705 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 13, considered and passed House.

Sept. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 12, Presidential statement.



Public Law 106–294
106th Congress

An Act

Oct. 12, 2000
[S. 704]

To amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

Federal Prisoner
Health Care
Copayment Act of
2000.
18 USC 4001
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Prisoner Health Care Copayment Act of 2000”.

SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“§ 4048. Fees for health care services for prisoners

“(a) DEFINITIONS.—In this section—

“(1) the term ‘account’ means the trust fund account (or institutional equivalent) of a prisoner;

“(2) the term ‘Director’ means the Director of the Bureau of Prisons;

“(3) the term ‘health care provider’ means any person who is—

“(A) authorized by the Director to provide health care services; and

“(B) operating within the scope of such authorization;

“(4) the term ‘health care visit’—

“(A) means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

“(B) does not include a visit initiated by a prisoner—

“(i) pursuant to a staff referral; or

“(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

“(5) the term ‘prisoner’ means—

“(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

“(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

“(b) FEES FOR HEALTH CARE SERVICES.—

“(1) IN GENERAL.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee

Regulations.

for health care services provided in connection with each health care visit requested by a prisoner.

“(2) EXCLUSION.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment, as determined by the Director.

“(c) PERSONS SUBJECT TO FEE.—Each fee assessed under this section shall be collected by the Director from the account of—

“(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

“(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

“(d) AMOUNT OF FEE.—Any fee assessed and collected under this section shall be in an amount of not less than \$1.

“(e) NO CONSENT REQUIRED.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section. However, each such prisoner shall be given a reasonable opportunity to dispute the amount of the fee or whether the prisoner qualifies under an exclusion under this section.

“(f) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

“(1) the account of the prisoner is insolvent; or

“(2) the prisoner is otherwise unable to pay a fee assessed under this section.

“(g) USE OF AMOUNTS.—

“(1) RESTITUTION OF SPECIFIC VICTIMS.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

“(2) ALLOCATION OF OTHER AMOUNTS.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

“(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

“(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

“(h) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this section and the applicability of this section to the prisoner. Notwithstanding any other provision of this section, a fee under this section may not be assessed against, or collected from, such person—

“(1) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

Expiration date.

- Effective date. “(2) for services provided before the expiration of such period.
- “(i) NOTICE TO PRISONERS OF REGULATIONS.—The regulations promulgated by the Director under subsection (b)(1), and any amendments to those regulations, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of those regulations (or amendments, as the case may be). A fee under this section may not be assessed against, or collected from, a prisoner pursuant to such regulations (or amendments, as the case may be) for services provided before the expiration of such period.
- “(j) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed regulation under this section is open to public comment, the Director shall provide written and oral notice of the provisions of that proposed regulation to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed regulation.
- Deadline. “(k) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, and annually thereafter, the Director shall transmit to Congress a report, which shall include—
- “(1) a description of the amounts collected under this section during the preceding 12-month period;
 - “(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of health care visits by prisoners;
 - “(3) an itemization of the cost of implementing and administering the program;
 - “(4) a description of current inmate health status indicators as compared to the year prior to enactment; and
 - “(5) a description of the quality of health care services provided to inmates during the preceding 12-month period, as compared with the quality of those services provided during the 12-month period ending on the date of the enactment of such Act.
- “(l) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—The Bureau of Prisons shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of the Bureau of Prisons when medically appropriate. The Bureau of Prisons may not assess or collect a fee under this section for providing such coverage.”.
- (b) CLERICAL AMENDMENT.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

“4048. Fees for health care services for prisoners.”.

SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

“(c) HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

“(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and

collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

“(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

“(B) the fee—

“(i) is authorized under State law; and

“(ii) does not exceed the amount collected from State or local prisoners for the same services; and

“(C) the services—

“(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

“(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

“(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.

“(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

“(A) the account of the prisoner is insolvent; or

“(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.

“(3) NOTICE TO PRISONERS OF LAW.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this subsection and the applicability of this subsection to the prisoner. Notwithstanding any other provision of this subsection, a fee under this section may not be assessed against, or collected from, such person—

“(A) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

“(B) for services provided before the expiration of such period.

“(4) NOTICE TO PRISONERS OF STATE OR LOCAL IMPLEMENTATION.—The implementation of this subsection by the State or local government, and any amendment to that implementation, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of that implementation (or amendment, as the case may be). A fee under this subsection may not be assessed against, or collected from, a prisoner pursuant to such implementation (or amendments, as the case may be) for services provided before the expiration of such period.

“(5) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed implementation under this subsection is open to public comment, written and oral notice of the provisions of that proposed implementation shall be provided to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed implementation.

“(6) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—Any State or local government assessing or collecting a fee under

Effective date.

this subsection shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of such State or local government when medically appropriate. The State or local government may not assess or collect a fee under this subsection for providing such coverage.”.

Approved October 12, 2000.

LEGISLATIVE HISTORY—S. 704 (H.R. 1349):

HOUSE REPORTS: No. 106-851 accompanying H.R. 1349 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 145 (1999): May 27, considered and passed Senate.

Vol. 146 (2000): Sept. 19, considered and passed House, amended, in lieu of H.R. 1349.

Sept. 28, Senate concurred in House amendment.



Public Law 106–295
106th Congress

An Act

To designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the “William H. Natcher Bridge”.

Oct. 13, 2000
[H.R. 1162]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, shall be known and designated as the “William H. Natcher Bridge”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in section 1 shall be deemed to be a reference to the “William H. Natcher Bridge”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 1162:

HOUSE REPORTS: No. 106–112 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD:

Vol. 145 (1999): May 4, considered and passed House.

Vol. 146 (2000): Oct. 4, considered and passed Senate.



Public Law 106–296
106th Congress

An Act

Oct. 13, 2000
[H.R. 1605]

To designate the Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the “J. Smith Henley Federal Building and United States Courthouse”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 402 North Walnut Street in Harrison, Arkansas, shall be known and designated as the “J. Smith Henley Federal Building and United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the “J. Smith Henley Federal Building and United States Courthouse”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 1605:

HOUSE REPORTS: No. 106–536 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 3, considered and passed House.

Oct. 4, considered and passed Senate.



Public Law 106–297
106th Congress

An Act

To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

Oct. 13, 2000
[H.R. 1800]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Death in Custody Reporting Act of 2000”.

Death in Custody
Reporting Act of
2000.
42 USC 13701
note.

SEC. 2. REPORTING OF INFORMATION.

Section 20104(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)) is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in paragraph (2), by striking “(2)” and inserting “(B)”; and

(3) in paragraph (3)—

(A) by striking “(3)” and inserting “(C)”; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(2) such State has provided assurances that it will follow guidelines established by the Attorney General in reporting, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes—

“(A) the name, gender, race, ethnicity, and age of the deceased;

“(B) the date, time, and location of death; and

“(C) a brief description of the circumstances surrounding the death.”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 1800:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Oct. 3, considered and passed Senate.

Public Law 106–298
106th Congress

An Act

Oct. 13, 2000
[H.R. 2752]

To direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

Lincoln County
Land Act of 2000.
Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lincoln County Land Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) Lincoln County, Nevada, encompasses an area of 10,132 square miles of the State of Nevada;

(2) approximately 98 percent of the County is owned by the Federal Government;

(3) the City of Mesquite, Nevada, needs land for an organized approach for expansion to the north;

(4) citizens of the County would benefit through enhanced county services and schools from the increased private property tax base due to commercial and residential development;

(5) the County would see improvement to the budget for the county and school services through the immediate distribution of sale receipts from the Secretary selling land through a competitive bidding process;

(6) a cooperative approach among the Bureau of Land Management, the County, the City, and other local government entities will ensure continuing communication between those entities;

(7) the Federal Government will be fairly compensated for the sale of public land; and

(8) the proposed Caliente Management Framework Amendment and Environmental Impact Statement for the Management of Desert Tortoise Habitat Plan identify specific public land as being suitable for disposal.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to provide for the orderly disposal of certain public land in the County; and

(2) to provide for the acquisition of environmentally sensitive land in the State of Nevada.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CITY.**—The term “City” means the City of Mesquite, Nevada.

(2) COUNTY.—The term “County” means Lincoln County, Nevada.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) SPECIAL ACCOUNT.—The term “special account” means the account in the Treasury of the United States established under section 5.

SEC. 4. DISPOSAL OF LAND.

(a) DISPOSAL.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, notwithstanding the land use planning and land sale requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County and the City, in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law, and subject to valid existing rights, shall dispose of the land described in subsection (b) in a competitive bidding process, at a minimum, for fair market value.

(2) TIMING.—The Secretary shall dispose of—

Deadlines.

(A) the land described in subsection (b)(1)(A) not later than 1 year after the date of the enactment of this Act; and

(B) the land described in subsection (b)(1)(B) not later than 5 years after the date of the enactment of this Act.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) is the land depicted on the map entitled “Public Lands Identified for Disposal in Lincoln County, Nevada” and dated July 24, 2000, consisting of—

(A) the land identified on the map for disposal within 1 year, comprising approximately 4,817 acres; and

(B) the land identified on the map for disposal within 5 years, comprising approximately 8,683 acres.

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Ely Field Office of the Bureau of Land Management.

(c) SEGREGATION.—Subject to valid existing rights, the land described in subsection (b) is segregated from all forms of entry and appropriation (except for competitive sale) under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

(d) COMPLIANCE WITH LOCAL PLANNING AND ZONING.—The Secretary shall ensure that qualified bidders intend to comply with—

(1) County and City zoning ordinances; and

(2) any master plan for the area developed and approved by the County and City.

SEC. 5. DISPOSITION OF PROCEEDS.

(a) LAND SALES.—Of the gross proceeds of sales of land under this Act in a fiscal year—

(1) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(2) 10 percent shall be returned to the County for use as determined through normal county budgeting procedures, with emphasis given to support of schools, of which no amount

may be used in support of litigation against the Federal Government; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States (referred to in this section as the “special account”) for use as provided in subsection (b).

(b) AVAILABILITY OF SPECIAL ACCOUNT.—

(1) IN GENERAL.—Amounts in the special account (including amounts earned as interest under paragraph (3)) shall be available to the Secretary of the Interior, without further Act of appropriation, and shall remain available until expended, for—

(A) inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) in the County;

(B) development of a multispecies habitat conservation plan in the County;

(C)(i) reimbursement of costs incurred by the Nevada State Office and the Ely Field Office of the Bureau of Land Management in preparing sales under this Act, or other authorized land sales within the County, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice; and

(ii) processing public land use authorizations and rights-of-way stemming from development of the conveyed land; and

(D) the cost of acquisition of environmentally sensitive land or interests in such land in the State of Nevada, with priority given to land outside Clark County.

(2) ACQUISITION FROM WILLING SELLERS.—An acquisition under paragraph (1)(D) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.

(c) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

SEC. 6. ACQUISITIONS.

(a) DEFINITION OF ENVIRONMENTALLY SENSITIVE LAND.—In this section, the term “environmentally sensitive land” means land or an interest in land, the acquisition of which by the United States would, in the judgment of the Secretary—

(1) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(2) enhance recreational opportunities and public access;

(3) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(4) otherwise serve the public interest.

(b) ACQUISITIONS.—

(1) IN GENERAL.—After the consultation process has been completed in accordance with subsection (c), the Secretary may

acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Land may not be acquired under this section without the consent of the landowner.

(2) USE OF OTHER FUNDS.—Funds made available from the special account may be used with any other funds made available under any other provision of law.

(c) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary shall consult with the State of Nevada and with local government within whose jurisdiction the land is located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.

(d) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 2752 (S. 1331):

HOUSE REPORTS: No. 106-847 (Comm. on Resources).

SENATE REPORTS: No. 106-417 accompanying S. 1331 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 3, considered and passed Senate.



Public Law 106–299
106th Congress

An Act

Oct. 13, 2000
[H.R. 2773]

To amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

Wekiva Wild and
Scenic River Act
of 2000.
16 USC 1271
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wekiva Wild and Scenic River Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Public Law 104–311 (110 Stat. 3818) amended section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) to require the study of the Wekiva River and its tributaries of Rock Springs Run and Seminole Creek for potential inclusion in the national wild and scenic rivers system.

(2) The study determined that the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek are eligible for inclusion in the national wild and scenic rivers system.

(3) The State of Florida has demonstrated its commitment to protecting these rivers and streams by the enactment of the Wekiva River Protection Act (Florida Statute chapter 369), by the establishment of a riparian wildlife protection zone and water quality protection zone by the St. Johns River Water Management District, and by the acquisition of lands adjacent to these rivers and streams for conservation purposes.

(4) The Florida counties of Lake, Seminole, and Orange have demonstrated their commitment to protect these rivers and streams in their comprehensive land use plans and land development regulations.

(5) The desire for designation of these rivers and streams as components of the national wild and scenic rivers system has been demonstrated through strong public support, State and local agency support, and the endorsement of designation by the Wekiva River Basin Ecosystem Working Group, which represents a broad cross section of State and local agencies, landowners, environmentalists, nonprofit organizations, and recreational users.

(6) The entire lengths of the Wekiva River, Rock Springs Run, and Black Water Creek are held in public ownership

or conservation easements or are defined as waters of the State of Florida.

SEC. 3. DESIGNATION OF WEKIVA RIVER AND TRIBUTARIES, FLORIDA, AS COMPONENTS OF NATIONAL WILD AND SCENIC RIVERS SYSTEM.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(161) WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—The 41.6-mile segments referred to in this paragraph, to be administered by the Secretary of the Interior:

“(A) WEKIVA RIVER AND WEKIWA SPRINGS RUN.—The 14.9 miles of the Wekiva River, along Wekiwa Springs Run from its confluence with the St. Johns River to Wekiwa Springs, to be administered in the following classifications:

“(i) From the confluence with the St. Johns River to the southern boundary of the Lower Wekiva River State Preserve, approximately 4.4 miles, as a wild river.

“(ii) From the southern boundary of the Lower Wekiva River State Preserve to the northern boundary of Rock Springs State Reserve at the Wekiva River, approximately 3.4 miles, as a recreational river.

“(iii) From the northern boundary of Rock Springs State Reserve at the Wekiva River to the southern boundary of Rock Springs State Reserve at the Wekiva River, approximately 5.9 miles, as a wild river.

“(iv) From the southern boundary of Rock Springs State Reserve at the Wekiva River upstream along Wekiwa Springs Run to Wekiwa Springs, approximately 1.2 miles, as a recreational river.

“(B) ROCK SPRINGS RUN.—The 8.8 miles from the confluence of Rock Springs Run with the Wekiwa Springs Run forming the Wekiva River to its headwaters at Rock Springs, to be administered in the following classifications:

“(i) From the confluence with Wekiwa Springs Run to the western boundary of Rock Springs Run State Reserve at Rock Springs Run, approximately 6.9 miles, as a wild river.

“(ii) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs, approximately 1.9 miles, as a recreational river.

“(C) BLACK WATER CREEK.—The 17.9 miles from the confluence of Black Water Creek with the Wekiva River to outflow from Lake Norris, to be administered in the following classifications:

“(i) From the confluence with the Wekiva River to approximately .25 mile downstream of the Seminole State Forest road crossing, approximately 4.1 miles, as a wild river.

“(ii) From approximately .25 mile downstream of the Seminole State Forest road to approximately .25 mile upstream of the Seminole State Forest road crossing, approximately .5 mile, as a scenic river.

“(iii) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25

mile downstream of the old railroad grade crossing (approximately River Mile 9), approximately 4.4 miles, as a wild river.

“(iv) From approximately .25 mile downstream of the old railroad grade crossing (approximately River Mile 9), upstream to the boundary of Seminole State Forest (approximately River Mile 10.6), approximately 1.6 miles, as a scenic river.

“(v) From the boundary of Seminole State Forest (approximately River Mile 10.6) to approximately .25 mile downstream of the State Road 44 crossing, approximately .9 mile, as a wild river.

“(vi) From approximately .25 mile downstream of State Road 44 to approximately .25 mile upstream of the State Road 44A crossing, approximately .6 mile, as a recreational river.

“(vii) From approximately .25 mile upstream of the State Road 44A crossing to approximately .25 mile downstream of the Lake Norris Road crossing, approximately 4.7 miles, as a wild river.

“(viii) From approximately .25 mile downstream of the Lake Norris Road crossing to the outflow from Lake Norris, approximately 1.1 miles, as a recreational river.”.

16 USC 1274
note.

SEC. 4. SPECIAL REQUIREMENTS APPLICABLE TO WEKIVA RIVER AND TRIBUTARIES.

(a) **DEFINITIONS.**—In this section and section 5:

(1) **WEKIVA RIVER SYSTEM.**—The term “Wekiva River system” means the segments of the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida designated as components of the national wild and scenic rivers system by paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

(2) **COMMITTEE.**—The term “Committee” means the Wekiva River System Advisory Management Committee established pursuant to section 5.

(3) **COMPREHENSIVE MANAGEMENT PLAN.**—The terms “comprehensive management plan” and “plan” mean the comprehensive management plan to be developed pursuant to section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **COOPERATIVE AGREEMENTS.**—

(1) **USE AUTHORIZED.**—In order to provide for the long-term protection, preservation, and enhancement of the Wekiva River system, the Secretary shall offer to enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Florida, appropriate local political jurisdictions of the State, namely the counties of Lake, Orange, and Seminole, and appropriate local planning and environmental organizations.

(2) **EFFECT OF AGREEMENT.**—Administration by the Secretary of the Wekiva River system through the use of cooperative agreements shall not constitute National Park Service administration of the Wekiva River system for purposes of

section 10(c) of such Act (10 U.S.C. 1281(c)) and shall not cause the Wekiva River system to be considered as being a unit of the National Park System. Publicly owned lands within the boundaries of the Wekiva River system shall continue to be managed by the agency having jurisdiction over the lands, in accordance with the statutory authority and mission of the agency.

(c) COMPLIANCE REVIEW.—After completion of the comprehensive management plan, the Secretary shall biennially review compliance with the plan and shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate any deviation from the plan that could result in any diminution of the values for which the Wekiva River system was designated as a component of the national wild and scenic rivers system.

Reports.

(d) TECHNICAL ASSISTANCE AND OTHER SUPPORT.—The Secretary may provide technical assistance, staff support, and funding to assist in the development and implementation of the comprehensive management plan.

(e) LIMITATION ON FEDERAL SUPPORT.—Nothing in this section shall be construed to authorize funding for land acquisition, facility development, or operations.

SEC. 5. WEKIVA RIVER SYSTEM ADVISORY MANAGEMENT COMMITTEE.

16 USC 1274
note.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the Wekiva River System Advisory Management Committee, to assist in the development of the comprehensive management plan for the Wekiva River system.

(b) MEMBERSHIP.—The Committee shall be composed of a representative of each of the following agencies and organizations:

(1) The Department of the Interior, represented by the Director of the National Park Service or the Director's designee.

(2) The East Central Florida Regional Planning Council.

(3) The Florida Department of Environmental Protection, Division of Recreation and Parks.

(4) The Florida Department of Environmental Protection, Wekiva River Aquatic Preserve.

(5) The Florida Department of Agriculture and Consumer Services, Division of Forestry, Seminole State Forest.

(6) The Florida Audubon Society.

(7) The nonprofit organization known as the Friends of the Wekiva.

(8) The Lake County Water Authority.

(9) The Lake County Planning Department.

(10) The Orange County Parks and Recreation Department, Kelly Park.

(11) The Seminole County Planning Department.

(12) The St. Johns River Water Management District.

(13) The Florida Fish and Wildlife Conservation Commission.

(14) The City of Altamonte Springs.

(15) The City of Longwood.

(16) The City of Apopka.

(17) The Florida Farm Bureau Federation.

(18) The Florida Forestry Association.

(c) **ADDITIONAL MEMBERS.**—Other interested parties may be added to the Committee by request to the Secretary and unanimous consent of the existing members.

(d) **APPOINTMENT.**—Representatives and alternates to the Committee shall be appointed as follows:

- (1) State agency representatives, by the head of the agency.
- (2) County representatives, by the Boards of County Commissioners.

- (3) Water management district, by the Governing Board.

- (4) Department of the Interior representative, by the Southeast Regional Director, National Park Service.

- (5) East Central Florida Regional Planning Council, by Governing Board.

- (6) Other organizations, by the Southeast Regional Director, National Park Service.

(e) **ROLE OF COMMITTEE.**—The Committee shall assist in the development of the comprehensive management plan for the Wekiva River system and provide advice to the Secretary in carrying out the management responsibilities of the Secretary under this Act. The Committee shall have an advisory role only, it will not have regulatory or land acquisition authority.

(f) **VOTING AND COMMITTEE PROCEDURES.**—Each member agency, agency division, or organization referred to in subsection (b) shall have one vote and provide one member and one alternate. Committee decisions and actions will be made with consent of three-fourths of all voting members. Additional necessary Committee procedures shall be developed as part of the comprehensive management plan.

16 USC 1274
note.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and paragraph (161) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as added by this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 2773 (S. 2352):

HOUSE REPORTS: No. 106-739 (Comm. on Resources).

SENATE REPORTS: No. 106-316 accompanying S. 2352 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Oct. 3, considered and passed Senate.



Public Law 106–300
106th Congress

An Act

To establish the Red River National Wildlife Refuge.

Oct. 13, 2000

[H.R. 4318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Red River National Wildlife Refuge Act”.

Red River
National Wildlife
Refuge Act.
Louisiana.
16 USC 668dd
note.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The area of Louisiana known as the Red River Valley, located along the Red River Waterway in Caddo, Bossier, Red River, Natchitoches, and De Soto Parishes, is of critical importance to over 350 species of birds (including migratory and resident waterfowl, shore birds, and neotropical migratory birds), aquatic life, and a wide array of other species associated with river basin ecosystems.

(2) The bottomland hardwood forests of the Red River Valley have been almost totally cleared. Reforestation and restoration of native habitat will benefit a host of species.

(3) The Red River Valley is part of a major continental migration corridor for migratory birds funneling through the mid continent from as far north as the Arctic Circle and as far south as South America.

(4) There are no significant public sanctuaries for over 300 river miles on this important migration corridor, and no significant Federal, State, or private wildlife sanctuaries along the Red River north of Alexandria, Louisiana.

(5) Completion of the lock and dam system associated with the Red River Waterway project up to Shreveport, Louisiana, has enhanced opportunities for management of fish and wildlife.

(6) The Red River Valley offers extraordinary recreational, research, and educational opportunities for students, scientists, bird watchers, wildlife observers, hunters, anglers, trappers, hikers, and nature photographers.

(7) The Red River Valley is an internationally significant environmental resource that has been neglected and requires active restoration and management to protect and enhance the value of the region as a habitat for fish and wildlife.

SEC. 3. ESTABLISHMENT AND PURPOSES OF REFUGE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish the Red River National Wildlife Refuge, consisting of approximately

50,000 acres of Federal lands, waters, and interests therein within the boundaries depicted upon the map entitled “Red River National Wildlife Refuge—Selection Area”, dated September 5, 2000.

(2) BOUNDARY REVISIONS.—The Secretary shall make such minor revisions of the boundaries of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(3) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in paragraph (1) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) PURPOSES.—The purposes of the Refuge are the following:

(1) To provide for the restoration and conservation of native plants and animal communities on suitable sites in the Red River basin, including restoration of extirpated species.

(2) To provide habitat for migratory birds.

(3) To provide technical assistance to private land owners in the restoration of their lands for the benefit of fish and wildlife.

Federal Register,
publication.

(c) EFFECTIVE DATE.—The establishment of the Refuge under paragraph (1) of subsection (a) shall take effect on the date the Secretary publishes, in the Federal Register and publications of local circulation in the vicinity of the area within the boundaries referred to in that paragraph, a notice that sufficient property has been acquired by the United States within those boundaries to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 4. ADMINISTRATION OF REFUGE.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 5 in accordance with—

(1) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k et seq.; commonly known as the Refuge Recreation Act);

(2) the purposes of the Refuge set forth in section 3(b); and

(3) the management plan issued under subsection (b).

(b) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 18 months after the date of the establishment of the Refuge, the Secretary shall issue a management plan for the Refuge.

(2) CONTENTS.—The management plan shall include provisions that provide for the following:

(A) Planning and design of trails and access points.

(B) Planning of wildlife and habitat restoration, including reforestation.

(C) Permanent exhibits and facilities and regular educational programs throughout the Refuge.

(D) Ensuring that compatible hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority general public uses of the Refuge, in accordance with section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4)).

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall provide an opportunity for public participation in developing the management plan.

(B) LOCAL VIEWS.—The Secretary shall give special consideration to views by local public and private entities and individuals in developing the management plan.

(c) WILDLIFE INTERPRETATION AND EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall construct, administer, and maintain, at an appropriate site within the Refuge, a wildlife interpretation and education center.

(2) PURPOSES.—The center shall be designed and operated—

(A) to promote environmental education; and

(B) to provide an opportunity for the study and enjoyment of wildlife in its natural habitat.

(d) ASSISTANCE TO RED RIVER WATERWAY COMMISSION.—The Secretary shall provide to the Red River Waterway Commission—

(1) technical assistance in monitoring water quality, noxious plants, and exotic organisms, and in preventing siltation of prime fisheries habitat; and

(2) where appropriate and available, fish for stocking.

SEC. 5. ACQUISITION OF LANDS, WATERS, AND INTERESTS THEREIN.

(a) IN GENERAL.—The Secretary may acquire up to 50,000 acres of lands, waters, or interests therein within the boundaries of the Refuge described in section 3(a)(1).

(b) INCLUSION IN REFUGE.—Any lands, waters, or interests acquired by the Secretary under this section shall be part of the Refuge.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) REFUGE.—The term “Refuge” means the Red River National Wildlife Refuge established under section 3.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4318:

HOUSE REPORTS: No. 106–809 (Comm. on Resources).

SENATE REPORTS: No. 106–462 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, considered and passed House.

Oct. 4, considered and passed Senate.



Public Law 106–301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000

[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Utah West Desert Land Exchange Act of 2000”.

Utah West
Desert Land
Exchange Act of
2000.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State’s public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation", dated May 30, 2000 (in this Act referred to as "the Agreement"), are hereby incorporated in this Act, are

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) **CONDITION.**—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) **CONVEYANCES.**—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) **PUBLIC AVAILABILITY.**—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) **CONFLICT.**—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106–463 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 11, considered and passed House.

Oct. 3, considered and passed Senate.



Public Law 106–302
106th Congress

An Act

Oct. 13, 2000
[H.R. 4583]

To extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled “An Act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs”, approved December 2, 1993 (Public Law 103–163), is amended by adding at the end the following new section:

40 USC 1003
note.

“SEC. 4. LEGISLATIVE AUTHORITY.

“Notwithstanding section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)), the legislative authority for the Air Force Memorial Foundation to establish a memorial under this Act shall expire on December 2, 2005.”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4583:

HOUSE REPORTS: No. 106–817 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, considered and passed House.

Oct. 3, considered and passed Senate.



Public Law 106–303
106th Congress

An Act

To make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

Oct. 13, 2000

[H.R. 4642]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VOLUNTARY EARLY RETIREMENT AUTHORITY.

5 USC 8336 note.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Effective for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003, paragraph (2) of section 8336(d) of title 5, United States Code, shall, with respect to officers and employees of the General Accounting Office, be applied as if it had been amended to read as follows:

“(2)(A) has been employed continuously by the General Accounting Office for at least the 31-day period immediately preceding the start of the period referred to in subparagraph (D);

“(B) is serving under an appointment that is not time limited;

“(C) has not received a notice of involuntary separation, for misconduct or unacceptable performance, with respect to which final action remains pending; and

“(D) is separated from the service voluntarily during a period with respect to which the Comptroller General determines that the application of this subsection is necessary and appropriate for the purpose of—

“(i) realigning the General Accounting Office’s workforce in order to meet budgetary constraints or mission needs;

“(ii) correcting skill imbalances; or

“(iii) reducing high-grade, managerial, or supervisory positions;”.

(b) **FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**—Effective for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003, subparagraph (B) of section 8414(b)(1) of title 5, United States Code, shall, with respect to officers and employees of the General Accounting Office, be applied as if it had been amended to read as follows:

“(B)(i) has been employed continuously by the General Accounting Office for at least the 31-day period immediately preceding the start of the period referred to in clause (iv);

“(ii) is serving under an appointment that is not time limited;

“(iii) has not received a notice of involuntary separation, for misconduct or unacceptable performance, with respect to which final action remains pending; and

“(iv) is separated from the service voluntarily during a period with respect to which the Comptroller General determines that the application of this subsection is necessary and appropriate for the purpose of—

“(I) realigning the General Accounting Office’s workforce in order to meet budgetary constraints or mission needs;

“(II) correcting skill imbalances; or

“(III) reducing high-grade, managerial, or supervisory positions;”.

(c) **NUMERICAL LIMITATION.**—Not to exceed 10 percent of the General Accounting Office’s workforce (as of the start of a fiscal year) shall be permitted to take voluntary early retirement in such fiscal year pursuant to this section.

(d) **REGULATIONS.**—The Comptroller General shall prescribe any regulations necessary to carry out this section, including regulations under which an early retirement offer may be made to any employee or group of employees based on—

(1) geographic area, organizational unit, or occupational series or level;

(2) skills, knowledge, or performance; or

(3) such other similar factors (or combination of factors described in this or any other paragraph of this subsection) as the Comptroller General considers necessary and appropriate in order to achieve the purpose involved.

5 USC 5597 note.

SEC. 2. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) **IN GENERAL.**—Effective for purposes of the period beginning on the date of the enactment of this Act and ending on December 31, 2003, the authority to provide voluntary separation incentive payments shall be available to the Comptroller General with respect to employees of the General Accounting Office.

(b) **TERMS AND CONDITIONS.**—The authority to provide voluntary separation incentive payments under this section shall be available in accordance with the provisions of subsections (a)(2)–(e) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in Public Law 104–208 (5 U.S.C. 5597 note), except that—

(1) subsection (a)(2)(D) of such section shall be disregarded;

(2) subsection (a)(2)(G) of such section shall be applied by construing the citations therein to be references to the appropriate authorities in connection with employees of the General Accounting Office;

(3) subsection (b)(1) of such section shall be applied by substituting “Committee on Government Reform” for “Committee on Government Reform and Oversight”;

(4)(A) subsection (b)(2)(A) of such section shall be applied by substituting “eliminated (if any)” for “eliminated”;

(B) subsection (b)(2)(C) of such section shall be applied by substituting “such positions or functions as are to be eliminated and such employees as are to be separated” for “the eliminated positions and functions”; and

(C) the agency strategic plan referred to in subsection (b) of such section shall, in addition to the information described

in paragraph (2) thereof, contain the following: the steps to be taken to realign the General Accounting Office's workforce in order to meet budgetary constraints or mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions;

(5) subsection (c)(1) of such section shall be applied by substituting "to the extent necessary (A) to realign the General Accounting Office's workforce in order to meet budgetary constraints or mission needs, (B) to correct skill imbalances, or (C) to reduce high-grade, managerial, or supervisory positions, in conformance with that agency's strategic plan (as referred to in subsection (b))." for the matter following "only";

(6) subsection (c)(2)(D) of such section shall be applied by substituting "December 31, 2003, or the end of the 3-month period beginning on the date on which such payment is offered to such employee, whichever is earlier" for "December 31, 1997"; and

(7) instead of the amount described in paragraph (1) of subsection (d) of such section, the amount required under such paragraph shall be determined in accordance with subsection (c)(1) of this section.

(c) ADDITIONAL CONTRIBUTION TO RETIREMENT FUND.—

(1) DETERMINATION OF AMOUNT REQUIRED.—The amount required under this paragraph shall be the amount determined under subparagraph (A) or (B), whichever is greater, for the fiscal year involved.

(A) FIRST METHOD.—The amount required under this subparagraph shall be determined as follows:

(i) First, determine the sum of the following:

(I) The amount equal to 19 percent of the final basic pay of each employee described in paragraph (2) who takes early retirement under section 8336(d) of title 5, United States Code.

(II) The amount equal to 58 percent of the final basic pay of each employee described in paragraph (2) who retires on an immediate annuity under section 8336 of such title 5 (not including any employee covered by subclause (I)).

(ii) Second, reduce the sum of the amounts determined under clause (i) by the sum of the following (but not below zero):

(I) The amount equal to 419 percent of the final basic pay of each employee described in paragraph (2), who is covered by subchapter III of chapter 83 of title 5, United States Code, and who resigns.

(II) The amount equal to 17 percent of the final basic pay of each employee described in paragraph (2) who takes early retirement under section 8414(b) of such title 5.

(III) The amount equal to 8 percent of the final basic pay of each employee described in paragraph (2) who retires on an immediate annuity under section 8412 of such title 5.

(IV) The amount equal to 211 percent of the final basic pay of each employee described in paragraph (2), who is covered by chapter 84 of such title 5, and who resigns.

(B) SECOND METHOD.—The amount required under this subparagraph shall be equal to 45 percent of the final basic pay of each employee described in paragraph (2).

(2) COMPUTATIONS TO BE BASED ON SEPARATIONS OCCURRING IN THE FISCAL YEAR INVOLVED.—The employees described in this paragraph are those employees who receive a voluntary separation incentive payment under this section based on their separating from service during the fiscal year involved.

(3) REGULATIONS.—

(A) IN GENERAL.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including provisions under which any additional contribution determined under this subsection shall, at the election of the General Accounting Office, be payable either in a lump sum or through installment payments made over a period of not to exceed 3 years.

(B) INTEREST.—The regulations shall include provisions under which, if the installment method is chosen, interest shall be payable at the same rate as provided for under section 8348(f) of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—As used in this subsection, the term “resign” shall not be considered to include early retirement or a separation giving rise to an immediate annuity.

(d) DEFINITIONS.—

(1) FINAL BASIC PAY.—As used in this section, the term “final basic pay” has the same meaning as under section 663(d)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in Public Law 104-208 (5 U.S.C. 5597 note).

(2) EMPLOYEE.—As used in this section and, for purposes of this section, the provisions of law cited in subsection (b), the term “employee” shall be considered to refer to an officer or employee of the General Accounting Office.

(e) NUMERICAL LIMITATION.—Not to exceed 5 percent of the General Accounting Office’s workforce (as of the start of a fiscal year) shall be permitted to receive a voluntary separation incentive payment under this section based on their separating from service in such fiscal year.

(f) REGULATIONS.—The Comptroller General shall prescribe any regulations necessary to carry out this section, excluding subsection (c). Such regulations shall include provisions under which a voluntary separation incentive payment may be offered to any employee or group of employees based on—

(1) geographic area, organizational unit, or occupational series or level;

(2) skills, knowledge, or performance; or

(3) such other similar factors (or combination of factors described in this or any other paragraph of this subsection) as the Comptroller General considers necessary and appropriate in order to achieve the purpose involved.

SEC. 3. REDUCTIONS IN FORCE.

(a) MODIFIED PROCEDURES.—

(1) IN GENERAL.—Subsection (h) of section 732 of title 31, United States Code, is amended to read as follows:

“(h)(1)(A) Notwithstanding any other provision of law, the Comptroller General shall prescribe regulations, consistent with regulations issued by the Office of Personnel Management under authority of section 3502(a) of title 5 for the separation of employees of the General Accounting Office during a reduction in force or other adjustment in force.

“(B) The regulations must give effect to the following factors in descending order of priority—

“(i) tenure of employment;

“(ii) military preference subject to section 3501(a)(3) of title 5;

“(iii) veterans’ preference under sections 3502(b) and 3502(c) of title 5;

“(iv) performance ratings;

“(v) length of service computed in accordance with the second sentence of section 3502(a) of title 5; and

“(vi) other objective factors such as skills and knowledge that the Comptroller General considers necessary and appropriate to realign the agency’s workforce in order to meet current and future mission needs, to correct skill imbalances, or to reduce high-grade, managerial, or supervisory positions.

“(C) Notwithstanding subparagraph (B), the regulations relating to removal from the General Accounting Office Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

“(2)(A) The regulations shall provide a right of appeal to the General Accounting Office Personnel Appeals Board regarding a personnel action under the regulations, consistent with section 753 of this title.

“(B) The regulations shall provide that final decision by the General Accounting Office Personnel Appeals Board may be reviewed by the United States Court of Appeals for the Federal Circuit consistent with section 755 of this title.

“(3)(A) Except as provided in subparagraph (B), an employee may not be released, due to a reduction in force, unless such employee is given written notice at least 60 days before such employee is so released. Such notice shall include—

“(i) the personnel action to be taken with respect to the employee involved;

“(ii) the effective date of the action;

“(iii) a description of the procedures applicable in identifying employees for release;

“(iv) the employee’s ranking relative to other competing employees, and how that ranking was determined; and

“(v) a description of any appeal or other rights which may be available.

“(B) The Comptroller General may, in writing, shorten the period of advance notice required under subparagraph (A) with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable, except that such period may not be less than 30 days.”.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall apply with respect to all reduction-in-force actions taking effect on or after—

Notice.

31 USC 732 note.

(A) the 180th day following the date of the enactment of this Act; or

(B) if earlier, the date the Comptroller General issues the regulations required under such amendment.

(3) SAVINGS PROVISIONS.—If, before the effective date determined under paragraph (2), specific notice of a reduction-in-force action is given to an individual in accordance with section 1 of chapter 5 of GAO Order 2351.1 (dated February 28, 1996), then, for purposes of determining such individual's rights in connection with such action, the amendment made by paragraph (1) shall be treated as if it had never been enacted.

(b) AUTHORITY TO PERMIT VOLUNTARY SEPARATIONS TO AVOID REDUCTIONS IN FORCE.—

(1) IN GENERAL.—Section 732 of title 31, United States Code (as amended by subsection (a)), is amended by adding at the end the following:

“(i) The regulations under subsection (h) shall include provisions under which, at the discretion of the Comptroller General, the opportunity to separate voluntarily (in order to permit the retention of an individual occupying a similar position) shall, with respect to the General Accounting Office, be available to the same extent and in the same manner as described in subsection (f)(1)-(4) of section 3502 of title 5 (with respect to the Department of Defense or a military department).”.

31 USC 732 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 4. SENIOR-LEVEL POSITIONS.

(a) CRITICAL POSITIONS.—

(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 732 the following:

“§ 732a. Critical positions

“(a) The Comptroller General may establish senior-level positions to meet critical scientific, technical or professional needs of the General Accounting Office. An individual serving in such a position shall—

“(1) be subject to the laws and regulations applicable to the General Accounting Office Senior Executive Service under section 733 of this title, with respect to rates of basic pay, performance awards, ranks, carry over of annual leave, benefits, performance appraisals, removal or suspension, and reductions in force;

“(2) have the same rights of appeal to the General Accounting Office Personnel Appeals Board as are provided to the Office Senior Executive Service;

“(3) be exempt from the same provisions of law as are made inapplicable to the Office Senior Executive Service under section 733(d) of this title, except for section 732(e) of this title;

“(4) be entitled to discontinued service retirement under chapter 83 or 84 of title 5 as if a member of the Office Senior Executive Service; and

“(5) be subject to reassignment by the Comptroller General to any position in the Office Senior Executive Service under section 733 of this title, as the Comptroller General determines necessary and appropriate.

“(b) Senior-level positions under this section may include positions referred to in section 731(d), (e)(1), or (e)(2) of this title.”.

(2) NUMERICAL LIMITATION APPLIES.—Section 732(c)(4) of title 31, United States Code, is amended—

(A) by inserting “(including senior-level positions under section 732a of this title)” after “129 positions”; and

(B) by striking “title);” and inserting “title and senior-level positions described in section 732a(b) of this title);”.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 732 the following:

“732a. Critical positions.”.

(b) REASSIGNMENT TO SENIOR-LEVEL POSITIONS.—Section 733(a) of title 31, United States Code, is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) allowing the Comptroller General to reassign an officer or employee in the Office Senior Executive Service to any senior-level position established under section 732a of this title, as the Comptroller General determines necessary and appropriate; and”.

SEC. 5. EXPERTS AND CONSULTANTS.

Section 731(e) of title 31, United States Code, is amended—

(1) in paragraph (1) by striking “not more than 3 years” and inserting “terms of not more than 3 years, but which shall be renewable”; and

(2) in paragraph (2) by striking “level V” and inserting “level IV”.

SEC. 6. REPORTING REQUIREMENTS.

31 USC 719 note.

(a) ANNUAL REPORTS.—The Comptroller General shall include in each report submitted to Congress under section 719(a) of title 31, United States Code, during the 5-year period beginning on the date of the enactment of this Act—

(1) a review of all actions taken pursuant to sections 1 through 3 of this Act during the period covered by the report, including—

(A) the number of officers or employees who separated from service pursuant to section 1 or 2, or who were released pursuant to a reduction in force conducted under the amendment made by section 3, during such period;

(B) an assessment of the effectiveness and usefulness of those sections in contributing to the agency’s ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

(C) with respect to the amendment made by section 3, an assessment of the impact such amendment has had with respect to preference eligibles, including—

(i) whether a disproportionate number or percentage of preference eligibles were included among those who became subject to reduction-in-force actions as a result of such amendment;

(ii) whether a disproportionate number or percentage of preference eligibles were in fact released pursuant to reductions in force under such amendment; and

Deadline.
Reports.

(iii) to the extent that either of the foregoing is answered in the affirmative, the reasons for the disproportionate impact involved (particularly, whether such amendment caused or contributed to the disproportionate impact involved); and

(2) recommendations for any legislation which the Comptroller General considers appropriate with respect to any of those sections.

(b) **THREE-YEAR ASSESSMENT.**—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report concerning the implementation and effectiveness of this Act. Such report shall include—

(1) a summary of the portions of the annual reports required under subsection (a);

(2) recommendations for continuation of section 1 or 2 or any legislative changes to section 1 or 2 or the amendment made by section 3; and

(3) any assessment or recommendations of the General Accounting Office Personnel Appeals Board or of any interested groups or associations representing officers or employees of the General Accounting Office.

(c) **PREFERENCE ELIGIBLE DEFINED.**—For purposes of this section, the term “preference eligible” has the meaning given such term under section 2108(3) of title 5, United States Code.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4642:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 4, considered and passed Senate.



Public Law 106–304
106th Congress

An Act

To designate the Federal building located at 1710 Alabama Avenue in Jasper,
Alabama, as the “Carl Elliott Federal Building”.

Oct. 13, 2000
[H.R. 4806]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. DESIGNATION.

The Federal building located at 1710 Alabama Avenue in Jasper, Alabama, shall be known and designated as the “Carl Elliott Federal Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Carl Elliott Federal Building”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4806:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 25, considered and passed House.
Oct. 4, considered and passed Senate.



Public Law 106–305
106th Congress

An Act

Oct. 13, 2000
[H.R. 5284]

To designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the “Owen B. Pickett United States Customhouse”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States customhouse located at 101 East Main Street in Norfolk, Virginia, shall be known and designated as the “Owen B. Pickett United States Customhouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States customhouse referred to in section 1 shall be deemed to be a reference to the “Owen B. Pickett United States Customhouse”.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 3, 2001.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 5284:

HOUSE REPORTS: No. 106–922 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 2, considered and passed House.

Oct. 4, considered and passed Senate.



Public Law 106–306
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Oct. 13, 2000
[H.J. Res. 111]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275 is further amended by striking “October 14, 2000” in section 106(c) and inserting in lieu thereof “October 20, 2000”.

Ante, pp. 810,
866.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.J.Res. 111:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 12, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 14, Presidential statement.



Public Law 106–307
106th Congress

An Act

Oct. 13, 2000
[S. 366]

To amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

El Camino Real
de Tierra
Adentro National
Historic Trail
Act.
New Mexico.
Texas.
16 USC 1241
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “El Camino Real de Tierra Adentro National Historic Trail Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the United States Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

“(21) EL CAMINO REAL DE TIERRA ADENTRO.—

“(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled ‘United States Route: El Camino Real de Tierra Adentro’, contained in the report prepared pursuant to subsection (b) entitled ‘National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico’, dated March 1997.

“(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

“(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

“(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

“(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

“(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

“(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

“(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—S. 366:

SENATE REPORTS: No. 106-22 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 3, considered and passed House.



Public Law 106–308
106th Congress

An Act

To designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the “Clifford P. Hansen Federal Courthouse”.

Oct. 13, 2000
[S. 1794]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLIFFORD P. HANSEN FEDERAL COURTHOUSE.

The Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, shall be known and designated as the “Clifford P. Hansen Federal Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in section 1 shall be deemed to be a reference to the “Clifford P. Hansen Federal Courthouse”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—S. 1794:

HOUSE REPORTS: No. 106–828 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 2, considered and passed Senate.

Oct. 2, considered and passed House.



Public Law 106–309
106th Congress

An Act

Oct. 17, 2000
[H.R. 1143]

Microenterprise
for Self-Reliance
and International
Anti-Corruption
Act of 2000.
22 USC 2151
note.

To establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000

- Sec. 101. Short title.
- Sec. 102. Findings and declarations of policy.
- Sec. 103. Purposes.
- Sec. 104. Definitions.
- Sec. 105. Microenterprise development grant assistance.
- Sec. 106. Micro- and small enterprise development credits.
- Sec. 107. United States Microfinance Loan Facility.
- Sec. 108. Report relating to future development of microenterprise institutions.
- Sec. 109. United States Agency for International Development as global leader and coordinator of bilateral and multilateral microenterprise assistance activities.
- Sec. 110. Sense of the Congress on consideration of Mexico as a key priority in microenterprise funding allocations.

TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

- Sec. 201. Short title.
- Sec. 202. Findings and purpose.
- Sec. 203. Development assistance policy.
- Sec. 204. Department of the Treasury technical assistance program for developing countries.
- Sec. 205. Authorization of good governance programs.

TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

- Sec. 301. Short title.
- Sec. 302. Statement of purpose.
- Sec. 303. Establishment of grant program for foreign study by American college students of limited financial means.
- Sec. 304. Report to Congress.
- Sec. 305. Authorization of appropriations.
- Sec. 306. Effective date.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Support for Overseas Cooperative Development Act.
- Sec. 402. Funding of certain environmental assistance activities of USAID.

- Sec. 403. Processing of applications for transportation of humanitarian assistance abroad by the Department of Defense.
- Sec. 404. Working capital fund.
- Sec. 405. Increase in authorized number of employees and representatives of the United States mission to the United Nations provided living quarters in New York.
- Sec. 406. Availability of VOA and Radio Marti multilingual computer readable text and voice recordings.
- Sec. 407. Availability of certain materials of the Voice of America.
- Sec. 408. Paul D. Coverdell Fellows Program Act of 2000.

TITLE I—MICROENTERPRISE FOR SELF-RELIANCE ACT OF 2000

Microenterprise
for Self-Reliance
Act of 2000.

SEC. 101. SHORT TITLE.

This title may be cited as the “Microenterprise for Self-Reliance Act of 2000”.

22 USC 2151
note.

SEC. 102. FINDINGS AND DECLARATIONS OF POLICY.

Congress makes the following findings and declarations:

(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world’s population, subsist on less than \$1 a day.

(2) Over 32,000 of their children die each day from largely preventable malnutrition and disease.

(3)(A) Women in poverty generally have larger work loads and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(5)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining micro-finance programs, poor people themselves can lead the fight against hunger and poverty.

(6)(A) On February 2–4, 1997, a global Microcredit Summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world’s poorest families, especially the women of those families, by 2005. While this scale of outreach may not be achievable in

22 USC 2151f
note.

this short time-period, the realization of this goal could dramatically alter the face of global poverty.

(B) With an average family size of five, achieving this goal will mean that the benefits of microfinance will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor people.

(7)(A) Nongovernmental organizations, such as those that comprise the Microenterprise Coalition (such as the Grameen Bank (Bangladesh), K-REP (Kenya), and networks such as Accion International, the Foundation for International Community Assistance (FINCA), and the credit union movement) are successful in lending directly to the very poor.

(B) Microfinance institutions such as BRAC (Bangladesh), BancoSol (Bolivia), SEWA Bank (India), and ACEP (Senegal) are regulated financial institutions that can raise funds directly from the local and international capital markets.

(8)(A) Microenterprise institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on the credit portfolio is used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(9) Microfinance institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(10)(A) The development of sustainable microfinance institutions that provide credit and training, and mobilize domestic savings, is a critical component to a global strategy of poverty reduction and broad-based economic development.

(B) In the efforts of the United States to lead the development of a new global financial architecture, microenterprise should play a vital role. The recent shocks to international financial markets demonstrate how the financial sector can shape the destiny of nations. Microfinance can serve as a powerful tool for building a more inclusive financial sector which serves the broad majority of the world's population including the very poor and women and thus generate more social stability and prosperity.

(C) Over the last two decades, the United States has been a global leader in promoting the global microenterprise sector, primarily through its development assistance programs at the United States Agency for International Development. Additionally, the Department of the Treasury and the Department of State have used their authority to promote microenterprise in the development programs of international financial institutions and the United Nations.

(11)(A) In 1994, the United States Agency for International Development launched the "Microenterprise Initiative" in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, one-half of all microenterprise resources would support programs and institutions that provide credit to the poorest, with loans under \$300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microfinance institutions serving the poorest will be critical.

(12) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microfinance institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(14) Nongovernmental organizations have demonstrated competence in developing networks of local microfinance institutions and other assistance delivery mechanisms so that they reach large numbers of the very poor, and achieve financial sustainability.

(15) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions overseas to carry out its work, the Agency should place priority on investing in those nongovernmental network institutions that meet performance criteria through the central funding mechanisms of the Agency.

(16) By expanding and replicating successful microfinance institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(17)(A) The United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States should seek to improve coordination among G-7 countries in the support of the microenterprise sector in order to leverage the investment of the United States with that of other donor nations.

(18) Through increased support for microenterprise, especially credit for the poorest, the United States can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 103. PURPOSES.

22 USC 2151f
note.

The purposes of this title are—

(1) to make microenterprise development an important element of United States foreign economic policy and assistance;

(2) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions as outlined in its 1994 Microenterprise Initiative;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, training, technical assistance, and business development services to microentrepreneurs;

(4) to emphasize financial services and substantially increase the amount of assistance devoted to both financial services and complementary business development services designed to reach the poorest people in developing countries, particularly women; and

(5) to encourage the United States Agency for International Development to coordinate microfinance policy, in consultation with the Department of the Treasury and the Department of State, and to provide global leadership among bilateral and multilateral donors in promoting microenterprise for the poorest of the poor.

22 USC 2151f
note.

SEC. 104. DEFINITIONS.

In this title:

(1) **BUSINESS DEVELOPMENT SERVICES.**—The term “business development services” means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

(2) **MICROENTERPRISE INSTITUTION.**—The term “microenterprise institution” means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.

(3) **MICROFINANCE INSTITUTION.**—The term “microfinance institution” means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

(4) **PRACTITIONER INSTITUTION.**—The term “practitioner institution” means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.

SEC. 105. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

22 USC 2152a.

“SEC. 131. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

“(a) **FINDINGS AND POLICY.**—Congress finds and declares that—

“(1) the development of microenterprise is a vital factor in the stable growth of developing countries and in the development of free, open, and equitable international economic systems;

“(2) it is therefore in the best interest of the United States to assist the development of microenterprises in developing countries; and

“(3) the support of microenterprise can be served by programs providing credit, savings, training, technical assistance, and business development services.

“(b) **AUTHORIZATION.**—

President.

“(1) **IN GENERAL.**—In carrying out this part, the President is authorized to provide grant assistance for programs to increase the availability of credit and other services to microenterprises lacking full access to capital training, technical assistance, and business development services, through—

“(A) grants to microfinance institutions for the purpose of expanding the availability of credit, savings, and other financial services to microentrepreneurs;

“(B) grants to microenterprise institutions for the purpose of training, technical assistance, and business development services for microenterprises to enable them to make

better use of credit, to better manage their enterprises, and to increase their income and build their assets;

“(C) capacity-building for microenterprise institutions in order to enable them to better meet the credit and training needs of microentrepreneurs; and

“(D) policy and regulatory programs at the country level that improve the environment for microentrepreneurs and microenterprise institutions that serve the poor and very poor.

“(2) IMPLEMENTATION.—Assistance authorized under paragraph (1)(A) and (B) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

“(A) United States and indigenous private and voluntary organizations;

“(B) United States and indigenous credit unions and cooperative organizations; or

“(C) other indigenous governmental and nongovernmental organizations.

“(3) TARGETED ASSISTANCE.—In carrying out sustainable poverty-focused programs under paragraph (1), 50 percent of all microenterprise resources shall be targeted to very poor entrepreneurs, defined as those living in the bottom 50 percent below the poverty line as established by the national government of the country. Specifically, such resources shall be used for—

“(A) direct support of programs under this subsection through practitioner institutions that—

“(i) provide credit and other financial services to entrepreneurs who are very poor, with loans in 1995 United States dollars of—

“(I) \$1,000 or less in the Europe and Eurasia region;

“(II) \$400 or less in the Latin America region; and

“(III) \$300 or less in the rest of the world; and

“(ii) can cover their costs in a reasonable time period; or

“(B) demand-driven business development programs that achieve reasonable cost recovery that are provided to clients holding poverty loans (as defined by the regional poverty loan limitations in subparagraph (A)(i)), whether they are provided by microfinance institutions or by specialized business development services providers.

“(4) SUPPORT FOR CENTRAL MECHANISMS.—The President should continue support for central mechanisms and missions, as appropriate, that—

“(A) provide technical support for field missions;

“(B) strengthen the institutional development of the intermediary organizations described in paragraph (2);

“(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations; and

“(D) support the development of nonprofit global microfinance networks, including credit union systems, that—

“(i) are able to deliver very small loans through a significant grassroots infrastructure based on market principles; and

“(ii) act as wholesale intermediaries providing a range of services to microfinance retail institutions, including financing, technical assistance, capacity-building, and safety and soundness accreditation.

“(5) LIMITATION.—Assistance provided under this subsection may only be used to support microenterprise programs and may not be used to support programs not directly related to the purposes described in paragraph (1).

“(c) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (b)(1), the Administrator of the agency primarily responsible for administering this part shall establish a monitoring system that—

“(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

“(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance;

“(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women; and

“(4) provides a basis for recommendations for adjustments to measures for reaching the poorest of the poor, including proposed legislation containing amendments to enhance the sustainable development impact of such assistance, as described in paragraph (3).

“(d) LEVEL OF ASSISTANCE.—Of the funds made available under this part, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, including local currencies derived from such funds, there are authorized to be available \$155,000,000 for each of the fiscal years 2001 and 2002, to carry out this section.

“(e) DEFINITIONS.—In this section:

“(1) BUSINESS DEVELOPMENT SERVICES.—The term ‘business development services’ means support for the growth of microenterprises through training, technical assistance, marketing assistance, improved production technologies, and other services.

“(2) MICROENTERPRISE INSTITUTION.—The term ‘microenterprise institution’ means an institution that provides services, including microfinance, training, or business development services, for microentrepreneurs.

“(3) MICROFINANCE INSTITUTION.—The term ‘microfinance institution’ means an institution that directly provides, or works to expand, the availability of credit, savings, and other financial services to microentrepreneurs.

“(4) PRACTITIONER INSTITUTION.—The term ‘practitioner institution’ means any institution that provides services, including microfinance, training, or business development services, for microentrepreneurs, or provides assistance to microenterprise institutions.”.

SEC. 106. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

“SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

“(a) FINDINGS AND POLICY.—Congress finds and declares that—

“(1) the development of micro- and small enterprises is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system; and

“(2) it is, therefore, in the best interests of the United States to assist the development of the enterprises of the poor in developing countries and to engage the United States private sector in that process.

“(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

“(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

“(2) training programs for lenders in order to enable them to better meet the credit needs of microentrepreneurs; and

“(3) training programs for microentrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

“(c) ELIGIBILITY CRITERIA.—The Administrator of the agency primarily responsible for administering this part shall establish criteria for determining which credit institutions described in subsection (b)(1) are eligible to carry out activities, with respect to micro- and small enterprises, assisted under this section. Such criteria may include the following:

“(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

“(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

“(3) The extent to which the entity is oriented toward working directly with poor women.

“(4) The extent to which the entity recovers its cost of lending.

“(5) The extent to which the entity implements a plan to become financially sustainable.

“(d) ADDITIONAL REQUIREMENT.—Assistance provided under this section may only be used to support micro- and small enterprise programs and may not be used to support programs not directly related to the purposes described in subsection (b).

“(e) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a).

“(f) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Of the amounts authorized to be available to carry out section 131, there are authorized to be available \$1,500,000 for each of fiscal years 2001 and 2002 to carry out this section.

“(2) COVERAGE OF SUBSIDY COSTS.—Amounts authorized to be available under paragraph (1) shall be made available to cover the subsidy cost, as defined in section 502(5) of the

Federal Credit Reform Act of 1990, for activities under this section.”.

SEC. 107. UNITED STATES MICROFINANCE LOAN FACILITY.

(a) **IN GENERAL.**—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by section 105 of this Act, is further amended by adding at the end the following new section:

22 USC 2152b.

“SEC. 132. UNITED STATES MICROFINANCE LOAN FACILITY.

“(a) **ESTABLISHMENT.**—The Administrator is authorized to establish a United States Microfinance Loan Facility (in this section referred to as the ‘Facility’) to pool and manage the risk from natural disasters, war or civil conflict, national financial crisis, or short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

“(b) **DISBURSEMENTS.**—

“(1) **IN GENERAL.**—The Administrator shall make disbursements from the Facility to United States-supported microfinance institutions to prevent the bankruptcy of such institutions caused by—

“(A) natural disasters;

“(B) national wars or civil conflict; or

“(C) national financial crisis or other short-term financial movements that threaten the long-term development of United States-supported microfinance institutions.

“(2) **FORM OF ASSISTANCE.**—Assistance under this section shall be in the form of loans or loan guarantees for microfinance institutions that demonstrate the capacity to resume self-sustained operations within a reasonable time period.

“(3) **CONGRESSIONAL NOTIFICATION PROCEDURES.**—During each of the fiscal years 2001 and 2002, funds may not be made available from the Facility until 15 days after notification of the proposed availability of the funds has been provided to the congressional committees specified in section 634A in accordance with the procedures applicable to reprogramming notifications under that section.

“(c) **GENERAL PROVISIONS.**—

“(1) **POLICY PROVISIONS.**—In providing the credit assistance authorized by this section, the Administrator should apply, as appropriate, the policy provisions in this part that are applicable to development assistance activities.

“(2) **DEFAULT AND PROCUREMENT PROVISIONS.**—

“(A) **DEFAULT PROVISION.**—The provisions of section 620(q), or any comparable provision of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

“(B) **PROCUREMENT PROVISION.**—Assistance may be provided under this section without regard to section 604(a).

“(3) **TERMS AND CONDITIONS OF CREDIT ASSISTANCE.**—

“(A) **IN GENERAL.**—Credit assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the Administrator may determine.

“(B) **LIMITATION ON PRINCIPAL AMOUNT OF FINANCING.**—The principal amount of loans made or

guaranteed under this section in any fiscal year, with respect to any single event, may not exceed \$30,000,000.

“(C) EXCEPTION.—No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

“(4) FULL FAITH AND CREDIT.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America, and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

“(d) FUNDING.—

“(1) ALLOCATION OF FUNDS.—Of the amounts made available to carry out this part for the fiscal year 2001, up to \$5,000,000 may be made available for—

“(A) the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to carry out this section; and

“(B) the administrative costs to carry out this section.

“(2) RELATION TO OTHER FUNDING.—Amounts made available under paragraph (1) are in addition to amounts available under any other provision of law to carry out this section.

“(e) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the agency primarily responsible for administering this part.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

“(3) UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION.—The term ‘United States-supported microfinance institution’ means a financial intermediary that has received funds made available under part I of this Act for fiscal year 1980 or any subsequent fiscal year.”

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the policies, rules, and regulations of the United States Microfinance Loan Facility established under section 132 of the Foreign Assistance Act of 1961, as added by subsection (a).

Deadline.
22 USC 2152b
note.

SEC. 108. REPORT RELATING TO FUTURE DEVELOPMENT OF MICRO-ENTERPRISE INSTITUTIONS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the most cost-effective methods and measurements for increasing the access of poor people overseas to credit, other financial services, and related training.

Deadline.

(b) CONTENTS.—The report described in subsection (a)—

(1) shall include how the President, in consultation with the Administrator of the United States Agency for International Development, the Secretary of State, and the Secretary of the Treasury, will develop a comprehensive strategy for advancing

the global microenterprise sector in a way that maintains market principles while ensuring that the very poor overseas, particularly women, obtain access to financial services overseas;

(2) shall provide guidelines and recommendations for—

(A) instruments to assist microenterprise networks to develop multi-country and regional microlending programs;

(B) technical assistance to foreign governments, foreign central banks, and regulatory entities to improve the policy environment for microfinance institutions, and to strengthen the capacity of supervisory bodies to supervise microfinance institutions;

(C) the potential for Federal chartering of United States-based international microfinance network institutions, including proposed legislation;

(D) instruments to increase investor confidence in microfinance institutions which would strengthen the long-term financial position of the microfinance institutions and attract capital from private sector entities and individuals, such as a rating system for microfinance institutions and local credit bureaus;

(E) an agenda for integrating microfinance into United States foreign policy initiatives seeking to develop and strengthen the global finance sector; and

(F) innovative instruments to attract funds from the capital markets, such as instruments for leveraging funds from the local commercial banking sector, and the securitization of microloan portfolios; and

(3) shall include a section that assesses the need for a microenterprise accelerated growth fund and that includes—

(A) a description of the benefits of such a fund;

(B) an identification of which microenterprise institutions might become eligible for assistance from such fund;

(C) a description of how such a fund could be administered;

(D) a recommendation on which agency or agencies of the United States Government should administer the fund and within which such agency the fund should be located; and

(E) a recommendation on how soon it might be necessary to establish such a fund in order to provide the support necessary for microenterprise institutions involved in microenterprise development.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 109. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AS GLOBAL LEADER AND COORDINATOR OF BILATERAL AND MULTILATERAL MICROENTERPRISE ASSISTANCE ACTIVITIES.

(a) **FINDINGS AND POLICY.**—Congress finds and declares that—

(1) the United States can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector; and

(2) the United States should seek to improve coordination among G-7 countries in the support of the microenterprise

sector in order to leverage the investment of the United States with that of other donor nations.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the Administrator of the United States Agency for International Development and the Secretary of State should seek to support and strengthen the effectiveness of microfinance activities in United Nations agencies, such as the United Nations Development Program (UNDP), which have provided key leadership in developing the microenterprise sector; and

(2) the Secretary of the Treasury should instruct each United States Executive Director of the multilateral development banks (MDBs) to advocate the development of a coherent and coordinated strategy to support the microenterprise sector and an increase of multilateral resource flows for the purposes of building microenterprise retail and wholesale intermediaries.

SEC. 110. SENSE OF THE CONGRESS ON CONSIDERATION OF MEXICO AS A KEY PRIORITY IN MICROENTERPRISE FUNDING ALLOCATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 45,000,000 of Mexico's 100,000,000 population currently lives below the poverty line, accounting for 20 percent of all poor in Latin America.

(2) Mexico cannot create enough salaried jobs to absorb new workers entering the labor force.

(3) While many poor families depend on microenterprise initiatives to generate a livelihood, the United States Agency for International Development currently has two microcredit projects in Mexico, receiving less than 1 percent of overall microenterprise funding in Latin America and the Caribbean during the last decade.

(4) Mexico's microenterprise activity has been constrained because its financial institutions cannot expand financial services to a larger clientele due to a lack of capital, inefficient financial and administrative management, and a lack of institutional support for microfinance institutions' particular needs.

(5) Mexican nongovernmental organizations, such as Compartamos, have demonstrated competence in developing local microfinance programs.

(6) On July 2, 2000, Vicente Fox Quesada of the Alliance for Change was elected President of the United Mexican States.

(7) The President-elect of Mexico has identified entrepreneurship and the start-up of new microcredit institutions as key economic priorities.

(8) Microenterprise and entrepreneurial initiatives have proven to be successful components of free market development and economic stability.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) providing Mexico's poor with economic opportunity and microfinance services is fundamental to Mexico's economic development;

(2) microenterprise can have a positive impact on Mexico's free market development; and

(3) the United States Agency for International Development should consider Mexico as a key priority in its microenterprise funding allocations.

International
Anti-Corruption
and Good
Government Act
of 2000.

TITLE II—INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

22 USC 2151
note.

SEC. 201. SHORT TITLE.

This title may be cited as the “International Anti-Corruption and Good Governance Act of 2000”.

22 USC 2152c
note.

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.

(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.

(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.

(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.

(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

(6) The Secretary of State, at the Inter-American Development Bank’s annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.

(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

(12) The United States should attempt to improve accountability in foreign countries, including by—

(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

(B) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistleblower protection;

(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

(F) promoting free and fair national, state, and local elections.

(b) PURPOSE.—The purpose of this title is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector.

SEC. 203. DEVELOPMENT ASSISTANCE POLICY.

(a) GENERAL POLICY.—Section 101(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)) is amended in the fifth sentence—

(1) by striking “four” and inserting “five”;

(2) by striking “and” at the end of paragraph (3);

(3) in paragraph (4), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(5) the promotion of good governance through combating corruption and improving transparency and accountability.”.

(b) DEVELOPMENT ASSISTANCE POLICY.—Section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1(b)) is amended—

(1) in paragraph (4)—

(A) by striking “and” at the end of subparagraph (E);

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) progress in combating corruption and improving transparency and accountability in the public and private sector.”; and

(2) by adding at the end the following:

“(17) Economic reform and development of effective institutions of democratic governance are mutually reinforcing. The successful transition of a developing country is dependent upon the quality of its economic and governance institutions. Rule of law, mechanisms of accountability and transparency, security of person, property, and investments, are but a few of the critical governance and economic reforms that underpin the sustainability of broad-based economic growth. Programs in support of such reforms strengthen the capacity of people to hold their governments accountable and to create economic opportunity.”.

SEC. 204. DEPARTMENT OF THE TREASURY TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING COUNTRIES.

Section 129(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(b)) is amended by adding at the end the following:

“(3) EMPHASIS ON ANTI-CORRUPTION.—Such technical assistance shall include elements designed to combat anti-competitive, unethical, and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.”.

SEC. 205. AUTHORIZATION OF GOOD GOVERNANCE PROGRAMS.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), as amended by sections 105 and 107, is further amended by adding at the end the following:

“SEC. 133. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

“(a) ESTABLISHMENT OF PROGRAMS.—

“(1) IN GENERAL.—The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

“(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country that is eligible to receive assistance under this part (including chapter 4 of part II of this Act) or the Support for East European Democracy (SEED) Act of 1989.

“(3) PRIORITY.—In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have

22 USC 2152c.

President.

the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

“(4) RELATION TO OTHER LAWS.—

“(A) IN GENERAL.—Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.

“(B) EXCEPTION.—Subparagraph (A) does not apply with respect to—

“(i) section 620A of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

“(ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

“(b) SPECIFIC PROJECTS AND ACTIVITIES.—The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

“(1) support responsible independent media to promote oversight of public and private institutions;

“(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

“(3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

“(4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;

“(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

“(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

“(7) promote free and fair national, state, and local elections;

“(8) foster public participation in the legislative process and public access to government information; and

“(9) engage civil society in the fight against corruption.

“(c) CONDUCT OF PROJECTS AND ACTIVITIES.—Projects and activities under the programs established pursuant to subsection

(a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of nongovernmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

“(d) ANNUAL REPORT.—

“(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce and the Administrator of the United States Agency for International Development, shall prepare and transmit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate an annual report on—

“(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and

“(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.

“(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

“(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

“(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

“(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.

“(e) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.”

22 USC 2152c
note.

(b) DEADLINE FOR INITIAL REPORT.—The initial annual report required by section 133(d)(1) of the Foreign Assistance Act of 1961, as added by subsection (a), shall be transmitted not later than 180 days after the date of the enactment of this Act.

International
Academic
Opportunity Act
of 2000.

TITLE III—INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

22 USC 2462
note.

SEC. 301. SHORT TITLE.

This title may be cited as the “International Academic Opportunity Act of 2000”.

SEC. 302. STATEMENT OF PURPOSE.22 USC 2462
note.

It is the purpose of this title to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study abroad. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.

SEC. 303. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.22 USC 2462 and
note.

(a) **ESTABLISHMENT.**—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to \$5,000, to individuals who meet the requirements of subsection (b), toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the “Benjamin A. Gilman International Scholarships”.

(b) **ELIGIBILITY.**—An individual referred to in subsection (a) is an individual who—

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);

(2) has been accepted for up to one academic year of study on a program of study abroad approved for credit by the student’s home institution;

(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and

(4) is a citizen or national of the United States.

(c) **APPLICATION AND SELECTION.**—

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section—

(A) consideration of financial need shall include the increased costs of study abroad; and

(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.

SEC. 304. REPORT TO CONGRESS.22 USC 2462
note.

The Secretary of State shall report annually to the Congress concerning the grant program established under this title. Each such report shall include the following information for the preceding year:

(1) The number of participants.

(2) The institutions of higher education in the United States that participants attended.

(3) The institutions of higher education outside the United States participants attended during their study abroad.

(4) The areas of study of participants.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.22 USC 2462
note.

There are authorized to be appropriated \$1,500,000 for each fiscal year to carry out this title.

22 USC 2462
note.

SEC. 306. EFFECTIVE DATE.

This title shall take effect October 1, 2000.

TITLE IV—MISCELLANEOUS PROVISIONS

Support for
Overseas
Cooperative
Development Act.
22 USC 2151
note.
22 USC 2151i
note.

SEC. 401. SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Support for Overseas Cooperative Development Act”.

(b) **FINDINGS.**—The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

(c) **GENERAL PROVISIONS.**—

(1) **DECLARATIONS OF POLICY.**—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(A) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(B) self-help mobilization of member savings and equity and retention of profits in the community, except for those programs that are dependent on donor financing;

(C) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(D) strengthening the participation of rural and urban poor to contribute to their country’s economic development; and

22 USC 2151i
note.

(E) utilization of technical assistance and training to better serve the member-owners.

(2) DEVELOPMENT PRIORITIES.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: “In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

“(1) AGRICULTURE.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

“(2) FINANCIAL SYSTEMS.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

“(3) INFRASTRUCTURE.—The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.

“(4) HOUSING AND COMMUNITY SERVICES.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.”.

(d) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by subsection (c).

Deadline.
22 USC 2151i
note.

SEC. 402. FUNDING OF CERTAIN ENVIRONMENTAL ASSISTANCE ACTIVITIES OF USAID.

(a) ALLOCATION OF FUNDS FOR CERTAIN ENVIRONMENTAL ACTIVITIES.—Of the amounts authorized to be appropriated for the fiscal year 2001 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance), there is authorized to be available at least \$60,200,000 to carry out activities of the type carried out by the Global Environment Center of the United States Agency for International Development during fiscal year 2000.

(b) ALLOCATION FOR WATER AND COASTAL RESOURCES.—Of the amounts made available under subsection (a), at least \$2,500,000 shall be available for water and coastal resources activities under the natural resources management function specified in that subsection.

SEC. 403. PROCESSING OF APPLICATIONS FOR TRANSPORTATION OF HUMANITARIAN ASSISTANCE ABROAD BY THE DEPARTMENT OF DEFENSE.

10 USC 402 note.

(a) PRIORITY FOR DISASTER RELIEF ASSISTANCE.—In processing applications for the transportation of humanitarian assistance abroad under section 402 of title 10, United States Code, the Administrator of the United States Agency for International Development shall afford a priority to applications for the transportation of disaster relief assistance.

(b) **MODIFICATION OF APPLICATIONS.**—The Administrator of the United States Agency for International Development shall take all possible actions to assist applicants for the transportation of humanitarian assistance abroad under such section 402 in modifying or completing applications submitted under such section in order to meet applicable requirements under such section. The actions shall include efforts to contact such applicants for purposes of the modification or completion of such applications.

SEC. 404. WORKING CAPITAL FUND.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end the following new subsection:

Establishment. “(m)(1) There is established a working capital fund (in this subsection referred to as the ‘fund’) for the United States Agency for International Development (in this subsection referred to as the ‘Agency’) which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment, and supplies for—

“(A) International Cooperative Administrative Support Services; and

“(B) rebates from the use of United States Government credit cards.

“(2) The capital of the fund shall consist of—

“(A) the fair and reasonable value of such supplies, equipment, and other assets pertaining to the functions of the fund as the Administrator determines,

“(B) rebates from the use of United States Government credit cards, and

“(C) any appropriations made available for the purpose of providing capital, minus related liabilities.

“(3) The fund shall be reimbursed or credited with advance payments for services, equipment, or supplies provided from the fund from applicable appropriations and funds of the Agency, other Federal agencies and other sources authorized by section 607 at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

“(4) At the close of each fiscal year the Administrator of the Agency shall transfer out of the fund to the miscellaneous receipts account of the Treasury of the United States such amounts as the Administrator determines to be in excess of the needs of the fund.

“(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity, or agency, and the proceeds shall be credited to current applicable appropriations.”.

SEC. 405. INCREASE IN AUTHORIZED NUMBER OF EMPLOYEES AND REPRESENTATIVES OF THE UNITED STATES MISSION TO THE UNITED NATIONS PROVIDED LIVING QUARTERS IN NEW YORK.

Section 9(2) of the United Nations Participation Act of 1945 (22 U.S.C. 287e-1(2)) is amended by striking “18” and inserting “30”.

**SEC. 406. AVAILABILITY OF VOA AND RADIO MARTI MULTILINGUAL
COMPUTER READABLE TEXT AND VOICE RECORDINGS.**

Section 1(b) of Public Law 104-269 (110 Stat. 3300) is amended by striking “5 years” and inserting “10 years”.

**SEC. 407. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF
AMERICA.****(a) AUTHORITY.—**

(1) **IN GENERAL.**—Subject to the provisions of this section, the Broadcasting Board of Governors (in this section referred to as the “Board”) is authorized to make available to the Institute for Media Development (in this section referred to as the “Institute”), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) **DEPOSIT OF MATERIALS.**—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) **SUPERSEDES EXISTING LAW.**—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a).

(b) LIMITATIONS.—

(1) **AUTHORIZED PURPOSES.**—Materials made available under this section shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) **PRIOR AGREEMENT REQUIRED.**—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) **CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.**—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

(d) **TERMINATION OF AUTHORITY.**—The authority provided under this section shall cease to have effect on the date that is 5 years after the date of the enactment of this Act.

Paul D. Coverdell
Fellows Program
Act of 2000.
22 USC 2517
note.

SEC. 408. PAUL D. COVERDELL FELLOWS PROGRAM ACT OF 2000.

(a) **SHORT TITLE.**—This section may be cited as the “Paul D. Coverdell Fellows Program Act of 2000”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) Paul D. Coverdell served with distinction as the 11th Director of the Peace Corps from 1989 to 1991, where he promoted a fellowship program that was composed of returning Peace Corps volunteers who agreed to work in underserved American communities while they pursued educational degrees.

(3) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(4) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

(c) **DESIGNATION OF PAUL D. COVERDELL FELLOWS PROGRAM.**—

(1) **IN GENERAL.**—Effective on the date of the enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the “Peace Corps Fellows/USA Program” is redesignated as the “Paul D. Coverdell Fellows Program”.

(2) **REFERENCES.**—Any reference before the date of the enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.

Effective date.

Approved October 17, 2000.

LEGISLATIVE HISTORY—H.R. 1143 (S. 2844):

HOUSE REPORTS: No. 106-82 (Comm. on International Relations).

SENATE REPORTS: No. 106-335 accompanying S. 2844 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Apr. 13, considered and passed House.

Vol. 146 (2000): Oct. 3, considered and passed Senate, amended.

Oct. 5, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 17, Presidential statement.



Public Law 106–310
106th Congress

An Act

To amend the Public Health Service Act with respect to children’s health.

Oct. 17, 2000

[H.R. 4365]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Children’s Health
Act of 2000.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Children’s Health Act of 2000”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

DIVISION A—CHILDREN’S HEALTH

TITLE I—AUTISM

Sec. 101. Expansion, intensification, and coordination of activities of National Institutes of Health with respect to research on autism.

Sec. 102. Developmental disabilities surveillance and research programs.

Sec. 103. Information and education.

Sec. 104. Inter-agency Autism Coordinating Committee.

Sec. 105. Report to Congress.

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

Sec. 201. National Institute of Child Health and Human Development; research on fragile X.

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

Sec. 301. National Institute of Arthritis and Musculoskeletal and Skin Diseases; research on juvenile arthritis and related conditions.

Sec. 302. Information clearinghouse.

**TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND
YOUTH**

Sec. 401. Programs of Centers for Disease Control and Prevention.

Sec. 402. Programs of National Institutes of Health.

TITLE V—ASTHMA SERVICES FOR CHILDREN

Subtitle A—Asthma Services

Sec. 501. Grants for children’s asthma relief.

Sec. 502. Technical and conforming amendments.

Subtitle B—Prevention Activities

Sec. 511. Preventive health and health services block grant; systems for reducing asthma-related illnesses through integrated pest management.

Subtitle C—Coordination of Federal Activities

Sec. 521. Coordination through National Institutes of Health.

Subtitle D—Compilation of Data

Sec. 531. Compilation of data by Centers for Disease Control and Prevention.

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid Promotion

Sec. 601. Program regarding effects of folic acid in prevention of birth defects.

Subtitle B—National Center on Birth Defects and Developmental Disabilities

Sec. 611. National Center on Birth Defects and Developmental Disabilities.

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

Sec. 701. Purposes.

Sec. 702. Programs of Health Resources and Services Administration, Centers for Disease Control and Prevention, and National Institutes of Health.

TITLE VIII—CHILDREN AND EPILEPSY

Sec. 801. National public health campaign on epilepsy; seizure disorder demonstration projects in medically underserved areas.

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Prevention Research

Sec. 901. Prevention research and other activities.

Subtitle B—Pregnant Women and Infants Health Promotion

Sec. 911. Programs regarding prenatal and postnatal health.

TITLE X—PEDIATRIC RESEARCH INITIATIVE

Sec. 1001. Establishment of pediatric research initiative.

Sec. 1002. Investment in tomorrow's pediatric researchers.

Sec. 1003. Review of regulations.

Sec. 1004. Long-term child development study.

TITLE XI—CHILDHOOD MALIGNANCIES

Sec. 1101. Programs of Centers for Disease Control and Prevention and National Institutes of Health.

TITLE XII—ADOPTION AWARENESS

Subtitle A—Infant Adoption Awareness

Sec. 1201. Grants regarding infant adoption awareness.

Subtitle B—Special Needs Adoption Awareness

Sec. 1211. Special needs adoption programs; public awareness campaign and other activities.

TITLE XIII—TRAUMATIC BRAIN INJURY

Sec. 1301. Programs of Centers for Disease Control and Prevention.

Sec. 1302. Study and monitor incidence and prevalence.

Sec. 1303. Programs of National Institutes of Health.

Sec. 1304. Programs of Health Resources and Services Administration.

Sec. 1305. State grants for protection and advocacy services.

Sec. 1306. Authorization of appropriations for certain programs.

TITLE XIV—CHILD CARE SAFETY AND HEALTH GRANTS

Sec. 1401. Definitions.

Sec. 1402. Authorization of appropriations.

Sec. 1403. Programs.

Sec. 1404. Amounts reserved; allotments.

Sec. 1405. State applications.

Sec. 1406. Use of funds.

Sec. 1407. Reports.

TITLE XV—HEALTHY START INITIATIVE

Sec. 1501. Continuation of healthy start program.

TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

Sec. 1601. Identification of interventions that reduce the burden and transmission of oral, dental, and craniofacial diseases in high risk populations; development of approaches for pediatric oral and craniofacial assessment.

Sec. 1602. Oral health promotion and disease prevention.
Sec. 1603. Coordinated program to improve pediatric oral health.

TITLE XVII—VACCINE-RELATED PROGRAMS

Subtitle A—Vaccine Compensation Program

Sec. 1701. Content of petitions.

Subtitle B—Childhood Immunizations

Sec. 1711. Childhood immunizations.

TITLE XVIII—HEPATITIS C

Sec. 1801. Surveillance and education regarding hepatitis C.

TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

Sec. 1901. Autoimmune diseases; initiative through Director of National Institutes of Health.

TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

Sec. 2001. Provisions to revise and extend program.

TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

Sec. 2101. Organ Procurement and Transplantation Network; amendments regarding needs of children.

TITLE XXII—MUSCULAR DYSTROPHY RESEARCH

Sec. 2201. Muscular dystrophy research.

TITLE XXIII—CHILDREN AND TOURETTE SYNDROME AWARENESS

Sec. 2301. Grants regarding Tourette Syndrome.

TITLE XXIV—CHILDHOOD OBESITY PREVENTION

Sec. 2401. Programs operated through the Centers for Disease Control and Prevention.

TITLE XXV—EARLY DETECTION AND TREATMENT REGARDING CHILDHOOD LEAD POISONING

Sec. 2501. Centers for Disease Control and Prevention efforts to combat childhood lead poisoning.

Sec. 2502. Grants for lead poisoning related activities.

Sec. 2503. Training and reports by the Health Resources and Services Administration.

Sec. 2504. Screenings, referrals, and education regarding lead poisoning.

TITLE XXVI—SCREENING FOR HERITABLE DISORDERS

Sec. 2601. Program to improve the ability of States to provide newborn and child screening for heritable disorders.

TITLE XXVII—PEDIATRIC RESEARCH PROTECTIONS

Sec. 2701. Requirement for additional protections for children involved in research.

TITLE XXVIII—MISCELLANEOUS PROVISIONS

Sec. 2801. Report regarding research on rare diseases in children.

Sec. 2802. Study on metabolic disorders.

TITLE XXIX—EFFECTIVE DATE

Sec. 2901. Effective date.

DIVISION B—YOUTH DRUG AND MENTAL HEALTH SERVICES

Sec. 3001. Short title.

TITLE XXXI—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

Sec. 3101. Children and violence.

Sec. 3102. Emergency response.

- Sec. 3103. High risk youth reauthorization.
- Sec. 3104. Substance abuse treatment services for children and adolescents.
- Sec. 3105. Comprehensive community services for children with serious emotional disturbance.
- Sec. 3106. Services for children of substance abusers.
- Sec. 3107. Services for youth offenders.
- Sec. 3108. Grants for strengthening families through community partnerships.
- Sec. 3109. Programs to reduce underage drinking.
- Sec. 3110. Services for individuals with fetal alcohol syndrome.
- Sec. 3111. Suicide prevention.
- Sec. 3112. General provisions.

TITLE XXXII—PROVISIONS RELATING TO MENTAL HEALTH

- Sec. 3201. Priority mental health needs of regional and national significance.
- Sec. 3202. Grants for the benefit of homeless individuals.
- Sec. 3203. Projects for assistance in transition from homelessness.
- Sec. 3204. Community mental health services performance partnership block grant.
- Sec. 3205. Determination of allotment.
- Sec. 3206. Protection and Advocacy for Mentally Ill Individuals Act of 1986.
- Sec. 3207. Requirement relating to the rights of residents of certain facilities.
- Sec. 3208. Requirement relating to the rights of residents of certain non-medical, community-based facilities for children and youth.
- Sec. 3209. Emergency mental health centers.
- Sec. 3210. Grants for jail diversion programs.
- Sec. 3211. Improving outcomes for children and adolescents through services integration between child welfare and mental health services.
- Sec. 3212. Grants for the integrated treatment of serious mental illness and co-occurring substance abuse.
- Sec. 3213. Training grants.

TITLE XXXIII—PROVISIONS RELATING TO SUBSTANCE ABUSE

- Sec. 3301. Priority substance abuse treatment needs of regional and national significance.
- Sec. 3302. Priority substance abuse prevention needs of regional and national significance.
- Sec. 3303. Substance abuse prevention and treatment performance partnership block grant.
- Sec. 3304. Determination of allotments.
- Sec. 3305. Nondiscrimination and institutional safeguards for religious providers.
- Sec. 3306. Alcohol and drug prevention or treatment services for Indians and Native Alaskans.
- Sec. 3307. Establishment of commission.

TITLE XXXIV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

- Sec. 3401. General authorities and peer review.
- Sec. 3402. Advisory councils.
- Sec. 3403. General provisions for the performance partnership block grants.
- Sec. 3404. Data infrastructure projects.
- Sec. 3405. Repeal of obsolete addict referral provisions.
- Sec. 3406. Individuals with co-occurring disorders.
- Sec. 3407. Services for individuals with co-occurring disorders.

TITLE XXXV—WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT

- Sec. 3501. Short title.
- Sec. 3502. Amendment to Controlled Substances Act.

TITLE XXXVI—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

- Sec. 3601. Short title.

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

PART I—CRIMINAL PENALTIES

- Sec. 3611. Enhanced punishment of amphetamine laboratory operators.
- Sec. 3612. Enhanced punishment of amphetamine or methamphetamine laboratory operators.

Sec. 3613. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.

Sec. 3614. Methamphetamine paraphernalia.

PART II—ENHANCED LAW ENFORCEMENT

Sec. 3621. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.

Sec. 3622. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.

Sec. 3623. Training for Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.

Sec. 3624. Combating methamphetamine and amphetamine in high intensity drug trafficking areas.

Sec. 3625. Combating amphetamine and methamphetamine manufacturing and trafficking.

PART III—ABUSE PREVENTION AND TREATMENT

Sec. 3631. Expansion of methamphetamine research.

Sec. 3632. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.

Sec. 3633. Study of methamphetamine treatment.

PART IV—REPORTS

Sec. 3641. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

Sec. 3642. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

Subtitle B—Controlled Substances Generally

Sec. 3651. Enhanced punishment for trafficking in list I chemicals.

Sec. 3652. Mail order requirements.

Sec. 3653. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.

Subtitle C—Ecstasy Anti-Proliferation Act of 2000

Sec. 3661. Short title.

Sec. 3662. Findings.

Sec. 3663. Enhanced punishment of Ecstasy traffickers.

Sec. 3664. Emergency authority to United States Sentencing Commission.

Sec. 3665. Expansion of Ecstasy and club drugs abuse prevention efforts.

Subtitle D—Miscellaneous

Sec. 3671. Antidrug messages on Federal Government Internet websites.

Sec. 3672. Reimbursement by Drug Enforcement Administration of expenses incurred to remediate methamphetamine laboratories.

Sec. 3673. Severability.

DIVISION A—CHILDREN’S HEALTH

TITLE I—AUTISM

SEC. 101. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON AUTISM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

“EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON AUTISM

“SEC. 409C. (a) IN GENERAL.—

“(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the ‘Director’) shall expand, intensify,

42 USC 284g.

and coordinate the activities of the National Institutes of Health with respect to research on autism.

“(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section acting through the Director of the National Institute of Mental Health and in collaboration with any other agencies that the Director determines appropriate.

“(b) CENTERS OF EXCELLENCE.—

Grants.
Contracts.

“(1) IN GENERAL.—The Director shall under subsection (a)(1) make awards of grants and contracts to public or non-profit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

“(2) RESEARCH.—Each center under paragraph (1) shall conduct basic and clinical research into autism. Such research should include investigations into the cause, diagnosis, early detection, prevention, control, and treatment of autism. The centers, as a group, shall conduct research including the fields of developmental neurobiology, genetics, and psychopharmacology.

“(3) SERVICES FOR PATIENTS.—

“(A) IN GENERAL.—A center under paragraph (1) may expend amounts provided under such paragraph to carry out a program to make individuals aware of opportunities to participate as subjects in research conducted by the centers.

“(B) REFERRALS AND COSTS.—A program under subparagraph (A) may, in accordance with such criteria as the Director may establish, provide to the subjects described in such subparagraph, referrals for health and other services, and such patient care costs as are required for research.

“(C) AVAILABILITY AND ACCESS.—The extent to which a center can demonstrate availability and access to clinical services shall be considered by the Director in decisions about awarding grants to applicants which meet the scientific criteria for funding under this section.

“(4) COORDINATION OF CENTERS; REPORTS.—The Director shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

“(5) ORGANIZATION OF CENTERS.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director.

“(6) NUMBER OF CENTERS; DURATION OF SUPPORT.—

“(A) IN GENERAL.—The Director shall provide for the establishment of not less than five centers under paragraph (1).

“(B) DURATION.—Support for a center established under paragraph (1) may be provided under this section for a period of not to exceed 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have

been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

“(c) FACILITATION OF RESEARCH.—The Director shall under subsection (a)(1) provide for a program under which samples of tissues and genetic materials that are of use in research on autism are donated, collected, preserved, and made available for such research. The program shall be carried out in accordance with accepted scientific and medical standards for the donation, collection, and preservation of such samples.

“(d) PUBLIC INPUT.—The Director shall under subsection (a)(1) provide for means through which the public can obtain information on the existing and planned programs and activities of the National Institutes of Health with respect to autism and through which the Director can receive comments from the public regarding such programs and activities.

“(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.”.

Appropriation
authorization.

SEC. 102. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAMS.

42 USC 247b-4b.

(a) NATIONAL AUTISM AND PERVASIVE DEVELOPMENTAL DISABILITIES SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”), acting through the Director of the Centers for Disease Control and Prevention, may make awards of grants and cooperative agreements for the collection, analysis, and reporting of data on autism and pervasive developmental disabilities. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

(2) ELIGIBILITY.—To be eligible to receive an award under paragraph (1) an entity shall be a public or nonprofit private entity (including health departments of States and political subdivisions of States, and including universities and other educational entities).

(b) CENTERS OF EXCELLENCE IN AUTISM AND PERVASIVE DEVELOPMENTAL DISABILITIES EPIDEMIOLOGY.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish not less than three regional centers of excellence in autism and pervasive developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism and related developmental disabilities.

(2) RECIPIENTS OF AWARDS FOR ESTABLISHMENT OF CENTERS.—Centers under paragraph (1) shall be established and operated through the awarding of grants or cooperative agreements to public or nonprofit private entities that conduct research, including health departments of States and political subdivisions of States, and including universities and other educational entities.

(3) CERTAIN REQUIREMENTS.—An award for a center under paragraph (1) may be made only if the entity involved submits

to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center involved will operate in accordance with the following:

(A) The center will collect, analyze, and report autism and pervasive developmental disabilities data according to guidelines prescribed by the Director, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for those with developmental disabilities.

(B) The center will assist with the development and coordination of State autism and pervasive developmental disabilities surveillance efforts within a region.

(C) The center will identify eligible cases and controls through its surveillance systems and conduct research into factors which may cause autism and related developmental disabilities.

(D) The center will develop or extend an area of special research expertise (including genetics, environmental exposure to contaminants, immunology, and other relevant research specialty areas).

(c) **CLEARINGHOUSE.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out the following:

(1) The Secretary shall establish a clearinghouse within the Centers for Disease Control and Prevention for the collection and storage of data generated from the monitoring programs established by this title. Through the clearinghouse, such Centers shall serve as the coordinating agency for autism and pervasive developmental disabilities surveillance activities. The functions of such a clearinghouse shall include facilitating the coordination of research and policy development relating to the epidemiology of autism and other pervasive developmental disabilities.

(2) The Secretary shall coordinate the Federal response to requests for assistance from State health department officials regarding potential or alleged autism or developmental disability clusters.

(d) **DEFINITION.**—In this title, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 103. INFORMATION AND EDUCATION.

(a) **IN GENERAL.**—The Secretary shall establish and implement a program to provide information and education on autism to health professionals and the general public, including information and education on advances in the diagnosis and treatment of autism and training and continuing education through programs for scientists, physicians, and other health professionals who provide care for patients with autism.

(b) STIPENDS.—The Secretary may use amounts made available under this section to provide stipends for health professionals who are enrolled in training programs under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 104. INTER-AGENCY AUTISM COORDINATING COMMITTEE.

42 USC 247b–4d.

(a) ESTABLISHMENT.—The Secretary shall establish a committee to be known as the “Autism Coordinating Committee” (in this section referred to as the “Committee”) to coordinate all efforts within the Department of Health and Human Services concerning autism, including activities carried out through the National Institutes of Health and the Centers for Disease Control and Prevention under this title (and the amendment made by this title).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of the Directors of such national research institutes, of the Centers for Disease Control and Prevention, and of such other agencies and such other officials as the Secretary determines appropriate.

(2) ADDITIONAL MEMBERS.—If determined appropriate by the Secretary, the Secretary may appoint to the Committee—

(A) parents or legal guardians of individuals with autism or other pervasive developmental disorders; and

(B) representatives of other governmental agencies that serve children with autism such as the Department of Education.

(c) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following shall apply with respect to the Committee:

(1) The Committee shall receive necessary and appropriate administrative support from the Department of Health and Human Services.

(2) Members of the Committee appointed under subsection (b)(2)(A) shall serve for a term of 3 years, and may serve for an unlimited number of terms if reappointed.

(3) The Committee shall meet not less than two times each year.

SEC. 105. REPORT TO CONGRESS.

42 USC 247b–4e.

Not later than January 1, 2001, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the implementation of this title and the amendments made by this title.

Deadline.

TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

**SEC. 201. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
DEVELOPMENT; RESEARCH ON FRAGILE X.**

Subpart 7 of part C of title IV of the Public Health Service Act is amended by adding at the end the following section:

“FRAGILE X

42 USC 285g-9.

“SEC. 452E. (a) EXPANSION AND COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as fragile X.

Grants.
Contracts.

“(b) RESEARCH CENTERS.—

“(1) IN GENERAL.—The Director of the Institute shall make grants or enter into contracts for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

“(2) NUMBER OF CENTERS.—

“(A) IN GENERAL.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, and subject to subparagraph (B), provide for the establishment of at least three fragile X research centers.

“(B) PEER REVIEW REQUIREMENT.—The Director of the Institute shall make a grant to, or enter into a contract with, an entity for purposes of establishing a center under paragraph (1) only if the grant or contract has been recommended after technical and scientific peer review required by regulations under section 492.

“(3) ACTIVITIES.—The Director of the Institute, with the assistance of centers established under paragraph (1), shall conduct and support basic and biomedical research into the detection and treatment of fragile X.

“(4) COORDINATION AMONG CENTERS.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

“(5) CERTAIN ADMINISTRATIVE REQUIREMENTS.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

“(6) DURATION OF SUPPORT.—Support may be provided to a center under paragraph (1) for a period not exceeding 5 years. Such period may be extended for one or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

“(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

SEC. 301. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULO- SKELETAL AND SKIN DISEASES; RESEARCH ON JUVENILE ARTHRITIS AND RELATED CONDITIONS.

(a) IN GENERAL.—Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 442 the following section:

“JUVENILE ARTHRITIS AND RELATED CONDITIONS

“SEC. 442A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.— 42 USC 285d-8.
The Director of the Institute, in coordination with the Director of the National Institute of Allergy and Infectious Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning juvenile arthritis and related conditions.

“(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

(b) PEDIATRIC RHEUMATOLOGY.—Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

“SEC. 763. PEDIATRIC RHEUMATOLOGY.

42 USC 294p.

“(a) IN GENERAL.—The Secretary, acting through the appropriate agencies, shall evaluate whether the number of pediatric rheumatologists is sufficient to address the health care needs of children with arthritis and related conditions, and if the Secretary determines that the number is not sufficient, shall develop strategies to help address the shortfall.

“(b) REPORT TO CONGRESS.—Not later than October 1, 2001, the Secretary shall submit to the Congress a report describing the results of the evaluation under subsection (a), and as applicable, the strategies developed under such subsection. Deadline.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 302. INFORMATION CLEARINGHOUSE.

Section 438(b) of the Public Health Service Act (42 U.S.C. 285d-3(b)) is amended by inserting “, including juvenile arthritis and related conditions,” after “diseases”.

TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

SEC. 401. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

“DIABETES IN CHILDREN AND YOUTH

42 USC 247b-9.

“SEC. 317H. (a) **SURVEILLANCE ON JUVENILE DIABETES.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop a sentinel system to collect data on juvenile diabetes, including with respect to incidence and prevalence, and shall establish a national database for such data.

“(b) **TYPE 2 DIABETES IN YOUTH.**—The Secretary shall implement a national public health effort to address type 2 diabetes in youth, including—

“(1) enhancing surveillance systems and expanding research to better assess the prevalence and incidence of type 2 diabetes in youth and determine the extent to which type 2 diabetes is incorrectly diagnosed as type 1 diabetes among children; and

“(2) developing and improving laboratory methods to assist in diagnosis, treatment, and prevention of diabetes including, but not limited to, developing noninvasive ways to monitor blood glucose to prevent hypoglycemia and improving existing glucometers that measure blood glucose.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 402. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434 the following section:

“JUVENILE DIABETES

42 USC 285c-9.

“SEC. 434A. (a) **LONG-TERM EPIDEMIOLOGY STUDIES.**—The Director of the Institute shall conduct or support long-term epidemiology studies in which individuals with or at risk for type 1, or juvenile, diabetes are followed for 10 years or more. Such studies shall investigate the causes and characteristics of the disease and its complications.

“(b) **CLINICAL TRIAL INFRASTRUCTURE/INNOVATIVE TREATMENTS FOR JUVENILE DIABETES.**—The Secretary, acting through the Director of the National Institutes of Health, shall support regional clinical research centers for the prevention, detection, treatment, and cure of juvenile diabetes.

“(c) **PREVENTION OF TYPE 1 DIABETES.**—The Secretary, acting through the appropriate agencies, shall provide for a national effort to prevent type 1 diabetes. Such effort shall provide for a combination of increased efforts in research and development of prevention strategies, including consideration of vaccine development, coupled

with appropriate ability to test the effectiveness of such strategies in large clinical trials of children and young adults.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE V—ASTHMA SERVICES FOR CHILDREN

Subtitle A—Asthma Services

SEC. 501. GRANTS FOR CHILDREN’S ASTHMA RELIEF.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following part:

“PART P—ADDITIONAL PROGRAMS

“SEC. 399L. CHILDREN’S ASTHMA TREATMENT GRANTS PROGRAM.

42 USC 280g.

“(a) AUTHORITY TO MAKE GRANTS.—

“(1) IN GENERAL.—In addition to any other payments made under this Act or title V of the Social Security Act, the Secretary shall award grants to eligible entities to carry out the following purposes:

“(A) To provide access to quality medical care for children who live in areas that have a high prevalence of asthma and who lack access to medical care.

“(B) To provide on-site education to parents, children, health care providers, and medical teams to recognize the signs and symptoms of asthma, and to train them in the use of medications to treat asthma and prevent its exacerbations.

“(C) To decrease preventable trips to the emergency room by making medication available to individuals who have not previously had access to treatment or education in the management of asthma.

“(D) To provide other services, such as smoking cessation programs, home modification, and other direct and support services that ameliorate conditions that exacerbate or induce asthma.

“(2) CERTAIN PROJECTS.—In making grants under paragraph (1), the Secretary may make grants designed to develop and expand the following projects:

“(A) Projects to provide comprehensive asthma services to children in accordance with the guidelines of the National Asthma Education and Prevention Program (through the National Heart, Lung and Blood Institute), including access to care and treatment for asthma in a community-based setting.

“(B) Projects to fully equip mobile health care clinics that provide preventive asthma care including diagnosis, physical examinations, pharmacological therapy, skin testing, peak flow meter testing, and other asthma-related health care services.

“(C) Projects to conduct validated asthma management education programs for patients with asthma and their families, including patient education regarding asthma management, family education on asthma management, and the distribution of materials, including displays and videos, to reinforce concepts presented by medical teams.

“(2) AWARD OF GRANTS.—

“(A) APPLICATION.—

“(i) IN GENERAL.—An eligible entity shall submit an application to the Secretary for a grant under this section in such form and manner as the Secretary may require.

“(ii) REQUIRED INFORMATION.—An application submitted under this subparagraph shall include a plan for the use of funds awarded under the grant and such other information as the Secretary may require.

“(B) REQUIREMENT.—In awarding grants under this section, the Secretary shall give preference to eligible entities that demonstrate that the activities to be carried out under this section shall be in localities within areas of known or suspected high prevalence of childhood asthma or high asthma-related mortality or high rate of hospitalization or emergency room visits for asthma (relative to the average asthma prevalence rates and associated mortality rates in the United States). Acceptable data sets to demonstrate a high prevalence of childhood asthma or high asthma-related mortality may include data from Federal, State, or local vital statistics, claims data under title XIX or XXI of the Social Security Act, other public health statistics or surveys, or other data that the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, deems appropriate.

“(3) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this section, the term ‘eligible entity’ means a public or nonprofit private entity (including a State or political subdivision of a State), or a consortium of any of such entities.

“(b) COORDINATION WITH OTHER CHILDREN’S PROGRAMS.—An eligible entity shall identify in the plan submitted as part of an application for a grant under this section how the entity will coordinate operations and activities under the grant with—

“(1) other programs operated in the State that serve children with asthma, including any such programs operated under title V, XIX, or XXI of the Social Security Act; and

“(2) one or more of the following—

“(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

“(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(D) local public and private elementary or secondary schools; or

“(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

“(c) EVALUATION.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under the grant that includes—

“(1) a description of the health status outcomes of children assisted under the grant;

“(2) an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant;

“(3) the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention; and

“(4) such other information as the Secretary may require.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 502. TECHNICAL AND CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in part L, by redesignating section 399D as section 399A; 42 USC 280d.

(2) in part M—

(A) by redesignating sections 399H through 399L as sections 399B through 399F, respectively; 42 USC 280e–280e–4.

(B) in section 399B (as so redesignated), in subsection 42 USC 280e.

(e)—

(i) by striking “section 399K(b)” and inserting “subsection (b) of section 399E”; and

(ii) by striking “section 399C” and inserting “such section”;

(C) in section 399E (as so redesignated), in subsection 42 USC 280e–3.
(c), by striking “section 399H(a)” and inserting “section 399B(a)”; and

(D) in section 399F (as so redesignated)— 42 USC 280e–4.

(i) in subsection (a), by striking “section 399I” and inserting “section 399C”;

(ii) in subsection (a), by striking “subsection 399J” and inserting “section 399D”; and

(iii) in subsection (b), by striking “subsection 399K” and inserting “section 399E”;

(3) in part N, by redesignating section 399F as section 399G; and 42 USC 280d–11, 280e–11.

(4) in part O—

(A) by redesignating sections 399G through 399J as sections 399H through 399K, respectively; 42 USC 280f–280f–3.

(B) in section 399H (as so redesignated), in subsection 42 USC 280f.

(b), by striking “section 399H” and inserting “section 399I”;

(C) in section 399J (as so redesignated), in subsection 42 USC 280f–2.

(b), by striking “section 399G(d)” and inserting “section 399H(d)”; and

(D) in section 399K (as so redesignated), by striking 42 USC 280f–3.
“section 399G(d)(1)” and inserting “section 399H(d)(1)”.

Subtitle B—Prevention Activities

SEC. 511. PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT; SYSTEMS FOR REDUCING ASTHMA-RELATED ILLNESSES THROUGH INTEGRATED PEST MANAGEMENT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) by adding a period at the end of subparagraph (G) (as so redesignated);

(3) by inserting after subparagraph (D), the following:

“(E) The establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of illness due to asthma and asthma-related illnesses, especially among children, by reducing the level of exposure to cockroach allergen or other known asthma triggers through the use of integrated pest management, as applied to cockroaches or other known allergens. Amounts expended for such systems may include the costs of building maintenance and the costs of programs to promote community participation in the carrying out at such sites of integrated pest management, as applied to cockroaches or other known allergens. For purposes of this subparagraph, the term ‘integrated pest management’ means an approach to the management of pests in public facilities that combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.”;

(4) in subparagraph (F) (as so redesignated), by striking “subparagraphs (A) through (D)” and inserting “subparagraphs (A) through (E)”; and

(5) in subparagraph (G) (as so redesignated), by striking “subparagraphs (A) through (E)” and inserting “subparagraphs (A) through (F)”.

Subtitle C—Coordination of Federal Activities

SEC. 521. COORDINATION THROUGH NATIONAL INSTITUTES OF HEALTH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424A the following section:

“COORDINATION OF FEDERAL ASTHMA ACTIVITIES

42 USC 285b-7b.

“SEC. 424B (a) IN GENERAL.—The Director of Institute shall, through the National Asthma Education Prevention Program Coordinating Committee—

“(1) identify all Federal programs that carry out asthma-related activities;

“(2) develop, in consultation with appropriate Federal agencies and professional and voluntary health organizations, a Federal plan for responding to asthma; and

“(3) not later than 12 months after the date of the enactment of the Children’s Health Act of 2000, submit recommendations to the appropriate committees of the Congress on ways to strengthen and improve the coordination of asthma-related activities of the Federal Government.

“(b) REPRESENTATION OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—A representative of the Department of Housing and Urban Development shall be included on the National Asthma Education Prevention Program Coordinating Committee for the purpose of performing the tasks described in subsection (a).

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

Subtitle D—Compilation of Data

SEC. 531. COMPILATION OF DATA BY CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 401 of this Act, is amended by inserting after section 317H the following section:

“COMPILATION OF DATA ON ASTHMA

“SEC. 317I. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall— 42 USC 247b–10.

“(1) conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and the quality of asthma management;

“(2) compile and annually publish data on the prevalence of children suffering from asthma in each State; and

“(3) to the extent practicable, compile and publish data on the childhood mortality rate associated with asthma nationally.

“(b) SURVEILLANCE ACTIVITIES.—The Director of the Centers for Disease Control and Prevention, acting through the representative of the Director on the National Asthma Education Prevention Program Coordinating Committee, shall, in carrying out subsection (a), provide an update on surveillance activities at each Committee meeting.

“(c) COLLABORATIVE EFFORTS.—The activities described in subsection (a)(1) may be conducted in collaboration with eligible entities awarded a grant under section 399L.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

Subtitle A—Folic Acid Promotion

SEC. 601. PROGRAM REGARDING EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS.

Part B of title III of the Public Health Service Act, as amended by section 531 of this Act, is amended by inserting after section 317I the following section:

“EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS

Grants.
Contracts.
42 USC 247b-11.

“SEC. 317J. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand and intensify programs (directly or through grants or contracts) for the following purposes:

“(1) To provide education and training for health professionals and the general public for purposes of explaining the effects of folic acid in preventing birth defects and for purposes of encouraging each woman of reproductive capacity (whether or not planning a pregnancy) to consume on a daily basis a dietary supplement that provides an appropriate level of folic acid.

“(2) To conduct research with respect to such education and training, including identifying effective strategies for increasing the rate of consumption of folic acid by women of reproductive capacity.

“(3) To conduct research to increase the understanding of the effects of folic acid in preventing birth defects, including understanding with respect to cleft lip, cleft palate, and heart defects.

“(4) To provide for appropriate epidemiological activities regarding folic acid and birth defects, including epidemiological activities regarding neural tube defects.

“(b) CONSULTATIONS WITH STATES AND PRIVATE ENTITIES.—In carrying out subsection (a), the Secretary shall consult with the States and with other appropriate public or private entities, including national nonprofit private organizations, health professionals, and providers of health insurance and health plans.

“(c) TECHNICAL ASSISTANCE.—The Secretary may (directly or through grants or contracts) provide technical assistance to public and nonprofit private entities in carrying out the activities described in subsection (a).

“(d) EVALUATIONS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of activities under subsection (a) in order to determine the extent to which such activities have been effective in carrying out the purposes of the program under such subsection, including the effects on various demographic populations. Methods of evaluation under the preceding sentence may include surveys of knowledge and attitudes on the consumption of folic acid and on blood folate levels. Such methods may include complete and timely monitoring of infants who are born with neural tube defects.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated

such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

Subtitle B—National Center on Birth Defects and Developmental Disabilities

SEC. 611. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

(1) by striking the heading for the section and inserting the following:

“NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES”;

(2) by striking “SEC. 317C. (a)” and all that follows through the end of subsection (a) and inserting the following:

“SEC. 317C. (a) IN GENERAL.—

“(1) NATIONAL CENTER.—There is established within the Centers for Disease Control and Prevention a center to be known as the National Center on Birth Defects and Developmental Disabilities (referred to in this section as the ‘Center’), which shall be headed by a director appointed by the Director of the Centers for Disease Control and Prevention.

Establishment.

“(2) GENERAL DUTIES.—The Secretary shall carry out programs—

“(A) to collect, analyze, and make available data on birth defects and developmental disabilities (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and disabilities and on the incidence and prevalence of such defects and disabilities;

“(B) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects and disabilities; and

“(C) to provide information and education to the public on the prevention of such defects and disabilities.

“(3) FOLIC ACID.—The Secretary shall carry out section 317J through the Center.

“(4) CERTAIN PROGRAMS.—

“(A) TRANSFERS.—All programs and functions described in subparagraph (B) are transferred to the Center, effective upon the expiration of the 180-day period beginning on the date of the enactment of the Children’s Health Act of 2000.

“(B) RELEVANT PROGRAMS.—The programs and functions described in this subparagraph are all programs and functions that—

“(i) relate to birth defects; folic acid; cerebral palsy; mental retardation; child development; newborn screening; autism; fragile X syndrome; fetal alcohol syndrome; pediatric genetic disorders; disability prevention; or other relevant diseases, disorders, or conditions as determined the Secretary; and

“(ii) were carried out through the National Center for Environmental Health as of the day before the date of the enactment of the Act referred to in subparagraph (A).

“(C) RELATED TRANSFERS.—Personnel employed in connection with the programs and functions specified in subparagraph (B), and amounts available for carrying out the programs and functions, are transferred to the Center, effective upon the expiration of the 180-day period beginning on the date of the enactment of the Act referred to in subparagraph (A). Such transfer of amounts does not affect the period of availability of the amounts, or the availability of the amounts with respect to the purposes for which the amounts may be expended.”; and
(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking “(a)(1)” and inserting “(a)(2)(A)”.

TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

42 USC 280g-1
note.

SEC. 701. PURPOSES.

The purposes of this title are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing state-wide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

SEC. 702. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION, CENTERS FOR DISEASE CONTROL AND PREVENTION, AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as added by section 501 of this Act, is amended by adding at the end the following section:

“SEC. 399M. EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS. 42 USC 280g-1.

“(a) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

“(1) To develop and monitor the efficacy of state-wide newborn and infant hearing screening, evaluation and intervention programs and systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children.

“(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

“(b) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

“(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

“(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

“(B) to provide technical assistance on data collection and management;

“(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to State and national policymakers;

“(D) to identify the causes and risk factors for congenital hearing loss;

“(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

“(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

“(2) NATIONAL INSTITUTES OF HEALTH.—The Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

“(c) COORDINATION AND COLLABORATION.—

“(1) IN GENERAL.—In carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children’s Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children’s language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

“(2) POLICY DEVELOPMENT.—The Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

“(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (a) and to develop a data collection system under subsection (b).

“(d) RULE OF CONSTRUCTION; RELIGIOUS ACCOMMODATION.—Nothing in this section shall be construed to preempt or prohibit any State law, including State laws which do not require the

screening for hearing loss of newborn infants or young children of parents who object to the screening on the grounds that such screening conflicts with the parents' religious beliefs.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘audiologic evaluation’ refers to procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State coordinating agencies under part C of the Individuals with Disabilities Education Act or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

“(2) The terms ‘audiologic rehabilitation’ and ‘audiologic intervention’ refer to procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

“(3) The term ‘early intervention’ refers to providing appropriate services for the child with hearing loss, including non-medical services, and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

“(4) The term ‘medical evaluation by a physician’ refers to key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

“(5) The term ‘medical intervention’ refers to the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

“(6) The term ‘newborn and infant hearing screening’ refers to objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated to the Health Resources and Services Administration such sums as may be necessary for fiscal year 2002.

“(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (b)(1), there are authorized to be appropriated to the Centers for Disease Control and Prevention such sums as may be necessary for fiscal year 2002.

“(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND

OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (b)(2), there are authorized to be appropriated to the National Institute on Deafness and Other Communication Disorders such sums as may be necessary for fiscal year 2002.”.

TITLE VIII—CHILDREN AND EPILEPSY

SEC. 801. NATIONAL PUBLIC HEALTH CAMPAIGN ON EPILEPSY; SEIZURE DISORDER DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following section:

42 USC 254c–5.

“SEC. 330E. EPILEPSY; SEIZURE DISORDER.

“(a) NATIONAL PUBLIC HEALTH CAMPAIGN.—

“(1) IN GENERAL.—The Secretary shall develop and implement public health surveillance, education, research, and intervention strategies to improve the lives of persons with epilepsy, with a particular emphasis on children. Such projects may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

“(2) CERTAIN ACTIVITIES.—Activities under paragraph (1) shall include—

“(A) expanding current surveillance activities through existing monitoring systems and improving registries that maintain data on individuals with epilepsy, including children;

“(B) enhancing research activities on the diagnosis, treatment, and management of epilepsy;

“(C) implementing public and professional information and education programs regarding epilepsy, including initiatives which promote effective management of the disease through children’s programs which are targeted to parents, schools, daycare providers, patients;

“(D) undertaking educational efforts with the media, providers of health care, schools and others regarding stigmas and secondary disabilities related to epilepsy and seizures, and its effects on youth;

“(E) utilizing and expanding partnerships with organizations with experience addressing the health and related needs of people with disabilities; and

“(F) other activities the Secretary deems appropriate.

“(3) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this subsection are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding epilepsy and seizure.

“(b) SEIZURE DISORDER; DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants for the purpose of carrying out demonstration projects to improve access to health and other services regarding seizures to encourage early detection and treatment in children and others residing in medically underserved areas.

“(2) APPLICATION FOR GRANT.—A grant may not be awarded under paragraph (1) unless an application therefore is submitted to the Secretary and the Secretary approves such application. Such application shall be submitted in such form and manner and shall contain such information as the Secretary may prescribe.

“(c) DEFINITIONS.—For purposes of this section:

“(1) The term ‘epilepsy’ refers to a chronic and serious neurological condition characterized by excessive electrical discharges in the brain causing recurring seizures affecting all life activities. The Secretary may revise the definition of such term to the extent the Secretary determines necessary.

“(2) The term ‘medically underserved’ has the meaning applicable under section 799B(6).

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

Subtitle A—Safe Motherhood Prevention Research

SEC. 901. PREVENTION RESEARCH AND OTHER ACTIVITIES.

Part B of title III of the Public Health Service Act, as amended by section 601 of this Act, is amended by inserting after section 317J the following section:

“SAFE MOTHERHOOD

“SEC. 317K. (a) SURVEILLANCE.—

42 USC 247b-12.

“(1) PURPOSE.—The purpose of this subsection is to develop surveillance systems at the local, State, and national level to better understand the burden of maternal complications and mortality and to decrease the disparities among population at risk of death and complications from pregnancy.

“(2) ACTIVITIES.—For the purpose described in paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out the following activities:

“(A) The Secretary may establish and implement a national surveillance program to identify and promote the investigation of deaths and severe complications that occur during pregnancy.

“(B) The Secretary may expand the Pregnancy Risk Assessment Monitoring System to provide surveillance and collect data in each State.

“(C) The Secretary may expand the Maternal and Child Health Epidemiology Program to provide technical support, financial assistance, or the time-limited assignment of senior epidemiologists to maternal and child health programs in each State.

“(b) PREVENTION RESEARCH.—

“(1) PURPOSE.—The purpose of this subsection is to provide the Secretary with the authority to further expand research concerning risk factors, prevention strategies, and the roles of the family, health care providers and the community in safe motherhood.

“(2) RESEARCH.—The Secretary may carry out activities to expand research relating to—

“(A) encouraging preconception counseling, especially for at risk populations such as diabetics;

“(B) the identification of critical components of prenatal delivery and postpartum care;

“(C) the identification of outreach and support services, such as folic acid education, that are available for pregnant women;

“(D) the identification of women who are at high risk for complications;

“(E) preventing preterm delivery;

“(F) preventing urinary tract infections;

“(G) preventing unnecessary caesarean sections;

“(H) an examination of the higher rates of maternal mortality among African American women;

“(I) an examination of the relationship between domestic violence and maternal complications and mortality;

“(J) preventing and reducing adverse health consequences that may result from smoking, alcohol and illegal drug use before, during and after pregnancy;

“(K) preventing infections that cause maternal and infant complications; and

“(L) other areas determined appropriate by the Secretary.

“(c) PREVENTION PROGRAMS.—

“(1) IN GENERAL.—The Secretary may carry out activities to promote safe motherhood, including—

“(A) public education campaigns on healthy pregnancies and the building of partnerships with outside organizations concerned about safe motherhood;

“(B) education programs for physicians, nurses and other health care providers; and

“(C) activities to promote community support services for pregnant women.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

Subtitle B—Pregnant Women and Infants Health Promotion

SEC. 911. PROGRAMS REGARDING PRENATAL AND POSTNATAL HEALTH.

Part B of title III of the Public Health Service Act, as amended by section 901 of this Act, is amended by inserting after section 317K the following section:

“PRENATAL AND POSTNATAL HEALTH

“SEC. 317L. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs— 42 USC 247b–13.

“(1) to collect, analyze, and make available data on prenatal smoking, alcohol and illegal drug use, including data on the implications of such activities and on the incidence and prevalence of such activities and their implications;

“(2) to conduct applied epidemiological research on the prevention of prenatal and postnatal smoking, alcohol and illegal drug use;

“(3) to support, conduct, and evaluate the effectiveness of educational and cessation programs; and

“(4) to provide information and education to the public on the prevention and implications of prenatal and postnatal smoking, alcohol and illegal drug use.

“(b) GRANTS.—In carrying out subsection (a), the Secretary may award grants to and enter into contracts with States, local governments, scientific and academic institutions, federally qualified health centers, and other public and nonprofit entities, and may provide technical and consultative assistance to such entities.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE X— PEDIATRIC RESEARCH INITIATIVE

SEC. 1001. ESTABLISHMENT OF PEDIATRIC RESEARCH INITIATIVE.

Part B of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by adding at the end the following:

“PEDIATRIC RESEARCH INITIATIVE

“SEC. 409D. (a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the ‘Initiative’) to conduct and support research that is directly related to diseases, disorders, and other conditions in children. The Initiative shall be headed by the Director of NIH. 42 USC 284h.

“(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH—

“(1) to increase support for pediatric biomedical research within the National Institutes of Health to realize the expanding opportunities for advancement in scientific investigations and care for children;

“(2) to enhance collaborative efforts among the Institutes to conduct and support multidisciplinary research in the areas that the Director deems most promising; and

“(3) in coordination with the Food and Drug Administration, to increase the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

“(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

“(1) consult with the Director of the National Institute of Child Health and Human Development and the other national research institutes, in considering their requests for new or expanded pediatric research efforts, and consult with the Administrator of the Health Resources and Services Administration and other advisors as the Director determines to be appropriate;

“(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the assistance is directly related to the illnesses and conditions of children; and

Reports.

“(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated through the Initiative.

“(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.

“(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.”.

SEC. 1002. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

(a) IN GENERAL.—Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 921 of this Act, is amended by adding at the end the following:

“INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS

42 USC 285g-10.

“SEC. 452G. (a) ENHANCED SUPPORT.—In order to ensure the future supply of researchers dedicated to the care and research needs of children, the Director of the Institute, after consultation with the Administrator of the Health Resources and Services Administration, shall support activities to provide for—

“(1) an increase in the number and size of institutional training grants to institutions supporting pediatric training; and

“(2) an increase in the number of career development awards for health professionals who intend to build careers in pediatric basic and clinical research.

“(b) AUTHORIZATION.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following section:

“PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM

“SEC. 487F. (a) IN GENERAL.—The Secretary, in consultation with the Director of NIH, may establish a pediatric research loan repayment program. Through such program—

“(1) the Secretary shall enter into contracts with qualified health professionals under which such professionals will agree to conduct pediatric research, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than \$35,000 of the principal and interest of the educational loans of such professionals; and

“(2) the Secretary shall, for the purpose of providing reimbursements for tax liability resulting from payments made under paragraph (1) on behalf of an individual, make payments, in addition to payments under such paragraph, to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved.

“(b) APPLICATION OF OTHER PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with paragraph (1), apply to the program established under such paragraph to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established under subpart III of part D of title III.

“(c) FUNDING.—

“(1) IN GENERAL.—For the purpose of carrying out this section with respect to a national research institute the Secretary may reserve, from amounts appropriated for such institute for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

“(2) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.”.

SEC. 1003. REVIEW OF REGULATIONS.

(a) REVIEW.—By not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a review of the regulations under subpart D of part 46 of title 45, Code of Federal Regulations, consider any modifications necessary to ensure the adequate and appropriate protection of children participating in research, and report the findings of the Secretary to Congress.

(b) AREAS OF REVIEW.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider—

(1) the appropriateness of the regulations for children of differing ages and maturity levels, including legal status;

(2) the definition of “minimal risk” for a healthy child or for a child with an illness;

(3) the definitions of “assent” and “permission” for child clinical research participants and their parents or guardians and of “adequate provisions” for soliciting assent or permission in research as such definitions relate to the process of obtaining the agreement of children participating in research and the parents or guardians of such children;

(4) the definitions of “direct benefit to the individual subjects” and “generalizable knowledge about the subject’s disorder or condition”;

(5) whether payment (financial or otherwise) may be provided to a child or his or her parent or guardian for the participation of the child in research, and if so, the amount and type given;

(6) the expectations of child research participants and their parent or guardian for the direct benefits of the child’s research involvement;

(7) safeguards for research involving children conducted in emergency situations with a waiver of informed assent;

(8) parent and child notification in instances in which the regulations have not been complied with;

(9) compliance with the regulations in effect on the date of the enactment of this Act, the monitoring of such compliance, and enforcement actions for violations of such regulations; and

(10) the appropriateness of current practices for recruiting children for participation in research.

(c) CONSULTATION.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consult broadly with experts in the field, including pediatric pharmacologists, pediatricians, pediatric professional societies, bioethics experts, clinical investigators, institutional review boards, industry experts, appropriate Federal agencies, and children who have participated in research studies and the parents, guardians, or families of such children.

(d) CONSIDERATION OF ADDITIONAL PROVISIONS.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider and, not later than 6 months after the date of the enactment of this Act, report to Congress concerning—

(1) whether the Secretary should establish data and safety monitoring boards or other mechanisms to review adverse events associated with research involving children; and

(2) whether the institutional review board oversight of clinical trials involving children is adequate to protect children.

42 USC 285g
note.

SEC. 1004. LONG-TERM CHILD DEVELOPMENT STUDY.

(a) PURPOSE.—It is the purpose of this section to authorize the National Institute of Child Health and Human Development to conduct a national longitudinal study of environmental influences (including physical, chemical, biological, and psychosocial) on children’s health and development.

Establishment.

(b) IN GENERAL.—The Director of the National Institute of Child Health and Human Development shall establish a consortium of representatives from appropriate Federal agencies (including the

Centers for Disease Control and Prevention, the Environmental Protection Agency) to—

(1) plan, develop, and implement a prospective cohort study, from birth to adulthood, to evaluate the effects of both chronic and intermittent exposures on child health and human development; and

(2) investigate basic mechanisms of developmental disorders and environmental factors, both risk and protective, that influence health and developmental processes.

(c) REQUIREMENT.—The study under subsection (b) shall—

(1) incorporate behavioral, emotional, educational, and contextual consequences to enable a complete assessment of the physical, chemical, biological and psychosocial environmental influences on children's well-being;

(2) gather data on environmental influences and outcomes on diverse populations of children, which may include the consideration of prenatal exposures; and

(3) consider health disparities among children which may include the consideration of prenatal exposures.

(d) REPORT.—Beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study under this section, the Director of the National Institute of Child Health and Human Development shall prepare and submit to the appropriate committees of Congress a report on the implementation and findings made under the planning and feasibility study conducted under this section. Deadline.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$18,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2002 through 2005.

TITLE XI—CHILDHOOD MALIGNANCIES

SEC. 1101. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as amended by section 702 of this Act, is amended by adding at the end the following section:

“SEC. 399N. CHILDHOOD MALIGNANCIES.

42 USC 280g-2.

“(a) IN GENERAL.—The Secretary, acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall study environmental and other risk factors for childhood cancers (including skeletal malignancies, leukemias, malignant tumors of the central nervous system, lymphomas, soft tissue sarcomas, and other malignant neoplasms) and carry out projects to improve outcomes among children with childhood cancers and resultant secondary conditions, including limb loss, anemia, rehabilitation, and palliative care. Such projects shall be carried out by the Secretary directly and through awards of grants or contracts.

“(b) CERTAIN ACTIVITIES.—Activities under subsection (a) include—

“(1) the expansion of current demographic data collection and population surveillance efforts to include childhood cancers nationally;

“(2) the development of a uniform reporting system under which treating physicians, hospitals, clinics, and States report the diagnosis of childhood cancers, including relevant associated epidemiological data; and

“(3) support for the National Limb Loss Information Center to address, in part, the primary and secondary needs of persons who experience childhood cancers in order to prevent or minimize the disabling nature of these cancers.

“(c) COORDINATION OF ACTIVITIES.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities focused on childhood cancers and limb loss.

“(d) DEFINITION.—For purposes of this section, the term ‘childhood cancer’ refers to a spectrum of different malignancies that vary by histology, site of disease, origin, race, sex, and age. The Secretary may for purposes of this section revise the definition of such term to the extent determined by the Secretary to be appropriate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XII—ADOPTION AWARENESS

Subtitle A—Infant Adoption Awareness

SEC. 1201. GRANTS REGARDING INFANT ADOPTION AWARENESS.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

42 USC 254c-6.

“SEC. 330F. CERTAIN SERVICES FOR PREGNANT WOMEN.

“(a) INFANT ADOPTION AWARENESS.—

“(1) IN GENERAL.—The Secretary shall make grants to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

“(2) BEST-PRACTICES GUIDELINES.—

“(A) IN GENERAL.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree that, in providing training under such paragraph, the organization will follow the guidelines developed under subparagraph (B).

“(B) PROCESS FOR DEVELOPMENT OF GUIDELINES.—

“(i) IN GENERAL.—The Secretary shall establish and supervise a process described in clause (ii) in which the participants are—

“(I) an appropriate number and variety of adoption organizations that, as a group, have expertise in all models of adoption practice and that represent all members of the adoption triad (birth mother, infant, and adoptive parent); and

“(II) affected public health entities.

“(ii) DESCRIPTION OF PROCESS.—The process referred to in clause (i) is a process in which the participants described in such clause collaborate to develop best-practices guidelines on the provision of adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

“(iii) DATE CERTAIN FOR DEVELOPMENT.—The Secretary shall ensure that the guidelines described in clause (ii) are developed not later than 180 days after the date of the enactment of the Children’s Health Act of 2000.

Deadline.

“(C) RELATION TO AUTHORITY FOR GRANTS.—The Secretary may not make any grant under paragraph (1) before the date on which the guidelines under subparagraph (B) are developed.

“(3) USE OF GRANT.—

“(A) IN GENERAL.—With respect to a grant under paragraph (1)—

“(i) an adoption organization may expend the grant to carry out the programs directly or through grants to or contracts with other adoption organizations;

“(ii) the purposes for which the adoption organization expends the grant may include the development of a training curriculum, consistent with the guidelines developed under paragraph (2)(B); and

“(iii) a condition for the receipt of the grant is that the adoption organization agree that, in providing training for the designated staff of eligible health centers, such organization will make reasonable efforts to ensure that the individuals who provide the training are individuals who are knowledgeable in all elements of the adoption process and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located, and that the designated staff receive the training in such areas.

“(B) RULE OF CONSTRUCTION REGARDING TRAINING OF TRAINERS.—With respect to individuals who under a grant under paragraph (1) provide training for the designated staff of eligible health centers (referred to in this subparagraph as ‘trainers’), subparagraph (A)(iii) may not be construed as establishing any limitation regarding the geographic area in which the trainers receive instruction in being such trainers. A trainer may receive such instruction in a different geographic area than the area in which the trainer trains (or will train) the designated staff of eligible health centers.

“(4) ADOPTION ORGANIZATIONS; ELIGIBLE HEALTH CENTERS; OTHER DEFINITIONS.—For purposes of this section:

“(A) The term ‘adoption organization’ means a national, regional, or local organization—

“(i) among whose primary purposes are adoption;

“(ii) that is knowledgeable in all elements of the adoption process and on providing adoption information and referrals to pregnant women; and

“(iii) that is a nonprofit private entity.

“(B) The term ‘designated staff’, with respect to an eligible health center, means staff of the center who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training under a grant under paragraph (1)).

“(C) The term ‘eligible health centers’ means public and nonprofit private entities that provide health services to pregnant women.

“(5) TRAINING FOR CERTAIN ELIGIBLE HEALTH CENTERS.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree to make reasonable efforts to ensure that the eligible health centers with respect to which training under the grant is provided include—

“(A) eligible health centers that receive grants under section 1001 (relating to voluntary family planning projects);

“(B) eligible health centers that receive grants under section 330 (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and

“(C) eligible health centers that receive grants under this Act for the provision of services in schools.

“(6) PARTICIPATION OF CERTAIN ELIGIBLE HEALTH CLINICS.—In the case of eligible health centers that receive grants under section 330 or 1001:

“(A) Within a reasonable period after the Secretary begins making grants under paragraph (1), the Secretary shall provide eligible health centers with complete information about the training available from organizations receiving grants under such paragraph. The Secretary shall make reasonable efforts to encourage eligible health centers to arrange for designated staff to participate in such training. Such efforts shall affirm Federal requirements, if any, that the eligible health center provide nondirective counseling to pregnant women.

“(B) All costs of such centers in obtaining the training shall be reimbursed by the organization that provides the training, using grants under paragraph (1).

“(C) Not later than 1 year after the date of the enactment of the Children’s Health Act of 2000, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers. Within a reasonable time after training under this section is initiated, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers in order to determine the effectiveness of such training and the extent to which such training complies with subsection (a)(1). In preparing the reports required by this subparagraph, the Secretary shall in no respect interpret the provisions of this section to allow any interference

Deadline.
Reports.

Reports.

in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process or patient records which breaches patient confidentiality or reveals patient identity. The reports required by this subparagraph shall be conducted by the Secretary acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Director of the Agency for Healthcare Research and Quality.

“(b) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

Subtitle B—Special Needs Adoption Awareness

SEC. 1211. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1201 of this Act, is amended by adding at the end the following section:

“SEC. 330G. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

42 USC 254c-7.

“(a) SPECIAL NEEDS ADOPTION AWARENESS CAMPAIGN.—

“(1) IN GENERAL.—The Secretary shall, through making grants to nonprofit private entities, provide for the planning, development, and carrying out of a national campaign to provide information to the public regarding the adoption of children with special needs.

Grants.

“(2) INPUT ON PLANNING AND DEVELOPMENT.—In providing for the planning and development of the national campaign under paragraph (1), the Secretary shall provide for input from a number and variety of adoption organizations throughout the States in order that the full national diversity of interests among adoption organizations is represented in the planning and development of the campaign.

“(3) CERTAIN FEATURES.—With respect to the national campaign under paragraph (1):

“(A) The campaign shall be directed at various populations, taking into account as appropriate differences among geographic regions, and shall be carried out in the language and cultural context that is most appropriate to the population involved.

“(B) The means through which the campaign may be carried out include—

“(i) placing public service announcements on television, radio, and billboards; and

“(ii) providing information through means that the Secretary determines will reach individuals who are most likely to adopt children with special needs.

“(C) The campaign shall provide information on the subsidies and supports that are available to individuals regarding the adoption of children with special needs.

“(D) The Secretary may provide that the placement of public service announcements, and the dissemination of brochures and other materials, is subject to review by the Secretary.

“(4) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—With respect to the costs of the activities to be carried out by an entity pursuant to paragraph (1), a condition for the receipt of a grant under such paragraph is that the entity agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

Grants.
Contracts.

“(b) NATIONAL RESOURCES PROGRAM.—The Secretary shall (directly or through grant or contract) carry out a program that, through toll-free telecommunications, makes available to the public information regarding the adoption of children with special needs. Such information shall include the following:

“(1) A list of national, State, and regional organizations that provide services regarding such adoptions, including exchanges and other information on communicating with the organizations. The list shall represent the full national diversity of adoption organizations.

“(2) Information beneficial to individuals who adopt such children, including lists of support groups for adoptive parents and other postadoptive services.

Grants.

“(c) OTHER PROGRAMS.—With respect to the adoption of children with special needs, the Secretary shall make grants—

“(1) to provide assistance to support groups for adoptive parents, adopted children, and siblings of adopted children; and

“(2) to carry out studies to identify—

“(A) the barriers to completion of the adoption process; and

“(B) those components that lead to favorable long-term outcomes for families that adopt children with special needs.

“(d) APPLICATION FOR GRANT.—The Secretary may make an award of a grant or contract under this section only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(e) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XIII—TRAUMATIC BRAIN INJURY

SEC. 1301. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Section 393A of the Public Health Service Act (42 U.S.C. 280b-1b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(3) the implementation of a national education and awareness campaign regarding such injury (in conjunction with the program of the Secretary regarding health-status goals for 2010, commonly referred to as Healthy People 2010), including—

“(A) the national dissemination of information on—

“(i) incidence and prevalence; and

“(ii) information relating to traumatic brain injury and the sequelae of secondary conditions arising from traumatic brain injury upon discharge from hospitals and trauma centers; and

“(B) the provision of information in primary care settings, including emergency rooms and trauma centers, concerning the availability of State level services and resources.”;

(2) in subsection (d)—

(A) in the second sentence, by striking “anoxia due to near drowning.” and inserting “anoxia due to trauma.”; and

(B) in the third sentence, by inserting before the period the following: “, after consultation with States and other appropriate public or nonprofit private entities”.

(b) NATIONAL REGISTRY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following section:

“NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY REGISTRIES

“SEC. 393B. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State’s traumatic brain injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

“(1) demographic information about each traumatic brain injury;

“(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury;

“(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury; and

“(4) information characterizing the clinical aspects of the traumatic brain injury, including the severity of the injury,

42 USC 280b-1c.

outcomes of the injury, the types of treatments received, and the types of services utilized.”.

SEC. 1302. STUDY AND MONITOR INCIDENCE AND PREVALENCE.

Section 4 of Public Law 104-166 (42 U.S.C. 300d-61 note) is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following:

“(i)(I) determine the incidence and prevalence of traumatic brain injury in all age groups in the general population of the United States, including institutional settings; and

“(II) determine appropriate methodological strategies to obtain data on the incidence and prevalence of mild traumatic brain injury and report to Congress concerning such within 18 months of the date of the enactment of the Children’s Health Act of 2000; and”; and

(B) in clause (ii), by striking “, if the Secretary determines that such a system is appropriate”;

(2) in subsection (a)(1)(B)(i), by inserting “, including return to work or school and community participation,” after “functioning”; and

(3) in subsection (d), to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 1303. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

(a) INTERAGENCY PROGRAM.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d-61(d)(4)) is amended—

(1) in subparagraph (A), by striking “degree of injury” and inserting “degree of brain injury”;

(2) in subparagraph (B), by striking “acute injury” and inserting “acute brain injury”; and

(3) in subparagraph (D), by striking “injury treatment” and inserting “brain injury treatment”.

(b) DEFINITION.—Section 1261(h)(4) of the Public Health Service Act (42 U.S.C. 300d-61(h)(4)) is amended—

(1) in the second sentence, by striking “anoxia due to near drowning.” and inserting “anoxia due to trauma.”; and

(2) in the third sentence, by inserting before the period the following: “, after consultation with States and other appropriate public or nonprofit private entities”.

(c) RESEARCH ON COGNITIVE AND NEUROBEHAVIORAL DISORDERS ARISING FROM TRAUMATIC BRAIN INJURY.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d-61(d)(4)) is amended—

(1) in subparagraph (C), by striking “and” after the semicolon at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) carrying out subparagraphs (A) through (D) with respect to cognitive disorders and neurobehavioral consequences arising from traumatic brain injury, including the development, modification, and evaluation of therapies and programs of rehabilitation toward reaching or restoring

normal capabilities in areas such as reading, comprehension, speech, reasoning, and deduction.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 1304. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d-51) is amended—

42 USC 300d-52.

(1) in the section heading by striking “**demonstration**”;

(2) in subsection (a), by striking “demonstration”;

(3) in subsection (b)(3)—

(A) in subparagraph (A)(iv), by striking “representing traumatic brain injury survivors” and inserting “representing individuals with traumatic brain injury”; and

(B) in subparagraph (B), by striking “who are survivors of” and inserting “with”;

(4) in subsection (c)—

(A) in paragraph (1), by striking “, in cash,”; and

(B) in paragraph (2), by amending the paragraph to read as follows:

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.”;

(5) by redesignating subsections (e) through (h) as subsections (g) through (j), respectively;

(6) by inserting after subsection (d) the following subsections:

“(e) CONTINUATION OF PREVIOUSLY AWARDED DEMONSTRATION PROJECTS.—A State that received a grant under this section prior to the date of the enactment of the Children’s Health Act of 2000 may compete for new project grants under this section after such date of the enactment.

“(f) USE OF STATE GRANTS.—

“(1) COMMUNITY SERVICES AND SUPPORTS.—A State shall (directly or through awards of contracts to nonprofit private entities) use amounts received under a grant under this section for the following:

“(A) To develop, change, or enhance community-based service delivery systems that include timely access to comprehensive appropriate services and supports. Such service and supports—

“(i) shall promote full participation by individuals with brain injury and their families in decision making regarding the services and supports; and

“(ii) shall be designed for children and other individuals with traumatic brain injury.

“(B) To focus on outreach to underserved and inappropriately served individuals, such as individuals in institutional settings, individuals with low socioeconomic resources, individuals in rural communities, and individuals in culturally and linguistically diverse communities.

“(C) To award contracts to nonprofit entities for consumer or family service access training, consumer support, peer mentoring, and parent to parent programs.

“(D) To develop individual and family service coordination or case management systems.

“(E) To support other needs identified by the advisory board under subsection (b) for the State involved.

“(2) BEST PRACTICES.—

“(A) IN GENERAL.—State services and supports provided under a grant under this section shall reflect the best practices in the field of traumatic brain injury, shall be in compliance with title II of the Americans with Disabilities Act of 1990, and shall be supported by quality assurance measures as well as state-of-the-art health care and integrated community supports, regardless of the severity of injury.

“(B) DEMONSTRATION BY STATE AGENCY.—The State agency responsible for administering amounts received under a grant under this section shall demonstrate that it has obtained knowledge and expertise of traumatic brain injury and the unique needs associated with traumatic brain injury.

“(3) STATE CAPACITY BUILDING.—A State may use amounts received under a grant under this section to—

“(A) educate consumers and families;

“(B) train professionals in public and private sector financing (such as third party payers, State agencies, community-based providers, schools, and educators);

“(C) develop or improve case management or service coordination systems;

“(D) develop best practices in areas such as family or consumer support, return to work, housing or supportive living personal assistance services, assistive technology and devices, behavioral health services, substance abuse services, and traumatic brain injury treatment and rehabilitation;

“(E) tailor existing State systems to provide accommodations to the needs of individuals with brain injury (including systems administered by the State departments responsible for health, mental health, labor/employment, education, mental retardation/developmental disorders, transportation, and correctional systems);

“(F) improve data sets coordinated across systems and other needs identified by a State plan supported by its advisory council; and

“(G) develop capacity within targeted communities.”;

(7) in subsection (g) (as so redesignated), by striking “agencies of the Public Health Service” and inserting “Federal agencies”;

(8) in subsection (i) (as redesignated by paragraph (3))—

(A) in the second sentence, by striking “anoxia due to near drowning.” and inserting “anoxia due to trauma.”; and

(B) in the third sentence, by inserting before the period the following: “, after consultation with States and other appropriate public or nonprofit private entities”; and

(9) in subsection (j) (as so redesignated), by amending the subsection to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 1305. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d–51 et seq.) is amended by adding at the end the following:

“SEC. 1253. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

42 USC 300d–53.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the ‘Administrator’), shall make grants to protection and advocacy systems for the purpose of enabling such systems to provide services to individuals with traumatic brain injury.

“(b) SERVICES PROVIDED.—Services provided under this section may include the provision of—

“(1) information, referrals, and advice;

“(2) individual and family advocacy;

“(3) legal representation; and

“(4) specific assistance in self-advocacy.

“(c) APPLICATION.—To be eligible to receive a grant under this section, a protection and advocacy system shall submit an application to the Administrator at such time, in such form and manner, and accompanied by such information and assurances as the Administrator may require.

“(d) APPROPRIATIONS LESS THAN \$2,700,000.—

“(1) IN GENERAL.—With respect to any fiscal year in which the amount appropriated under subsection (i) to carry out this section is less than \$2,700,000, the Administrator shall make grants from such amount to individual protection and advocacy systems within States to enable such systems to plan for, develop outreach strategies for, and carry out services authorized under this section for individuals with traumatic brain injury.

“(2) AMOUNT.—The amount of each grant provided under paragraph (1) shall be determined as set forth in paragraphs (2) and (3) of subsection (e).

“(e) APPROPRIATIONS OF \$2,700,000 OR MORE.—

“(1) POPULATION BASIS.—Except as provided in paragraph (2), with respect to each fiscal year in which the amount appropriated under subsection (i) to carry out this section is \$2,700,000 or more, the Administrator shall make a grant to a protection and advocacy system within each State.

“(2) AMOUNT.—The amount of a grant provided to a system under paragraph (1) shall be equal to an amount bearing the same ratio to the total amount appropriated for the fiscal

year involved under subsection (i) as the population of the State in which the grantee is located bears to the population of all States.

“(3) MINIMUMS.—Subject to the availability of appropriations, the amount of a grant a protection and advocacy system under paragraph (1) for a fiscal year shall—

“(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and the protection and advocacy system serving the American Indian consortium, not be less than \$20,000; and

“(B) in the case of a protection and advocacy system in a State not described in subparagraph (A), not be less than \$50,000.

“(4) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated under subsection (i) to carry out this section is \$5,000,000 or more, and such appropriated amount exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Administrator shall increase each of the minimum grants amount described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase in the total amount appropriated under subsection (i) to carry out this section between the preceding fiscal year and the fiscal year involved.

“(f) CARRYOVER.—Any amount paid to a protection and advocacy system that serves a State or the American Indian consortium for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the next fiscal year for the purposes for which such amount was originally provided.

“(g) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Administrator shall pay directly to any protection and advocacy system that complies with the provisions of this section, the total amount of the grant for such system, unless the system provides otherwise for such payment.

“(h) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Administrator concerning the services provided to individuals with traumatic brain injury by such system.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2002 through 2005.

“(j) DEFINITIONS.—In this section:

“(1) AMERICAN INDIAN CONSORTIUM.—The term ‘American Indian consortium’ means a consortium established under part C of the Developmental Disabilities Assistance Bill of Rights Act (42 U.S.C. 6042 et seq.).

“(2) PROTECTION AND ADVOCACY SYSTEM.—The term ‘protection and advocacy system’ means a protection and advocacy system established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).

“(3) STATE.—The term ‘State’, unless otherwise specified, means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United

States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

SEC. 1306. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.

Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended by striking “and” after “1994” and by inserting before the period the following: “, and such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XIV—CHILD CARE SAFETY AND HEALTH GRANTS

SEC. 1401. DEFINITIONS.

42 USC 9859.

In this title:

(1) **CHILD WITH A DISABILITY; INFANT OR TODDLER WITH A DISABILITY.**—The terms “child with a disability” and “infant or toddler with a disability” have the meanings given the terms in sections 602 and 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1401 and 1431).

(2) **ELIGIBLE CHILD CARE PROVIDER.**—The term “eligible child care provider” means a provider of child care services for compensation, including a provider of care for a school-age child during non-school hours, that—

(A) is licensed, regulated, registered, or otherwise legally operating, under State and local law; and

(B) satisfies the State and local requirements, applicable to the child care services the provider provides.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(4) **STATE.**—The term “State” means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

42 USC 9859a.

There are authorized to be appropriated to carry out this title \$200,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year.

SEC. 1403. PROGRAMS.

42 USC 9859b.

The Secretary shall make allotments to eligible States under section 1404. The Secretary shall make the allotments to enable the States to establish programs to improve the health and safety of children receiving child care outside the home, by preventing illnesses and injuries associated with that care and promoting the health and well-being of children receiving that care.

SEC. 1404. AMOUNTS RESERVED; ALLOTMENTS.

42 USC 9859c.

(a) **AMOUNTS RESERVED.**—The Secretary shall reserve not more than one-half of 1 percent of the amount appropriated under section 1402 for each fiscal year to make allotments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands to be allotted in accordance with their respective needs.

(b) **STATE ALLOTMENTS.**—

(1) GENERAL RULE.—From the amounts appropriated under section 1402 for each fiscal year and remaining after reservations are made under subsection (a), the Secretary shall allot to each State an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States; and

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States.

(2) YOUNG CHILD FACTOR.—In this subsection, the term “young child factor” means the ratio of the number of children under 5 years of age in a State to the number of such children in all States, as provided by the most recent annual estimates of population in the States by the Census Bureau of the Department of Commerce.

(3) SCHOOL LUNCH FACTOR.—In this subsection, the term “school lunch factor” means the ratio of the number of children who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) in the State to the number of such children in all States, as determined annually by the Department of Agriculture.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—For purposes of this subsection, the allotment percentage for a State shall be determined by dividing the per capita income of all individuals in the United States, by the per capita income of all individuals in the State.

(B) LIMITATIONS.—If an allotment percentage determined under subparagraph (A) for a State—

(i) is more than 1.2 percent, the allotment percentage of the State shall be considered to be 1.2 percent; and

(ii) is less than 0.8 percent, the allotment percentage of the State shall be considered to be 0.8 percent.

(C) PER CAPITA INCOME.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals;

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning after the date such determination is made; and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce on the date such determination is made.

(c) DATA AND INFORMATION.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(d) **DEFINITION.**—In this section, the term “State” includes only the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1405. STATE APPLICATIONS.

42 USC 9859d.

To be eligible to receive an allotment under section 1404, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall contain information assessing the needs of the State with regard to child care health and safety, the goals to be achieved through the program carried out by the State under this title, and the measures to be used to assess the progress made by the State toward achieving the goals.

SEC. 1406. USE OF FUNDS.

42 USC 9859e.

(a) **IN GENERAL.**—A State that receives an allotment under section 1404 shall use the funds made available through the allotment to carry out two or more activities consisting of—

(1) providing training and education to eligible child care providers on preventing injuries and illnesses in children, and promoting health-related practices;

(2) strengthening licensing, regulation, or registration standards for eligible child care providers;

(3) assisting eligible child care providers in meeting licensing, regulation, or registration standards, including rehabilitating the facilities of the providers, in order to bring the facilities into compliance with the standards;

(4) enforcing licensing, regulation, or registration standards for eligible child care providers, including holding increased unannounced inspections of the facilities of those providers;

(5) providing health consultants to provide advice to eligible child care providers;

(6) assisting eligible child care providers in enhancing the ability of the providers to serve children with disabilities and infants and toddlers with disabilities;

(7) conducting criminal background checks for eligible child care providers and other individuals who have contact with children in the facilities of the providers;

(8) providing information to parents on what factors to consider in choosing a safe and healthy child care setting; or

(9) assisting in improving the safety of transportation practices for children enrolled in child care programs with eligible child care providers.

(b) **SUPPLEMENT, NOT SUPPLANT.**—Funds appropriated pursuant to the authority of this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

SEC. 1407. REPORTS.

42 USC 9859f.

Each State that receives an allotment under section 1404 shall annually prepare and submit to the Secretary a report that describes—

(1) the activities carried out with funds made available through the allotment; and

(2) the progress made by the State toward achieving the goals described in the application submitted by the State under section 1405.

TITLE XV—HEALTHY START INITIATIVE

SEC. 1501. CONTINUATION OF HEALTHY START PROGRAM.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1211 of this Act, is amended by adding at the end the following section:

42 USC 254c-8.

“SEC. 330H. HEALTHY START FOR INFANTS.

“(a) IN GENERAL.—

“(1) CONTINUATION AND EXPANSION OF PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, Maternal and Child Health Bureau, shall under authority of this section continue in effect the Healthy Start Initiative and may, during fiscal year 2001 and subsequent years, carry out such program on a national basis.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘Healthy Start Initiative’ is a reference to the program that, as an initiative to reduce the rate of infant mortality and improve perinatal outcomes, makes grants for project areas with high annual rates of infant mortality and that, prior to the effective date of this section, was a demonstration program carried out under section 301.

“(3) ADDITIONAL GRANTS.—Effective upon increased funding beyond fiscal year 1999 for such Initiative, additional grants may be made to States to assist communities with technical assistance, replication of successful projects, and State policy formation to reduce infant and maternal mortality and morbidity.

“(b) REQUIREMENTS FOR MAKING GRANTS.—In making grants under subsection (a), the Secretary shall require that applicants (in addition to meeting all eligibility criteria established by the Secretary) establish, for project areas under such subsection, community-based consortia of individuals and organizations (including agencies responsible for administering block grant programs under title V of the Social Security Act, consumers of project services, public health departments, hospitals, health centers under section 330, and other significant sources of health care services) that are appropriate for participation in projects under subsection (a).

“(c) COORDINATION.—Recipients of grants under subsection (a) shall coordinate their services and activities with the State agency or agencies that administer block grant programs under title V of the Social Security Act in order to promote cooperation, integration, and dissemination of information with Statewide systems and with other community services funded under the Maternal and Child Health Block Grant.

“(d) RULE OF CONSTRUCTION.—Except to the extent inconsistent with this section, this section may not be construed as affecting the authority of the Secretary to make modifications in the program carried out under subsection (a).

“(e) ADDITIONAL SERVICES FOR AT-RISK PREGNANT WOMEN AND INFANTS.—

“(1) IN GENERAL.—The Secretary may make grants to conduct and support research and to provide additional health care services for pregnant women and infants, including grants

to increase access to prenatal care, genetic counseling, ultrasound services, and fetal or other surgery.

“(2) ELIGIBLE PROJECT AREA.—The Secretary may make a grant under paragraph (1) only if the geographic area in which services under the grant will be provided is a geographic area in which a project under subsection (a) is being carried out, and if the Secretary determines that the grant will add to or expand the level of health services available in such area to pregnant women and infants.

“(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—

“(A) IN GENERAL.—During fiscal year 2004, the Comptroller General of the United States shall conduct an evaluation of activities under grants under paragraph (1) in order to determine whether the activities have been effective in serving the needs of pregnant women with respect to services described in such paragraph. The evaluation shall include an analysis of whether such activities have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups. Not later than January 10, 2004, the Comptroller General shall submit to the Committee on Commerce in the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions in the Senate, a report describing the findings of the evaluation.

Deadline.

“(B) RELATION TO GRANTS REGARDING ADDITIONAL SERVICES FOR AT-RISK PREGNANT WOMEN AND INFANTS.—Before the date on which the evaluation under subparagraph (A) is submitted in accordance with such subparagraph—

“(i) the Secretary shall ensure that there are not more than five grantees under paragraph (1); and

“(ii) an entity is not eligible to receive grants under such paragraph unless the entity has substantial experience in providing the health services described in such paragraph.

“(f) FUNDING.—

“(1) GENERAL PROGRAM.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section (other than subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(B) ALLOCATIONS.—

“(i) PROGRAM ADMINISTRATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

“(ii) EVALUATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health

status between the general population and individuals who are members of racial or ethnic minority groups.
“(2) **ADDITIONAL SERVICES FOR AT-RISK PREGNANT WOMEN AND INFANTS.**—

“(A) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out subsection (e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(B) **ALLOCATION FOR COMMUNITY-BASED MOBILE HEALTH UNITS.**—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall make available not less than 10 percent for providing services under subsection (e) (including ultrasound services) through visits by mobile units to communities that are eligible for services under subsection (a).”.

TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

42 USC 247b-
14a.

SEC. 1601. IDENTIFICATION OF INTERVENTIONS THAT REDUCE THE BURDEN AND TRANSMISSION OF ORAL, DENTAL, AND CRANIOFACIAL DISEASES IN HIGH RISK POPULATIONS; DEVELOPMENT OF APPROACHES FOR PEDIATRIC ORAL AND CRANIOFACIAL ASSESSMENT.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, through the Maternal and Child Health Bureau, the Indian Health Service, and in consultation with the National Institutes of Health and the Centers for Disease Control and Prevention, shall—

(1) support community-based research that is designed to improve understanding of the etiology, pathogenesis, diagnosis, prevention, and treatment of pediatric oral, dental, craniofacial diseases and conditions and their sequelae in high risk populations;

(2) support demonstrations of preventive interventions in high risk populations including nutrition, parenting, and feeding techniques; and

(3) develop clinical approaches to assess individual patients for the risk of pediatric dental disease.

(b) **COMPLIANCE WITH STATE PRACTICE LAWS.**—Treatment and other services shall be provided pursuant to this section by licensed dental health professionals in accordance with State practice and licensing laws.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section for each the fiscal years 2001 through 2005.

SEC. 1602. ORAL HEALTH PROMOTION AND DISEASE PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 911 of this Act, is amended by inserting after section 317L the following section:

“ORAL HEALTH PROMOTION AND DISEASE PREVENTION

42 USC 247b-14.

“SEC. 317M. (a) **GRANTS TO INCREASE RESOURCES FOR COMMUNITY WATER FLUORIDATION.**—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and Indian tribes for the purpose of increasing the resources available for community water fluoridation.

“(2) USE OF FUNDS.—A State shall use amounts provided under a grant under paragraph (1)—

“(A) to purchase fluoridation equipment;

“(B) to train fluoridation engineers;

“(C) to develop educational materials on the benefits of fluoridation; or

“(D) to support the infrastructure necessary to monitor and maintain the quality of water fluoridation.

“(b) COMMUNITY WATER FLUORIDATION.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Director of the Indian Health Service, shall establish a demonstration project that is designed to assist rural water systems in successfully implementing the water fluoridation guidelines of the Centers for Disease Control and Prevention that are entitled ‘Engineering and Administrative Recommendations for Water Fluoridation, 1995’ (referred to in this subsection as the ‘EARWF’).

Establishment.

“(2) REQUIREMENTS.—

“(A) COLLABORATION.—In collaborating under paragraph (1), the Directors referred to in such paragraph shall ensure that technical assistance and training are provided to tribal programs located in each of the 12 areas of the Indian Health Service. The Director of the Indian Health Service shall provide coordination and administrative support to tribes under this section.

“(B) GENERAL USE OF FUNDS.—Amounts made available under paragraph (1) shall be used to assist small water systems in improving the effectiveness of water fluoridation and to meet the recommendations of the EARWF.

“(C) FLUORIDATION SPECIALISTS.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary shall provide for the establishment of fluoridation specialist engineering positions in each of the Dental Clinical and Preventive Support Centers through which technical assistance and training will be provided to tribal water operators, tribal utility operators and other Indian Health Service personnel working directly with fluoridation projects.

“(ii) LIAISON.—A fluoridation specialist shall serve as the principal technical liaison between the Indian Health Service and the Centers for Disease Control and Prevention with respect to engineering and fluoridation issues.

“(iii) CDC.—The Director of the Centers for Disease Control and Prevention shall appoint individuals to serve as the fluoridation specialists.

“(D) IMPLEMENTATION.—The project established under this subsection shall be planned, implemented and evaluated over the 5-year period beginning on the date on which funds are appropriated under this section and shall be

designed to serve as a model for improving the effectiveness of water fluoridation systems of small rural communities.

“(3) EVALUATION.—In conducting the ongoing evaluation as provided for in paragraph (2)(D), the Secretary shall ensure that such evaluation includes—

“(A) the measurement of changes in water fluoridation compliance levels resulting from assistance provided under this section;

“(B) the identification of the administrative, technical and operational challenges that are unique to the fluoridation of small water systems;

“(C) the development of a practical model that may be easily utilized by other tribal, State, county or local governments in improving the quality of water fluoridation with emphasis on small water systems; and

“(D) the measurement of any increased percentage of Native Americans or Alaskan Natives who receive the benefits of optimally fluoridated water.

“(c) SCHOOL-BASED DENTAL SEALANT PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Administrator of the Health Resources and Services Administration, may award grants to States and Indian tribes to provide for the development of school-based dental sealant programs to improve the access of children to sealants.

“(2) USE OF FUNDS.—A State shall use amounts received under a grant under paragraph (1) to provide funds to eligible school-based entities or to public elementary or secondary schools to enable such entities or schools to provide children with access to dental care and dental sealant services. Such services shall be provided by licensed dental health professionals in accordance with State practice licensing laws.

“(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

“(A) prepare and submit to the State an application at such time, in such manner and containing such information as the State may require; and

“(B) be a public elementary or secondary school—

“(i) that is located in an urban area in which and more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

“(ii) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

“(d) DEFINITIONS.—For purposes of this section, the term ‘Indian tribe’ means an Indian tribe or tribal organization as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 1603. COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.

Part B of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

“COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH

“SEC. 320A. (a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program to fund innovative oral health activities that improve the oral health of children under 6 years of age who are eligible for services provided under a Federal health program, to increase the utilization of dental services by such children, and to decrease the incidence of early childhood and baby bottle tooth decay. 42 USC 247d–1.

“(b) GRANTS.—The Secretary shall award grants to or enter into contracts with public or private nonprofit schools of dentistry or accredited dental training institutions or programs, community dental programs, and programs operated by the Indian Health Service (including federally recognized Indian tribes that receive medical services from the Indian Health Service, urban Indian health programs funded under title V of the Indian Health Care Improvement Act, and tribes that contract with the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act) to enable such schools, institutions, and programs to develop programs of oral health promotion, to increase training of oral health services providers in accordance with State practice laws, or to increase the utilization of dental services by eligible children. Contracts.

“(c) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure an equitable national geographic distribution of the grants, including areas of the United States where the incidence of early childhood caries is highest.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each the fiscal years 2001 through 2005.”.

TITLE XVII—VACCINE-RELATED PROGRAMS

Subtitle A—Vaccine Compensation Program

SEC. 1701. CONTENT OF PETITIONS.

(a) IN GENERAL.—Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)) is amended by striking “and” at the end and inserting “or (iii) suffered such illness, disability, injury, or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention, and”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the date of the enactment of this Act, including with respect to petitions under section 2111 of the Public Health Service Act that are pending on such date. 42 USC 300aa–11 note.

Subtitle B—Childhood Immunizations

SEC. 1711. CHILDHOOD IMMUNIZATIONS.

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended in the first sentence by striking “1998” and all that follows and inserting “1998 through 2005.”.

TITLE XVIII—HEPATITIS C

SEC. 1801. SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C.

Part B of title III of the Public Health Service Act, as amended by section 1602 of this Act, is amended by inserting after section 317M the following section:

“SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C VIRUS

42 USC 247b-15.

“SEC. 317N. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly and through grants to public and nonprofit private entities) provide for programs to carry out the following:

“(1) To cooperate with the States in implementing a national system to determine the incidence of hepatitis C virus infection (in this section referred to as ‘HCV infection’) and to assist the States in determining the prevalence of such infection, including the reporting of chronic HCV cases.

“(2) To identify, counsel, and offer testing to individuals who are at risk of HCV infection as a result of receiving blood transfusions prior to July 1992, or as a result of other risk factors.

“(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

“(4) To develop and disseminate public information and education programs for the detection and control of HCV infection, with priority given to high risk populations as determined by the Secretary.

“(5) To improve the education, training, and skills of health professionals in the detection and control of HCV infection, with priority given to pediatricians and other primary care physicians, and obstetricians and gynecologists.

“(b) LABORATORY PROCEDURES.—The Secretary may (directly and through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-laboratory procedures regarding hepatitis C, including reducing variability in laboratory results on hepatitis C antibody and PCR testing.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

SEC. 1901. AUTOIMMUNE DISEASES; INITIATIVE THROUGH DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 1001 of this Act, is amended by adding at the end the following:

“SEC. 409E. AUTOIMMUNE DISEASES.

42 USC 284i.

“(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES.—

“(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to autoimmune diseases.

“(2) ALLOCATIONS BY DIRECTOR OF NIH.—With respect to amounts appropriated to carry out this section for a fiscal year, the Director of NIH shall allocate the amounts among the national research institutes that are carrying out paragraph (1).

“(3) DEFINITION.—The term ‘autoimmune disease’ includes, for purposes of this section such diseases or disorders with evidence of autoimmune pathogenesis as the Secretary determines to be appropriate.

“(b) COORDINATING COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall ensure that the Autoimmune Diseases Coordinating Committee (referred to in this section as the ‘Coordinating Committee’) coordinates activities across the National Institutes and with other Federal health programs and activities relating to such diseases.

“(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors or their designees of each of the national research institutes involved in research with respect to autoimmune diseases and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, including the Centers for Disease Control and Prevention and the Food and Drug Administration.

“(3) CHAIR.—

“(A) IN GENERAL.—With respect to autoimmune diseases, the Chair of the Committee shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and other relevant agencies.

“(B) DIRECTOR OF NIH.—The Chair of the Committee shall be directly responsible to the Director of NIH.

“(c) PLAN FOR NIH ACTIVITIES.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Coordinating Committee shall develop a plan for conducting and supporting research and education on autoimmune diseases through the national research institutes and shall periodically review and revise the plan. The plan shall—

Deadline.

“(A) provide for a broad range of research and education activities relating to biomedical, psychosocial, and rehabilitative issues, including studies of the disproportionate impact of such diseases on women;

“(B) identify priorities among the programs and activities of the National Institutes of Health regarding such diseases; and

“(C) reflect input from a broad range of scientists, patients, and advocacy groups.

“(2) CERTAIN ELEMENTS OF PLAN.—The plan under paragraph (1) shall, with respect to autoimmune diseases, provide for the following as appropriate:

“(A) Research to determine the reasons underlying the incidence and prevalence of the diseases.

“(B) Basic research concerning the etiology and causes of the diseases.

“(C) Epidemiological studies to address the frequency and natural history of the diseases, including any differences among the sexes and among racial and ethnic groups.

“(D) The development of improved screening techniques.

“(E) Clinical research for the development and evaluation of new treatments, including new biological agents.

“(F) Information and education programs for health care professionals and the public.

“(3) IMPLEMENTATION OF PLAN.—The Director of NIH shall ensure that programs and activities of the National Institutes of Health regarding autoimmune diseases are implemented in accordance with the plan under paragraph (1).

“(d) REPORTS TO CONGRESS.—The Coordinating Committee under subsection (b)(1) shall biennially submit to the Committee on Commerce of the House of Representatives, and the Committee on Health, Education, Labor and Pensions of the Senate, a report that describes the research, education, and other activities on autoimmune diseases being conducted or supported through the national research institutes, and that in addition includes the following:

“(1) The plan under subsection (c)(1) (or revisions to the plan, as the case may be).

“(2) Provisions specifying the amounts expended by the National Institutes of Health with respect to each of the autoimmune diseases included in the plan.

“(3) Provisions identifying particular projects or types of projects that should in the future be considered by the national research institutes or other entities in the field of research on autoimmune diseases.

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for conducting or supporting through the National Institutes of Health research and other activities with respect to autoimmune diseases.”.

TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

SEC. 2001. PROVISIONS TO REVISE AND EXTEND PROGRAM.

(a) PAYMENTS.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended—

(1) by striking “and 2001” and inserting “through 2005”; and

(2) by adding at the end the following: “The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subpart.”.

Regulations.

(b) UPDATING RATES.—Section 340E(c)(2)(F) of the Public Health Service Act (42 U.S.C. 256e(c)(2)(F)) is amended by striking “hospital’s cost reporting period that begins during fiscal year 2000” and inserting “Federal fiscal year for which payments are made”.

(c) RESIDENT COUNT FOR INTERIM PAYMENTS.—Section 340E(e)(1) of the Public Health Service Act (42 U.S.C. 256e(e)(1)) is amended by adding at the end the following: “Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital’s most recently filed Medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established. In the case of a hospital that does not report residents on a Medicare cost report, such interim payments shall be based on the number of residents trained during the hospital’s most recently completed Medicare cost report filing period.”.

(d) WITHHOLDING.—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended—

(1) by adding “and indirect” after “direct”; and

(2) by adding at the end the following: “The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.”.

(e) RECONCILIATION.—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended to read as follows:

“(3) RECONCILIATION.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made to pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1186(d) of such Act is subject to review under such section.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking “and” at the end;
 (B) in clause (ii), by striking the period and inserting
 “; and”; and

(C) by adding at the end the following:

“(iii) for each of the fiscal years 2002 through
 2005, such sums as may be necessary.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period and
 inserting “; and”; and

(C) by adding at the end the following:

“(C) for each of the fiscal years 2002 through 2005,
 such sums as may be necessary.”.

(g) DEFINITION OF CHILDREN’S HOSPITAL.—Section 340E(g)(2)
 of the Public Health Service Act (42 U.S.C. 256e(g)(2)) is amended
 by striking “described in” and all that follows and inserting the
 following: “with a Medicare payment agreement and which is
 excluded from the Medicare inpatient prospective payment system
 pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act
 and its accompanying regulations.”.

TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

SEC. 2101. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK; AMENDMENTS REGARDING NEEDS OF CHILDREN.

(a) IN GENERAL.—Section 372(b)(2) of the Public Health Service Act (42 U.S.C. 274(b)(2)) is amended—

(1) in subparagraph (J), by striking “and” at the end;

(2) in each of subparagraphs (K) and (L), by striking the
 period and inserting a comma; and

(3) by adding at the end the following subparagraphs:

“(M) recognize the differences in health and in organ
 transplantation issues between children and adults
 throughout the system and adopt criteria, policies, and
 procedures that address the unique health care needs of
 children,

“(N) carry out studies and demonstration projects for
 the purpose of improving procedures for organ donation
 procurement and allocation, including but not limited to
 projects to examine and attempt to increase transplantation
 among populations with special needs, including children
 and individuals who are members of racial or ethnic
 minority groups, and among populations with limited
 access to transportation, and

“(O) provide that for purposes of this paragraph, the
 term ‘children’ refers to individuals who are under the
 age of 18.”.

42 USC 273 note.

(b) STUDY REGARDING IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human
 Services (referred to in this subsection as the “Secretary”) shall
 provide for a study to determine the costs of immunosuppressive
 drugs that are provided to children pursuant to organ trans-
 plants and to determine the extent to which health plans and

health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(2) RECOMMENDATIONS REGARDING CERTAIN ISSUES.—The Secretary shall ensure that, in addition to making determinations under paragraph (1), the study under such paragraph makes recommendations regarding the following issues:

(A) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(B) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(C) The special growth and developmental issues that children have pre- and post-organ transplantation.

(D) Other issues that are particular to the special health and transplantation needs of children.

(3) REPORT.—The Secretary shall ensure that, not later than December 31, 2001, the study under paragraph (1) is completed and a report describing the findings of the study is submitted to the Congress. Deadline.

TITLE XXII—MUSCULAR DYSTROPHY RESEARCH

SEC. 2201. MUSCULAR DYSTROPHY RESEARCH.

Part B of title IV of the Public Health Service Act, as amended by section 1901 of this Act, is amended by adding at the end the following:

“MUSCULAR DYSTROPHY RESEARCH

“SEC. 409F. (a) COORDINATION OF ACTIVITIES.—The Director of NIH shall expand and increase coordination in the activities of the National Institutes of Health with respect to research on muscular dystrophies, including Duchenne muscular dystrophy. 42 USC 284j.

“(b) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director of NIH shall carry out this section through the appropriate institutes, including the National Institute of Neurological Disorders and Stroke and in collaboration with any other agencies that the Director determines appropriate.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 2001 through 2005. Amounts appropriated under this subsection shall be in addition to any other amounts appropriated for such purpose.”.

TITLE XXIII—CHILDREN AND TOURETTE SYNDROME AWARENESS

SEC. 2301. GRANTS REGARDING TOURETTE SYNDROME.

Part A of title XI of the Public Health Service Act is amended by adding at the end the following section:

“TOURETTE SYNDROME

42 USC 300b-7.

“SEC. 1108. (a) IN GENERAL.—The Secretary shall develop and implement outreach programs to educate the public, health care providers, educators and community based organizations about the etiology, symptoms, diagnosis and treatment of Tourette Syndrome, with a particular emphasis on children with Tourette Syndrome. Such programs may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities.

“(b) CERTAIN ACTIVITIES.—Activities under subsection (a) shall include—

“(1) the production and translation of educational materials, including public service announcements;

“(2) the development of training material for health care providers, educators and community based organizations; and

“(3) outreach efforts directed at the misdiagnosis and underdiagnosis of Tourette Syndrome in children and in minority groups.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XXIV—CHILDHOOD OBESITY PREVENTION

SEC. 2401. PROGRAMS OPERATED THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 1101 of this Act, is amended by adding at the end the following part:

“PART Q—PROGRAMS TO IMPROVE THE HEALTH OF CHILDREN

42 USC 280h.

“SEC. 399W. GRANTS TO PROMOTE CHILDHOOD NUTRITION AND PHYSICAL ACTIVITY.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award competitive grants to States and political subdivisions of States for the development and implementation of State and community-based intervention programs to promote good nutrition and physical activity in children and adolescents.

“(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State or political subdivision of a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan that describes—

“(1) how the applicant proposes to develop a comprehensive program of school- and community-based approaches to encourage and promote good nutrition and appropriate levels of physical activity with respect to children or adolescents in local communities;

“(2) the manner in which the applicant shall coordinate with appropriate State and local authorities, such as State and local school departments, State departments of health, chronic disease directors, State directors of programs under section 17 of the Child Nutrition Act of 1966, 5-a-day coordinators, governors councils for physical activity and good nutrition, and State and local parks and recreation departments; and

“(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

“(c) **USE OF FUNDS.**—A State or political subdivision of a State shall use amount received under a grant under this section to—

“(1) develop, implement, disseminate, and evaluate school- and community-based strategies in States to reduce inactivity and improve dietary choices among children and adolescents;

“(2) expand opportunities for physical activity programs in school- and community-based settings; and

“(3) develop, implement, and evaluate programs that promote good eating habits and physical activity including opportunities for children with cognitive and physical disabilities.

“(d) **TECHNICAL ASSISTANCE.**—The Secretary may set-aside an amount not to exceed 10 percent of the amount appropriated for a fiscal year under subsection (h) to permit the Director of the Centers for Disease Control and Prevention to—

“(1) provide States and political subdivisions of States with technical support in the development and implementation of programs under this section; and

“(2) disseminate information about effective strategies and interventions in preventing and treating obesity through the promotion of good nutrition and physical activity.

“(e) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not to exceed 10 percent of the amount of a grant awarded to the State or political subdivision under subsection (a) for a fiscal year may be used by the State or political subdivision for administrative expenses.

“(f) **TERM.**—A grant awarded under subsection (a) shall be for a term of 3 years.

“(g) **DEFINITION.**—In this section, the term ‘children and adolescents’ means individuals who do not exceed 18 years of age.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

“SEC. 399X. APPLIED RESEARCH PROGRAM.

42 USC 280h-1.

“(a) **IN GENERAL.**—The Secretary, acting through the Centers for Disease Control and Prevention and in consultation with the Director of the National Institutes of Health, shall—

“(1) conduct research to better understand the relationship between physical activity, diet, and health and factors that influence health-related behaviors;

“(2) develop and evaluate strategies for the prevention and treatment of obesity to be used in community-based interventions and by health professionals;

“(3) develop and evaluate strategies for the prevention and treatment of eating disorders, such as anorexia and bulimia;

“(4) conduct research to establish the prevalence, consequences, and costs of childhood obesity and its effects in adulthood;

“(5) identify behaviors and risk factors that contribute to obesity;

“(6) evaluate materials and programs to provide nutrition education to parents and teachers of children in child care or pre-school and the food service staff of such child care and pre-school entities; and

“(7) evaluate materials and programs that are designed to educate and encourage physical activity in child care and pre-school facilities.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

42 USC 280h-2.

“SEC. 399Y. EDUCATION CAMPAIGN.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in collaboration with national, State, and local partners, physical activity organizations, nutrition experts, and health professional organizations, shall develop a national public campaign to promote and educate children and their parents concerning—

“(1) the health risks associated with obesity, inactivity, and poor nutrition;

“(2) ways in which to incorporate physical activity into daily living; and

“(3) the benefits of good nutrition and strategies to improve eating habits.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

42 USC 280h-3.

“SEC. 399Z. HEALTH PROFESSIONAL EDUCATION AND TRAINING.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in collaboration with the Administrator of the Health Resources and Services Administration and the heads of other agencies, and in consultation with appropriate health professional associations, shall develop and carry out a program to educate and train health professionals in effective strategies to—

“(1) better identify and assess patients with obesity or an eating disorder or patients at-risk of becoming obese or developing an eating disorder;

“(2) counsel, refer, or treat patients with obesity or an eating disorder; and

“(3) educate patients and their families about effective strategies to improve dietary habits and establish appropriate levels of physical activity.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE XXV—EARLY DETECTION AND TREATMENT REGARDING CHILDHOOD LEAD POISONING

SEC. 2501. CENTERS FOR DISEASE CONTROL AND PREVENTION EFFORTS TO COMBAT CHILDHOOD LEAD POISONING.

(a) REQUIREMENTS FOR LEAD POISONING PREVENTION GRANTEES.—Section 317A of the Public Health Service Act (42 U.S.C. 247b-1) is amended—

(1) in subsection (d)—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

“(7) Assurances satisfactory to the Secretary that the applicant will ensure complete and consistent reporting of all blood lead test results from laboratories and health care providers to State and local health departments in accordance with guidelines of the Centers for Disease Control and Prevention for standardized reporting as described in subsection (m).”; and

(2) in subsection (j)(2)—

(A) in subparagraph (F) by striking “(E)” and inserting “(F)”; and

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

“(F) The number of grantees that have established systems to ensure mandatory reporting of all blood lead tests from laboratories and health care providers to State and local health departments.”.

(b) GUIDELINES FOR STANDARDIZED REPORTING.—Section 317A of the Public Health Service Act (42 U.S.C. 247b-1) is amended by adding at the end the following:

“(m) GUIDELINES FOR STANDARDIZED REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop national guidelines for the uniform reporting of all blood lead test results to State and local health departments.”.

(c) DEVELOPMENT AND IMPLEMENTATION OF EFFECTIVE DATA MANAGEMENT BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—

42 USC 247b-1
note.

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall—

(A) assist with the improvement of data linkages between State and local health departments and between State health departments and the Centers for Disease Control and Prevention;

(B) assist States with the development of flexible, comprehensive State-based data management systems for the surveillance of children with lead poisoning that have the capacity to contribute to a national data set;

(C) assist with the improvement of the ability of State-based data management systems and federally-funded means-tested public benefit programs (including the special supplemental food program for women, infants and children

(WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the early head start program under section 645A of the Head Start Act (42 U.S.C. 9840a(h)) to respond to ad hoc inquiries and generate progress reports regarding the lead blood level screening of children enrolled in those programs;

(D) assist States with the establishment of a capacity for assessing how many children enrolled in the Medicaid, WIC, early head start, and other federally-funded means-tested public benefit programs are being screened for lead poisoning at age-appropriate intervals;

(E) use data obtained as result of activities under this section to formulate or revise existing lead blood screening and case management policies; and

(F) establish performance measures for evaluating State and local implementation of the requirements and improvements described in subparagraphs (A) through (E).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each the fiscal years 2001 through 2005.

(3) **EFFECTIVE DATE.**—This subsection takes effect on the date of the enactment of this Act.

SEC. 2502. GRANTS FOR LEAD POISONING RELATED ACTIVITIES.

(a) **IN GENERAL.**—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 1801 of this Act, is amended by inserting after section 317N the following section:

“GRANTS FOR LEAD POISONING RELATED ACTIVITIES

42 USC 247b-16.

“SEC. 317O. (a) **AUTHORITY TO MAKE GRANTS.**—

“(1) **IN GENERAL.**—The Secretary shall make grants to States to support public health activities in States and localities where data suggests that at least 5 percent of preschool-age children have an elevated blood lead level through—

“(A) effective, ongoing outreach and community education targeted to families most likely to be at risk for lead poisoning;

“(B) individual family education activities that are designed to reduce ongoing exposures to lead for children with elevated blood lead levels, including through home visits and coordination with other programs designed to identify and treat children at risk for lead poisoning; and

“(C) the development, coordination and implementation of community-based approaches for comprehensive lead poisoning prevention from surveillance to lead hazard control.

“(2) **STATE MATCH.**—A State is not eligible for a grant under this section unless the State agrees to expend (through State or local funds) \$1 for every \$2 provided under the grant to carry out the activities described in paragraph (1).

“(3) **APPLICATION.**—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary in such form and manner and containing such information as the Secretary may require.

“(b) **COORDINATION WITH OTHER CHILDREN’S PROGRAMS.**—A State shall identify in the application for a grant under this section

how the State will coordinate operations and activities under the grant with—

“(1) other programs operated in the State that serve children with elevated blood lead levels, including any such programs operated under title V, XIX, or XXI of the Social Security Act; and

“(2) one or more of the following—

“(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

“(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(D) local public and private elementary or secondary schools; or

“(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

“(c) PERFORMANCE MEASURES.—The Secretary shall establish needs indicators and performance measures to evaluate the activities carried out under grants awarded under this section. Such indicators shall be commensurate with national measures of maternal and child health programs and shall be developed in consultation with the Director of the Centers for Disease Control and Prevention.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

(b) CONFORMING AMENDMENT.—Section 340D(c)(1) of the Public Health Service Act (42 U.S.C. 256d(c)(1)) is amended by striking “317E” and inserting “317F”.

SEC. 2503. TRAINING AND REPORTS BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

42 USC 247b-3a.

(a) TRAINING.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Administrator of the Health Care Financing Administration and the Director of the Centers for Disease Control and Prevention, shall conduct education and training programs for physicians and other health care providers regarding childhood lead poisoning, current screening and treatment recommendations and requirements, and the scientific, medical, and public health basis for those policies.

(b) REPORT.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, annually shall report to Congress on the number of children who received services through health centers established under section 330 of the Public Health Service Act (42 U.S.C. 254b) and received a blood lead screening test during the prior fiscal year, noting the percentage that such children represent as compared to all children who received services through such health centers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each the fiscal years 2001 through 2005.

SEC. 2504. SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b-1(l)(1)) is amended by striking “1994” and all that follows and inserting “1994 through 2005.”.

TITLE XXVI—SCREENING FOR HERITABLE DISORDERS

SEC. 2601. PROGRAM TO IMPROVE THE ABILITY OF STATES TO PROVIDE NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

Part A of title XI of the Public Health Service Act, as amended by section 2301 of this Act, is amended by adding at the end the following:

42 USC 300b-8. **“SEC. 1109. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.**

Grants.

“(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling or health care services to newborns and children having or at risk for heritable disorders.

“(b) USE OF FUNDS.—Amounts provided under a grant awarded under subsection (a) shall be used to—

“(1) establish, expand, or improve systems or programs to provide screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders;

“(2) establish, expand, or improve programs or services to reduce mortality or morbidity from heritable disorders;

“(3) establish, expand, or improve systems or programs to provide information and counseling on available therapies for newborns and children with heritable disorders;

“(4) improve the access of medically underserved populations to screening, counseling, testing and specialty services for newborns and children having or at risk for heritable disorders; or

“(5) conduct such other activities as may be necessary to enable newborns and children having or at risk for heritable disorders to receive screening, counseling, testing or specialty services, regardless of income, race, color, religion, sex, national origin, age, or disability.

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

“(1) be a State or political subdivision of a State, or a consortium of two or more States or political subdivisions of States; and

“(2) prepare and submit to the Secretary an application that includes—

“(A) a plan to use amounts awarded under the grant to meet specific health status goals and objectives relative to heritable disorders, including attention to needs of medically underserved populations;

“(B) a plan for the collection of outcome data or other methods of evaluating the degree to which amounts

awarded under this grant will be used to achieve the goals and objectives identified under subparagraph (A);

“(C) a plan for monitoring and ensuring the quality of services provided under the grant;

“(D) an assurance that amounts awarded under the grant will be used only to implement the approved plan for the State;

“(E) an assurance that the provision of services under the plan is coordinated with services provided under programs implemented in the State under title V, XVIII, XIX, XX, or XXI of the Social Security Act (subject to Federal regulations applicable to such programs) so that the coverage of services under such titles is not substantially diminished by the use of granted funds; and

“(F) such other information determined by the Secretary to be necessary.

“(d) LIMITATION.—An eligible entity may not use amounts received under this section to—

“(1) provide cash payments to or on behalf of affected individuals;

“(2) provide inpatient services;

“(3) purchase land or make capital improvements to property; or

“(4) provide for proprietary research or training.

“(e) VOLUNTARY PARTICIPATION.—The participation by any individual in any program or portion thereof established or operated with funds received under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, another Federal or State program.

“(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities of the type described in this section.

“(g) PUBLICATION.—

“(1) IN GENERAL.—An application submitted under subsection (c)(2) shall be made public by the State in such a manner as to facilitate comment from any person, including through hearings and other methods used to facilitate comments from the public.

“(2) COMMENTS.—Comments received by the State after the publication described in paragraph (1) shall be addressed in the application submitted under subsection (c)(2).

“(h) TECHNICAL ASSISTANCE.—The Secretary shall provide to entities receiving grants under subsection (a) such technical assistance as may be necessary to ensure the quality of programs conducted under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

“SEC. 1110. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS. 42 USC 300b-9.

“(a) IN GENERAL.—The Secretary shall award grants to eligible entities to provide for the conduct of demonstration programs to evaluate the effectiveness of screening, counseling or health care

services in reducing the morbidity and mortality caused by heritable disorders in newborns and children.

“(b) DEMONSTRATION PROGRAMS.—A demonstration program conducted under a grant under this section shall be designed to evaluate and assess, within the jurisdiction of the entity receiving such grant—

“(1) the effectiveness of screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders in reducing the morbidity and mortality associated with such disorders;

“(2) the effectiveness of screening, counseling, testing or specialty services in accurately and reliably diagnosing heritable disorders in newborns and children; or

“(3) the availability of screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders.

“(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall be a State or political subdivision of a State, or a consortium of two or more States or political subdivisions of States.

42 USC 300b-10. **“SEC. 1111. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.**

“(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the ‘Advisory Committee on Heritable Disorders in Newborns and Children’ (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—The Advisory Committee shall—

“(1) provide advice and recommendations to the Secretary concerning grants and projects awarded or funded under section 1109;

“(2) provide technical information to the Secretary for the development of policies and priorities for the administration of grants under section 1109; and

“(3) provide such recommendations, advice or information as may be necessary to enhance, expand or improve the ability of the Secretary to reduce the mortality or morbidity from heritable disorders.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Secretary shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

“(2) REQUIRED MEMBERS.—The Secretary shall appoint to the Advisory Committee under paragraph (1)—

“(A) the Administrator of the Health Resources and Services Administration;

“(B) the Director of the Centers for Disease Control and Prevention;

“(C) the Director of the National Institutes of Health;

“(D) the Director of the Agency for Healthcare Research and Quality;

“(E) medical, technical, or scientific professionals with special expertise in heritable disorders, or in providing screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders;

“(F) members of the public having special expertise about or concern with heritable disorders; and

“(G) representatives from such Federal agencies, public health constituencies, and medical professional societies as determined to be necessary by the Secretary, to fulfill the duties of the Advisory Committee, as established under subsection (b).”.

TITLE XXVII—PEDIATRIC RESEARCH PROTECTIONS

SEC. 2701. REQUIREMENT FOR ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED IN RESEARCH.

42 USC 289 note.

Notwithstanding any other provision of law, not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall require that all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services be in compliance with subpart D of part 46 of title 45, Code of Federal Regulations.

TITLE XXVIII—MISCELLANEOUS PROVISIONS

SEC. 2801. REPORT REGARDING RESEARCH ON RARE DISEASES IN CHILDREN.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report on—

(1) the activities that, during fiscal year 2000, were conducted and supported by such Institutes with respect to rare diseases in children, including Friedreich’s ataxia and Hutchinson-Gilford progeria syndrome; and

(2) the activities that are planned to be conducted and supported by such Institutes with respect to such diseases during the fiscal years 2001 through 2005.

SEC. 2802. STUDY ON METABOLIC DISORDERS.

42 USC 285c note.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall, in consultation with relevant experts or through the Institute of Medicine, study issues related to treatment of PKU and other metabolic disorders for children, adolescents, and adults, and mechanisms to assure access to effective treatment, including special diets, for children and others with PKU and other metabolic disorders. Such mechanisms shall be evidence-based and reflect the best scientific knowledge regarding effective treatment and prevention of disease progression.

(b) **DISSEMINATION OF RESULTS.**—Upon completion of the study referred to in subsection (a), the Secretary shall disseminate and otherwise make available the results of the study to interested groups and organizations, including insurance commissioners, employers, private insurers, health care professionals, State and local public health agencies, and State agencies that carry out the Medicaid program under title XIX of the Social Security Act

or the State children’s health insurance program under title XXI of such Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE XXIX—EFFECTIVE DATE

42 USC 201 note. **SEC. 2901. EFFECTIVE DATE.**

This division and the amendments made by this division take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Youth Drug and
Mental Health
Services Act.

DIVISION B—YOUTH DRUG AND MENTAL HEALTH SERVICES

42 USC 201 note. **SEC. 3001. SHORT TITLE.**

This division may be cited as the “Youth Drug and Mental Health Services Act”.

TITLE XXXI—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADO- LESCENTS

SEC. 3101. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

“PART G—PROJECTS FOR CHILDREN AND VIOLENCE

42 USC 290hh. **“SEC. 581. CHILDREN AND VIOLENCE.**

Grants.
Contracts.

“(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

“(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

“(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

“(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

“(3) provide assistance to local communities in the development of policies to address violence when and if it occurs;

“(4) assist in the creation of community partnerships among law enforcement, education systems and mental health and substance abuse service systems; and

“(5) establish mechanisms for children and adolescents to report incidents of violence or plans by other children or adolescents to commit violence.

“(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

“(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of violence in schools;

“(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

“(A) security;

“(B) educational reform;

“(C) the review and updating of school policies;

“(D) alcohol and drug abuse prevention and early intervention services;

“(E) mental health prevention and treatment services;

and

“(F) early childhood development and psychosocial services; and

“(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

“(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

“(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

“(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

“(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$100,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.

“SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS. 42 USC 290hh-1.

“(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of developing programs focusing on the behavioral and biological aspects of psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders of children and youth resulting from witnessing or experiencing a traumatic event. Contracts.

“(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority

to mental health agencies and programs that have established clinical and basic research experience in the field of trauma-related mental disorders.

“(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

“(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

“(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”.

SEC. 3102. EMERGENCY RESPONSE.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(1) by redesignating subsection (m) as subsection (o);

(2) by inserting after subsection (l) the following:

“(m) EMERGENCY RESPONSE.—

“(1) IN GENERAL.—Notwithstanding section 504 and except as provided in paragraph (2), the Secretary may use not to exceed 2.5 percent of all amounts appropriated under this title for a fiscal year to make noncompetitive grants, contracts or cooperative agreements to public entities to enable such entities to address emergency substance abuse or mental health needs in local communities.

“(2) EXCEPTIONS.—Amounts appropriated under part C shall not be subject to paragraph (1).

“(3) EMERGENCIES.—The Secretary shall establish criteria for determining that a substance abuse or mental health emergency exists and publish such criteria in the Federal Register prior to providing funds under this subsection.

“(n) LIMITATION ON THE USE OF CERTAIN INFORMATION.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under section 505 may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form.”; and

Federal Register,
publication.

(3) in subsection (o) (as so redesignated), by striking “1993” and all that follows through the period and inserting “2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 3103. HIGH RISK YOUTH REAUTHORIZATION.

Section 517(h) of the Public Health Service Act (42 U.S.C. 290bb-23(h)) is amended by striking “\$70,000,000” and all that follows through “1994” and inserting “such sums as may be necessary for each of the fiscal years 2001 through 2003”.

SEC. 3104. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

(a) SUBSTANCE ABUSE TREATMENT SERVICES.—Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following:

“SEC. 514. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS. 42 USC 290bb-7.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing substance abuse treatment services for children and adolescents.

Grants.
Contracts.

“(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who propose to—

“(1) apply evidenced-based and cost effective methods for the treatment of substance abuse among children and adolescents;

“(2) coordinate the provision of treatment services with other social service agencies in the community, including educational, juvenile justice, child welfare, and mental health agencies;

“(3) provide a continuum of integrated treatment services, including case management, for children and adolescents with substance abuse disorders and their families;

“(4) provide treatment that is gender-specific and culturally appropriate;

“(5) involve and work with families of children and adolescents receiving treatment;

“(6) provide aftercare services for children and adolescents and their families after completion of substance abuse treatment; and

“(7) address the relationship between substance abuse and violence.

“(c) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

“(d) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(e) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary

with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$40,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

42 USC 290bb-8.

“SEC. 514A. EARLY INTERVENTION SERVICES FOR CHILDREN AND ADOLESCENTS.

Grants.
Contracts.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), for the purpose of providing early intervention substance abuse services for children and adolescents.

“(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who demonstrate an ability to—

“(1) screen for and assess substance use and abuse by children and adolescents;

“(2) make appropriate referrals for children and adolescents who are in need of treatment for substance abuse;

“(3) provide early intervention services, including counseling and ancillary services, that are designed to meet the developmental needs of children and adolescents who are at risk for substance abuse; and

“(4) develop networks with the educational, juvenile justice, social services, and other agencies and organizations in the State or local community involved that will work to identify children and adolescents who are in need of substance abuse treatment services.

“(c) CONDITION.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that such grants, contracts, or cooperative agreements are allocated, subject to the availability of qualified applicants, among the principal geographic regions of the United States, to Indian tribes and tribal organizations, and to urban and rural areas.

“(d) DURATION OF GRANTS.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

“(e) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(f) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$20,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.”.

(b) **YOUTH INTERAGENCY CENTERS.**—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding the following:

“SEC. 520C. YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.

42 USC 290bb–34.

“(a) **PROGRAM AUTHORIZED.**—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Bureau of Justice Assistance and the Director of the National Institutes of Health, shall award grants or contracts to public or nonprofit private entities to establish not more than four research, training, and technical assistance centers to carry out the activities described in subsection (c).

Grants.
Contracts.

“(b) **APPLICATION.**—A public or private nonprofit entity desiring a grant or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(c) **AUTHORIZED ACTIVITIES.**—A center established under a grant or contract under subsection (a) shall—

“(1) provide training with respect to state-of-the-art mental health and justice-related services and successful mental health and substance abuse-justice collaborations that focus on children and adolescents, to public policymakers, law enforcement administrators, public defenders, police, probation officers, judges, parole officials, jail administrators and mental health and substance abuse providers and administrators;

“(2) engage in research and evaluations concerning State and local justice and mental health systems, including system redesign initiatives, and disseminate information concerning the results of such evaluations;

“(3) provide direct technical assistance, including assistance provided through toll-free telephone numbers, concerning issues such as how to accommodate individuals who are being processed through the courts under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), what types of mental health or substance abuse service approaches are effective within the judicial system, and how community-based mental health or substance abuse services can be more effective, including relevant regional, ethnic, and gender-related considerations; and

“(4) provide information, training, and technical assistance to State and local governmental officials to enhance the capacity of such officials to provide appropriate services relating to mental health or substance abuse.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$4,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.”.

(c) **PREVENTION OF ABUSE AND ADDICTION.**—Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–21 et seq.) is amended by adding the following:

“SEC. 519E. PREVENTION OF METHAMPHETAMINE AND INHALANT ABUSE AND ADDICTION.

42 USC 290bb–25e.

“(a) **GRANTS.**—The Director of the Center for Substance Abuse Prevention (referred to in this section as the ‘Director’) may make

grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

“(1) to carry out school-based programs concerning the dangers of methamphetamine or inhalant abuse and addiction, using methods that are effective and evidence-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

“(2) to carry out community-based methamphetamine or inhalant abuse and addiction prevention programs that are effective and evidence-based.

“(b) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering methamphetamine or inhalant prevention programs in accordance with subsection (c).

“(c) PREVENTION PROGRAMS AND ACTIVITIES.—

“(1) IN GENERAL.—Amounts provided under this section may be used—

“(A) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine or inhalant abuse and addiction and targeted at populations which are most at risk to start methamphetamine or inhalant abuse;

“(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine or inhalant abuse and addiction;

“(C) to assist local government entities to conduct appropriate methamphetamine or inhalant prevention activities;

“(D) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of methamphetamine or inhalant abuse and addiction and the options for treatment and prevention;

“(E) for planning, administration, and educational activities related to the prevention of methamphetamine or inhalant abuse and addiction;

“(F) for the monitoring and evaluation of methamphetamine or inhalant prevention activities, and reporting and disseminating resulting information to the public; and

“(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

“(2) PRIORITY.—The Director shall give priority in making grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine or inhalant abuse and addiction.

“(d) ANALYSES AND EVALUATION.—

“(1) IN GENERAL.—Up to \$500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine or inhalant abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

“(2) ANNUAL REPORTS.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under paragraph (1).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a), \$10,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”.

SEC. 3105. COMPREHENSIVE COMMUNITY SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE.

(a) MATCHING FUNDS.—Section 561(c)(1)(D) of the Public Health Service Act (42 U.S.C. 290ff(c)(1)(D)) is amended by striking “fifth” and inserting “fifth and sixth”.

(b) FLEXIBILITY FOR INDIAN TRIBES AND TERRITORIES.—Section 562 of the Public Health Service Act (42 U.S.C. 290ff-1) is amended by adding at the end the following:

“(g) WAIVERS.—The Secretary may waive one or more of the requirements of subsection (c) for a public entity that is an Indian Tribe or tribal organization, or American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, or the United States Virgin Islands if the Secretary determines, after peer review, that the system of care is family-centered and uses the least restrictive environment that is clinically appropriate.”.

(c) DURATION OF GRANTS.—Section 565(a) of the Public Health Service Act (42 U.S.C. 290ff-4(a)) is amended by striking “5 fiscal” and inserting “6 fiscal”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 565(f)(1) of the Public Health Service Act (42 U.S.C. 290ff-4(f)(1)) is amended by striking “1993” and all that follows and inserting “2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

(e) CURRENT GRANTEEES.—

42 USC 290ff
note.

(1) IN GENERAL.—Entities with active grants under section 561 of the Public Health Service Act (42 U.S.C. 290ff) on the date of the enactment of this Act shall be eligible to receive a sixth year of funding under the grant in an amount not to exceed the amount that such grantee received in the fifth year of funding under such grant. Such sixth year may be funded without requiring peer and Advisory Council review as required under section 504 of such Act (42 U.S.C. 290aa-3).

(2) LIMITATION.—Paragraph (1) shall apply with respect to a grantee only if the grantee agrees to comply with the provisions of section 561 as amended by subsection (a).

SEC. 3106. SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

(a) ADMINISTRATION AND ACTIVITIES.—

(1) ADMINISTRATION.—Section 399D(a) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in paragraph (1), by striking “Administrator” and all that follows through “Administration” and inserting “Administrator of the Substance Abuse and Mental Health Services Administration”; and

(B) in paragraph (2), by striking “Administrator of the Substance Abuse and Mental Health Services Administration” and inserting “Administrator of the Health Resources and Services Administration”.

(2) ACTIVITIES.—Section 399D(a)(1) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting the following: “through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, health, substance abuse and mental health providers through screenings conducted during regular childhood examinations and other examinations, self and family member referrals, substance abuse treatment services, and other providers of services to children and families; and”; and

(C) by adding at the end the following:

“(D) to provide education and training to health, substance abuse and mental health professionals, and other providers of services to children and families through youth service agencies, family social services, child care, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, and other providers of services to children and families.”.

(3) IDENTIFICATION OF CERTAIN CHILDREN.—Section 399D(a)(3)(A) of the Public Health Service Act (42 U.S.C. 280d(a)(3)(A)) is amended—

(A) in clause (i), by striking “(i) the entity” and inserting “(i)(I) the entity”;

(B) in clause (ii)—

(i) by striking “(ii) the entity” and inserting “(II) the entity”; and

(ii) by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(ii) the entity will identify children who may be eligible for medical assistance under a State program under title XIX or XXI of the Social Security Act.”.

(b) SERVICES FOR CHILDREN.—Section 399D(b) of the Public Health Service Act (42 U.S.C. 280d(b)) is amended—

(1) in paragraph (1), by inserting “alcohol and drug,” after “psychological,”;

(2) by striking paragraph (5) and inserting the following: “(5) Developmentally and age-appropriate drug and alcohol early intervention, treatment and prevention services.”; and

(3) by inserting after paragraph (8), the following:

“Services shall be provided under paragraphs (2) through (8) by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional, or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements.”.

(c) SERVICES FOR AFFECTED FAMILIES.—Section 399D(c) of the Public Health Service Act (42 U.S.C. 280d(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting before the colon the following: “, or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements”; and

(B) by adding at the end the following:

“(D) Aggressive outreach to family members with substance abuse problems.

“(E) Inclusion of consumer in the development, implementation, and monitoring of Family Services Plan.”;

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

“(A) Alcohol and drug treatment services, including screening and assessment, diagnosis, detoxification, individual, group and family counseling, relapse prevention, pharmacotherapy treatment, after-care services, and case management.”;

(B) in subparagraph (C), by striking “, including educational and career planning” and inserting “and counseling on the human immunodeficiency virus and acquired immune deficiency syndrome”;

(C) in subparagraph (D), by striking “conflict and”; and

(D) in subparagraph (E), by striking “Remedial” and inserting “Career planning and”; and

(3) in paragraph (3)(D), by inserting “which include child abuse and neglect prevention techniques” before the period.

(d) ELIGIBLE ENTITIES.—Section 399D(d) of the Public Health Service Act (42 U.S.C. 280d(d)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

“(d) ELIGIBLE ENTITIES.—The Secretary shall distribute the grants through the following types of entities.”;

(2) in paragraph (1), by striking “drug treatment” and inserting “drug early intervention, prevention or treatment”; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking “; and” and inserting “; or”; and

(B) in subparagraph (B), by inserting “or pediatric health or mental health providers and family mental health providers” before the period.

(e) SUBMISSION OF INFORMATION.—Section 399D(h) of the Public Health Service Act (42 U.S.C. 280d(h)) is amended—

(1) in paragraph (2)—

(A) by inserting “including maternal and child health” before “mental”;

(B) by striking “treatment programs”; and

(C) by striking “and the State agency responsible for administering public maternal and child health services” and inserting “, the State agency responsible for administering alcohol and drug programs, the State lead agency,

and the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act; and”; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(f) REPORTS TO THE SECRETARY.—Section 399D(i)(6) of the Public Health Service Act (42 U.S.C. 280d(i)(6)) is amended—

(1) in subparagraph (B), by adding “and” at the end; and

(2) by striking subparagraphs (C), (D), and (E) and inserting the following:

“(C) the number of case workers or other professionals trained to identify and address substance abuse issues.”.

(g) EVALUATIONS.—Section 399D(l) of the Public Health Service Act (42 U.S.C. 280d(l)) is amended—

(1) in paragraph (3), by adding “and” at the end;

(2) in paragraph (4), by striking the semicolon and inserting the following: “, including increased participation in work or employment-related activities and decreased participation in welfare programs.”; and

(3) by striking paragraphs (5) and (6).

(h) REPORT TO CONGRESS.—Section 399D(m) of the Public Health Service Act (42 U.S.C. 280d(m)) is amended—

(1) in paragraph (2), by adding “and” at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by adding “and” at the end;

(B) in subparagraph (B), by striking the semicolon and inserting a period; and

(C) by striking subparagraphs (C), (D), and (E); and

(3) by striking paragraphs (4) and (5).

(i) DATA COLLECTION.—Section 399D(n) of the Public Health Service Act (42 U.S.C. 280d(n)) is amended by adding at the end the following: “The periodic report shall include a quantitative estimate of the prevalence of alcohol and drug problems in families involved in the child welfare system, the barriers to treatment and prevention services facing these families, and policy recommendations for removing the identified barriers, including training for child welfare workers.”.

(j) DEFINITION.—Section 399D(o)(2)(B) of the Public Health Service Act (42 U.S.C. 280d(o)(2)(B)) is amended by striking “dangerous”.

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 399D(p) of the Public Health Service Act (42 U.S.C. 280d(p)) is amended to read as follows:

“(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”.

(l) GRANTS FOR TRAINING AND CONFORMING AMENDMENTS.—Section 399D of the Public Health Service Act (42 U.S.C. 280d) is amended—

(1) by striking subsection (f);

(2) by striking subsection (k);

(3) by redesignating subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (o), and (p) as subsections (e) through (o), respectively;

(4) by inserting after subsection (c), the following:

“(d) TRAINING FOR PROVIDERS OF SERVICES TO CHILDREN AND FAMILIES.—The Secretary may make a grant under subsection (a) for the training of health, substance abuse and mental health professionals and other providers of services to children and families through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource centers, the criminal justice system, and other providers of services to children and families. Such training shall be to assist professionals in recognizing the drug and alcohol problems of their clients and to enhance their skills in identifying and understanding the nature of substance abuse, and obtaining substance abuse early intervention, prevention and treatment resources.”;

(5) in subsection (k)(2) (as so redesignated), by striking “(h)” and inserting “(i)”; and

(6) in paragraphs (3)(E) and (5) of subsection (m) (as so redesignated), by striking “(d)” and inserting “(e)”.

(m) TRANSFER AND REDESIGNATION.—Section 399D of the Public Health Service Act (42 U.S.C. 280d), as amended by this section—

(1) is transferred to title V;

(2) is redesignated as section 519; and

(3) is inserted after section 518.

42 USC 290bb-
25.

(n) CONFORMING AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking the heading of part L.

SEC. 3107. SERVICES FOR YOUTH OFFENDERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3104(b), is further amended by adding at the end the following:

“SEC. 520D. SERVICES FOR YOUTH OFFENDERS.

42 USC 290bb-
35.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Director of the Center for Substance Abuse Treatment, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Special Education Programs, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from facilities in the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

“(b) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

“(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has been detained or incarcerated in facilities within the juvenile or criminal justice system;

“(2) to provide a network of core or aftercare services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

“(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

“(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

“(c) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

Deadline.

“(d) REPORT.—Not later than 3 years after the date of the enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that describes the services provided pursuant to this section.

“(e) DEFINITIONS.—In this section:

“(1) SERIOUS EMOTIONAL DISTURBANCE.—The term ‘serious emotional disturbance’ with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender’s life by substantially limiting the offender’s role in family, school, or community activities, and interfering with the offender’s ability to achieve or maintain one or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

“(2) COMMUNITY-BASED SYSTEM OF CARE.—The term ‘community-based system of care’ means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, mental health, substance abuse, and operational needs of the youth offender.

“(3) YOUTH OFFENDER.—The term ‘youth offender’ means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”

SEC. 3108. GRANTS FOR STRENGTHENING FAMILIES THROUGH COMMUNITY PARTNERSHIPS.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–21 et seq.) is amended by adding at the end the following:

“SEC. 519A. GRANTS FOR STRENGTHENING FAMILIES.42 USC 290bb-
25a.

“(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Director of the Prevention Center, may make grants to public and nonprofit private entities to develop and implement model substance abuse prevention programs to provide early intervention and substance abuse prevention services for individuals of high-risk families and the communities in which such individuals reside.

“(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

“(1) have proven experience in preventing substance abuse by individuals of high-risk families and reducing substance abuse in communities of such individuals;

“(2) have demonstrated the capacity to implement community-based partnership initiatives that are sensitive to the diverse backgrounds of individuals of high-risk families and the communities of such individuals;

“(3) have experience in providing technical assistance to support substance abuse prevention programs that are community-based;

“(4) have demonstrated the capacity to implement research-based substance abuse prevention strategies; and

“(5) have implemented programs that involve families, residents, community agencies, and institutions in the implementation and design of such programs.

“(c) DURATION OF GRANTS.—The Secretary shall award grants under subsection (a) for a period not to exceed 5 years.

“(d) USE OF FUNDS.—An applicant that is awarded a grant under subsection (a) shall—

“(1) in the first fiscal year that such funds are received under the grant, use such funds to develop a model substance abuse prevention program; and

“(2) in the fiscal year following the first fiscal year that such funds are received, use such funds to implement the program developed under paragraph (1) to provide early intervention and substance abuse prevention services to—

“(A) strengthen the environment of children of high risk families by targeting interventions at the families of such children and the communities in which such children reside;

“(B) strengthen protective factors, such as—

“(i) positive adult role models;

“(ii) messages that oppose substance abuse;

“(iii) community actions designed to reduce accessibility to and use of illegal substances; and

“(iv) willingness of individuals of families in which substance abuse occurs to seek treatment for substance abuse;

“(C) reduce family and community risks, such as family violence, alcohol or drug abuse, crime, and other behaviors that may effect healthy child development and increase the likelihood of substance abuse; and

“(D) build collaborative and formal partnerships between community agencies, institutions, and businesses to ensure that comprehensive high quality services are provided, such as early childhood education, health care, family support programs, parent education programs, and home visits for infants.

“(e) APPLICATION.—To be eligible to receive a grant under subsection (a), an applicant shall prepare and submit to the Secretary an application that—

“(1) describes a model substance abuse prevention program that such applicant will establish;

“(2) describes the manner in which the services described in subsection (d)(2) will be provided; and

“(3) describe in as much detail as possible the results that the entity expects to achieve in implementing such a program.

“(f) MATCHING FUNDING.—The Secretary may not make a grant to a entity under subsection (a) unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available non-Federal contributions in an amount that is not less than 40 percent of the amount provided under the grant.

“(g) REPORT TO SECRETARY.—An applicant that is awarded a grant under subsection (a) shall prepare and submit to the Secretary a report in such form and containing such information as the Secretary may require, including an assessment of the efficacy of the model substance abuse prevention program implemented by the applicant and the short, intermediate, and long term results of such program.

“(h) EVALUATIONS.—The Secretary shall conduct evaluations, based in part on the reports submitted under subsection (g), to determine the effectiveness of the programs funded under subsection (a) in reducing substance use in high-risk families and in making communities in which such families reside in stronger. The Secretary shall submit such evaluations to the appropriate committees of Congress.

“(i) HIGH-RISK FAMILIES.—In this section, the term ‘high-risk family’ means a family in which the individuals of such family are at a significant risk of using or abusing alcohol or any illegal substance.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$3,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 3109. PROGRAMS TO REDUCE UNDERAGE DRINKING.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–21 et seq.), as amended by section 3108, is further amended by adding at the end the following:

“SEC. 519B. PROGRAMS TO REDUCE UNDERAGE DRINKING.

“(a) IN GENERAL.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to enable such entities to develop plans for and to carry out school-based (including institutions of higher education) and community-based programs for the prevention of alcoholic-beverage consumption by individuals who have not attained the legal drinking age.

“(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive an award under subsection (a), an entity shall provide any assurances to the Secretary which the Secretary may require, including that the entity will—

“(1) annually report to the Secretary on the effectiveness of the prevention approaches implemented by the entity;

“(2) use science based and age appropriate approaches; and

“(3) involve local public health officials and community prevention program staff in the planning and implementation of the program.

“(c) EVALUATION.—The Secretary shall evaluate each project under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that awards will be distributed equitably among the regions of the country and among urban and rural areas.

“(e) DURATION OF AWARD.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years. The preceding sentence may not be construed as establishing a limitation on the number of awards under such subsection that may be made to the recipient.

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 3110. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq.), as amended by sections 3108 and 3109, is further amended by adding at the end the following:

“SEC. 519C. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

42 USC 290bb-25c.

“(a) IN GENERAL.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to provide services to individuals diagnosed with fetal alcohol syndrome or alcohol-related birth defects.

Grants.
Contracts.

“(b) USE OF FUNDS.—An award under subsection (a) may, subject to subsection (d), be used to—

“(1) screen and test individuals to determine the type and level of services needed;

“(2) develop a comprehensive plan for providing services to the individual;

“(3) provide mental health counseling;

“(4) provide substance abuse prevention services and treatment, if needed;

“(5) coordinate services with other social programs including social services, justice system, educational services, health services, mental health and substance abuse services, financial assistance programs, vocational services and housing assistance programs;

“(6) provide vocational services;

“(7) provide health counseling;

“(8) provide housing assistance;

“(9) parenting skills training;

“(10) overall case management;

“(11) supportive services for families of individuals with Fetal Alcohol Syndrome; and

“(12) provide other services and programs, to the extent authorized by the Secretary after consideration of recommendations made by the National Task Force on Fetal Alcohol Syndrome.

“(c) REQUIREMENTS.—To be eligible to receive an award under subsection (a), an applicant shall—

“(1) demonstrate that the program will be part of a coordinated, comprehensive system of care for such individuals;

“(2) demonstrate an established communication with other social programs in the community including social services, justice system, financial assistance programs, health services, educational services, mental health and substance abuse services, vocational services and housing assistance services;

“(3) show a history of working with individuals with fetal alcohol syndrome or alcohol-related birth defects;

“(4) provide assurance that the services will be provided in a culturally and linguistically appropriate manner; and

“(5) provide assurance that at the end of the 5-year award period, other mechanisms will be identified to meet the needs of the individuals and families served under such award.

“(d) RELATIONSHIP TO PAYMENTS UNDER OTHER PROGRAMS.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the expenses of providing any service under this section to an individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

“(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

“(2) by an entity that provides health services on a prepaid basis.

“(e) DURATION OF AWARDS.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years.

“(f) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(g) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.

“(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, not less than \$300,000 shall, for purposes relating to fetal alcohol syndrome and alcohol-related birth defects, be made available for collaborative, coordinated interagency efforts with the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Child Health and Human Development, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Department of Education, and the Department of Justice.

“SEC. 519D. CENTERS OF EXCELLENCE ON SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME AND ALCOHOL-RELATED BIRTH DEFECTS AND TREATMENT FOR INDIVIDUALS WITH SUCH CONDITIONS AND THEIR FAMILIES.

42 USC 290bb-25d.

“(a) IN GENERAL.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public or nonprofit private entities for the purposes of establishing not more than four centers of excellence to study techniques for the prevention of fetal alcohol syndrome and alcohol-related birth defects and adaptations of innovative clinical interventions and service delivery improvements for the provision of comprehensive services to individuals with fetal alcohol syndrome or alcohol-related birth defects and their families and for providing training on such conditions.

Grants.
Contracts.

“(b) USE OF FUNDS.—An award under subsection (a) may be used to—

“(1) study adaptations of innovative clinical interventions and service delivery improvements strategies for children and adults with fetal alcohol syndrome or alcohol-related birth defects and their families;

“(2) identify communities which have an exemplary comprehensive system of care for such individuals so that they can provide technical assistance to other communities attempting to set up such a system of care;

“(3) provide technical assistance to communities who do not have a comprehensive system of care for such individuals and their families;

“(4) train community leaders, mental health and substance abuse professionals, families, law enforcement personnel, judges, health professionals, persons working in financial assistance programs, social service personnel, child welfare professionals, and other service providers on the implications of fetal alcohol syndrome and alcohol-related birth defects, the early identification of and referral for such conditions;

“(5) develop innovative techniques for preventing alcohol use by women in child bearing years;

“(6) perform other functions, to the extent authorized by the Secretary after consideration of recommendations made by the National Task Force on Fetal Alcohol Syndrome.

“(c) REPORT.—

“(1) IN GENERAL.—A recipient of an award under subsection (a) shall at the end of the period of funding report to the Secretary on any innovative techniques that have been discovered for preventing alcohol use among women of child bearing years.

“(2) DISSEMINATION OF FINDINGS.—The Secretary shall upon receiving a report under paragraph (1) disseminate the findings to appropriate public and private entities.

“(d) DURATION OF AWARDS.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years.

“(e) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated

\$5,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 3111. SUICIDE PREVENTION.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3107, is further amended by adding at the end the following:

42 USC 290bb–
36.
Grants.
Contracts.

“SEC. 520E. SUICIDE PREVENTION FOR CHILDREN AND ADOLESCENTS.

“(a) **IN GENERAL.**—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, public organizations, or private nonprofit organizations to establish programs to reduce suicide deaths in the United States among children and adolescents.

“(b) **COLLABORATION.**—In carrying out subsection (a), the Secretary shall ensure that activities under this section are coordinated among the Substance Abuse and Mental Health Services Administration, the relevant institutes at the National Institutes of Health, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Administration on Children and Families.

“(c) **REQUIREMENTS.**—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization desiring a grant, contract, or cooperative agreement under this section shall demonstrate that the suicide prevention program such entity proposes will—

“(1) provide for the timely assessment, treatment, or referral for mental health or substance abuse services of children and adolescents at risk for suicide;

“(2) be based on best evidence-based, suicide prevention practices and strategies that are adapted to the local community;

“(3) integrate its suicide prevention program into the existing health care system in the community including primary health care, mental health services, and substance abuse services;

“(4) be integrated into other systems in the community that address the needs of children and adolescents including the educational system, juvenile justice system, welfare and child protection systems, and community youth support organizations;

“(5) use primary prevention methods to educate and raise awareness in the local community by disseminating evidence-based information about suicide prevention;

“(6) include suicide prevention, mental health, and related information and services for the families and friends of those who completed suicide, as needed;

“(7) provide linguistically appropriate and culturally competent services, as needed;

“(8) provide a plan for the evaluation of outcomes and activities at the local level, according to standards established by the Secretary, and agree to participate in a national evaluation; and

“(9) ensure that staff used in the program are trained in suicide prevention and that professionals involved in the system of care have received training in identifying persons at risk of suicide.

“(d) USE OF FUNDS.—Amounts provided under grants, contracts, or cooperative agreements under subsection (a) shall be used to supplement and not supplant other Federal, State, and local public funds that are expended to provide services for eligible individuals.

“(e) CONDITION.—An applicant for a grant, contract, or cooperative agreement under subsection (a) shall demonstrate to the Secretary that the applicant has the support of the local community and relevant public health officials.

“(f) SPECIAL POPULATIONS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are made in a manner that will focus on the needs of communities or groups that experience high or rapidly rising rates of suicide.

“(g) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a plan for the rigorous evaluation of activities funded under the grant, contract, or cooperative agreement, including a process and outcome evaluation.

“(h) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are distributed among the geographical regions of the United States and between urban and rural settings.

“(i) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit to the Secretary at the end of the program period, an evaluation of all activities funded under this section.

“(j) DISSEMINATION AND EDUCATION.—The Secretary shall ensure that findings derived from activities carried out under this section are disseminated to State, county and local governmental agencies and public and private nonprofit organizations active in promoting suicide prevention and family support activities.

“(k) DURATION OF PROJECTS.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award may be made to the recipient may not exceed 5 years.

“(l) STUDY.—Within 1 year after the date of the enactment of this section, the Secretary shall, directly or by grant or contract, initiate a study to assemble and analyze data to identify—

“(1) unique profiles of children under 13 who attempt or complete suicide;

“(2) unique profiles of youths between ages 13 and 21 who attempt or complete suicide; and

“(3) a profile of services which might have been available to these groups and the use of these services by children and youths from paragraphs (1) and (2).

“(m) AUTHORIZATION OF APPROPRIATION.—

“(1) IN GENERAL.—For purposes of carrying out this section, there is authorized to be appropriated \$75,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2003.

Deadline.

“(2) PROGRAM MANAGEMENT.—In carrying out this section, the Secretary shall use 1 percent of the amount appropriated under paragraph (1) for each fiscal year for managing programs under this section.”.

SEC. 3112. GENERAL PROVISIONS.

(a) DUTIES OF THE CENTER FOR SUBSTANCE ABUSE TREATMENT.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (2) through (12) as paragraphs (4) through (14), respectively;

(2) by inserting after paragraph (1), the following:

“(2) ensure that emphasis is placed on children and adolescents in the development of treatment programs;

“(3) collaborate with the Attorney General to develop programs to provide substance abuse treatment services to individuals who have had contact with the Justice system, especially adolescents;”;

(3) in paragraph (7) (as so redesignated), by striking “services, and monitor” and all that follows through “1925” and inserting “services”;

(4) in paragraph (13) (as so redesignated), by striking “treatment, including” and all that follows through “which shall” and inserting “treatment, which shall”; and

(5) in paragraph 14 (as so redesignated), by striking “paragraph (11)” and inserting “paragraph (13)”.

(b) OFFICE FOR SUBSTANCE ABUSE PREVENTION.—Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb-21(b)) is amended—

(1) by redesignating paragraphs (9) and (10) as (10) and (11);

(2) by inserting after paragraph (8), the following:

“(9) collaborate with the Attorney General of the Department of Justice to develop programs to prevent drug abuse among high risk youth;”;

(3) in paragraph (10) (as so redesignated), by striking “public concerning” and inserting “public, especially adolescent audiences, concerning”.

(c) DUTIES OF THE CENTER FOR MENTAL HEALTH SERVICES.—Section 520(b) of the Public Health Service Act (42 U.S.C. 290bb-3(b)) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) by inserting after paragraph (2), the following:

“(3) collaborate with the Department of Education and the Department of Justice to develop programs to assist local communities in addressing violence among children and adolescents;”;

(3) in paragraph (8) (as so redesignated), by striking “programs authorized” and all that follows through “Programs” and inserting “programs under part C”; and

(4) in paragraph (9) (as so redesignated), by striking “program and programs” and all that follows through “303” and inserting “programs”.

TITLE XXXII—PROVISIONS RELATING TO MENTAL HEALTH

SEC. 3201. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 520A of the Public Health Service Act (42 U.S.C. 290bb-32) is amended to read as follows:

“SEC. 520A. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

“(a) PROJECTS.—The Secretary shall address priority mental health needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

“(1) knowledge development and application projects for prevention, treatment, and rehabilitation, and the conduct or support of evaluations of such projects;

“(2) training and technical assistance programs;

“(3) targeted capacity response programs; and

“(4) systems change grants including statewide family network grants and client-oriented and consumer run self-help activities.

The Secretary may carry out the activities described in this subsection directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or private nonprofit entities.

Grants.
Contracts.

“(b) PRIORITY MENTAL HEALTH NEEDS.—

“(1) DETERMINATION OF NEEDS.—Priority mental health needs of regional and national significance shall be determined by the Secretary in consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

“(2) SPECIAL CONSIDERATION.—In developing program priorities described in paragraph (1), the Secretary shall give special consideration to promoting the integration of mental health services into primary health care systems.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

“(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

“(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under this section provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

“(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(e) INFORMATION AND EDUCATION.—

“(1) IN GENERAL.—The Secretary shall establish information and education programs to disseminate and apply the findings of the knowledge development and application, training, and technical assistance programs, and targeted capacity response programs, under this section to the general public, to health care professionals, and to interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out mental health services.

“(2) RURAL AND UNDERSERVED AREAS.—In disseminating information on evidence-based practices in the provision of children’s mental health services under this subsection, the Secretary shall ensure that such information is distributed to rural and medically underserved areas.

“(f) AUTHORIZATION OF APPROPRIATION.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, \$300,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.

“(2) DATA INFRASTRUCTURE.—If amounts are not appropriated for a fiscal year to carry out section 1971 with respect to mental health, then the Secretary shall make available, from the amounts appropriated for such fiscal year under paragraph (1), an amount equal to the sum of \$6,000,000 and 10 percent of all amounts appropriated for such fiscal year under such paragraph in excess of \$100,000,000, to carry out such section 1971.”

(b) CONFORMING AMENDMENTS.—

(1) Section 303 of the Public Health Service Act (42 U.S.C. 242a) is repealed.

(2) Section 520B of the Public Health Service Act (42 U.S.C. 290bb–33) is repealed.

(3) Section 612 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa–3 note) is repealed.

SEC. 3202. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa–5) is amended to read as follows:

“SEC. 506. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

“(a) IN GENERAL.—The Secretary shall award grants, contracts and cooperative agreements to community-based public and private nonprofit entities for the purposes of providing mental health and substance abuse services for homeless individuals. In carrying out

42 USC 290bb–32 note.

this section, the Secretary shall consult with the Interagency Council on the Homeless, established under section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

“(b) PREFERENCES.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give a preference to—

“(1) entities that provide integrated primary health, substance abuse, and mental health services to homeless individuals;

“(2) entities that demonstrate effectiveness in serving runaway, homeless, and street youth;

“(3) entities that have experience in providing substance abuse and mental health services to homeless individuals;

“(4) entities that demonstrate experience in providing housing for individuals in treatment for or in recovery from mental illness or substance abuse; and

“(5) entities that demonstrate effectiveness in serving homeless veterans.

“(c) SERVICES FOR CERTAIN INDIVIDUALS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall not—

“(1) prohibit the provision of services under such subsection to homeless individuals who are suffering from a substance abuse disorder and are not suffering from a mental health disorder; and

“(2) make payments under subsection (a) to any entity that has a policy of—

“(A) excluding individuals from mental health services due to the existence or suspicion of substance abuse; or

“(B) has a policy of excluding individuals from substance abuse services due to the existence or suspicion of mental illness.

“(d) TERM OF THE AWARDS.—No entity may receive a grant, contract, or cooperative agreement under subsection (a) for more than 5 years.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 3203. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

(a) WAIVERS FOR TERRITORIES.—Section 522 of the Public Health Service Act (42 U.S.C. 290cc-22) is amended by adding at the end the following:

“(i) WAIVER FOR TERRITORIES.—With respect to the United States Virgin Islands, Guam, American Samoa, Palau, the Marshall Islands, and the Commonwealth of the Northern Mariana Islands, the Secretary may waive the provisions of this part that the Secretary determines to be appropriate.”.

(b) AUTHORIZATION OF APPROPRIATION.—Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc-35(a)) is amended by striking “1991 through 1994” and inserting “2001 through 2003”.

SEC. 3204. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

42 USC 300x-1. (a) **CRITERIA FOR PLAN.**—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x-2(b)) is amended by striking paragraphs (1) through (12) and inserting the following:

“(1) **COMPREHENSIVE COMMUNITY-BASED MENTAL HEALTH SYSTEMS.**—The plan provides for an organized community-based system of care for individuals with mental illness and describes available services and resources in a comprehensive system of care, including services for dually diagnosed individuals. The description of the system of care shall include health and mental health services, rehabilitation services, employment services, housing services, educational services, substance abuse services, medical and dental care, and other support services to be provided to individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act. The plan shall include a separate description of case management services and provide for activities leading to reduction of hospitalization.

“(2) **MENTAL HEALTH SYSTEM DATA AND EPIDEMIOLOGY.**—The plan contains an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children and presents quantitative targets to be achieved in the implementation of the system described in paragraph (1).

“(3) **CHILDREN’S SERVICES.**—In the case of children with serious emotional disturbance, the plan—

“(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (such system to include services provided under the Individuals with Disabilities Education Act);

“(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service under such system other than comprehensive community mental health services; and

“(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

“(4) **TARGETED SERVICES TO RURAL AND HOMELESS POPULATIONS.**—The plan describes the State’s outreach to and services for individuals who are homeless and how community-based services will be provided to individuals residing in rural areas.

“(5) **MANAGEMENT SYSTEMS.**—The plan describes the financial resources, staffing and training for mental health providers that is necessary to implement the plan, and provides for the training of providers of emergency health services regarding mental health. The plan further describes the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved.

Except as provided for in paragraph (3), the State plan shall contain the information required under this subsection with respect to both adults with serious mental illness and children with serious emotional disturbance.”.

(b) REVIEW OF PLANNING COUNCIL OF STATE’S REPORT.—Section 1915(a) of the Public Health Service Act (42 U.S.C. 300x-4(a)) is amended—

(1) in paragraph (1), by inserting “and the report of the State under section 1942(a) concerning the preceding fiscal year” after “to the grant”; and

(2) in paragraph (2), by inserting before the period “and any comments concerning the annual report”.

(c) MAINTENANCE OF EFFORT.—Section 1915(b) of the Public Health Service Act (42 U.S.C. 300x-4(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following:

“(2) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.”.

(d) APPLICATION FOR GRANTS.—Section 1917(a)(1) of the Public Health Service Act (42 U.S.C. 300x-6(a)(1)) is amended to read as follows:

“(1) the plan is received by the Secretary not later than September 1 of the fiscal year prior to the fiscal year for which a State is seeking funds, and the report from the previous fiscal year as required under section 1941 is received by December 1 of the fiscal year of the grant;”.

(e) WAIVERS FOR TERRITORIES.—Section 1917(b) of the Public Health Service Act (42 U.S.C. 300x-6(b)) is amended by striking “whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B)” and inserting in its place “except Puerto Rico”.

(f) AUTHORIZATION OF APPROPRIATION.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x-9) is amended—

(1) in subsection (a), by striking “\$450,000,000” and all that follows through the end and inserting “\$450,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”; and

(2) in subsection (b)(2), by striking “section 505” and inserting “sections 505 and 1971”.

SEC. 3205. DETERMINATION OF ALLOTMENT.

Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x-7(b)) is amended to read as follows:

“(b) MINIMUM ALLOTMENTS FOR STATES.—With respect to fiscal year 2000, and subsequent fiscal years, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under such section for fiscal year 1998.”.

SEC. 3206. PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.

(a) SHORT TITLE.—The first section of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319) is amended to read as follows:

42 USC 10801
note.

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Protection and Advocacy for Individuals with Mental Illness Act’.”

(b) DEFINITIONS.—Section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10802) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting “, except as provided in section 104(d),” after “means”;

(B) in subparagraph (B)—

(i) by striking “(i)” who” and inserting “(i)(I) who”;

(ii) by redesignating clauses (ii) and (iii) as subclauses (II) and (III);

(iii) in subclause (III) (as so redesignated), by striking the period and inserting “; or”; and

(iv) by adding at the end the following:

“(ii) who satisfies the requirements of subparagraph (A) and lives in a community setting, including their own home.”; and

(2) by adding at the end the following:

“(8) The term ‘American Indian consortium’ means a consortium established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).”.

(c) USE OF ALLOTMENTS.—Section 104 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10804) is amended by adding at the end the following:

“(d) The definition of ‘individual with a mental illness’ contained in section 102(4)(B)(iii) shall apply, and thus an eligible system may use its allotment under this title to provide representation to such individuals, only if the total allotment under this title for any fiscal year is \$30,000,000 or more, and in such case, an eligible system must give priority to representing persons with mental illness as defined in subparagraphs (A) and (B)(i) of section 102(4).”.

(d) MINIMUM AMOUNT.—Paragraph (2) of section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)(2)) is amended to read as follows:

“(2)(A) The minimum amount of the allotment of an eligible system shall be the product (rounded to the nearest \$100) of the appropriate base amount determined under subparagraph (B) and the factor specified in subparagraph (C).

“(B) For purposes of subparagraph (A), the appropriate base amount—

“(i) for American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the Virgin Islands, is \$139,300; and

“(ii) for any other State, is \$260,000.

“(C) The factor specified in this subparagraph is the ratio of the amount appropriated under section 117 for the fiscal year for which the allotment is being made to the amount appropriated under such section for fiscal year 1995.

“(D) If the total amount appropriated for a fiscal year is at least \$25,000,000, the Secretary shall make an allotment in accordance with subparagraph (A) to the eligible system serving the American Indian consortium.”.

(e) TECHNICAL AMENDMENTS.—Section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)) is amended—

(1) in paragraph (1)(B), by striking “Trust Territory of the Pacific Islands” and inserting “Marshall Islands, the Federated States of Micronesia, the Republic of Palau”; and

(2) by striking paragraph (3).

(f) REAUTHORIZATION.—Section 117 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10827) is amended by striking “1995” and inserting “2003”.

SEC. 3207. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

“PART H—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

“SEC. 591. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES. 42 USC 290ii.

“(a) IN GENERAL.—A public or private general hospital, nursing facility, intermediate care facility, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

“(b) REQUIREMENTS.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

“(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

“(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

“(c) CURRENT LAW.—This part shall not be construed to affect or impede any Federal or State law or regulations that provide greater protections than this part regarding seclusion and restraint.

“(d) DEFINITIONS.—In this section:

“(1) RESTRAINTS.—The term ‘restraints’ means—

“(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head

freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident (such term does not include a physical escort); and

“(B) a drug or medication that is used as a restraint to control behavior or restrict the resident’s freedom of movement that is not a standard treatment for the resident’s medical or psychiatric condition.

“(2) SECLUSION.—The term ‘seclusion’ means a behavior control technique involving locked isolation. Such term does not include a time out.

“(3) PHYSICAL ESCORT.—The term ‘physical escort’ means the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a resident who is acting out to walk to a safe location.

“(4) TIME OUT.—The term ‘time out’ means a behavior management technique that is part of an approved treatment program and may involve the separation of the resident from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

42 USC 290ii-1.

“SEC. 592. REPORTING REQUIREMENT.

“(a) IN GENERAL.—Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient’s death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

“(b) FACILITY.—In this section, the term ‘facility’ has the meaning given the term ‘facilities’ in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).”.

42 USC 290ii-2.

“SEC. 593. REGULATIONS AND ENFORCEMENT.

Deadline.

“(a) TRAINING.—Not later than 1 year after the date of the enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

“(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require that—

“(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized,

comprehensive treatment plans, and to provide active treatment measures;

“(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

“(3) such facilities provide complete and accurate notification of deaths, as required under section 592(a).

“(c) ENFORCEMENT.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.”.

SEC. 3208. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 3207, is further amended by adding at the end the following:

“PART I—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH

“SEC. 595. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH.

42 USC 290jj.

“(a) PROTECTION OF RIGHTS.—

“(1) IN GENERAL.—A public or private non-medical, community-based facility for children and youth (as defined in regulations to be promulgated by the Secretary) that receives support in any form from any program supported in whole or in part with funds appropriated under this Act shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

“(2) NONAPPLICABILITY.—Notwithstanding this part, a facility that provides inpatient psychiatric treatment services for individuals under the age of 21, as authorized and defined in subsections (a)(16) and (h) of section 1905 of the Social Security Act, shall comply with the requirements of part H.

“(3) APPLICABILITY OF MEDICAID PROVISIONS.—A non-medical, community-based facility for children and youth funded under the Medicaid program under title XIX of the Social Security Act shall continue to meet all existing requirements for participation in such program that are not affected by this part.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—Physical restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

“(A) the restraints or seclusion are imposed only in emergency circumstances and only to ensure the immediate physical safety of the resident, a staff member, or others

and less restrictive interventions have been determined to be ineffective; and

“(B) the restraints or seclusion are imposed only by an individual trained and certified, by a State-recognized body (as defined in regulation promulgated by the Secretary) and pursuant to a process determined appropriate by the State and approved by the Secretary, in the prevention and use of physical restraint and seclusion, including the needs and behaviors of the population served, relationship building, alternatives to restraint and seclusion, de-escalation methods, avoiding power struggles, thresholds for restraints and seclusion, the physiological and psychological impact of restraint and seclusion, monitoring physical signs of distress and obtaining medical assistance, legal issues, position asphyxia, escape and evasion techniques, time limits, the process for obtaining approval for continued restraints, procedures to address problematic restraints, documentation, processing with children, and follow-up with staff, and investigation of injuries and complaints.

“(2) INTERIM PROCEDURES RELATING TO TRAINING AND CERTIFICATION.—

“(A) IN GENERAL.—Until such time as the State develops a process to assure the proper training and certification of facility personnel in the skills and competencies referred in paragraph (1)(B), the facility involved shall develop and implement an interim procedure that meets the requirements of subparagraph (B).

“(B) REQUIREMENTS.—A procedure developed under subparagraph (A) shall—

“(i) ensure that a supervisory or senior staff person with training in restraint and seclusion who is competent to conduct a face-to-face assessment (as defined in regulations promulgated by the Secretary), will assess the mental and physical well-being of the child or youth being restrained or secluded and assure that the restraint or seclusion is being done in a safe manner;

“(ii) ensure that the assessment required under clause (i) take place as soon as practicable, but in no case later than 1 hour after the initiation of the restraint or seclusion; and

“(iii) ensure that the supervisory or senior staff person continues to monitor the situation for the duration of the restraint and seclusion.

“(3) LIMITATIONS.—

“(A) IN GENERAL.—The use of a drug or medication that is used as a restraint to control behavior or restrict the resident’s freedom of movement that is not a standard treatment for the resident’s medical or psychiatric condition in nonmedical community-based facilities for children and youth described in subsection (a)(1) is prohibited.

“(B) PROHIBITION.—The use of mechanical restraints in non-medical, community-based facilities for children and youth described in subsection (a)(1) is prohibited.

“(C) LIMITATION.—A non-medical, community-based facility for children and youth described in subsection (a)(1)

may only use seclusion when a staff member is continuously face-to-face monitoring the resident and when strong licensing or accreditation and internal controls are in place.

“(c) RULE OF CONSTRUCTION.—

“(1) IN GENERAL.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

“(2) CURRENT LAW.—This part shall not be construed to affect or impede any Federal or State law or regulations that provide greater protections than this part regarding seclusion and restraint.

“(d) DEFINITIONS.—In this section:

“(1) MECHANICAL RESTRAINT.—The term ‘mechanical restraint’ means the use of devices as a means of restricting a resident’s freedom of movement.

“(2) PHYSICAL ESCORT.—The term ‘physical escort’ means the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a resident who is acting out to walk to a safe location.

“(3) PHYSICAL RESTRAINT.—The term ‘physical restraint’ means a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include a physical escort.

“(4) SECLUSION.—The term ‘seclusion’ means a behavior control technique involving locked isolation. Such term does not include a time out.

“(5) TIME OUT.—The term ‘time out’ means a behavior management technique that is part of an approved treatment program and may involve the separation of the resident from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

“SEC. 595A. REPORTING REQUIREMENT.

42 USC 290jj-1.

“Each facility to which this part applies shall notify the appropriate State licensing or regulatory agency, as determined by the Secretary—

“(1) of each death that occurs at each such facility. A notification under this section shall include the name of the resident and shall be provided not later than 24 hours after the time of the individual’s death; and

“(2) of the use of seclusion or restraints in accordance with regulations promulgated by the Secretary, in consultation with the States.

“SEC. 595B. REGULATIONS AND ENFORCEMENT.

42 USC 290jj-2.

“(a) TRAINING.—Not later than 6 months after the date of the enactment of this part, the Secretary, after consultation with appropriate State, local, public and private protection and advocacy organizations, health care professionals, social workers, facilities, and patients, shall promulgate regulations that—

“(1) require States that license non-medical, community-based residential facilities for children and youth to develop licensing rules and monitoring requirements concerning behavior management practice that will ensure compliance with Federal regulations and to meet the requirements of subsection (b);

“(2) require States to develop and implement such licensing rules and monitoring requirements within 1 year after the

Deadline.

promulgation of the regulations referred to in the matter preceding paragraph (1); and

“(3) support the development of national guidelines and standards on the quality, quantity, orientation and training, required under this part, as well as the certification or licensure of those staff responsible for the implementation of behavioral intervention concepts and techniques.

“(b) REQUIREMENTS.—The regulations promulgated under subsection (a) shall require—

“(1) that facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate residents, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

“(2) the provision of appropriate training and certification of the staff of such facilities in the prevention and use of physical restraint and seclusion, including the needs and behaviors of the population served, relationship building, alternatives to restraint, de-escalation methods, avoiding power struggles, thresholds for restraints, the physiological impact of restraint and seclusion, monitoring physical signs of distress and obtaining medical assistance, legal issues, position asphyxia, escape and evasion techniques, time limits for the use of restraint and seclusion, the process for obtaining approval for continued restraints and seclusion, procedures to address problematic restraints, documentation, processing with children, and follow-up with staff, and investigation of injuries and complaints; and

“(3) that such facilities provide complete and accurate notification of deaths, as required under section 595A(1).

“(c) ENFORCEMENT.—A State to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training and certification, shall not be eligible for participation in any program supported in whole or in part by funds appropriated under this Act.”.

SEC. 3209. EMERGENCY MENTAL HEALTH CENTERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3111, is further amended by adding at the end the following:

“SEC. 520F. GRANTS FOR EMERGENCY MENTAL HEALTH CENTERS.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to support the designation of hospitals and health centers as Emergency Mental Health Centers.

“(b) HEALTH CENTER.—In this section, the term ‘health center’ has the meaning given such term in section 330, and includes community health centers and community mental health centers.

“(c) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States, between urban and rural populations, and between different settings of care including health centers, mental health centers, hospitals, and other psychiatric units or facilities.

“(d) APPLICATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under subsection (a) shall submit an application to the Secretary at such

time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section.

“(e) USE OF FUNDS.—

“(1) IN GENERAL.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to establish or designate hospitals and health centers as Emergency Mental Health Centers.

“(2) EMERGENCY MENTAL HEALTH CENTERS.—Such Emergency Mental Health Centers described in paragraph (1)—

“(A) shall—

“(i) serve as a central receiving point in the community for individuals who may be in need of emergency mental health services;

“(ii) purchase, if needed, any equipment necessary to evaluate, diagnose and stabilize an individual with a mental illness;

“(iii) provide training, if needed, to the medical personnel staffing the Emergency Mental Health Center to evaluate, diagnose, stabilize, and treat an individual with a mental illness; and

“(iv) provide any treatment that is necessary for an individual with a mental illness or a referral for such individual to another facility where such treatment may be received; and

“(B) may establish and train a mobile crisis intervention team to respond to mental health emergencies within the community.

“(f) EVALUATION.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under this section and a process and outcomes evaluation.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2003.”.

SEC. 3210. GRANTS FOR JAIL DIVERSION PROGRAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3209, is further amended by adding at the end the following:

“SEC. 520G. GRANTS FOR JAIL DIVERSION PROGRAMS.

42 USC 290bb-38.

“(a) PROGRAM AUTHORIZED.—The Secretary shall make up to 125 grants to States, political subdivisions of States, Indian tribes, and tribal organizations, acting directly or through agreements with other public or nonprofit entities, to develop and implement programs to divert individuals with a mental illness from the criminal justice system to community-based services.

“(b) ADMINISTRATION.—

“(1) CONSULTATION.—The Secretary shall consult with the Attorney General and any other appropriate officials in carrying out this section.

“(2) REGULATORY AUTHORITY.—The Secretary shall issue regulations and guidelines necessary to carry out this section, including methodologies and outcome measures for evaluating programs carried out by States, political subdivisions of States, Indian tribes, and tribal organizations receiving grants under subsection (a).

“(c) APPLICATIONS.—

“(1) IN GENERAL.—To receive a grant under subsection (a), the chief executive of a State, chief executive of a subdivision of a State, Indian tribe or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

“(2) CONTENT.—Such application shall—

“(A) contain an assurance that—

“(i) community-based mental health services will be available for the individuals who are diverted from the criminal justice system, and that such services are based on the best known practices, reflect current research findings, include case management, assertive community treatment, medication management and access, integrated mental health and co-occurring substance abuse treatment, and psychiatric rehabilitation, and will be coordinated with social services, including life skills training, housing placement, vocational training, education job placement, and health care;

“(ii) there has been relevant interagency collaboration between the appropriate criminal justice, mental health, and substance abuse systems; and

“(iii) the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available;

“(B) demonstrate that the diversion program will be integrated with an existing system of care for those with mental illness;

“(C) explain the applicant’s inability to fund the program adequately without Federal assistance;

“(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

“(E) describe methodology and outcome measures that will be used in evaluating the program.

“(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received under such grant to—

“(1) integrate the diversion program into the existing system of care;

“(2) create or expand community-based mental health and co-occurring mental illness and substance abuse services to accommodate the diversion program;

“(3) train professionals involved in the system of care, and law enforcement officers, attorneys, and judges; and

“(4) provide community outreach and crisis intervention.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—The Secretary shall pay to a State, political subdivision of a State, Indian tribe, or tribal organization

receiving a grant under subsection (a) the Federal share of the cost of activities described in the application.

“(2) FEDERAL SHARE.—The Federal share of a grant made under this section shall not exceed 75 percent of the total cost of the program carried out by the State, political subdivision of a State, Indian tribe, or tribal organization. Such share shall be used for new expenses of the program carried out by such State, political subdivision of a State, Indian tribe, or tribal organization.

“(3) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in kind fairly evaluated, including planned equipment or services. The Secretary may waive the requirement of matching contributions.

“(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(g) TRAINING AND TECHNICAL ASSISTANCE.—Training and technical assistance may be provided by the Secretary to assist a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) in establishing and operating a diversion program.

“(h) EVALUATIONS.—The programs described in subsection (a) shall be evaluated not less than one time in every 12-month period using the methodology and outcome measures identified in the grant application.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003.”.

SEC. 3211. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3210, is further amended by adding at the end the following:

“SEC. 520H. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

42 USC 290bb-39.

“(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to States, political subdivisions of States, Indian tribes, and tribal organizations to provide integrated child welfare and mental health services for children and adolescents under 19 years of age in the child welfare system or at risk for becoming part of the system, and parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder.

Grants.
Contracts.

“(b) DURATION.—With respect to a grant, contract or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

“(c) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive an award under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall submit an application to the

Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(2) CONTENT.—An application submitted under paragraph (1) shall—

“(A) describe the program to be funded under the grant, contract or cooperative agreement;

“(B) explain how such program reflects best practices in the provision of child welfare and mental health services; and

“(C) provide assurances that—

“(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services; and

“(ii) the services will be provided in accordance with subsection (d).

“(d) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use amounts made available through such grant, contract or cooperative agreement to—

“(1) provide family-centered, comprehensive, and coordinated child welfare and mental health services, including prevention, early intervention and treatment services for children and adolescents, and for their parents or caregivers;

“(2) ensure a single point of access for such coordinated services;

“(3) provide integrated mental health and substance abuse treatment for children, adolescents, and parents or caregivers with a mental illness and a co-occurring substance abuse disorder;

“(4) provide training for the child welfare, mental health and substance abuse professionals who will participate in the program carried out under this section;

“(5) provide technical assistance to child welfare and mental health agencies;

“(6) develop cooperative efforts with other service entities in the community, including education, social services, juvenile justice, and primary health care agencies;

“(7) coordinate services with services provided under the Medicaid program and the State Children’s Health Insurance Program under titles XIX and XXI of the Social Security Act;

“(8) provide linguistically appropriate and culturally competent services; and

“(9) evaluate the effectiveness and cost-efficiency of the integrated services that measure the level of coordination, outcome measures for parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder, and outcome measures for children.

“(e) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(f) EVALUATION.—The Secretary shall evaluate each program carried out by a State, political subdivision of a State, Indian tribe, or tribal organization under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”.

SEC. 3212. GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3211, is further amended by adding at the end the following:

“SEC. 520I. GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.

42 USC 290bb-40.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the development or expansion of programs to provide integrated treatment services for individuals with a serious mental illness and a co-occurring substance abuse disorder.

Contracts.

“(b) PRIORITY.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give priority to applicants that emphasize the provision of services for individuals with a serious mental illness and a co-occurring substance abuse disorder who—

“(1) have a history of interactions with law enforcement or the criminal justice system;

“(2) have recently been released from incarceration;

“(3) have a history of unsuccessful treatment in either an inpatient or outpatient setting;

“(4) have never followed through with outpatient services despite repeated referrals; or

“(5) are homeless.

“(c) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use funds received under such grant—

“(1) to provide fully integrated services rather than serial or parallel services;

“(2) to employ staff that are cross-trained in the diagnosis and treatment of both serious mental illness and substance abuse;

“(3) to provide integrated mental health and substance abuse services at the same location;

“(4) to provide services that are linguistically appropriate and culturally competent;

“(5) to provide at least 10 programs for integrated treatment of both mental illness and substance abuse at sites that previously provided only mental health services or only substance abuse services; and

“(6) to provide services in coordination with other existing public and private community programs.

“(d) CONDITION.—The Secretary shall ensure that a State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsection (a) maintains the level of effort necessary to sustain existing mental health and substance

abuse programs for other populations served by mental health systems in the community.

“(e) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, or cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(f) DURATION.—The Secretary shall award grants, contract, or cooperative agreements under this subsection for a period of not more than 5 years.

“(g) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that desires a grant, contract, or cooperative agreement under this subsection shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include a plan for the rigorous evaluation of activities funded with an award under such subsection, including a process and outcomes evaluation.

“(h) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under this subsection shall prepare and submit a plan for the rigorous evaluation of the program funded under such grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

“(i) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this subsection \$40,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003.”.

SEC. 3213. TRAINING GRANTS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.), as amended by section 3212, is further amended by adding at the end the following:

42 USC 290bb–
41.

“SEC. 520J. TRAINING GRANTS.

“(a) IN GENERAL.—The Secretary shall award grants in accordance with the provisions of this section.

“(b) MENTAL ILLNESS AWARENESS TRAINING GRANTS.—

“(1) IN GENERAL.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, tribal organizations, and nonprofit private entities to train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders, to refer family members to the appropriate mental health services if necessary, to train emergency services personnel to identify and appropriately respond to persons with a mental illness, and to provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

“(2) EMERGENCY SERVICES PERSONNEL.—In this subsection, the term ‘emergency services personnel’ includes paramedics, firefighters, and emergency medical technicians.

“(3) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that such grants awarded under this subsection are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(4) APPLICATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity

that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities that are carried out with funds received under a grant under this subsection.

“(5) USE OF FUNDS.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity receiving a grant under this subsection shall use funds from such grant to—

“(A) train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders and appropriately respond;

“(B) train emergency services personnel to identify and appropriately respond to persons with a mental illness; and

“(C) provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

“(6) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity that receives a grant under this subsection shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under the grant under this subsection and a process and outcome evaluation.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2003.”.

TITLE XXXIII—PROVISIONS RELATING TO SUBSTANCE ABUSE

SEC. 3301. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508(r) of the Public Health Service Act (42 U.S.C. 290bb-1(r)) is amended to read as follows:

“(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary to fiscal years 2001 through 2003.”.

(b) PRIORITY SUBSTANCE ABUSE TREATMENT.—Section 509 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended to read as follows:

“SEC. 509. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

42 USC 290bb-2.

“(a) PROJECTS.—The Secretary shall address priority substance abuse treatment needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

“(1) knowledge development and application projects for treatment and rehabilitation and the conduct or support of evaluations of such projects;

“(2) training and technical assistance; and

“(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or nonprofit private entities.

“(b) PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS.—

“(1) IN GENERAL.—Priority substance abuse treatment needs of regional and national significance shall be determined by the Secretary after consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

“(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to promoting the integration of substance abuse treatment services into primary health care systems.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—Recipients of grants, contracts, or cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

“(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

“(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

“(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate and apply the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public, to health professionals and other interested groups. The Secretary shall make every effort to provide linkages between the

findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

“(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, \$300,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

(c) CONFORMING AMENDMENTS.—The following sections of the Public Health Service Act are repealed:

- (1) Section 510 (42 U.S.C. 290bb-3).
- (2) Section 511 (42 U.S.C. 290bb-4).
- (3) Section 512 (42 U.S.C. 290bb-5).
- (4) Section 571 (42 U.S.C. 290gg).

SEC. 3302. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 516 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended to read as follows:

“SEC. 516. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

42 USC 290bb-22.

“(a) PROJECTS.—The Secretary shall address priority substance abuse prevention needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

“(1) knowledge development and application projects for prevention and the conduct or support of evaluations of such projects;

“(2) training and technical assistance; and

“(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, or other public or nonprofit private entities.

“(b) PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS.—

“(1) IN GENERAL.—Priority substance abuse prevention needs of regional and national significance shall be determined by the Secretary in consultation with the States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

“(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to—

“(A) applying the most promising strategies and research-based primary prevention approaches; and

“(B) promoting the integration of substance abuse prevention information and activities into primary health care systems.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

“(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

“(3) **MATCHING FUNDS.**—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(4) **MAINTENANCE OF EFFORT.**—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

“(d) **EVALUATION.**—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(e) **INFORMATION AND EDUCATION.**—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public and to health professionals. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

“(f) **AUTHORIZATION OF APPROPRIATION.**—There are authorized to be appropriated to carry out this section, \$300,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

(b) **CONFORMING AMENDMENTS.**—Section 518 of the Public Health Service Act (42 U.S.C. 290bb-24) is repealed.

SEC. 3303. SUBSTANCE ABUSE PREVENTION AND TREATMENT PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) **ALLOCATION REGARDING ALCOHOL AND OTHER DRUGS.**—Section 1922 of the Public Health Service Act (42 U.S.C. 300x-22) is amended by—

(1) striking subsection (a); and

(2) redesignating subsections (b) and (c) as subsections (a) and (b).

(b) **GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.**—Section 1925(a) of the Public Health Service Act (42 U.S.C. 300x-25(a)) is amended by striking “For fiscal year 1993” and all that follows through the colon and inserting the following: “A State, using funds available under section 1921, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for recovering substance abusers as follows:”.

(c) **MAINTENANCE OF EFFORT.**—Section 1930 of the Public Health Service Act (42 U.S.C. 300x-30) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d) respectively; and

(2) by inserting after subsection (a), the following:

“(b) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.”.

(d) APPLICATIONS FOR GRANTS.—Section 1932(a)(1) of the Public Health Service Act (42 U.S.C. 300x-32(a)(1)) is amended to read as follows:

“(1) the application is received by the Secretary not later than October 1 of the fiscal year for which the State is seeking funds;”.

(e) WAIVER FOR TERRITORIES.—Section 1932(c) of the Public Health Service Act (42 U.S.C. 300x-32(c)) is amended by striking “whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B)” and inserting “except Puerto Rico”.

(f) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Section 1932 of the Public Health Service Act (42 U.S.C. 300x-32) is amended by adding at the end the following:

“(e) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

“(1) IN GENERAL.—Upon the request of a State, the Secretary may waive the requirements of all or part of the sections described in paragraph (2) using objective criteria established by the Secretary by regulation after consultation with the States and other interested parties including consumers and providers.

“(2) SECTIONS.—The sections described in paragraph (1) are sections 1922(c), 1923, 1924 and 1928.

“(3) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) and inform the State of that decision not later than 120 days after the date on which the request and all the information needed to support the request are submitted.

“(4) ANNUAL REPORTING REQUIREMENT.—The Secretary shall annually report to the general public on the States that receive a waiver under this subsection.”.

(2) CONFORMING AMENDMENTS.—Effective upon the publication of the regulations developed in accordance with section 1932(e)(1) of the Public Health Service Act (42 U.S.C. 300x-32(d))—

(A) section 1922(c) of the Public Health Service Act (42 U.S.C. 300x-22(c)) is amended by—

(i) striking paragraph (2); and

(ii) redesignating paragraph (3) as paragraph (2);

and

(B) section 1928(d) of the Public Health Service Act (42 U.S.C. 300x-28(d)) is repealed.

(g) AUTHORIZATION OF APPROPRIATION.—Section 1935 of the Public Health Service Act (42 U.S.C. 300x-35) is amended—

(1) in subsection (a), by striking “\$1,500,000,000” and all that follows through the end and inserting “\$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”;

Effective date.
42 USC 300x-22
note.

(2) in subsection (b)(1), by striking “section 505” and inserting “sections 505 and 1971”;

(3) in subsection (b)(2), by striking “1949(a)” and inserting “1948(a)”; and

(4) in subsection (b), by adding at the end the following:

“(3) CORE DATA SET.—A State that receives a new grant, contract, or cooperative agreement from amounts available to the Secretary under paragraph (1), for the purposes of improving the data collection, analysis and reporting capabilities of the State, shall be required, as a condition of receipt of funds, to collect, analyze, and report to the Secretary for each fiscal year subsequent to receiving such funds a core data set to be determined by the Secretary in conjunction with the States.”.

SEC. 3304. DETERMINATION OF ALLOTMENTS.

Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x-33(b)) is amended to read as follows:

“(b) MINIMUM ALLOTMENTS FOR STATES.—

“(1) IN GENERAL.—With respect to fiscal year 2000, and each subsequent fiscal year, the amount of the allotment of a State under section 1921 shall not be less than the amount the State received under such section for the previous fiscal year increased by an amount equal to 30.65 percent of the percentage by which the aggregate amount allotted to all States for such fiscal year exceeds the aggregate amount allotted to all States for the previous fiscal year.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 1921 for a fiscal year in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 1935(a) for such fiscal year.

“(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 1921 for a fiscal year (as compared to the amount allotted to the State in the prior fiscal year) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 1935(a) for such fiscal year exceeds the amount appropriated for the prior fiscal year.

“(3) DECREASE IN OR EQUAL APPROPRIATIONS.—If the amount appropriated under section 1935(a) for a fiscal year is equal to or less than the amount appropriated under such section for the prior fiscal year, the amount of the State allotment under section 1921 shall be equal to the amount that the State received under section 1921 in the prior fiscal year decreased by the percentage by which the amount appropriated for such fiscal year is less than the amount appropriated or such section for the prior fiscal year.”.

SEC. 3305. NONDISCRIMINATION AND INSTITUTIONAL SAFEGUARDS FOR RELIGIOUS PROVIDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-51 et seq.) is amended by adding at the end the following:

“SEC. 1955. SERVICES PROVIDED BY NONGOVERNMENTAL ORGANIZATIONS. 42 USC 300x-65.

“(a) PURPOSES.—The purposes of this section are—

“(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide substance abuse services under this title and title V, and the receipt of services under such titles; and

“(2) to allow the organizations to accept the funds to provide the services to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

“(b) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—

“(1) IN GENERAL.—A State may administer and provide substance abuse services under any program under this title or title V through grants, contracts, or cooperative agreements to provide assistance to beneficiaries under such titles with nongovernmental organizations.

“(2) REQUIREMENT.—A State that elects to utilize nongovernmental organizations as provided for under paragraph (1) shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide services under substance abuse programs under this title or title V, so long as the programs under such titles are implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization that provides services under, or applies to provide services under, such programs, on the basis that the organization has a religious character.

“(c) RELIGIOUS CHARACTER AND INDEPENDENCE.—

“(1) IN GENERAL.—A religious organization that provides services under any substance abuse program under this title or title V shall retain its independence from Federal, State, and local governments, including such organization’s control over the definition, development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

“(A) to alter its form of internal governance; or

“(B) to remove religious art, icons, scripture, or other symbols,
in order to be eligible to provide services under any substance abuse program under this title or title V.

“(d) EMPLOYMENT PRACTICES.—

“(1) SUBSTANCE ABUSE.—A religious organization that provides services under any substance abuse program under this title or title V may require that its employees providing services under such program adhere to rules forbidding the use of drugs or alcohol.

“(2) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1, 2000e-2(e)(2)) regarding employment practices shall not be affected by the

religious organization's provision of services under, or receipt of funds from, any substance abuse program under this title or title V.

“(e) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

“(1) IN GENERAL.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, services funded under any substance abuse program under this title or title V, the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such services) within a reasonable period of time after the date of such objection, services that—

“(A) are from an alternative provider that is accessible to the individual; and

“(B) have a value that is not less than the value of the services that the individual would have received from such organization.

“(2) NOTICE.—The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

“(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who receives or applies for services under any substance abuse program under this title or title V.

“(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—A religious organization providing services through a grant, contract, or cooperative agreement under any substance abuse program under this title or title V shall not discriminate, in carrying out such program, against an individual described in subsection (e)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

“(g) FISCAL ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing services under any substance abuse program under this title or title V shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

“(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such substance abuse program into a separate account. Only the government funds shall be subject to audit by the government.

“(h) COMPLIANCE.—Any party that seeks to enforce such party's rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal or State court against the entity, agency or official that allegedly commits such violation.

“(i) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided through a grant or contract to a religious organization to provide services under any substance abuse program under this title or title V shall be expended for sectarian worship, instruction, or proselytization.

“(j) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out any substance abuse program under this title or title V, the State or local government may segregate the State or local funds from the

Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

“(k) TREATMENT OF INTERMEDIATE CONTRACTORS.—If a non-governmental organization (referred to in this subsection as an ‘intermediate organization’), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide services under any substance abuse program under this title or title V, the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.”.

SEC. 3306. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

“SEC. 506A. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

42 USC 290aa-
5a.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing alcohol and drug prevention or treatment services for Indians and Native Alaskans.

Grants.
Contracts.

“(b) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants that—

“(1) propose to provide alcohol and drug prevention or treatment services on reservations;

“(2) propose to employ culturally-appropriate approaches, as determined by the Secretary, in providing such services; and

“(3) have provided prevention or treatment services to Native Alaskan entities and Indian tribes and tribal organizations for at least 1 year prior to applying for a grant under this section.

“(c) DURATION.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for a period not to exceed 5 years.

“(d) APPLICATION.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(e) EVALUATION.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate. The final evaluation submitted by such entity shall include a recommendation as to whether such project shall continue.

Deadline.

“(f) REPORT.—Not later than 3 years after the date of the enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the services provided pursuant to this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$15,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.”.

25 USC 1671
note.

SEC. 3307. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the Commission on Indian and Native Alaskan Health Care that shall examine the health concerns of Indians and Native Alaskans who reside on reservations and tribal lands (hereafter in this section referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission established under subsection (a) shall consist of—

(A) the Secretary;

(B) 15 members who are experts in the health care field and issues that the Commission is established to examine; and

(C) the Director of the Indian Health Service and the Commissioner of Indian Affairs, who shall be nonvoting members.

(2) APPOINTING AUTHORITY.—Of the 15 members of the Commission described in paragraph (1)(B)—

(A) two shall be appointed by the Speaker of the House of Representatives;

(B) two shall be appointed by the Minority Leader of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate;

(D) two shall be appointed by the Minority Leader of the Senate; and

(E) seven shall be appointed by the Secretary.

(3) LIMITATION.—Not fewer than 10 of the members appointed to the Commission shall be Indians or Native Alaskans.

(4) CHAIRPERSON.—The Secretary shall serve as the Chairperson of the Commission.

(5) EXPERTS.—The Commission may seek the expertise of any expert in the health care field to carry out its duties.

(c) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) DUTIES OF THE COMMISSION.—The Commission shall—

(1) study the health concerns of Indians and Native Alaskans; and

(2) prepare the reports described in subsection (i).

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, including hearings on reservations, sit and act at such times and places, take such testimony, and receive such information

as the Commission considers advisable to carry out the purpose for which the Commission was established.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the purpose for which the Commission was established. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time), during which that member is engaged in the actual performance of the duties of the Commission.

(2) LIMITATION.—Members of the Commission who are officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(g) TRAVEL EXPENSES OF MEMBERS.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5703 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) IN GENERAL.—The Secretary, in accordance with rules established by the Commission, may select and appoint a staff director and other personnel necessary to enable the Commission to carry out its duties.

(2) COMPENSATION OF PERSONNEL.—The Secretary, in accordance with rules established by the Commission, may set the amount of compensation to be paid to the staff director and any other personnel that serve the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(4) CONSULTANT SERVICES.—The Chairperson of the Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(i) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that shall—

Deadline.

(A) detail the health problems faced by Indians and Native Alaskans who reside on reservations;

(B) examine and explain the causes of such problems;

(C) describe the health care services available to Indians and Native Alaskans who reside on reservations and the adequacy of such services;

(D) identify the reasons for the provision of inadequate health care services for Indians and Native Alaskans who reside on reservations, including the availability of resources;

(E) develop measures for tracking the health status of Indians and Native Americans who reside on reservations; and

(F) make recommendations for improvements in the health care services provided for Indians and Native Alaskans who reside on reservations, including recommendations for legislative change.

(2) EXCEPTION.—In addition to the report required under paragraph (1), not later than 2 years after the date of the enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes any alcohol and drug abuse among Indians and Native Alaskans who reside on reservations.

(j) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

TITLE XXXIV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

SEC. 3401. GENERAL AUTHORITIES AND PEER REVIEW.

(a) GENERAL AUTHORITIES.—Paragraph (1) of section 501(e) of the Public Health Service Act (42 U.S.C. 290aa(e)) is amended to read as follows:

“(1) IN GENERAL.—There may be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator may delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also may ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2010 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.”.

(b) PEER REVIEW.—Section 504 of the Public Health Service (42 U.S.C. 290aa-3) is amended as follows:

“SEC. 504. PEER REVIEW.

“(a) IN GENERAL.—The Secretary, after consultation with the Administrator, shall require appropriate peer review of grants, cooperative agreements, and contracts to be administered through the agency which exceed the simple acquisition threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act.

Grants.
Contracts.

“(b) MEMBERS.—The members of any peer review group established under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than one-fourth of the members of any such peer review group shall be officers or employees of the United States.

“(c) ADVISORY COUNCIL REVIEW.—If the direct cost of a grant or cooperative agreement (described in subsection (a)) exceeds the simple acquisition threshold as defined by section 4(11) of the Office of Federal Procurement Policy Act, the Secretary may make such a grant or cooperative agreement only if such grant or cooperative agreement is recommended—

“(1) after peer review required under subsection (a); and

“(2) by the appropriate advisory council.

“(d) CONDITIONS.—The Secretary may establish limited exceptions to the limitations contained in this section regarding participation of Federal employees and advisory council approval. The circumstances under which the Secretary may make such an exception shall be made public.”.

SEC. 3402. ADVISORY COUNCILS.

Section 502(e) of the Public Health Service Act (42 U.S.C. 290aa-1(e)) is amended in the first sentence by striking “3 times” and inserting “2 times”.

SEC. 3403. GENERAL PROVISIONS FOR THE PERFORMANCE PARTNERSHIP BLOCK GRANTS.

(a) PLANS FOR PERFORMANCE PARTNERSHIPS.—Section 1949 of the Public Health Service Act (42 U.S.C. 300x-59) is amended as follows:

“SEC. 1949. PLANS FOR PERFORMANCE PARTNERSHIPS.

“(a) DEVELOPMENT.—The Secretary in conjunction with States and other interested groups shall develop separate plans for the programs authorized under subparts I and II for creating more flexibility for States and accountability based on outcome and other performance measures. The plans shall each include—

“(1) a description of the flexibility that would be given to the States under the plan;

“(2) the common set of performance measures that would be used for accountability, including measures that would be used for the program under subpart II for pregnant addicts, HIV transmission, tuberculosis, and those with a co-occurring substance abuse and mental disorders, and for programs under subpart I for children with serious emotional disturbance and adults with serious mental illness and for individuals with co-occurring mental health and substance abuse disorders;

“(3) the definitions for the data elements to be used under the plan;

“(4) the obstacles to implementation of the plan and the manner in which such obstacles would be resolved;

Deadline. “(5) the resources needed to implement the performance partnerships under the plan; and
 “(6) an implementation strategy complete with recommendations for any necessary legislation.”

“(b) SUBMISSION.—Not later than 2 years after the date of the enactment of this Act, the plans developed under subsection (a) shall be submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives.

“(c) INFORMATION.—As the elements of the plans described in subsection (a) are developed, States are encouraged to provide information to the Secretary on a voluntary basis.

“(d) PARTICIPANTS.—The Secretary shall include among those interested groups that participate in the development of the plan consumers of mental health or substance abuse services, providers, representatives of political divisions of States, and representatives of racial and ethnic groups including Native Americans.”

(b) AVAILABILITY TO STATES OF GRANT PROGRAMS.—Section 1952 of the Public Health Service Act (42 U.S.C. 300x-62) is amended as follows:

“SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

“Any amounts paid to a State for a fiscal year under section 1911 or 1921 shall be available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts were paid.”

SEC. 3404. DATA INFRASTRUCTURE PROJECTS.

Part C of title XIX of the Public Health Service Act (42 U.S.C. 300y et seq.) is amended—

(1) by striking the headings for part C and subpart I and inserting the following:

**“PART C—CERTAIN PROGRAMS REGARDING
 MENTAL HEALTH AND SUBSTANCE ABUSE**

“Subpart I—Data Infrastructure Development”;

(2) by striking section 1971 (42 U.S.C. 300y) and inserting the following:

“SEC. 1971. DATA INFRASTRUCTURE DEVELOPMENT.

“(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts or cooperative agreements with States for the purpose of developing and operating mental health or substance abuse data collection, analysis, and reporting systems with regard to performance measures including capacity, process, and outcomes measures.

“(b) PROJECTS.—The Secretary shall establish criteria to ensure that services will be available under this section to States that have a fundamental basis for the collection, analysis, and reporting of mental health and substance abuse performance measures and States that do not have such basis. The Secretary will establish criteria for determining whether a State has a fundamental basis for the collection, analysis, and reporting of data.

“(c) CONDITION OF RECEIPT OF FUNDS.—As a condition of the receipt of an award under this section a State shall agree to collect, analyze, and report to the Secretary within 2 years of the date

of the award on a core set of performance measures to be determined by the Secretary in conjunction with the States.

“(d) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—With respect to the costs of the program to be carried out under subsection (a) by a State, the Secretary may make an award under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 50 percent of such costs.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

“(e) DURATION OF SUPPORT.—The period during which payments may be made for a project under subsection (a) may be not less than 3 years nor more than 5 years.

“(f) AUTHORIZATION OF APPROPRIATION.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001, 2002 and 2003.

“(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, 50 percent shall be expended to support data infrastructure development for mental health and 50 percent shall be expended to support data infrastructure development for substance abuse.”.

SEC. 3405. REPEAL OF OBSOLETE ADDICT REFERRAL PROVISIONS.

(a) REPEAL OF OBSOLETE PUBLIC HEALTH SERVICE ACT AUTHORITIES.—Part E of title III (42 U.S.C. 257 et seq.) is repealed.

(b) REPEAL OF OBSOLETE NARA AUTHORITIES.—Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793) are repealed. 42 USC 3411–3426, 3441.

(c) REPEAL OF OBSOLETE TITLE 28 AUTHORITIES.—

(1) IN GENERAL.—Chapter 175 of title 28, United States Code, is repealed. 28 USC 2901–2906.

(2) TABLE OF CONTENTS.—The table of contents to part VI of title 28, United States Code, is amended by striking the items relating to chapter 175.

SEC. 3406. INDIVIDUALS WITH CO-OCCURRING DISORDERS.

The Public Health Service Act is amended by inserting after section 503 (42 U.S.C. 290aa–2) the following:

“SEC. 503A. REPORT ON INDIVIDUALS WITH CO-OCCURRING MENTAL ILLNESS AND SUBSTANCE ABUSE DISORDERS.

“(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this section, the Secretary shall, after consultation with organizations representing States, mental health and substance abuse treatment providers, prevention specialists, individuals receiving treatment services, and family members of such individuals, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report on prevention Deadline.

and treatment services for individuals who have co-occurring mental illness and substance abuse disorders.

“(b) REPORT CONTENT.—The report under subsection (a) shall be based on data collected from existing Federal and State surveys regarding the treatment of co-occurring mental illness and substance abuse disorders and shall include—

“(1) a summary of the manner in which individuals with co-occurring disorders are receiving treatment, including the most up-to-date information available regarding the number of children and adults with co-occurring mental illness and substance abuse disorders and the manner in which funds provided under sections 1911 and 1921 are being utilized, including the number of such children and adults served with such funds;

“(2) a summary of improvements necessary to ensure that individuals with co-occurring mental illness and substance abuse disorders receive the services they need;

“(3) a summary of practices for preventing substance abuse among individuals who have a mental illness and are at risk of having or acquiring a substance abuse disorder; and

“(4) a summary of evidenced-based practices for treating individuals with co-occurring mental illness and substance abuse disorders and recommendations for implementing such practices.

“(c) FUNDS FOR REPORT.—The Secretary may obligate funds to carry out this section with such appropriations as are available.”.

SEC. 3407. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-51 et seq.) (as amended by section 3305) is further amended by adding at the end the following:

42 USC 300x-66. **“SEC. 1956. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.**

“States may use funds available for treatment under sections 1911 and 1921 to treat persons with co-occurring substance abuse and mental disorders as long as funds available under such sections are used for the purposes for which they were authorized by law and can be tracked for accounting purposes.”.

Drug Addiction
Treatment Act of
2000.

**TITLE XXXV—WAIVER AUTHORITY FOR
PHYSICIANS WHO DISPENSE OR PRE-
SCRIBE CERTAIN NARCOTIC DRUGS
FOR MAINTENANCE TREATMENT OR
DETOXIFICATION TREATMENT**

21 USC 801 note. **SEC. 3501. SHORT TITLE.**

This title may be cited as the “Drug Addiction Treatment Act of 2000”.

SEC. 3502. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking “(A) security” and inserting “(i) security”, and by striking “(B) the maintenance” and inserting “(ii) the maintenance”;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting “(1)” after “(g)”;

(4) by striking “Practitioners who dispense” and inserting “Except as provided in paragraph (2), practitioners who dispense”; and

(5) by adding at the end the following paragraph:

“(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner, of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

“(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

“(i) The practitioner is a qualifying physician (as defined in subparagraph (G)).

“(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

“(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

“(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

“(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

“(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

“(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published

Federal Register,
publication.

in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

“(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

“(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

“(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

“(ii) Upon receiving a notification under subparagraph (B), the Attorney General shall assign the practitioner involved an identification number under this paragraph for inclusion with the registration issued for the practitioner pursuant to subsection (f). The identification number so assigned shall be appropriate to preserve the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A).

Deadline.

“(iii) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of the such 45-day period, the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

“(E)(i) If a practitioner is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

Expiration date.

“(ii)(I) Upon the expiration of 45 days from the date on which the Secretary receives a notification under subparagraph (B), a practitioner who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary, except that such a practitioner may commence to prescribe or dispense such narcotic drugs for such purposes prior to the expiration of such 45-day period if it facilitates the treatment of an individual patient and both the Secretary and the Attorney General are notified by the practitioner of the intent to commence prescribing or dispensing such narcotic drugs.

Federal Register,
publication.

“(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant

to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to practitioners, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

“(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

“(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

“(G) For purposes of this paragraph:

“(i) The term ‘group practice’ has the meaning given such term in section 1877(h)(4) of the Social Security Act.

“(ii) The term ‘qualifying physician’ means a physician who is licensed under State law and who meets one or more of the following conditions:

“(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

“(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

“(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

“(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

“(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

“(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

“(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause

shall be established by regulation. Any such criteria are effective only for 3 years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

Federal Register,
publication.

“(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

“(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

Deadline.

“(ii) Not later than 120 days after the date of the enactment of the Drug Addiction Treatment Act of 2000, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration and other substance abuse disorder professionals. The protocol shall be guided by science.

“(I) During the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, a State may not preclude a practitioner from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combinations of drug.

Effective date.

“(J)(i) This paragraph takes effect on the date of the enactment of the Drug Addiction Treatment Act of 2000, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

“(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, make determinations in accordance with the following:

“(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A)

have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

“(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

“(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.”

Federal Register,
publication.
Effective date.

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking “section 303(g)” each place such term appears and inserting “section 303(g)(1)”; and

(2) in subsection (d), by striking “section 303(g)” and inserting “section 303(g)(1)”.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by this section, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for each of fiscal years 2001 through 2003.

TITLE XXXVI—METHAMPHETAMINE AND OTHER CONTROLLED SUB- STANCES

Methampheta-
mine Anti-
Proliferation
Act of 2000.

SEC. 3601. SHORT TITLE.

21 USC 801 note.

This title may be cited as the “Methamphetamine Anti-Proliferation Act of 2000”.

Subtitle A—Methamphetamine Production, Trafficking, and Abuse

PART I—CRIMINAL PENALTIES

28 USC 994 note. **SEC. 3611. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.**

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

28 USC 994 note. **SEC. 3612. ENHANCED PUNISHMENT OF AMPHETAMINE OR METH-
AMPHETAMINE LABORATORY OPERATORS.**

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any

offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 3613. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking “may” and inserting “shall”;

(2) by inserting “amphetamine or” before “methamphetamine” each place it appears;

(3) in paragraph (2)—

(A) by inserting “, the State or local government concerned, or both the United States and the State or local government concerned” after “United States” the first place it appears; and

(B) by inserting “or the State or local government concerned, as the case may be,” after “United States” the second place it appears; and

(4) in paragraph (3), by striking “section 3663 of title 18, United States Code” and inserting “section 3663A of title 18, United States Code”.

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by adding at the end the following:

“(D) all amounts collected—

“(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

“(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.”.

(c) CLARIFICATION OF CERTAIN ORDERS OF RESTITUTION.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting “which may be” after “the fine”.

(d) EXPANSION OF APPLICABILITY OF MANDATORY RESTITUTION.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting “or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)),” after “under this title,”.

(e) TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

“(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.”.

SEC. 3614. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting “methamphetamine,” after “PCP,”.

PART II—ENHANCED LAW ENFORCEMENT

SEC. 3621. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting “(i) for” before “disbursements”;

(2) by inserting “and” after the semicolon; and

(3) by adding at the end the following:

“(ii) for payment for—

“(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the

illegal manufacture of amphetamine or methamphetamine; and

“(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;”.

(b) **GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.**—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(3)) is amended by inserting before the semicolon the following: “and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine”.

(c) **AMOUNTS SUPPLEMENT AND NOT SUPPLANT.**—

28 USC 524 note.

(1) **ASSETS FORFEITURE FUND.**—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) **GRANT PROGRAM.**—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(3)) for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

42 USC 3751 note.

SEC. 3622. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE.

(a) **REDUCTION IN TRANSACTION THRESHOLD.**—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking “24 grams” both places it appears and inserting “9 grams”; and

(2) by inserting before the semicolon at the end the following: “and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 1 year after the date of the enactment of this Act.

21 USC 802 note.

SEC. 3623. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

21 USC 872 note.

(a) **IN GENERAL.**—

(1) **REQUIREMENT.**—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to

have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) \$1,500,000 to carry out the program described in subsection (b)(1).

(2) \$3,000,000 to carry out the program described in subsection (b)(2).

(3) \$1,000,000 to carry out the program described in subsection (b)(3).

21 USC 1706
note.

SEC. 3624. COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional

Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) **APPORTIONMENT OF FUNDS.**—

(1) **FACTORS IN APPORTIONMENT.**—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) **CERTIFICATION.**—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 3625. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING. 21 USC 873 note.

(a) **ACTIVITIES.**—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104-237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—

(1) IN GENERAL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, \$9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b),

of which \$3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and for employing personnel in positions established under subsection (b)(2).

PART III—ABUSE PREVENTION AND TREATMENT

SEC. 3631. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o-2) is amended by adding at the end the following:

“(c) METHAMPHETAMINE RESEARCH.—

“(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

“(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

“(A) the effects of methamphetamine abuse on the human body, including the brain;

“(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

“(C) the connection between methamphetamine abuse and mental health;

“(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

“(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

“(F) risk factors for methamphetamine abuse;

“(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

“(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

“(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

“(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.”.

SEC. 3632. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

“METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

42 USC 290bb-9.

“SEC. 514. (a) GRANTS.—

“(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

“(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

“(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

“(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

“(c) ADDITIONAL ACTIVITIES.—The Director shall—

“(1) evaluate the activities supported by grants under subsection (a);

“(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

“(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

“(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or \$1,000,000 shall be available to the Director for purposes of carrying out subsection (c).”.

SEC. 3633. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1). Deadline.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

PART IV—REPORTS

SEC. 3641. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS. 42 USC 290aa–4 note.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 3642. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS. 21 USC 802 note.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the study conducted under subsection (a). Deadline.

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter

pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations including the comments on the Attorney General's proposed findings and recommendations, of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

(1) IN GENERAL.—Notwithstanding section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudoephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were purchased from retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

Subtitle B—Controlled Substances Generally

28 USC 994 note. **SEC. 3651. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.**

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the

quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) **CONVERSION RATIOS.**—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) **OTHER LIST I CHEMICALS.**—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) **EMERGENCY AUTHORITY TO SENTENCING COMMISSION.**—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

SEC. 3652. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

“(A) As used in this paragraph:

“(i) The term ‘drug product’ means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

“(ii) The term ‘valid prescription’ means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner’s professional practice.”;

(3) in subparagraph (B), as so redesignated, by inserting “or who engages in an export transaction” after “nonregulated person”; and

(4) adding at the end the following:

“(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

“(i) Distributions of sample packages of drug products when such packages contain not more than two solid dosage units or the equivalent of two dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

“(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

“(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

“(iv) Distributions of drug products pursuant to a valid prescription.

“(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

“(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

“(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).”.

SEC. 3653. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

“ANHYDROUS AMMONIA

“(1) to steal anhydrous ammonia, or

“(2) to transport stolen anhydrous ammonia across State lines,
knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

“(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.”.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

“Sec. 422. Drug paraphernalia.
“Sec. 423. Anhydrous ammonia.”.

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of \$500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, \$500,000 for purposes of carrying out the agreement under this subsection.

Subtitle C—Ecstasy AntiProliferationAct of 2000

Ecstasy Anti-Proliferation Act of 2000.

SEC. 3661. SHORT TITLE.

42 USC 201 note.

This subtitle may be cited as the “Ecstasy Anti-Proliferation Act of 2000”.

SEC. 3662. FINDINGS.

42 USC 290aa–5b note.

Congress makes the following findings:

(1) The illegal importation of 3,4-methylenedioxy methamphetamine, commonly referred to as “MDMA” or “Ecstasy” (referred to in this subtitle as “Ecstasy”), has increased in recent years, as evidenced by the fact that Ecstasy seizures by the United States Customs Service have increased from less than 500,000 tablets during fiscal year 1997 to more than 9,000,000 tablets during the first 9 months of fiscal year 2000.

(2) Use of Ecstasy can cause long-lasting, and perhaps permanent, damage to the serotonin system of the brain, which is fundamental to the integration of information and emotion, and this damage can cause long-term problems with learning and memory.

(3) Due to the popularity and marketability of Ecstasy, there are numerous Internet websites with information on the effects of Ecstasy, the production of Ecstasy, and the locations of Ecstasy use (often referred to as “raves”). The availability

of this information targets the primary users of Ecstasy, who are most often college students, young professionals, and other young people from middle- to high-income families.

(4) Greater emphasis needs to be placed on—

(A) penalties associated with the manufacture, distribution, and use of Ecstasy;

(B) the education of young people on the negative health effects of Ecstasy, since the reputation of Ecstasy as a “safe” drug is the most dangerous component of Ecstasy;

(C) the education of State and local law enforcement agencies regarding the growing problem of Ecstasy trafficking across the United States;

(D) reducing the number of deaths caused by Ecstasy use and the combined use of Ecstasy with other “club” drugs and alcohol; and

(E) adequate funding for research by the National Institute on Drug Abuse to—

(i) identify those most vulnerable to using Ecstasy and develop science-based prevention approaches tailored to the specific needs of individuals at high risk;

(ii) understand how Ecstasy produces its toxic effects and how to reverse neurotoxic damage;

(iii) develop treatments, including new medications and behavioral treatment approaches;

(iv) better understand the effects that Ecstasy has on the developing children and adolescents; and

(v) translate research findings into useful tools and ensure their effective dissemination.

28 USC 994 note.

SEC. 3663. ENHANCED PUNISHMENT OF ECSTASY TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission (referred to in this section as the “Commission”) shall amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) 3,4-methylenedioxy methamphetamine;

(2) 3,4-methylenedioxy amphetamine;

(3) 3,4-methylenedioxy-N-ethylamphetamine;

(4) paramethoxymethamphetamine (PMA); or

(5) any other controlled substance, as determined by the Commission in consultation with the Attorney General, that is marketed as Ecstasy and that has either a chemical structure substantially similar to that of 3,4-methylenedioxy methamphetamine or an effect on the central nervous system substantially similar to or greater than that of 3,4-methylenedioxy methamphetamine,

including an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) GENERAL REQUIREMENTS.—In carrying out this section, the Commission shall, with respect to each offense described in subsection (a)—

(1) review and amend the Federal sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of these offenses and the need to deter them; and

(2) take any other action the Commission considers to be necessary to carry out this section.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the Commission shall ensure that the Federal sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect—

(1) the need for aggressive law enforcement action with respect to offenses involving the controlled substances described in subsection (a); and

(2) the dangers associated with unlawful activity involving such substances, including—

(A) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses;

(B) the recent increase in the illegal importation of the controlled substances described in subsection (a);

(C) the young age at which children are beginning to use the controlled substances described in subsection (a);

(D) the fact that the controlled substances described in subsection (a) are frequently marketed to youth;

(E) the large number of doses per gram of the controlled substances described in subsection (a); and

(F) any other factor that the Commission determines to be appropriate.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the base offense levels for Ecstasy are too low, particularly for high-level traffickers, and should be increased, such that they are comparable to penalties for other drugs of abuse; and

(2) based on the fact that importation of Ecstasy has surged in the past few years, the traffickers are targeting the Nation's youth, and the use of Ecstasy among youth in the United States is increasing even as other drug use among this population appears to be leveling off, the base offense levels for importing and trafficking the controlled substances described in subsection (a) should be increased.

(e) REPORT.—Not later than 60 days after the amendments pursuant to this section have been promulgated, the Commission shall—

Deadline.

(1) prepare a report describing the factors and information considered by the Commission in promulgating amendments pursuant to this section; and

(2) submit the report to—

(A) the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(B) the Committee on the Judiciary, the Committee on Commerce, and the Committee on Appropriations of the House of Representatives.

28 USC 994 note. **SEC. 3664. EMERGENCY AUTHORITY TO UNITED STATES SENTENCING COMMISSION.**

The United States Sentencing Commission shall promulgate amendments under this subtitle as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

SEC. 3665. EXPANSION OF ECSTASY AND CLUB DRUGS ABUSE PREVENTION EFFORTS.

(a) **PUBLIC HEALTH SERVICE ACT.**—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 3306, is further amended by adding at the end the following:

42 USC 290aa-5b.

“SEC. 506B. GRANTS FOR ECSTASY AND OTHER CLUB DRUGS ABUSE PREVENTION.

“(a) **AUTHORITY.**—The Administrator may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—

“(1) to carry out school-based programs concerning the dangers of the abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other drugs commonly referred to as ‘club drugs’ using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

“(2) to carry out community-based abuse and addiction prevention programs relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs that are effective and science-based.

“(b) **USE OF FUNDS.**—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs.

“(c) **USE OF FUNDS.**—

“(1) **DISCRETIONARY FUNCTIONS.**—Amounts provided to an entity under this section may be used—

“(A) to carry out school-based programs that are focused on those districts with high or increasing rates of abuse and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and targeted at populations that are most at risk to start abusing these drugs;

“(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

“(C) to assist local government entities to conduct appropriate prevention activities relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

“(D) to train and educate State and local law enforcement officials, prevention and education officials, health

professionals, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and the options for treatment and prevention;

“(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

“(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and reporting and disseminating resulting information to the public; and

“(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

“(2) PRIORITY.—The Administrator shall give priority in awarding grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in abuse and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs.

“(d) ALLOCATION AND REPORT.—

“(1) PREVENTION PROGRAM ALLOCATION.—Not less than \$500,000 of the amount appropriated in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and the development of appropriate strategies for disseminating information about and implementing such programs.

“(2) REPORT.—The Administrator shall annually prepare and submit to the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate, and the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives, a report containing the results of the analyses and evaluations conducted under paragraph (1).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

“(1) \$10,000,000 for fiscal year 2001; and

“(2) such sums as may be necessary for each succeeding fiscal year.”.

Subtitle D—Miscellaneous

SEC. 3671. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

21 USC 801 note.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director

Deadline.

of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

21 USC 886 note.

SEC. 3672. REIMBURSEMENT BY DRUG ENFORCEMENT ADMINISTRATION OF EXPENSES INCURRED TO REMEDIATE METHAMPHETAMINE LABORATORIES.

(a) REIMBURSEMENT AUTHORIZED.—The Attorney General, acting through the Administrator of the Drug Enforcement Administration, may reimburse States, units of local government, Indian tribal governments, other public entities, and multi-jurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories which may present a danger to public health or the environment.

(b) ADDITIONAL DEA PERSONNEL.—From amounts appropriated or otherwise made available to carry out this section, the Attorney General may hire not more than five additional Drug Enforcement Administration personnel to administer this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General to carry out this section \$20,000,000 for fiscal year 2001.

21 USC 801 note.

SEC. 3673. SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this title and shall not affect the applicability of the remainder of this title, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

Approved October 17, 2000.

LEGISLATIVE HISTORY—H.R. 4365:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

Sept. 22, considered and passed Senate, amended.

Sept. 27, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 17, Presidential statements.



Public Law 106–311
106th Congress

An Act

To increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

Oct. 17, 2000
[H.R. 5362]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITIES RELATING TO THE IMPOSITION OF FEES.

Section 214(c)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

(1) in subparagraph (A), by striking “(excluding” and all that follows through “2001)” and inserting “(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing before October 1, 2003”; and

(2) in subparagraph (B), by striking “\$500” and inserting “\$1,000”.

SEC. 2. EFFECTIVE DATE.

8 USC 1184 note.

The amendment made by section 1(2) shall apply only to petitions that are filed on or after the date that is 2 months after the date of the enactment of this Act.

Approved October 17, 2000.

LEGISLATIVE HISTORY—H.R. 5362:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 6, considered and passed House.

Oct. 10, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 17, Presidential statement.



Public Law 106–312
106th Congress

An Act

Oct. 17, 2000 [S. 1198]	To establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.
Truth in Regulating Act of 2000. 5 USC 801 note.	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i></p> <p>SECTION 1. SHORT TITLE.</p> <p>This Act may be cited as the “Truth in Regulating Act of 2000”.</p>
5 USC 801 note.	<p>SEC. 2. PURPOSES.</p> <p>The purposes of this Act are to—</p> <ul style="list-style-type: none"> (1) increase the transparency of important regulatory decisions; (2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and (3) increase the accountability of Congress and the agencies to the people they serve.
5 USC 801 note.	<p>SEC. 3. DEFINITIONS.</p> <p>In this Act, the term—</p> <ul style="list-style-type: none"> (1) “agency” has the meaning given such term under section 551(1) of title 5, United States Code; (2) “economically significant rule” means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and (3) “independent evaluation” means a substantive evaluation of the agency’s data, methodology, and assumptions used in developing the economically significant rule, including— <ul style="list-style-type: none"> (A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and (B) the implications, if any, of those strengths or weaknesses for the rulemaking.
5 USC 801 note.	<p>SEC. 4. PILOT PROJECT FOR REPORT ON RULES.</p> <p>(a) IN GENERAL.—</p> <p>(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress</p>

may request the Comptroller General of the United States to review the rule.

(2) **REPORT.**—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

Deadline.

(3) **INDEPENDENT EVALUATION.**—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) **PROCEDURES FOR PRIORITIES OF REQUESTS.**—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) **AUTHORITY OF COMPTROLLER GENERAL.**—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

5 USC 801 note.

There are authorized to be appropriated to the General Accounting Office to carry out this Act \$5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

5 USC 801 note.

(a) **EFFECTIVE DATE.**—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) **DURATION OF PILOT PROJECT.**—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than \$5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

Approved October 17, 2000.

LEGISLATIVE HISTORY—S. 1198:

SENATE REPORTS: No. 106-225 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed Senate.

Oct. 3, considered and passed House.



Public Law 106–313
106th Congress

An Act

To amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens.

Oct. 17, 2000
[S. 2045]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—AMERICAN COMPETITIVENESS
IN THE TWENTY-FIRST CENTURY**

American
Competitiveness
in the Twenty-
first Century Act
of 2000.
8 USC 1101 note.

SEC. 101. SHORT TITLE.

This title may be cited as the “American Competitiveness in the Twenty-first Century Act of 2000”.

SEC. 102. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) **FISCAL YEARS 2001–2003.**—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

- (1) by redesignating clause (v) as clause (vii); and
- (2) by striking clause (iv) and inserting the following:
 - “(iv) 195,000 in fiscal year 2001;
 - “(v) 195,000 in fiscal year 2002;
 - “(vi) 195,000 in fiscal year 2003; and”.

(b) **ADDITIONAL VISAS FOR FISCAL YEARS 1999 AND 2000.**—

8 USC 1184 note.

(1) **IN GENERAL.**—(A) Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(i)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed

a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

(2) **EFFECTIVE DATE.**—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

SEC. 103. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

“(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who is employed (or has received an offer of employment) at—

“(A) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

“(B) a nonprofit research organization or a governmental research organization.

“(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5).

“(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.”

SEC. 104. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) **SPECIAL RULES.**—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

“(5) **RULES FOR EMPLOYMENT-BASED IMMIGRANTS.**—

“(A) **EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.**—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

“(B) **LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).**—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds

the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking “paragraphs (3) and (4)” and inserting “paragraphs (3), (4), and (5)”.

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking “the proportion of the visa numbers” and inserting “except as provided in subsection (a)(5), the proportion of the visa numbers”.

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.— 8 USC 1184 note.
Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien’s application for adjustment of status has been processed and a decision made thereon.

SEC. 105. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

“(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

“(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

“(A) who has been lawfully admitted into the United States;

“(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

“(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act. 8 USC 1184 note.

SEC. 106. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a 8 USC 1184 note.

visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) **EXTENSION OF H-1B WORKER STATUS.**—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

(c) **INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.**—(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

“(j) **JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.**—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.”.

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

“(iv) **LONG DELAYED ADJUSTMENT APPLICANTS.**—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.”.

8 USC 1153 note.

(d) **RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) **NUMBER AVAILABLE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal years 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) **REDUCTION.**—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal

year 2001, by the cumulative number of immigrant visas actually used under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term “employment-based visa” means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

SEC. 107. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking “October 1, 2001” and inserting “October 1, 2003”.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “September 30, 2001” and inserting “September 30, 2003”.

8 USC 1182 note.

SEC. 108. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

“(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.”.

SEC. 109. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.

42 USC 1862 note.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the “digital divide”) in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

Deadline.

SEC. 110. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking “56.3 percent” and inserting “55 percent”;

(2) in paragraph (3), by striking “28.2 percent” and inserting “23.5 percent”;

(3) by amending paragraph (4) to read as follows:

“(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

“(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

“(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the use of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).”;

(4) in paragraph (6), by striking “6 percent” and inserting “5 percent”; and

(5) in paragraph (6), by striking “3 percent” each place it appears and inserting “2.5 percent”.

42 USC 1869c.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “\$2,500 per year.” and inserting “\$3,125 per year. The Director may renew scholarships for up to 4 years.”.

8 USC 1356 note.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

“(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

“(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

Deadline.

“(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

“(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.”.

SEC. 111. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

29 USC 2916
note.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

“(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

“(1) IN GENERAL.—

“(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

“(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. The need for the training shall be justified through reliable regional, State, or local data.

“(2) GRANTS.—

“(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

“(i) 75 percent of the grants to a local workforce investment board established under section 116(b) or section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

“(I) one workforce investment board;

“(II) one community-based organization or higher education institution or labor union; and

“(III) one business or business-related non-profit organization such as a trade association: *Provided*, That the activities of such local or regional public-private partnership described in

this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832); and

“(ii) 25 percent of the grants under the Secretary of Labor’s authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

“(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

“(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

“(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

“(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

“(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

“(3) START-UP FUNDS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed \$75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

“(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or \$150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

“(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

“(4) TRAINING OUTCOMES.—

“(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

“(i) hire or effectuate the hiring of unemployed trainees (where applicable);

“(ii) increase the wages or salary of incumbent workers (where applicable); and

“(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

“(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

“(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured;

“(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness; and

“(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).

“(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

“(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.”

Kids 2000 Act.
42 USC 13751
note.

SEC. 112. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) **SHORT TITLE.**—This section may be cited as the “Kids 2000 Act”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America’s underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) **AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.**—

(1) **PURPOSES.**—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) **SUBAWARDS.**—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other

personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated \$20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

SEC. 113. USE OF FEES FOR DUTIES RELATING TO PETITIONS.

(a) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(5)) is amended to read as follows: “4 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section

	214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b).”.
8 USC 1356.	(b) Notwithstanding any other provision of this Act, the figure to be inserted in section 110(a)(2) is deemed to be “22 percent”; the figure to be inserted in section 110(a)(4) is deemed to be “4 percent”; and the figure to be inserted in section 110(a)(5) is deemed to be “2 percent”.
8 USC 1184 note.	SEC. 114. EXCLUSION OF CERTAIN “J” NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO “H-1B” NONIMMIGRANTS. The numerical limitations contained in section 102 of this title shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).
29 USC 2701 note.	SEC. 115. STUDY AND REPORT ON THE “DIGITAL DIVIDE”. (a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.
Deadline.	(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).
8 USC 1101 note.	SEC. 116. SEVERABILITY. If any provision of this title (or any amendment made by this title) or the application thereof to any person or circumstance is held invalid, the remainder of the title (and the amendments made by this title) and the application of such provision to any other person or circumstance shall not be affected thereby. This section be enacted 2 days after effective date.
Immigration Services and Infrastructure Improvements Act of 2000. 8 USC 1551 note.	TITLE II—IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS
	SEC. 201. SHORT TITLE. This title may be cited as the “Immigration Services and Infrastructure Improvements Act of 2000”.
8 USC 1571.	SEC. 202. PURPOSES. (a) PURPOSES.—The purposes of this title are to— (1) provide the Immigration and Naturalization Service with the mechanisms it needs to eliminate the current backlog in the processing of immigration benefit applications within 1 year after enactment of this Act and to maintain the elimination of the backlog in future years; and (2) provide for regular congressional oversight of the performance of the Immigration and Naturalization Service in eliminating the backlog and processing delays in immigration benefits adjudications.
Applicability. Deadline.	(b) POLICY.—It is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 214(c) of

the Immigration and Nationality Act should be processed not later than 30 days after the filing of the petition.

SEC. 203. DEFINITIONS.

8 USC 1572.

In this title:

(1) **BACKLOG.**—The term “backlog” means, with respect to an immigration benefit application, the period of time in excess of 180 days that such application has been pending before the Immigration and Naturalization Service.

(2) **IMMIGRATION BENEFIT APPLICATION.**—The term “immigration benefit application” means any application or petition to confer, certify, change, adjust, or extend any status granted under the Immigration and Nationality Act.

SEC. 204. IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENT ACCOUNT.

8 USC 1573.

(a) **AUTHORITY OF THE ATTORNEY GENERAL.**—The Attorney General shall take such measures as may be necessary to—

(1) reduce the backlog in the processing of immigration benefit applications, with the objective of the total elimination of the backlog not later than one year after the date of enactment of this Act;

Deadline.

(2) make such other improvements in the processing of immigration benefit applications as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a).

(2) **DESIGNATION OF ACCOUNT IN TREASURY.**—Amounts appropriated pursuant to paragraph (1) may be referred to as the “Immigration Services and Infrastructure Improvements Account”.

(3) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(4) **LIMITATION ON EXPENDITURES.**—None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 205(a) has been submitted to Congress.

SEC. 205. REPORTS TO CONGRESS.

8 USC 1574.

(a) **BACKLOG ELIMINATION PLAN.**—

(1) **REPORT REQUIRED.**—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

Deadline.

(A) the backlogs in immigration benefit applications in existence as of the date of enactment of this title; and

(B) the Attorney General’s plan for eliminating such backlogs.

(2) **REPORT ELEMENTS.**—The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this title; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this title, as described in section 202(a);

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2);

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2); and

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this title.

(b) ANNUAL REPORTS.—

Deadline.

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 204(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall include—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

(i) the number of cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for such applications or petitions;

(iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) the estimated processing times adjudicating newly submitted applications or petitions;

(v) an analysis of the appropriate processing times for applications or petitions; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

(i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;

(ii) petitions for nonimmigrant visas under section 214 of the Immigration and Nationality Act;

(iii) petitions filed under section 204 of such Act to classify aliens as immediate relatives or preference immigrants under section 203 of such Act;

(iv) applications for asylum under section 208 of such Act;

(v) registrations for Temporary Protected Status under section 244 of such Act; and

(vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

(3) ABSENCE OF APPROPRIATED FUNDS.—In the event that no funds are appropriated subject to section 204(b) in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

Reports.
Deadline.

Approved October 17, 2000.

LEGISLATIVE HISTORY—S. 2045:

SENATE REPORTS: No. 106–260 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 22, 26–28, Oct. 3, considered and passed Senate.

Oct. 3, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 17, Presidential statement.



Public Law 106–314
106th Congress

An Act

Oct. 17, 2000
[S. 2272]

To improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

Strengthening
Abuse and
Neglect Courts
Act of 2000.
Inter-
governmental
relations.
42 USC 670 note.
42 USC 670 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Abuse and Neglect Courts Act of 2000”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decisionmaking in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a

timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for case-flow procedures, case management, representation of children, automated inter-agency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

SEC. 3. DEFINITIONS.

42 USC 670 note.

In this Act:

(1) ABUSE AND NEGLECT COURTS.—The term "abuse and neglect courts" means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(A) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(B) that determine whether a child was abused or neglected;

(C) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(D) that determine any other legal disposition of a child in the abuse and neglect court system.

(2) AGENCY ATTORNEY.—The term “agency attorney” means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administering the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

42 USC 670 note. **SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.**

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court’s performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity

that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal Government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend \$1 for every \$3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by,

the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

Effective date.

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

Termination date.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$10,000,000 for the period of fiscal years 2001 through 2005.

42 USC 670 note.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) AUTHORITY TO AWARD GRANTS.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award

grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) APPLICATION.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) USE OF FUNDS.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) NUMBER OF GRANTS.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) AVAILABILITY OF FUNDS.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) REPORT ON USE OF FUNDS.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

Deadline.

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

- (A) whose parental rights have been terminated; and
- (B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the period of fiscal years 2001 and 2002 \$10,000,000 for the purpose of making grants under this section.

42 USC 670 note.

SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) **GRANTS TO EXPAND CASA PROGRAMS IN UNDERSERVED AREAS.**—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

- (1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;
- (2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and
- (3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) **LIMITATION ON ADMINISTRATIVE EXPENDITURES.**—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) **DETERMINATION OF URBAN AND RURAL AREAS.**—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to make the grant authorized under this section, \$5,000,000 for the period of fiscal years 2001 and 2002.

Approved October 17, 2000.

LEGISLATIVE HISTORY—S. 2272:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Sept. 26, considered and passed Senate.
Oct. 3, considered and passed House.



Public Law 106–315
106th Congress

An Act

To designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the “James W. McCabe, Sr. Post Office Building”.

Oct. 19, 2000
[H.R. 2302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building of the United States Postal Service located at 307 Main Street in Johnson City, New York, shall be known and designated as the “James W. McCabe, Sr. Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “James W. McCabe, Sr. Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 2302:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–316
106th Congress

An Act

Oct. 19, 2000
[H.R. 2496]

To reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF JUNIOR DUCK STAMP CONSERVATION AND DESIGN PROGRAM ACT OF 1994.

Section 5 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 719c) is amended by striking “for each of the fiscal years 1995 through 2000” and inserting “for each of the fiscal years 2001 through 2005”.

SEC. 2. EXPANSION OF PROGRAM TO INSULAR AREAS.

The Junior Duck Stamp Conservation and Design Program Act of 1994 is amended—

- (1) in section 2(c) (16 U.S.C. 719(c)) by striking “50 States” each place it appears and inserting “States”;
- (2) by redesignating section 5 (16 U.S.C. 719c), as amended by section 1 of this Act, as section 6; and
- (3) by inserting after section 4 the following:

16 USC 719b–1. **“SEC. 5. DEFINITION OF STATE.**

“For the purposes of this Act, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 2496:

HOUSE REPORTS: No. 106–390 (Comm. on Resources).

SENATE REPORTS: No. 106–457 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 26, considered and passed House.

Vol. 146 (2000): Oct. 5, considered and passed Senate.



Public Law 106–317
106th Congress

An Act

To make technical corrections to title X of the Energy Policy Act of 1992.

Oct. 19, 2000

[H.R. 2641]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. DATE EXTENSIONS.

Section 1001 of the Energy Policy Act of 1992 (42 U.S.C. 2296a)
is amended—

(1) in subsection (b)(1)(B)(i), by striking “2002” and
inserting “2007”;

(2) in subsection (b)(1)(B)(ii), by striking “placed in escrow
not later than December 31, 2002,” and inserting “incurred
by a licensee after December 31, 2007,”; and

(3) in subsection (b)(2)(E)(i) by striking “July 31, 2005”
and inserting “December 31, 2008”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 2641:

HOUSE REPORTS: No. 106–886 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 27, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–318
106th Congress

An Act

Oct. 19, 2000
[H.R. 2778]

Taunton River
Wild and Scenic
River Study Act
of 2000.
16 USC 1271
note.

To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Taunton River Wild and Scenic River Study Act of 2000”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the Commonwealth of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

“(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.”.

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesignating the second paragraph (8) as paragraph (10);

(2) by redesignating the second paragraph (11) as paragraph (12);

(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16);

(7) in paragraph (16), as so redesignated by paragraph (6) of this subsection, by striking “paragraph ()” and inserting “paragraph (136)”; and

(8) by adding at the end the following:

“(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of the enactment of this paragraph, the Secretary of the Interior—

Deadline.

“(A) shall complete the study of the Taunton River, Massachusetts; and

“(B) shall submit to Congress a report describing the results of the study.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 2778 (S. 1569):

HOUSE REPORTS: No. 106–678 (Comm. on Resources).

SENATE REPORTS: No. 106–209 accompanying S. 1569 (Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, S. 1569 considered and passed Senate.

Vol. 146 (2000): June 19, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–319
106th Congress

An Act

Oct. 19, 2000
[H.R. 2833]

To establish the Yuma Crossing National Heritage Area.

Yuma Crossing
National
Heritage Area
Act of 2000.
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Yuma Crossing National Heritage Area Act of 2000”.

(b) **DEFINITIONS.**—In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Yuma Crossing National Heritage Area established in section 3.

(2) **MANAGEMENT ENTITY.**—The term “management entity” shall mean the Yuma Crossing National Heritage Area Board of Directors referred to section 3(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” shall mean the management plan for the Yuma Crossing National Heritage Area.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) Certain events that led to the establishment of the Yuma Crossing as a natural crossing place on the Colorado River and to its development as an important landmark in America’s westward expansion during the mid-19th century are of national historic and cultural significance in terms of their contribution to the development of the new United States of America.

(2) It is in the national interest to promote, preserve, and protect physical remnants of a community with almost 500 years of recorded history which has outstanding cultural, historic, and architectural value for the education and benefit of present and future generations.

(3) The designation of the Yuma Crossing as a national heritage area would preserve Yuma’s history and provide related educational opportunities, provide recreational opportunities, preserve natural resources, and improve the city and county of Yuma’s ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Yuma Crossing National Heritage Area.

(4) The Department of the Interior is responsible for protecting the Nation’s cultural and historic resources. There are significant examples of these resources within the Yuma region

to merit the involvement of the Federal Government in developing programs and projects, in cooperation with the Yuma Crossing National Heritage Area and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education, revitalization, and economic development.

(5) The city of Yuma, the Arizona State Parks Board, agencies of the Federal Government, corporate entities, and citizens have completed a study and master plan for the Yuma Crossing to determine the extent of its historic resources, preserve and interpret these historic resources, and assess the opportunities available to enhance the cultural experience for region's visitors and residents.

(6) The Yuma Crossing National Heritage Area Board of Directors would be an appropriate management entity for a heritage area established in the region.

(b) PURPOSE.—The objectives of the Yuma Crossing National Heritage Area are as follows:

(1) To recognize the role of the Yuma Crossing in the development of the United States, with particular emphasis on the roll of the crossing as an important landmark in the westward expansion during the mid-19th century.

(2) To promote, interpret, and develop the physical and recreational resources of the communities surrounding the Yuma Crossing, which has almost 500 years of recorded history and outstanding cultural, historic, and architectural assets, for the education and benefit of present and future generations.

(3) To foster a close working relationship with all levels of government, the private sector, and the local communities in the Yuma community and empower the community to conserve its heritage while continuing to pursue economic opportunities.

(4) To provide recreational opportunities for visitors to the Yuma Crossing and preserve natural resources within the Heritage Area.

(5) To improve the Yuma region's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Heritage Area.

SEC. 3. YUMA CROSSING NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Yuma Crossing National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of those portions of the Yuma region totaling approximately 21 square miles, encompassing over 150 identified historic, geologic, and cultural resources, and bounded—

(1) on the west, by the Colorado River (including the crossing point of the Army of the West);

(2) on the east, by Avenue 7E;

(3) on the north, by the Colorado River; and

(4) on the south, by the 12th Street alignment.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Yuma Crossing National Heritage Area Board of Directors which shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of the enactment of this Act.

SEC. 4. COMPACT.

(a) **IN GENERAL.**—To carry out the purposes of this Act, the Secretary of the Interior shall enter into a compact with the management entity.

(b) **COMPONENTS OF COMPACT.**—The compact shall include information relating to the objectives and management of the Heritage Area, including each of the following:

(1) A discussion of the goals and objects of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures to which the management entity commits.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may, for purposes of preparing and implementing the management plan, use funds made available through this Act for the following:

(1) To make grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person.

(2) To hire and compensate staff.

(3) To enter into contracts for goods and services.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Taking into consideration existing State, county, and local plans, the management entity shall develop a management plan for the Heritage Area.

(2) **CONTENTS.**—The management plan required by this subsection shall include—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(E) a recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(F) a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation;

(G) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(H) an interpretation plan for the Heritage Area.

(3) SUBMISSION TO SECRETARY.—The management entity shall submit the management plan to the Secretary for approval not later than 3 years after the date of the enactment of this Act. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) DUTIES OF MANAGEMENT ENTITY.—In addition to its duties under subsection (b), the management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations with—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) restoring any historic building relating to the themes of the Heritage Area; and

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) encourage, by appropriate means, economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(6) conduct public meetings at least quarterly regarding the implementation of the management plan; and

(7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

(d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property. Nothing in this Act shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(e) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially

in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

- (1) conserving the significant natural, historic, and cultural resources which support the themes of the Heritage Area; and
- (2) providing educational, interpretive, and recreational opportunities consistent with resources and associated values of the Heritage Area.

(b) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary, in consultation with the Yuma Crossing National Heritage Area Board of Directors, shall approve or disapprove the management plan submitted under this Act not later than 90 days after receiving such management plan.

(c) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) **APPROVING AMENDMENTS.**—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

(e) **DOCUMENTATION.**—Subject to the availability of funds, the Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the cultural, historic, architectural, and natural resources of the Heritage Area.

SEC. 7. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this Act not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this Act.

(b) **50 PERCENT MATCH.**—Federal funding provided under this Act, after the designation of the Heritage Area, may not exceed

50 percent of the total cost of any assistance or grant provided or authorized under this Act.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 2833 (S. 1998):

HOUSE REPORTS: No. 106–740 (Comm. on Resources).

SENATE REPORTS: No. 106–340 accompanying S. 1998 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–320
106th Congress

An Act

Oct. 19, 2000
[H.R. 2938]

To designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the “John Brademas Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, shall be known and designated as the “John Brademas Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “John Brademas Post Office”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 2938 (S. 2804):

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 20, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–321
106th Congress

An Act

To designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the “Matthew F. McHugh Post Office”.

Oct. 19, 2000
[H.R. 3030]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, shall be known and designated as the “Matthew F. McHugh Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Matthew F. McHugh Post Office”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 3030:

CONGRESSIONAL RECORD, Vol. 146 (2000):
June 6, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–322
106th Congress

An Act

Oct. 19, 2000
[H.R. 3454]

To designate the United States post office located at 451 College Street in Macon, Georgia, as the “Henry McNeal Turner Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States post office located at 451 College Street in Macon, Georgia, shall be known and designated as the “Henry McNeal Turner Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Henry McNeal Turner Post Office”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 3454:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–323
106th Congress

An Act

To authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

Oct. 19, 2000
[H.R. 3745]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Effigy Mounds National Monument Additions Act”.

Effigy Mounds
National
Monument
Additions Act.
16 USC 431 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map entitled “Proposed Boundary Adjustments/Effigy Mounds National Monument”, numbered 394/800 35, and dated May 1999.

(2) MONUMENT.—The term “Monument” means the Effigy Mounds National Monument, Iowa.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. ADDITIONS TO EFFIGY MOUNDS NATIONAL MONUMENT.

(a) IN GENERAL.—The Secretary may acquire by purchase, from willing sellers only, each of the parcels described in subsection (b).

(b) PARCELS.—The parcels referred to in subsection (a) are the following:

(1) FERGUSON/KISTLER TRACT.—The parcel consisting of approximately 1054 acres of undeveloped, privately-owned land located in portions of sections 28, 29, 31, 32, and 33, T. 95 N., R. 3 W., Fairview Township, Allamakee County, Iowa, as depicted on the map.

(2) RIVERFRONT TRACT.—The parcel consisting of approximately 50 acres of bottom land located between the Mississippi River and the north unit of the Monument in sections 27 and 34, Fairview Township, Allamakee County, Iowa, as depicted on the map.

(c) BOUNDARY ADJUSTMENT.—On acquisition of a parcel described in subsection (b), the Secretary shall modify the boundary of the Monument to include the parcel. Any parcel included within the boundary of the Monument pursuant to this subsection shall be administered by the Secretary as part of the Monument.

(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$750,000.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 3745 (S. 1643):

HOUSE REPORTS: No. 106-826 (Comm. on Resources).

SENATE REPORTS: No. 106-374 accompany S. 1643 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–324
106th Congress

An Act

To dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

Oct. 19, 2000
[H.R. 3817]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDING.

Congress finds that Jaryd Atadero, a 3-year old boy from Littleton, Colorado, was last seen the morning of October 2, 1999, 1 and one-half miles from the trailhead of the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest.

SEC. 2. DEDICATION.

Congress dedicates the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest to Jaryd Atadero and his legacy of promoting safe outdoor recreation for children.

SEC. 3. SIGN.

The Secretary of Agriculture shall recognize the loss of Jaryd Atadero and the need for increased awareness of child safety in outdoor recreation settings by posting an interpretive sign at the Big South Trail trailhead that—

- (1) describes consideration for safe outdoor recreation with children;
- (2) refers to the tragic loss of Jaryd Atadero to underscore the need for such safety considerations;
- (3) refers to the dedication by Congress of this trail and safety message to the legacy of Jaryd Atadero; and
- (4) for not less than 1 year, includes a copy of this Act and an image of Jaryd Atadero.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 3817:

HOUSE REPORTS: No. 106–738 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–325
106th Congress

An Act

Oct. 19, 2000
[H.R. 3909]

To designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the “Henry W. McGee Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, shall be known and designated as the “Henry W. McGee Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Henry W. McGee Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 3909:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–326
106th Congress

An Act

To redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the “Vicki Coceano Post Office Building”.

Oct. 19, 2000
[H.R. 3985]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, shall be known and designated as the “Vicki Coceano Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Vicki Coceano Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 3985:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 17, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–327
106th Congress

An Act

Oct. 19, 2000
[H.R. 4157]

To designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the “Matthew ‘Mack’ Robinson Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, shall be known and designated as the “Matthew ‘Mack’ Robinson Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Matthew ‘Mack’ Robinson Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4157:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 18, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–328
106th Congress

An Act

To designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the “Barbara F. Vucanovich Post Office Building”.

Oct. 19, 2000
[H.R. 4169]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, shall be known and designated as the “Barbara F. Vucanovich Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Barbara F. Vucanovich Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4169:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, 12, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106-329
106th Congress

An Act

Oct. 19, 2000
[H.R. 4226]

Black Hills
National Forest
and Rocky
Mountain
Research Station
Improvement
Act.
South Dakota.

To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Hills National Forest and Rocky Mountain Research Station Improvement Act”.

SEC. 2. SALE OR EXCHANGE OF LAND, BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”) may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the approximately 362 acres contained in the following parcels of land in the State of South Dakota:

(1) Tract BLKH-1 “Spearfish Dwelling” (approximately 0.24 acres); N $\frac{1}{2}$ of Lot 8 and Lot 9 of Block 16, Section 10, T6N, R2E, Black Hills Meridian.

(2) Tract BLKH-2 “Deadwood Garage” (approximately 0.12 acres); Lots 9 and 11 of Block 34, Section 23, T5N, R3E, Black Hills Meridian.

(3) Tract BLKH-3 “Deadwood Dwellings” (approximately 0.32 acres); Lots 12-16, inclusive, of Block 44, Section 23, T5N, R3E, Black Hill Meridian.

(4) Tract BLKH-4 “Hardy Work Center” (approximately 150 acres); E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19; NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T3N, R1E, Black Hills Meridian.

(5) Tract BLKH-6 “Pactola Work Center” (approximately 100 acres); W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25; E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T2N, R5E, Black Hills Meridian.

(6) Tract BLKH-7 “Pactola Ranger District Office” (approximately 8.25 acres); Lot 1 of Ranger Station Subdivision, Section 4, T1N, R7E, Black Hills Meridian.

(7) Tract BLKH-8 “Reder Administrative Site” (approximately 82 acres); Lots 6 and 7, Section 29; Lot A of Reder Placer, Lot 19, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T1S, R5E, Black Hills Meridian.

(8) Tract BLKH-9 “Allen Gulch Properties” (approximately 21 acres); Lot 14 less and except Tract STA #0029, Section 25, and Lot 1, Section 36, T1S, R4E, Black Hills Meridian.

(9) Tract BLKH-10 “Custer Ranger District Office” (approximately 0.39 acres); Lots 4 and 9 of Block 125 and the East 15 feet of the vacated north/south alley adjacent to Lot 4, City of Custer, Section 26, T3S, R4E, Black Hills Meridian.

(b) TECHNICAL CORRECTIONS.—The Secretary may make technical corrections to the legal descriptions in paragraphs (1) through (9) of subsection (a).

(c) APPLICABLE AUTHORITIES.—Except as otherwise provided in this section, any sale or exchange of land described in subsection (a) shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the land described in subsection (a) from any exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—In carrying out this section, the Secretary may use solicitations of offers for sale or exchange under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) DISPOSITION OF FUNDS.—Any funds received by the Secretary from a sale under this section or as cash equalization payments from an exchange under this section—

(1) shall be deposited into the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(2) shall be available for expenditure, on appropriation, for—

(A) the acquisition from willing sellers of land and interests in land in the State of South Dakota; and

(B) the acquisition or construction of administrative improvements in connection with the Black Hills National Forest.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. REPLACEMENT LABORATORY, ROCKY MOUNTAIN RESEARCH STATION, RAPID CITY, SOUTH DAKOTA.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Agriculture \$2,100,000 for a laboratory facility for the Rocky Mountain Research Station in Rapid City, South Dakota, to replace the obsolete laboratory capability at the research station. The replacement facility shall be colocated with at least one of the administrative improvements for the Black Hills National Forest acquired or constructed under the authority of section 2(f)(2)(B).

(b) CONDITIONS ON ACQUISITION OF PROPERTY.—No funds available to carry out this section may be used to purchase or otherwise acquire property unless—

(1) the acquisition is from willing sellers; and

(2) the property is located within the boundaries of the State of South Dakota.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4226 (S. 1599):

HOUSE REPORTS: No. 106-816 (Comm. on Resources).

SENATE REPORTS: No. 106-210 accompanying S. 1599 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 18, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–330
106th Congress

An Act

To authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

Oct. 19, 2000
[H.R. 4285]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Texas National Forests Improvement Act of 2000”.

Texas National
Forests
Improvement Act
of 2000.

SEC. 2. CONVEYANCE OF ADMINISTRATIVE SITES, TEXAS NATIONAL FOREST SYSTEM LANDS.

(a) **AUTHORITY TO SELL OR EXCHANGE.**—The Secretary of Agriculture may convey, by sale or exchange, under such terms and conditions as the Secretary may prescribe, any and all right, title, and interest of the United States in and to the following parcels of National Forest System land (including improvements thereon) located in the State of Texas:

(1) Davy Crockett National Forest, Trinity Ranger Quarters #066310 (Tract K–2D), located at State Highway 94, Groveton, Texas, consisting of approximately 3.0 acres, as depicted on the map entitled “Trinity Ranger Quarters, Tract K–2D”, dated September 1, 1999.

(2) Davy Crockett National Forest quarters #066380 (Tract K–604), located at 514 Devine Street, Groveton, Texas, consisting of approximately 0.5 acre, as depicted on the map entitled “Davy Crockett National Forest Quarters, Tract K–604”, dated September 1, 1999.

(3) Sabine National Forest quarters #055250 (Tract S–1391), located at 706 Cartwright Drive, San Augustine, Texas, consisting of approximately 0.5 acre, as depicted on the map entitled “Sabine National Forest Quarters, Tract S–1391”, dated September 1, 1999.

(4) Sabine National Forest quarters #055400 (Tract S–1389), located at 507 Planter Drive, San Augustine, Texas, consisting of approximately 1.5 acres, as depicted on the map entitled “Sabine National Forest Quarters, Tract S–1389”, dated September 1, 1999.

(5) Sabine National Forest quarters #077070 (Tract S–1388), located at State Highway 87, Hemphill, Texas, consisting of approximately 1.0 acre, as depicted on the map entitled “Sabine National Forest Quarters, Tract S–1388”, dated September 1, 1999.

(6) Sabine National Forest quarters #077430 (Tract S-1390), located at FM Road 944, Hemphill, Texas, consisting of approximately 2.0 acres, as depicted on the map entitled "Sabine National Forest Quarters, Tract S-1390", dated September 1, 1999.

(7) Old Yellowpine Work Center site, within the Sabine National Forest, consisting of approximately 1.0 acre, as depicted on the map entitled "Old Yellowpine Work Center", dated September 1, 1999.

(8) Yellowpine Work Center site, within the Sabine National Forest, consisting of approximately 9.0 acres, as depicted on the map entitled "Yellowpine Work Center", dated September 1, 1999.

(9) Zavalla Work Center site, within the Angelina National Forest, consisting of approximately 19.0 acres, as depicted on the map entitled "Zavalla Work Center", dated September 1, 1999.

(b) **AUTHORIZED CONSIDERATION.**—As consideration for a conveyance of land under subsection (a), the recipient of the land, with the consent of the Secretary, may convey to the Secretary other land, existing improvements, or improvements constructed to specifications of the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, any conveyance of land under subsection (a) shall be subject to the laws and regulations applicable to the conveyance and acquisition of land for the National Forest System.

(d) **CASH EQUALIZATION.**—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any parcel of land exchanged under subsection (a).

(e) **SOLICITATION OF OFFERS.**—The Secretary may solicit offers for the conveyance of land under this section on such terms and conditions as the Secretary may prescribe. The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. CONVEYANCE OF TEXAS NATIONAL FOREST SYSTEM LAND TO NEW WAVERLY GULF COAST TRADES CENTER.

(a) **CONVEYANCE AUTHORITY.**—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may convey to the New Waverly Gulf Coast Trades Center (referred to in this section as the "Center"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 57 acres of land located within the Sam Houston National Forest, Walker County, Texas, as depicted on the map entitled "New Waverly Gulf Coast Trades Center", dated September 15, 1999. A complete legal description of the property to be conveyed shall be available for public inspection at an appropriate office of the Sam Houston National Forest and in the Office of the Chief of the Forest Service.

(b) **CONSIDERATION.**—

(1) **FAIR MARKET VALUE.**—As consideration for the conveyance authorized by this section, the Center shall pay to the Secretary an amount equal to the fair market value of the property, as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal

Standards for Federal Land Acquisition published by the Department of Justice.

(2) APPRAISAL COST.—The Center shall pay the cost of the appraisal of the property.

(3) TIME FOR PAYMENT.—The consideration determined under paragraph (1) shall be paid, at the option of the Center—

(A) in full not later than 180 days after the date of conveyance of the property; or Deadline.

(B) in 7 equal annual installments commencing on January 1 of the first year beginning after the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST.—Any payment due for the conveyance of property under this section shall accrue interest, beginning on the date of the conveyance, at an annual rate of 3 percent on the unpaid balance.

(c) RELEASE.—Subject to compliance with all Federal environmental laws prior to conveyance, the Center, upon acquisition of the property under this section, shall agree in writing to hold the United States harmless from any and all claims to the property, including all claims resulting from hazardous materials conveyed on the lands.

(d) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of the property under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the Center has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is converted to a noneducational or for profit use.

(e) ALTERNATIVE PROPERTY DISPOSAL AUTHORITY.—In the event that the Center does not contract with the Secretary to acquire the property described in this section within 18 months of the date of the enactment of this Act, the Secretary may dispose of the property in the manner provided in section 2.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT IN SISK ACT FUND.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act).

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for units of the National Forest System in the State of Texas; or

(2) the acquisition of lands or interests in lands in the State of Texas.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4285:

SENATE REPORTS: No. 106-447 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–331
106th Congress

An Act

To provide for the establishment of the Cahaba River National Wildlife Refuge
in Bibb County, Alabama.

Oct. 19, 2000
[H.R. 4286]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cahaba River National Wildlife
Refuge Establishment Act”.

Cahaba River
National Wildlife
Refuge
Establishment
Act.
16 USC 688dd
note.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Cahaba River in Alabama is recognized nationally
for its unique biological diversity which includes providing
habitat for 131 species of fish (more than any other river
its size in North America).

(2) The Cahaba River is home to 64 rare and imperiled
species of aquatic plants and animals, including fishes, fresh-
water turtles, mussels, and snails.

(3) The Cahaba River is home to 12 species of fish, mussels,
and snails listed as endangered or threatened species.

(4) The Cahaba River is home to six terrestrial species
of plants and animals listed as endangered or threatened spe-
cies.

(5) The Cahaba River harbors the largest population in
the world of the imperiled shoals lily, known locally as the
Cahaba Lily.

(6) The Cahaba River watershed contains extremely rare
plant communities that are home to eight species of plants
previously unknown to science and a total of 69 rare and
imperiled species of plants.

(7) The Cahaba River is home to at least a dozen endemic
aquatic animals that are found nowhere else in the world.

(8) The Cahaba River is the longest remaining free-flowing
river in Alabama, flowing through five counties in central Ala-
bama.

(9) The Cahaba River is recognized as an Outstanding
Alabama Water by the Alabama Department of Environmental
Management.

(10) The Cahaba River has high recreational value for
hunters, anglers, birdwatchers, canoeists, nature photog-
raphers, and others.

(11) The Cahaba River Watershed supports large popu-
lations of certain game species, including deer, turkey, and
various species of ducks.

(12) The Cahaba River area is deserving of inclusion in the National Wildlife Refuge System.

SEC. 3. DEFINITIONS.

In this Act:

(1) REFUGE.—The term “Refuge” means the Cahaba River National Wildlife Refuge established by section 4(a).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF REFUGE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in Bibb County, Alabama, the Cahaba National Wildlife Refuge, consisting of approximately 3,500 acres of Federal lands and waters, and interests in lands and waters, within the boundaries depicted upon the map entitled “Cahaba River National Wildlife Refuge—Proposed”, dated April 10, 2000.

(2) BOUNDARY REVISIONS.—The Secretary may make such minor revisions of the boundaries of the Refuge as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(3) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in paragraph (1) available for inspection in appropriate offices of the United States Fish and Wildlife Service.

Federal Register,
publication.

(b) EFFECTIVE DATE.—The establishment of the Refuge under paragraph (1) of subsection (a) shall take effect on the date the Secretary publishes, in the Federal Register and publications of local circulation in the vicinity of the area within the boundaries referred to in that paragraph, a notice that sufficient property has been acquired by the United States within those boundaries to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 5. ACQUISITION OF LANDS AND WATERS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may acquire up to 3,500 acres of lands and waters, or interests therein, within the boundaries of the Refuge described in section 4(a)(1).

(b) INCLUSION IN REFUGE.—Any lands, waters, or interests acquired by the Secretary under this section shall be part of the Refuge.

SEC. 6. ADMINISTRATION.

In administering the Refuge, the Secretary shall—

(1) conserve, enhance, and restore the native aquatic and terrestrial community characteristics of the Cahaba River (including associated fish, wildlife, and plant species);

(2) conserve, enhance, and restore habitat to maintain and assist in the recovery of animals and plants that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) in providing opportunities for compatible fish- and wildlife-oriented recreation, ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority general public uses of the Refuge,

in accordance with section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4)); and

(4) encourage the use of volunteers and to facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Cahaba River National Wildlife Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) such funds as may be necessary for the acquisition of lands and waters within the boundaries of the Refuge; and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4286:

HOUSE REPORTS: No. 106–713 (Comm. on Resources).

SENATE REPORTS: No. 106–461 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 10, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–332
106th Congress

An Act

Oct. 19, 2000
[H.R. 4435]

To clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

16 USC 3503
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled “Pine Island Unit NC–01” and dated May 1, 2000.

(b) DESCRIPTION OF REPLACED MAP.—The map described in this subsection is the map that—

(1) relates to Pine Island Unit NC–01 located in Currituck and Dare Counties, North Carolina; and

(2) is included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

SEC. 2. AVAILABILITY.

The Secretary of the Interior shall keep the replacement map referred to in section 1 on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4435:

HOUSE REPORTS: No. 106–648 (Comm. on Resources).

SENATE REPORTS: No. 106–473 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 6, 7, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–333
106th Congress

An Act

To designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the “Samuel H. Lacy, Sr. Post Office Building”.

Oct. 19, 2000
[H.R. 4447]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, shall be known and designated as the “Samuel H. Lacy, Sr. Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Samuel H. Lacy, Sr. Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4447:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, 12, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–334
106th Congress

An Act

Oct. 19, 2000
[H.R. 4448]

To designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the “Judge Robert Bernard Watts, Sr. Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, shall be known and designated as the “Judge Robert Bernard Watts, Sr. Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Judge Robert Bernard Watts, Sr. Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4448:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–335
106th Congress

An Act

To designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the “Dr. Flossie McClain Dedmond Post Office Building”.

Oct. 19, 2000
[H.R. 4449]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, shall be known and designated as the “Dr. Flossie McClain Dedmond Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Dr. Flossie McClain Dedmond Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4449:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–336
106th Congress

An Act

Oct. 19, 2000
[H.R. 4484]

To designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the “Everett Alvarez, Jr. Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, shall be known and designated as the “Everett Alvarez, Jr. Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Everett Alvarez, Jr. Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4484:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–337
106th Congress

An Act

To designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the “Alan B. Shepard, Jr. Post Office Building”.

Oct. 19, 2000

[H.R. 4517]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, shall be known and designated as the “Alan B. Shepard, Jr. Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Alan B. Shepard, Jr. Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4517:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 18, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–338
106th Congress

An Act

Oct. 19, 2000
[H.R. 4534]

To redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the “James T. Broyhill Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, shall be known and designated as the “James T. Broyhill Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “James T. Broyhill Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4534:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–339
106th Congress

An Act

To redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the “Joseph F. Smith Post Office Building”.

Oct. 19, 2000
[H.R. 4554]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, and known as the Kensington Station, shall be known and designated as the “Joseph F. Smith Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Joseph F. Smith Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4554:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 18, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–340
106th Congress

An Act

Oct. 19, 2000
[H.R. 4615]

To redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the “Reverend J.C. Wade Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, and known as the Ames Station, shall be known and designated as the “Reverend J.C. Wade Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Reverend J.C. Wade Post Office”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4615:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–341
106th Congress

An Act

To designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the “J.L. Dawkins Post Office Building”.

Oct. 19, 2000
[H.R. 4658]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, shall be known and designated as the “J.L. Dawkins Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “J.L. Dawkins Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4658:

CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106-342
106th Congress

An Act

Oct. 19, 2000
[H.R. 4884]

To redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the “William S. Broomfield Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, and known as the Royal Oak Post Office, shall be known and designated as the “William S. Broomfield Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “William S. Broomfield Post Office Building”.

Approved October 19, 2000.

LEGISLATIVE HISTORY—H.R. 4884:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 6, considered and passed House.

Oct. 6, considered and passed Senate.



Public Law 106–343
106th Congress

An Act

To extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

Oct. 19, 2000
[S. 1236]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive 2-year periods.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

Approved October 19, 2000.

LEGISLATIVE HISTORY—S. 1236:

HOUSE REPORTS: No. 106–630 (Comm. on Commerce).

SENATE REPORTS: No. 106–170 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): May 22, considered and passed House, amended.

Oct. 5, Senate concurred in House amendment.



Public Law 106-344
106th Congress

Joint Resolution

Oct. 20, 2000
[H.J. Res. 114]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, p. 806, 810,
1073.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275 is further amended by striking “October 20, 2000” in section 106(c) and inserting in lieu thereof “October 25, 2000”. Notwithstanding section 106 of Public Law 106-275, funds shall be available and obligations for mandatory payments due on or about November 1, 2000, may continue to be made.

Approved October 20, 2000.

LEGISLATIVE HISTORY—H.J. Res. 114:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 19, considered and passed House and Senate.



Public Law 106–345
106th Congress

An Act

To amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

Oct. 20, 2000
[S. 2311]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ryan White CARE Act Amendments of 2000”.

Ryan White
CARE Act
Amendments of
2000.
42 USC 201 note.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

- Sec. 101. Membership of councils.
- Sec. 102. Duties of councils.
- Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

- Sec. 111. Formula grants.
- Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

- Sec. 121. Use of amounts.
- Sec. 122. Application.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

- Sec. 201. Priority for women, infants, and children.
- Sec. 202. Use of grants.
- Sec. 203. Grants to establish HIV care consortia.
- Sec. 204. Provision of treatments.
- Sec. 205. State application.
- Sec. 206. Distribution of funds.
- Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

- Sec. 211. Repeals.
- Sec. 212. Grants.
- Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs

- Sec. 221. Grants for compliant partner notification programs.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

Sec. 301. Repeal of program.

Subtitle B—Categorical Grants

Sec. 311. Preferences in making grants.
 Sec. 312. Planning and development grants.
 Sec. 313. Authorization of appropriations.

Subtitle C—General Provisions

Sec. 321. Provision of certain counseling services.
 Sec. 322. Additional required agreements.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
 Sec. 402. AIDS education and training centers.

Subtitle B—General Provisions in Title XXVI

Sec. 411. Evaluations and reports.
 Sec. 412. Data collection through Centers for Disease Control and Prevention.
 Sec. 413. Coordination.
 Sec. 414. Plan regarding release of prisoners with HIV disease.
 Sec. 415. Audits.
 Sec. 416. Administrative simplification.
 Sec. 417. Authorization of appropriations for parts A and B.

TITLE V—GENERAL PROVISIONS

Sec. 501. Studies by Institute of Medicine.
 Sec. 502. Development of rapid HIV test.
 Sec. 503. Technical corrections.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (1), by striking “demographics of the epidemic in the eligible area involved,” and inserting “demographics of the population of individuals with HIV disease in the eligible area involved,”; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting before the semicolon the following: “, including providers of housing and homeless services”;

(B) in subparagraph (G), by striking “or AIDS”;

(C) in subparagraph (K), by striking “and” at the end;

(D) in subparagraph (L), by striking the period and inserting the following: “, including but not limited to providers of HIV prevention services; and”; and

(E) by adding at the end the following subparagraph:

“(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV disease as of the date on which the individuals were so released.”.

(b) **CONFLICTS OF INTERESTS.**—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(5)) is amended by adding at the end the following subparagraph:

“(C) **COMPOSITION OF COUNCIL.**—The following applies regarding the membership of a planning council under paragraph (1):

“(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

“(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.”.

SEC. 102. DUTIES OF COUNCILS.

(a) **IN GENERAL.**—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

“(A) determine the size and demographics of the population of individuals with HIV disease;

“(B) determine the needs of such population, with particular attention to—

“(i) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

“(ii) disparities in access and services among affected subpopulations and historically underserved communities;”;

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

“(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

“(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and

interventions, to the extent that data are reasonably available;

“(iii) priorities of the communities with HIV disease for whom the services are intended;

“(iv) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;

“(v) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children’s Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and

“(vi) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;”;

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

“(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

“(i) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

“(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse); and

“(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;”;

(5) in subparagraph (F) (as so redesignated), by striking “and” at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking “public meetings,” and inserting “public meetings (in accordance with paragraph (7)),”; and

(B) by striking the period and inserting “; and”; and

(7) by adding at the end the following subparagraph:

“(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.”.

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12) is amended by adding at the end the following subsection:

“(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures

and health care for certain individuals with HIV disease), the Secretary, in consultation with planning councils and entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

“(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

“(2) for carrying out the duties under subsection (b)(4) and section 2617(b).”.

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff-12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

“(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under section 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.”.

(d) CONFORMING AMENDMENT.—Section 2603(c) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended by striking “section 2602(b)(3)(A)” and inserting “section 2602(b)(4)(C)”. 42 USC 300ff-13.

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff-12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

(2) by adding at the end the following paragraph:

“(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

“(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

“(B) In accordance with criteria established by the Secretary:

“(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

Public notice.

“(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

Records.
Reports.

“(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

“(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.”.

Subtitle B—Type and Distribution of Grants

SEC. 111. FORMULA GRANTS.

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(2)) is amended in the first sentence by striking “for each of the fiscal years 1996 through 2000” and inserting “for a fiscal year”.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: “, except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome”; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: “, and shall be reported to the congressional committees of jurisdiction”; and

(ii) by adding at the end the following sentence: “Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).”.

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

“(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

Deadline.

“(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).

“(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

“(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 318B for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from

all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.”.

(c) INCREASES IN GRANT.—Section 2603(a)(4) of the Public Health Service Act (42 U.S.C. 300ff-13(a)(4)) is amended to read as follows:

“(4) INCREASES IN GRANT.—

“(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

“(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

“(ii) for any second fiscal year in such period, the grant is not less than 95 percent of the amount of such base year grant;

“(iii) for any third fiscal year in such period, the grant is not less than 92 percent of the amount of the base year grant;

“(iv) for any fourth fiscal year in such period, the grant is not less than 89 percent of the amount of the base year grant; and

“(v) for any fifth or subsequent fiscal year in such period, if, pursuant to paragraph (3)(D)(ii), the references in paragraph (3)(C)(i) to HIV disease do not have any legal effect, the grant is not less than 85 percent of the amount of the base year grant.

“(B) SPECIAL RULE.—If for fiscal year 2005, pursuant to paragraph (3)(D)(ii), data on cases of HIV disease are used for purposes of paragraph (3)(C)(i), the Secretary shall increase the amount of a grant made pursuant to paragraph (2) for an eligible area to ensure that the grant is not less than 98 percent of the amount of the grant made for the area in fiscal year 2004.

“(C) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

“(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

“(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

“(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant determined pursuant to paragraph (2) for the area equals or exceeds the amount of the grant determined under subparagraph (A).

“(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.”.

SEC. 112. SUPPLEMENTAL GRANTS.

(a) **IN GENERAL.**—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking “DEFINITION” and inserting “AMOUNT OF GRANT”;

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

“(A) **IN GENERAL.**—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.”;

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

“(iv) the current prevalence of HIV disease;

“(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

“(vi) unmet need for such services, as determined under section 2602(b)(4).”;

(5) in subparagraph (C) (as so redesignated)—

(A) by striking “subparagraph (A)” each place such term appears and inserting “subparagraph (B)”;

(B) in the second sentence, by striking “2 years after the date of enactment of this paragraph” and inserting “18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000”; and

(C) by inserting after the second sentence the following sentence: “Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).”; and

(6) in subparagraph (D) (as so redesignated), by striking “subparagraph (B)” and inserting “subparagraph (C)”.

(b) **REQUIREMENTS FOR APPLICATION.**—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff-13(b)(1)(E)) is amended by inserting “youth,” after “children.”

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff-13(b)) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4) (as so redesignated), in subparagraph (B), by striking “grants” and inserting “grant”.

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) **PRIMARY PURPOSES.**—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff-14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “HIV-related—” and inserting “HIV-related services, as follows:”;

(2) in subparagraph (A)—

(A) by striking “outpatient” and all that follows through “substance abuse treatment and” and inserting the following: “Outpatient and ambulatory health services, including substance abuse treatment,”; and

(B) by striking “; and” and inserting a period;

(3) in subparagraph (B), by striking “(B) inpatient case management” and inserting “(C) Inpatient case management”;

(4) by inserting after subparagraph (A) the following subparagraph:

“(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.”; and

(5) by adding at the end the following:

“(D) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

“(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3)(A);

“(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

“(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.”.

(b) **EARLY INTERVENTION SERVICES.**—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) **EARLY INTERVENTION SERVICES.**—

“(A) **IN GENERAL.**—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by eligible areas, federally qualified health centers, and entities described in section 2652(a) that constitute a point of access to services by maintaining referral relationships.

“(B) **CONDITIONS.**—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity

demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

“(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

“(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.”.

(c) PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.—Section 2604(b) (42 U.S.C. 300ff-14(b)) of the Public Health Service Act is amended in paragraph (4) (as redesignated by subsection (b)(1) of this section) by amending the paragraph to read as follows:

“(4) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—

“(A) IN GENERAL.—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall for each of such populations in the eligible area use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome.

“(B) WAIVER.—With respect to the population involved, the Secretary may provide to the chief elected official of an eligible area a waiver of the requirement of subparagraph (A) if such official demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children’s health insurance program under title XXI of such Act, or other Federal or State programs.”.

(d) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff-14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

“(c) QUALITY MANAGEMENT.—

“(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

“(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated

with the quality management program required in paragraph (1) not more than the lesser of—

“ (A) 5 percent of amounts received under the grant;

or

“ (B) \$3,000,000.”.

SEC. 122. APPLICATION.

(a) **IN GENERAL.**—Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff-15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (2) the following paragraphs:

“ (3) that entities within the eligible area that receive funds under a grant under this part will maintain appropriate relationships with entities in the eligible area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2604(b)(3) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care;

“ (4) that the chief elected official of the eligible area will satisfy all requirements under section 2604(c);”.

(b) **CONFORMING AMENDMENTS.**—Section 2605(a) (42 U.S.C. 300ff-15(a)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “services to individuals with HIV disease” and inserting “services as described in section 2604(b)(1)”; and

(B) in subparagraph (B), by striking “services for individuals with HIV disease” and inserting “services as described in section 2604(b)(1)”; and

(2) in paragraph (7) (as redesignated by subsection (a)(1) of this section), by striking “and” at the end;

(3) in paragraph (8) (as so redesignated), by striking the period and inserting “; and”; and

(4) by adding at the end the following paragraph:

“ (9) that the eligible area has procedures in place to ensure that services provided with funds received under this part meet the criteria specified in section 2604(b)(1).”.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff-21(b)) is amended to read as follows:

“ (b) **PRIORITY FOR WOMEN, INFANTS AND CHILDREN.**—

“ (1) **IN GENERAL.**—For the purpose of providing health and support services to infants, children, youth, and women with HIV disease, including treatment measures to prevent the

perinatal transmission of HIV, a State shall for each of such populations use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in the State) with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.

“(2) WAIVER.—With respect to the population involved, the Secretary may provide to a State a waiver of the requirement of paragraph (1) if the State demonstrates to the satisfaction of the Secretary that the population is receiving HIV-related health services through the State medicaid program under title XIX of the Social Security Act, the State children’s health insurance program under title XXI of such Act, or other Federal or State programs.”.

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff-22) is amended—

(1) by striking “A State may use” and inserting “(a) IN GENERAL.—A State may use”; and

(2) by adding at the end the following subsections:

“(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

“(1) Outpatient and ambulatory support services under section 2611(a) (including case management) to the extent that such services facilitate, enhance, support, or sustain the delivery, continuity, or benefits of health services for individuals and families with HIV disease.

“(2) Outreach activities that are intended to identify individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and that are—

“(A) necessary to implement the strategy under section 2617(b)(4)(B), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in subsection (c)(1);

“(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G) and 2651(b)(2); and

“(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

“(c) EARLY INTERVENTION SERVICES.—

“(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2), with follow-up referral provided for the purpose of facilitating the access of individuals receiving the services to HIV-related health services. The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section

2652(a) that constitute a point of access to services by maintaining referral relationships.

“(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

“(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

“(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

“(d) QUALITY MANAGEMENT.—

“(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.

“(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(b)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

“(A) 5 percent of amounts received under the grant;

or

“(B) \$3,000,000.”.

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff-23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: “, particularly those experiencing disparities in access and services and those who reside in historically underserved communities”; and

(B) in subparagraph (B), by inserting after “by such consortium” the following: “is consistent with the comprehensive plan under section 2617(b)(4) and”;

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking “and” after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting “; and”; and

(C) by adding at the end the following subparagraph:

“(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities.”; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking “and” after the semicolon;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by inserting after subparagraph (C) the following subparagraph:

“(D) the types of entities described in section 2602(b)(2).”.

SEC. 204. PROVISION OF TREATMENTS.

(a) **IN GENERAL.**—Section 2616(c) of the Public Health Service Act (42 U.S.C. 300ff-26(c)) is amended—

(1) in paragraph (4), by striking “and” after the semicolon at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) encourage, support, and enhance adherence to and compliance with treatment regimens, including related medical monitoring.

Of the amount reserved by a State for a fiscal year for use under this section, the State may not use more than 5 percent to carry out services under paragraph (6), except that the percentage applicable with respect to such paragraph is 10 percent if the State demonstrates to the Secretary that such additional services are essential and in no way diminish access to the therapeutics described in subsection (a).”.

(b) **HEALTH INSURANCE AND PLANS.**—Section 2616 of the Public Health Service Act (42 U.S.C. 300ff-26) is amended by adding at the end the following subsection:

“(e) **USE OF HEALTH INSURANCE AND PLANS.**—

“(1) **IN GENERAL.**—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.

“(2) **LIMITATION.**—The authority established in paragraph (1) applies only to the extent that, for the fiscal year involved, the costs of the health insurance or plans to be purchased or maintained under such paragraph do not exceed the costs of otherwise providing therapeutics described in subsection (a).”.

SEC. 205. STATE APPLICATION.

(a) **DETERMINATION OF SIZE AND NEEDS OF POPULATION; COMPREHENSIVE PLAN.**—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff-27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

“(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

“(3) a determination of the needs of such population, with particular attention to—

“(A) individuals with HIV disease who know their HIV status and are not receiving HIV-related services; and

“(B) disparities in access and services among affected subpopulations and historically underserved communities;”; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking “comprehensive plan for the organization” and inserting “comprehensive plan that describes the organization”;

(B) by striking “, including—” and inserting “, and that—”;

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

“(A) establishes priorities for the allocation of funds within the State based on—

“(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

“(ii) availability of other governmental and non-governmental resources, including the State medicaid plan under title XIX of the Social Security Act and the State Children’s Health Insurance Program under title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease;

“(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

“(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

“(B) includes a strategy for identifying individuals who know their HIV status and are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

“(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment services for such abuse);”;

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting “describes” before “the services and activities”;

(F) in subparagraph (E) (as so redesignated), by inserting “provides” before “a description”; and

(G) in subparagraph (F) (as so redesignated), by inserting “provides” before “a description”.

(b) PUBLIC PARTICIPATION.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

42 USC 300ff-27.

(1) in paragraph (5), by striking “HIV” and inserting “HIV disease”; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

“(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and the types of entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;”.

42 USC 300ff-27. (c) HEALTH CARE RELATIONSHIPS.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

- (1) in subparagraph (E), by striking “and” at the end;
- (2) in subparagraph (F), by striking the period and inserting “; and”; and
- (3) by adding at the end the following subparagraph:

“(G) entities within areas in which activities under the grant are carried out will maintain appropriate relationships with entities in the area served that constitute key points of access to the health care system for individuals with HIV disease (including emergency rooms, substance abuse treatment programs, detoxification centers, adult and juvenile detention facilities, sexually transmitted disease clinics, HIV counseling and testing sites, mental health programs, and homeless shelters), and other entities under section 2612(c) and 2652(a), for the purpose of facilitating early intervention for individuals newly diagnosed with HIV disease and individuals knowledgeable of their HIV status but not in care.”.

SEC. 206. DISTRIBUTION OF FUNDS.

(a) MINIMUM ALLOTMENT.—Section 2618 of the Public Health Service Act (42 U.S.C. 300ff-28) is amended—

- (1) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and
- (2) in subsection (a) (as so redesignated), in paragraph (1)(A)(i)—

(A) in subclause (I), by striking “\$100,000” and inserting “\$200,000”; and

(B) in subclause (II), by striking “\$250,000” and inserting “\$500,000”.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (2)—

- (1) in subparagraph (D)(i), by inserting before the semicolon the following: “, except that (subject to subparagraph (E)), for grants made pursuant to this paragraph or section 2620 for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome”;
- (2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and
- (3) by inserting after subparagraph (D) the following subparagraph:

“(E) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—If under section 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease are

not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.”.

(c) INCREASES IN FORMULA AMOUNT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended— 42 USC 300ff-28.

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: “and then, as applicable, increased under paragraph (2)(H)”; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking “subparagraph (H)” and inserting “subparagraphs (H) and (I)”; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

“(H) LIMITATION.—

“(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 or subparagraph (I)(i) for a fiscal year is not less than—

“(I) with respect to fiscal year 2001, 99 percent;

“(II) with respect to fiscal year 2002, 98 percent;

“(III) with respect to fiscal year 2003, 97 percent;

“(IV) with respect to fiscal year 2004, 96 percent; and

“(V) with respect to fiscal year 2005, 95 percent,

of the amount such State or territory received for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively (notwithstanding such subparagraph). In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section or subparagraph for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

“(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 or subparagraph (I)(i) is less than the amount appropriated and available for fiscal year 2000 under section 2611 or subparagraph (I)(i), respectively, the limitation contained in clause (i) for the grants involved shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.”.

(d) TERRITORIES.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (1)(B) by inserting “the greater of \$50,000 or” after “shall be”.

(e) SEPARATE TREATMENT DRUG GRANTS.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1)

of this section and amended by subsection (b)(2) of this section) is amended in paragraph (2)(I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking “(I) APPROPRIATIONS” and all that follows through “With respect to” and inserting the following:

“(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

“(i) FORMULA GRANTS.—With respect to”;

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by inserting before the semicolon the following: “, less the percentage reserved under clause (ii)(V)”;

and

(4) by adding at the end the following clause:

“(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

“(I) IN GENERAL.—From amounts made available under subclause (V), the Secretary shall make supplemental grants to States described in subclause (II) to enable such States to increase access to therapeutics described in section 2616(a), as provided by the State under section 2616(c)(2).

“(II) ELIGIBLE STATES.—For purposes of subclause (I), a State described in this subclause is a State that, in accordance with criteria established by the Secretary, demonstrates a severe need for a grant under such subclause. In developing such criteria, the Secretary shall consider eligibility standards, formulary composition, and the number of eligible individuals at or below 200 percent of the official poverty line to whom the State is unable to provide therapeutics described in section 2616(a).

“(III) STATE REQUIREMENTS.—The Secretary may not make a grant to a State under this clause unless the State agrees that—

“(aa) the State will make available (directly or through donations from public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to \$1 for each \$4 of Federal funds provided in the grant; and

“(bb) the State will not impose eligibility requirements for services or scope of benefits limitations under section 2616(a) that are more restrictive than such requirements in effect as of January 1, 2000.

“(IV) USE AND COORDINATION.—Amounts made available under a grant under this clause shall only be used by the State to provide HIV/AIDS-related medications. The State shall coordinate the use of such amounts with the amounts otherwise provided under section 2616(a) in order to maximize drug coverage.

“(V) FUNDING.—For the purpose of making grants under this clause, the Secretary shall each fiscal year reserve 3 percent of the amount referred

Effective date.

to in clause (i) with respect to section 2616, subject to subclause (VI).

“(VI) LIMITATION.—In reserving amounts under subclause (V) and making grants under this clause for a fiscal year, the Secretary shall ensure for each State that the total of the grant under section 2611 for the State for the fiscal year and the grant under clause (i) for the State for the fiscal year is not less than such total for the State for the preceding fiscal year.”.

(f) TECHNICAL AMENDMENT.—Section 2618(a) of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended in paragraph (3)(B) by striking “and the Republic of the Marshall Islands” and inserting “the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico”.

42 USC 300ff-28.

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended—

42 USC 300ff-31.

(1) by striking section 2621; and

(2) by inserting after section 2619 the following section:

“SEC. 2620. SUPPLEMENTAL GRANTS.

42 USC 300ff-30.

“(a) IN GENERAL.—The Secretary shall award supplemental grants to States determined to be eligible under subsection (b) to enable such States to provide comprehensive services of the type described in section 2612(a) to supplement the services otherwise provided by the State under a grant under this subpart in emerging communities within the State that are not eligible to receive grants under part A.

“(b) ELIGIBILITY.—To be eligible to receive a supplemental grant under subsection (a), a State shall—

“(1) be eligible to receive a grant under this subpart;

“(2) demonstrate the existence in the State of an emerging community as defined in subsection (d)(1); and

“(3) submit the information described in subsection (c).

“(c) REPORTING REQUIREMENTS.—A State that desires a grant under this section shall, as part of the State application submitted under section 2617, submit a detailed description of the manner in which the State will use amounts received under the grant and of the severity of need. Such description shall include—

“(1) a report concerning the dissemination of supplemental funds under this section and the plan for the utilization of such funds in the emerging community;

Reports.

“(2) a demonstration of the existing commitment of local resources, both financial and in-kind;

“(3) a demonstration that the State will maintain HIV-related activities at a level that is equal to not less than the level of such activities in the State for the 1-year period preceding the fiscal year for which the State is applying to receive a grant under this part;

“(4) a demonstration of the ability of the State to utilize such supplemental financial resources in a manner that is immediately responsive and cost effective;

“(5) a demonstration that the resources will be allocated in accordance with the local demographic incidence of AIDS

including appropriate allocations for services for infants, children, women, and families with HIV disease;

“(6) a demonstration of the inclusiveness of the planning process, with particular emphasis on affected communities and individuals with HIV disease; and

“(7) a demonstration of the manner in which the proposed services are consistent with local needs assessments and the statewide coordinated statement of need.

“(d) DEFINITION OF EMERGING COMMUNITY.—In this section, the term ‘emerging community’ means a metropolitan area—

“(1) that is not eligible for a grant under part A; and

“(2) for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of between 500 and 1,999 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available (except that, for fiscal year 2005 and subsequent fiscal years, cases of HIV disease shall be counted rather than cases of acquired immune deficiency syndrome if cases of HIV disease are being counted for purposes of section 2618(a)(2)(D)(i)).

“(e) FUNDING.—

“(1) IN GENERAL.—Subject to paragraph (2), with respect to each fiscal year beginning with fiscal year 2001, the Secretary, to carry out this section, shall utilize—

“(A) the greater of—

“(i) 25 percent of the amount appropriated under section 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in the fiscal year preceding the fiscal year involved; or

“(ii) \$5,000,000,

to provide funds to States for use in emerging communities with at least 1,000, but less than 2,000, cases of AIDS as reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded; and

“(B) the greater of—

“(i) 25 percent of the amount appropriated under section 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), for such fiscal year that is in excess of the amount appropriated to carry out such part in the fiscal year preceding the fiscal year involved; or

“(ii) \$5,000,000,

to provide funds to States for use in emerging communities with at least 500, but less than 1,000, cases of AIDS reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the five year period preceding the year for which the grant is being awarded.

“(2) TRIGGER OF FUNDING.—This section shall be effective only for fiscal years beginning in the first fiscal year in which the amount appropriated under section 2677 to carry out part B, excluding the amount appropriated under section 2618(a)(2)(I), exceeds by at least \$20,000,000 the amount appropriated under section 2677 to carry out part B in fiscal year

Effective date.

2000, excluding the amount appropriated under section 2618(a)(2)(I).

“(3) MINIMUM AMOUNT IN FUTURE YEARS.—Beginning with the first fiscal year in which amounts provided for emerging communities under paragraph (1)(A) equals \$5,000,000 and under paragraph (1)(B) equals \$5,000,000, the Secretary shall ensure that amounts made available under this section for the types of emerging communities described in each such paragraph in subsequent fiscal years is at least \$5,000,000.

“(4) DISTRIBUTION.—Grants under this section for emerging communities shall be formula grants. There shall be two categories of such formula grants, as follows:

“(A) One category of such grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 999 or fewer cases. The grant made to such an emerging community for a fiscal year shall be the product of—

“(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

“(ii) a percentage equal to the ratio constituted by the number of cases for such emerging community for the fiscal year over the aggregate number of such cases for such year for all emerging communities to which this subparagraph applies.

“(B) The other category of formula grants shall be for emerging communities for which the cumulative total of cases for purposes of subsection (d)(2) is 1,000 or more cases. The grant made to such an emerging community for a fiscal year shall be the product of—

“(i) an amount equal to 50 percent of the amount available pursuant to this subsection for the fiscal year involved; and

“(ii) a percentage equal to the ratio constituted by the number of cases for such community for the fiscal year over the aggregate number of such cases for the fiscal year for all emerging communities to which this subparagraph applies.”.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended—

- (1) in section 2626, by striking each of subsections (d) through (f); 42 USC 300ff–34.
- (2) by striking sections 2627 and 2628; and 42 USC 300ff–35, 300ff–36.
- (3) by redesignating section 2629 as section 2627. 42 USC 300ff–37.

SEC. 212. GRANTS.

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff–33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

“(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.”;

(2) by amending paragraph (2) to read as follows:

“(2) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated \$30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

“(B) ALLOCATIONS FOR CERTAIN STATES.—

“(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of \$10,000,000—

“(I) the Secretary shall reserve the applicable percentage under clause (iv) for making grants under paragraph (1) both to States described in clause (ii) and States described in clause (iii); and

“(II) the Secretary shall reserve the remaining amounts for other States, taking into consideration the factors described in subparagraph (C)(iii), except that this subclause does not apply to any State that for the fiscal year involved is receiving amounts pursuant to subclause (I).

“(ii) REQUIRED TESTING OF NEWBORNS.—For purposes of clause (i)(I), the States described in this clause are States that under law (including under regulations or the discretion of State officials) have—

“(I) a requirement that all newborn infants born in the State be tested for HIV disease and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing; or

“(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant, and that the biological mother of each such infant, and the legal guardian of the infant (if other than the biological mother), be informed of the results of the testing.

“(iii) MOST SIGNIFICANT REDUCTION IN CASES OF PERINATAL TRANSMISSION.—For purposes of clause (i)(I), the States described in this clause are the following (exclusive of States described in clause (ii)), as applicable:

“(I) For fiscal years 2001 and 2002, the two States that, relative to other States, have the most significant reduction in the rate of new cases of the perinatal transmission of HIV (as indicated by the number of such cases reported to the Director of the Centers for Disease Control and

Prevention for the most recent periods for which the data are available).

“(II) For fiscal years 2003 and 2004, the three States that have the most significant such reduction.

“(III) For fiscal year 2005, the four States that have the most significant such reduction.

“(iv) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

“(I) For fiscal year 2001, 33 percent.

“(II) For fiscal year 2002, 50 percent.

“(III) For fiscal year 2003, 67 percent.

“(IV) For fiscal year 2004, 75 percent.

“(V) For fiscal year 2005, 75 percent.

“(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

“(i) Such a grant may not be made in an amount exceeding \$4,000,000.

“(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply.

“(iii) In the case of a State that meets the conditions to receive amounts reserved under subparagraph (B)(i)(II), the Secretary shall in making grants consider the following factors:

“(I) The extent of the reduction in the rate of new cases of the perinatal transmission of HIV.

“(II) The extent of the reduction in the rate of new cases of perinatal cases of acquired immune deficiency syndrome.

“(III) The overall incidence of cases of infection with HIV among women of childbearing age.

“(IV) The overall incidence of cases of acquired immune deficiency syndrome among women of childbearing age.

“(V) The higher acceptance rate of HIV testing of pregnant women.

“(VI) The extent to which women and children with HIV disease are receiving HIV-related health services.

“(VII) The extent to which HIV-exposed children are receiving health services appropriate to such exposure.”; and

(3) by adding at the end the following paragraph:

“(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.”.

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than \$14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between \$14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year (notwithstanding any other provision of this Act or the amendments made by this Act);

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(iv)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act, as amended by section 211(3), is amended by adding at the end the following section:

42 USC 300ff-37a.

“SEC. 2628. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

“(a) STUDY BY INSTITUTE OF MEDICINE.—

“(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

“(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

“(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

“(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

“(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report

Deadline.

describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

“(b) PROGRESS TOWARD RECOMMENDATIONS.—In fiscal year 2004, the Secretary shall collect information from the States describing the actions taken by the States toward meeting the recommendations specified for the States under subsection (a)(1)(C).

“(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress reports describing the information collected under subsection (b).”.

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) is amended by adding at the end the following subpart:

“Subpart III—Certain Partner Notification Programs

“SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

42 USC 300ff-38.

“(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

“(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

“(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

“(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

“(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

“(3) The program under paragraph (1) is carried out in accordance with the following:

“(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

“(B) The State does not inform partners of the identity of the infected individuals involved.

“(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

“(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

“(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

“(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

“(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

“(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

“(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

“(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

“(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

“(c) REPORTING SYSTEM FOR CASES OF HIV DISEASE; PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(a)(2)(D)(i).

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.”.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

(a) REPEAL.—Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-41 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-41 et seq.), as amended by subsection (a) of this section, is amended—

(1) by redesignating subparts II and III as subparts I and II, respectively;

(2) in section 2661(a), by striking “unless—” and all that follows through “(2) in the case of” and inserting “unless, in the case of”; and

(3) in section 2664—

(A) in subsection (e)(5), by striking “2642(b) or”;

(B) in subsection (f)(2), by striking “2642(b) or”; and

(C) by striking subsection (h).

42 USC 300ff-61.

42 USC 300ff-64.

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff-53) is amended by adding at the end the following subsection: “(d) CERTAIN AREAS.—Of the applicants who qualify for preference under this section—

“(1) the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas; and

“(2) the Secretary shall give special consideration to areas that are underserved with respect to such services.”.

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) IN GENERAL.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-54(c)(1)) is amended by striking “planning grants” and all that follows and inserting the following: “planning grants to public and nonprofit private entities for purposes of—

“(A) enabling such entities to provide HIV early intervention services; and

“(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).”.

(b) AMOUNT; DURATION.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff-54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) AMOUNT AND DURATION OF GRANTS.—

“(A) **EARLY INTERVENTION SERVICES.**—A grant under paragraph (1)(A) may be made in an amount not to exceed \$50,000.

“(B) **CAPACITY DEVELOPMENT.**—

“(i) **AMOUNT.**—A grant under paragraph (1)(B) may be made in an amount not to exceed \$150,000.

“(ii) **DURATION.**—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.”

(c) **INCREASE IN LIMITATION.**—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff-54(c)(5)), as redesignated by subsection (b), is amended by striking “1 percent” and inserting “5 percent”.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff-55) is amended by striking “in each of” and all that follows and inserting “for each of the fiscal years 2001 through 2005.”

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff-62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking “counseling on—” and inserting “counseling—”;

(2) in each of subparagraphs (A), (B), and (D), by inserting “on” after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking “(C) the benefits” and inserting “(C)(i) that explains the benefits”; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

“(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV.”

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff-64(g)) is amended—

(1) in paragraph (3)—

(A) by striking “7.5 percent” and inserting “10 percent”; and

(B) by striking “and” after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) the applicant will provide for the establishment of a quality management program—

“(A) to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related

opportunistic infections, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines; and

“(B) to ensure that improvements in the access to and quality of HIV health services are addressed.”.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

(a) **ELIMINATION OF REQUIREMENT TO ENROLL SIGNIFICANT NUMBERS OF WOMEN AND CHILDREN.**—Section 2671(b) (42 U.S.C. 300ff-71(b)) is amended—

(1) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

“(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients.”; and

(2) by striking paragraphs (3) and (4).

(b) **INFORMATION AND EDUCATION.**—Section 2671(d) (42 U.S.C. 300ff-71(d)) is amended by adding at the end the following:

“(4) The applicant will provide individuals with information and education on opportunities to participate in HIV/AIDS-related clinical research.”.

(c) **QUALITY MANAGEMENT; ADMINISTRATIVE EXPENSES CEILING.**—Section 2671(f) (42 U.S.C. 300ff-71(f)) is amended—

(1) by striking the subsection heading and designation and inserting the following:

“(f) **ADMINISTRATION.**—

“(1) **APPLICATION.**—”; and

(2) by adding at the end the following:

“(2) **QUALITY MANAGEMENT PROGRAM.**—A grantee under this section shall implement a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines for improvement in the access to and quality of HIV health services.”.

(d) **COORDINATION.**—Section 2671(g) (42 U.S.C. 300ff-71(g)) is amended by adding at the end the following: “The Secretary acting through the Director of NIH, shall examine the distribution and availability of ongoing and appropriate HIV/AIDS-related research projects to existing sites under this section for purposes of enhancing and expanding voluntary access to HIV-related research, especially within communities that are not reasonably served by such projects. Not later than 12 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the findings made by

Deadline.
Reports.

the Director and the manner in which the conclusions based on those findings can be addressed.”.

(e) ADMINISTRATIVE EXPENSES.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

Deadlines.

“(i) LIMITATION ON ADMINISTRATIVE EXPENSES.—

“(1) DETERMINATION BY SECRETARY.—Not later than 12 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000, the Secretary, in consultation with grantees under this part, shall conduct a review of the administrative, program support, and direct service-related activities that are carried out under this part to ensure that eligible individuals have access to quality, HIV-related health and support services and research opportunities under this part, and to support the provision of such services.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—Not later than 180 days after the expiration of the 12-month period referred to in paragraph (1) the Secretary, in consultation with grantees under this part, shall determine the relationship between the costs of the activities referred to in paragraph (1) and the access of eligible individuals to the services and research opportunities described in such paragraph.

“(B) LIMITATION.—After a final determination under subparagraph (A), the Secretary may not make a grant under this part unless the grantee complies with such requirements as may be included in such determination.”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 2671 of the Public Health Service Act (42 U.S.C. 300ff-71) is amended in subsection (j) (as redesignated by subsection (e)(1) of this section) by striking “fiscal years 1996 through 2000” and inserting “fiscal years 2001 through 2005”.

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking “training” and inserting “to train”;

(ii) by striking “and including” and inserting “, including”; and

(iii) by inserting before the semicolon the following: “, and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease”;

(B) in subparagraph (B), by striking “and” after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.”.

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

42 USC 300ff-111 note.
Deadline.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff-111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—

“(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

“(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of the enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105-392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.”;

(2) in paragraph (2), by striking “777(b)(4)(B)” and inserting “the section referred to in paragraph (1)(B)”; and

(3) by inserting after paragraph (4) the following paragraph:

“(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(1)) is amended by striking “fiscal years 1996 through 2000” and inserting “fiscal years 2001 through 2005”.

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff-111(c)(2)) is amended to read as follows:

“(2) DENTAL SCHOOLS.—

“(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff-74(c)) is amended by striking “1991 through 1995” and inserting “2001 through 2005”.

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 318A the following section:

“DATA COLLECTION REGARDING PROGRAMS UNDER TITLE XXVI

42 USC 247c-2.

“SEC. 318B. For the purpose of collecting and providing data for program planning and evaluation activities under title XXVI, there are authorized to be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.”.

SEC. 413. COORDINATION.

Section 2675 of the Public Health Service Act (42 U.S.C. 300ff-75) is amended—

(1) by amending subsection (a) to read as follows:

“(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

“(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease.”; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section), by inserting “and prevention services” after “continuity of care” each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675 of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection: 42 USC 300ff-75.

“(e) **RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.**—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.”.

Deadline.

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71 et seq.) is amended by inserting after section 2675 the following section:

“SEC. 2675A. AUDITS.

42 USC 300ff-75a.

“For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.”.

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675A the following section:

“SEC. 2675B. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

42 USC 300ff-75b.

“(a) **COORDINATED DISBURSEMENT.**—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

Deadline.

“(b) **BIENNIAL APPLICATIONS.**—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary

shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than 2 years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

Deadline.

“(c) APPLICATION SIMPLIFICATION.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than 2 years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.”.

Deadline.

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff-77) is amended to read as follows:

“SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

“(a) PART A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(b) PART B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

TITLE V—GENERAL PROVISIONS

42 USC 300ff-11
note.

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) STATE SURVEILLANCE SYSTEMS ON PREVALENCE OF HIV.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) RELATIONSHIP BETWEEN EPIDEMIOLOGICAL MEASURES AND HEALTH CARE FOR CERTAIN INDIVIDUALS WITH HIV DISEASE.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) ISSUES TO BE CONSIDERED.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) OTHER ENTITIES.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) REPORT.—The Secretary shall ensure that—

(1) not later than 3 years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than 2 years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

Deadline.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF RESEARCH AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to as “rapid HIV test”).

42 USC 300cc
note.

(2) REPORT TO CONGRESS.—The Director of NIH shall periodically submit to the appropriate committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) PREMARKET REVIEW OF RAPID HIV TESTS.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) GUIDELINES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

SEC. 503. TECHNICAL CORRECTIONS.

(a) PUBLIC HEALTH SERVICE ACT.—Title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

42 USC 300ff–15.

(1) in section 2605(d)—

(A) in paragraph (1), by striking “section 2608” and inserting “section 2677”; and

(B) in paragraph (4), by inserting “section” before “2601(a)”; and

42 USC 300ff–73.

(2) in section 2673(a), in the matter preceding paragraph (1), by striking “the Agency for Health Care Policy and

Research” and inserting “the Director of the Agency for Healthcare Research and Quality”.

(b) RELATED ACT.—The first paragraph (2) of section 3(c) of the Ryan White CARE Act Amendments of 1996 (Public Law 104–146; 110 Stat. 1354) is amended in subparagraph (A)(iii) by striking “by inserting the following new paragraph:” and inserting “by inserting before paragraph (2) (as so redesignated) the following new paragraph”.

42 USC 300ff–22.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

42 USC 300ff–12
note.

Approved October 20, 2000.

LEGISLATIVE HISTORY—S. 2311 (H.R. 4807):

HOUSE REPORTS: No. 106–788 accompanying H.R. 4807 (Comm. on Commerce).

SENATE REPORTS: No. 106–294 (Comm. on Health, Education, Labor, and Pensions).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 6, considered and passed Senate.

Oct. 5, considered and passed House, amended. Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 20, Presidential statement.



***Public Law 106-346**
106th Congress

An Act

Oct. 23, 2000
 [H.R. 4475]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

Incorporation by
 reference.

SECTION 101. (a) The provisions of the following bill are hereby enacted into law, H.R. 5394 of the 106th Congress, as introduced on October 5, 2000.

Publication.
 1 USC 112 note.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

Approved October 23, 2000.

LEGISLATIVE HISTORY—H.R. 4475 (S. 2720):

HOUSE REPORTS: Nos. 106-622 (Comm. on Appropriations) and 106-940 (Comm. of Conference).

SENATE REPORTS: No. 106-309 accompanying S. 2720 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 19, considered and passed House.

June 14, 15, considered and passed Senate, amended.

Oct. 6, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 23, Presidential statement.

*ENDNOTE: The following appendix was added pursuant to the provisions of section 101 of this Act.



APPENDIX—H.R. 5394

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$63,245,000: *Provided*, That not more than 52 percent of the funds made available under this heading shall be obligated and not more than 224 full time equivalent staff years funded through the end of the second quarter of fiscal year 2001: *Provided further*, That funds in excess of 52 percent and 224 full time equivalent staff years shall be available only if the Secretary transmits a request to the House and Senate Committees on Appropriations for these additional funds: *Provided further*, That not to exceed \$60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That not more than \$15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$8,140,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$11,000,000.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed \$126,887,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above

limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, \$1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$13,775,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,000,000, of which \$2,635,000 shall remain available until September 30, 2002: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, \$3,192,000,000, of which \$341,000,000 shall be available for defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels,

and aircraft, including equipment related thereto, \$415,000,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$156,450,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; \$37,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; \$60,113,000 shall be available for other equipment, to remain available until September 30, 2003; \$63,336,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2003; \$55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and \$42,300,000 for the Integrated Deep-water Systems program, to remain available until September 30, 2003: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2003: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: *Provided further*, That the Commandant shall transfer \$5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements, contingent upon the City of Homer entering into an agreement with the United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$16,700,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$778,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, \$80,375,000: *Provided*, That no more than \$22,000,000 of funds made available under this heading may be transferred to Coast Guard “Operating expenses” or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$21,320,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, \$6,544,235,000, of which \$4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which \$5,200,274,000 shall be available for air traffic services program activities; \$694,979,000 shall be available for aviation regulation and certification program activities; \$139,301,400 shall be available for civil aviation security program activities; \$189,988,000 shall be available for research and acquisition program activities; \$12,000,000 shall be available for commercial space transportation program activities; \$48,443,600 shall be available for Financial Services program activities; \$54,864,000 shall be available for Human Resources program activities; \$99,347,000 shall be available for Regional Coordination program activities; and \$105,038,000 shall be available for Staff Offices program activities: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this

appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be for the contract tower cost-sharing program and not less than \$750,000 shall be for the Centennial of Flight Commission: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than \$100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$2,656,765,000, of which \$2,334,112,400 shall remain available until September 30, 2003, and of which \$322,652,600 shall remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan

for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$187,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than \$53,000,000 of funds limited under this heading shall be obligated for administration.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, \$579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed \$295,119,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That of the funds available under section 104(a) of title 23, United States Code: \$4,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105-178, as amended; \$10,000,000 shall be available for the National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105-178, as amended; \$5,000,000 shall be available for the construction and improvement of the Alabama State Docks, and shall remain available until expended; \$10,000,000 shall be available to Auburn University for research activities at the Center for Transportation Technology and to construct a building to house the center, and shall remain available until expended; \$7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105-178, as amended; and \$25,000,000 shall be available for the Transportation and Community and System Preservation Program under section 1221 of Public Law 105-178, as amended.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: *Provided*, That within the \$29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$437,250,000 shall be available for the implementation or

execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2001; not more than \$25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2001, of which not to exceed \$1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program, of which not to exceed \$1,500,000 shall be available to the Federal Railroad Administration for “Safety and operations”, and, notwithstanding section 1218(c)(4) of Public Law 105–178, of which \$1,000,000 shall be available for low speed magnetic levitation research and development; not more than \$31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: *Provided further*, That within the \$218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

- State of Alaska, \$2,350,000;
- Alameda-Contra Costa, California, \$500,000;
- Aquidneck Island, Rhode Island, \$500,000;
- Austin, Texas, \$250,000;
- Automated crash notification system, UAB, \$1,000,000;
- Baton Rouge, Louisiana, \$1,000,000;
- Bay County, Florida, \$1,500,000;
- Beaumont, Texas, \$150,000;
- Bellingham, Washington, \$350,000;
- Bloomington Township, Illinois, \$400,000;
- Calhoun County, Michigan, \$750,000;
- Carbondale, Pennsylvania, \$2,000,000;
- Cargo Mate, New Jersey, \$750,000;
- Charlotte, North Carolina, \$625,000;
- College Station, Texas, \$1,800,000;
- Commonwealth of Virginia, \$5,500,000;
- Corpus Christi, Texas (vehicle dispatching), \$1,000,000;
- Delaware River Port Authority, \$1,250,000;
- DuPage County, Illinois, \$500,000;
- Fargo, North Dakota, \$1,000,000;
- Fort Collins, Colorado, \$1,250,000;
- Hattiesburg, Mississippi, \$500,000;
- Huntington Beach, California, \$1,250,000;
- Huntsville, Alabama, \$3,000,000;
- I-70 West project, Colorado, \$750,000;
- Inglewood, California, \$600,000;
- Jackson, Mississippi, \$1,000,000;
- Jefferson County, Colorado, \$4,250,000;
- Johnsonburg, Pennsylvania, \$1,500,000;
- Kansas City, Missouri, \$1,250,000;
- Lake County, Illinois, \$450,000;
- Lewis & Clark Trail, Montana, \$625,000;
- Montgomery County, Pennsylvania, \$2,000,000;
- Moscow, Idaho, \$875,000;
- Muscle Shoals, Alabama, \$1,000,000;

Nashville, Tennessee, \$500,000;
New Jersey regional integration/TRANSCOM, \$3,000,000;
North Central Pennsylvania, \$750,000;
North Las Vegas, Nevada, \$1,800,000;
Norwalk and Santa Fe Springs, California, \$500,000;
Oakland and Wayne Counties, Michigan, \$1,500,000;
Pennsylvania Turnpike Commission, \$1,500,000;
Philadelphia, Pennsylvania, \$500,000;
Puget Sound regional fare collection, Washington,
\$2,500,000;
Rensselaer County, New York, \$500,000;
Rochester, New York, \$1,500,000;
Sacramento County, California, \$875,000;
Sacramento to Reno, I–80 corridor, \$100,000;
Sacramento, California, \$500,000;
Salt Lake City (Olympic Games), Utah, \$1,000,000;
San Antonio, Texas, \$100,000;
Santa Teresa, New Mexico, \$500,000;
Schuylkill County, Pennsylvania, \$400,000;
Seabrook, Texas, \$1,200,000;
Shreveport, Louisiana, \$1,000,000;
South Dakota commercial vehicle, ITS, \$1,250,000;
Southeast Michigan, \$500,000;
Southaven, Mississippi, \$150,000;
Spokane County, Washington, \$1,000,000;
Springfield-Branson, Missouri, \$750,000;
St. Louis, Missouri, \$500,000;
State of Arizona, \$1,000,000;
State of Connecticut, \$3,000,000;
State of Delaware, \$1,000,000;
State of Illinois, \$1,000,000;
State of Indiana (SAFE–T), \$1,000,000;
State of Iowa (traffic enforcement and transit), \$2,750,000;
State of Kentucky, \$1,500,000;
State of Maryland, \$3,000,000;
State of Minnesota, \$6,500,000;
State of Missouri (rural), \$750,000;
State of Montana, \$750,000;
State of Nebraska, \$2,600,000;
State of New Mexico, \$750,000;
State of North Carolina, \$1,500,000;
State of North Dakota, \$500,000;
State of Ohio, \$2,000,000;
State of Oklahoma, \$1,000,000;
State of Oregon, \$750,000;
State of South Carolina statewide, \$2,000,000;
State of Tennessee, \$1,850,000;
State of Utah, \$1,500,000;
State of Vermont, \$500,000;
State of Wisconsin, \$1,000,000;
Texas border phase I, Houston, Texas, \$500,000;
Tuscaloosa, Alabama, \$2,000,000;
Tuscon, Arizona, \$1,250,000;
Vermont rural ITS, \$1,500,000;
Washington, DC area, \$1,250,000;
Washoe County, Nevada, \$200,000;
Wayne County, Michigan, \$5,000,000;

Williamson County/Round Rock, Texas, \$250,000:

Provided further, That, notwithstanding Public Law 105-178, as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2001, except that before such apportionments are made, \$156,486,491 shall be set aside for projects authorized under section 1602 of Public Law 105-178, as amended; \$25,000,000 shall be set aside for the Indian Reservation Roads Program under section 204 of title 23, United States Code; \$18,467,857 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995, as amended; \$10,000,000 shall be set aside for the commercial driver's license program under motor carrier safety grants authorized by section 31102 of title 49, United States Code; and \$1,735,039 shall be set aside for the Alaska Highway authorized by section 218 of title 23, United States Code. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section: *Provided*, That, notwithstanding any other provision of law, of the funds apportioned to the State of Oklahoma under section 110 of title 23, United States Code, for fiscal year 2001, \$8,000,000 shall be available only for the widening of U.S. 177 from SH-33 to 32nd Street in Stillwater, Oklahoma; \$4,300,000 shall be available only for the reconstruction of U.S. 177 in the vicinity of Cimarron River, Oklahoma; \$1,500,000 shall be available only for the reconstruction of US 70 from Broken Bow, Oklahoma to the Arkansas State line; \$1,000,000 shall be available only to improve Battiest-Pickens Road between Battiest and Pickens, Oklahoma; \$140,000 shall be available only to conduct a feasibility study of increasing lanes or adding passing lanes on SH 3 in McCurtain, Pushmataha, and Atoka counties, Oklahoma; and \$100,000 shall be available only for the reconstruction of U.S. 70 in Marshall and Bryan counties, Oklahoma: *Provided further*, That, notwithstanding any other provision of law, of the funds apportioned to the State of Mississippi under section 110 of title 23, United States Code, for fiscal year 2001, \$24,600,000 may be available for construction of an interchange for a connector road from the interchange to U.S. Highway 51, between mile markers 115 and 120 on I-55 in Mississippi: *Provided further*, That, notwithstanding any other provision of law, of the funds apportioned to the State of New York under section 110 of title 23, United States Code, for fiscal year 2001, \$4,000,000 shall be available only to upgrade and improve the Albany to North Creek intermodal transportation corridor: *Provided further*, That, notwithstanding any other provision of law, of the funds apportioned to the State of Nebraska under section 110 of title 23, United States Code, for fiscal year 2001, \$3,500,000 shall be available only for the construction of a pedestrian overpass in Lincoln: *Provided further*, That, notwithstanding any other provision of law, of the funds apportioned to the State of Alabama under section 110 of title 23, United States Code, for fiscal year 2001, \$8,000,000 shall be

available only for construction of the Patton Island bridge in Lauderdale County, Alabama: *Provided further*, That, notwithstanding any other provision of law, of the funds apportioned to the State of California under section 110 of title 23, United States Code, for fiscal year 2001, \$46,000,000 shall be available only for traffic mitigation and other improvements to existing SR 710 in South Pasadena, Pasadena and El Serano: *Provided further*, That, notwithstanding any other provision of law, the obligation limitation distributed for specific projects described herein shall remain available until expended and shall be in addition to the amount of any obligation limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters, as authorized by section 125 of title 23, United States Code, \$720,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$720,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a) of title 23, United States Code, not to exceed \$92,194,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration,

together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, \$177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$177,000,000 for “Motor Carrier Safety Grants”.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$116,876,000 of which \$85,321,000 shall remain available until September 30, 2003: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer’s suggested retail price, unless the Secretary submits a request for a waiver that is approved by the House and Senate Committees on Appropriations: *Provided further*, That the Department of Transportation shall fund a study with the National Academy of Sciences on whether the static stability factor is a scientifically valid measurement that presents practical, useful information to the public including a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that may induce rollover events: *Provided further*, That nothing in this provision prohibits NHTSA from completing action on its proposal to provide rollover rating information to the public while the National Academy of Sciences conducts this study: *Provided further*, That to the extent NHTSA continues action on its rollover ratings proposal during the study, the agency shall consider any available preliminary deliberations or conclusions available from the National Academy of Sciences before completing action on its proposal, and shall consider coordinating any final action on its proposal with the completion of the National Academy of Sciences study: *Provided further*, That the National Academy of Sciences shall complete this study and issue a report to the House and Senate Committees

on Appropriations not later than 9 months after the date of enactment of this Act: *Provided further*, That after the National Academy of Sciences submits its findings to the Congress and the National Highway Traffic Safety Administration, the National Highway Traffic Safety Administration shall formally review and respond within 30 days to the study findings and propose any appropriate revisions to the consumer information program based on that review.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of \$72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, \$2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, \$213,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of \$213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which \$155,000,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402, \$13,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405, \$36,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Grants” under 23 U.S.C. 410, and \$9,000,000 shall be for the “State Highway Safety Data Grants” under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed \$7,750,000 of the funds made available for section 402, not to

exceed \$650,000 of the funds made available for section 405, not to exceed \$1,800,000 of the funds made available for section 410, and not to exceed \$450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$101,717,000, of which \$5,899,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary’s behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$25,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, \$17,000,000 to be matched by the State of Rhode

Island or its designee on a dollar-for-dollar basis and to remain available until expended.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, \$25,100,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, \$20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

WEST VIRGINIA RAIL DEVELOPMENT

For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, \$15,000,000, to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), \$521,476,000, to remain available until expended: *Provided*, That the Secretary shall not obligate more than \$208,590,000 prior to September 30, 2001.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$12,800,000: *Provided*, That no more than \$64,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$1,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with the audit and review of new fixed guideway systems: *Provided further*, That not to exceed \$2,500,000 for the National Transit Database shall remain available until expended.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105-178, \$669,000,000, to remain available until expended: *Provided*, That no more than \$3,345,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this heading, \$60,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the XIX Winter Olympiad and the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah:

Provided further, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended: *Provided further*, That notwithstanding section 3008 of Public Law 105-178, the \$50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under “Federal Transit Administration, Capital investment grants”.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, \$1,200,000, to remain available until expended: *Provided*, That no more than \$6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$22,200,000, to remain available until expended: *Provided*, That no more than \$110,000,000 of budget authority shall be available for these purposes: *Provided further*, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), \$52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), \$10,886,400 is available for State planning (49 U.S.C. 5313(b)); and \$29,500,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105-178, \$5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That \$2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That \$87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That \$51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That \$4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That \$80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That \$2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

INCLUDING TRANSFER OF FUNDS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$529,200,000, to remain available until expended: *Provided*, That no more than \$2,646,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, \$1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$529,200,000, together with \$50,000,000 transferred from “Federal Transit Administration, Formula grants”; and there shall be available for new fixed guideway systems \$1,058,400,000, together with \$4,983,828 made available for the Pittsburgh airport busway project under Public Law 105-66, together with \$1,488,750 made available for the Burlington to Gloucester, New Jersey line under Public Law 103-331, together with \$20,521,470 previously appropriated for the Orlando Lynx light rail project remaining unobligated as of or deobligated after September 30, 2000; to be available as follows:

- \$10,400,000 for Alaska or Hawaii ferry projects;
- \$500,000 for the Albuquerque/Greater Albuquerque mass transit project;
- \$25,000,000 for the Atlanta, Georgia, North line extension project;
- \$1,000,000 for the Austin, Texas, capital metro light rail project;
- \$3,000,000 for the Baltimore central LRT double track project;
- \$5,000,000 for the Birmingham, Alabama, transit corridor;
- \$25,000,000 for the Boston South Boston Piers transitway project;
- \$1,000,000 for the Boston Urban Ring project;
- \$2,000,000 for the Burlington-Bennington (ABRB), Vermont, commuter rail project;
- \$1,000,000 for the Calais, Maine, branch line regional transit program;
- \$2,000,000 for the Canton-Akron-Cleveland commuter rail project;
- \$3,000,000 for the Central Florida commuter rail project;
- \$5,000,000 for the Charlotte, North Carolina, north corridor and south corridor transitway projects;
- \$35,000,000 for the Chicago METRA commuter rail projects;
- \$15,000,000 for the Chicago Ravenswood and Douglas branch reconstruction projects;
- \$1,500,000 for the Clark County, Nevada, RTC fixed guideway project;
- \$4,000,000 for the Cleveland Euclid corridor improvement project;
- \$1,000,000 for the Colorado Roaring Fork Valley project;
- \$70,000,000 for the Dallas north central light rail extension project;
- \$3,000,000 for the Denver Southeast corridor project;
- \$20,200,000 for the Denver Southwest corridor project;

\$500,000 for the Detroit, Michigan, metropolitan airport light rail project;
\$50,000,000 for the Dulles corridor project;
\$15,000,000 for the Fort Lauderdale, Florida, Tri-County commuter rail project;
\$1,000,000 for the Galveston, Texas, rail trolley extension project;
\$15,000,000 for the Girdwood to Wasilla, Alaska, commuter rail project;
\$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;
\$1,000,000 for the Hollister/Gilroy branch line rail extension project;
\$2,500,000 for Honolulu, Hawaii, bus rapid transit project;
\$2,500,000 for the Houston advanced transit project;
\$10,750,000 for the Houston regional bus project;
\$3,000,000 for the Indianapolis, Indiana, northeast-downtown corridor project;
\$1,000,000 for the Johnson County, Kansas, I-35 commuter rail project;
\$3,500,000 for Kansas City, Missouri, Southtown corridor project;
\$4,000,000 for the Kenosha-Racine-Milwaukee rail extension project;
\$3,000,000 for the Little Rock, Arkansas, river rail project;
\$8,000,000 for the Long Island Railroad East Side access project;
\$2,000,000 for the Los Angeles Mid-City and East Side corridors projects;
\$50,000,000 for the Los Angeles North Hollywood extension project;
\$3,000,000 for the Los Angeles-San Diego LOSSAN corridor project;
\$2,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;
\$10,000,000 for the MARC expansion projects—Penn-Camden lines connector and midday storage facility;
\$1,000,000 for the Massachusetts North Shore corridor project;
\$6,000,000 for the Memphis, Tennessee, Medical Center rail extension project;
\$6,000,000 for the Nashville, Tennessee, regional commuter rail project;
\$121,000,000 for the New Jersey Hudson Bergen project;
\$7,000,000 for the Newark-Elizabeth rail link project;
\$2,000,000 for the Northern Indiana south shore commuter rail project;
\$1,000,000 for the Northwest New Jersey-Northeast Pennsylvania passenger rail project;
\$10,000,000 for the Oceanside-Escondido, California, light rail extension project;
\$2,000,000 for the Orange County, California, transitway project;
\$10,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;
\$2,000,000 for the Philadelphia SEPTA Cross County metro project;

\$10,000,000 for the Phoenix metropolitan area transit project;
\$5,000,000 for the Pittsburgh North Shore-central business district corridor project;
\$12,000,000 for the Pittsburgh stage II light rail project;
\$7,500,000 for the Portland-Interstate MAX LRT extension project;
\$2,000,000 for the Portland, Maine, marine highway program;
\$5,000,000 for the Puget Sound RTA Sounder commuter rail project;
\$10,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;
\$500,000 for the Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility;
\$35,200,000 for the Sacramento, California, south corridor LRT project;
\$2,000,000 for the Salt Lake City-University light rail line project;
\$1,000,000 for the San Bernardino, California, Metrolink project;
\$31,500,000 for the San Diego Mission Valley East light rail project;
\$80,000,000 for the San Francisco BART extension to the airport project;
\$12,250,000 for the San Jose Tasman West light rail project;
\$75,000,000 for the San Juan Tren Urbano project;
\$1,500,000 for the Santa Fe-Eldorado, New Mexico, rail link project;
\$50,000,000 for the Seattle, Washington, central link LRT project;
\$4,000,000 for the Spokane, Washington, South Valley corridor light rail project;
\$1,000,000 for the St. Louis, Missouri, MetroLink Cross County connector project;
\$60,000,000 for the St. Louis-St. Clair MetroLink extension project;
\$8,000,000 for the Stamford, Connecticut, fixed guideway corridor;
\$6,000,000 for the Stockton, California, Altamont commuter rail project;
\$5,000,000 for the Twin Cities Transitways projects;
\$50,000,000 for the Twin Cities Transitways—Hiawatha corridor project;
\$3,000,000 for the Virginia Railway Express commuter rail project;
\$7,500,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;
\$2,000,000 for the West Trenton, New Jersey, rail project;
\$2,500,000 for the Whitehall and St. George ferry terminal projects;
\$5,000,000 for the Wilmington, Delaware, downtown transit corridor project; and
\$1,000,000 for the Wilsonville to Washington County, Oregon, commuter rail project:

Provided further, That any funds previously appropriated for the Miami-Dade Transit east-west multimodal corridor project and the Miami Metro-Dade North 27th Avenue corridor project remaining unobligated as of or deobligated after September 30, 2000, are to be made available for the South Miami-Dade Busway Extension project: *Provided further*, That funds made available under the heading “Capital investment grants” in division A, section 101(g) of Public Law 105-277 for the “Colorado-North Front Range corridor feasibility study” are to be made available for “Colorado-Eagle Airport to Avon light rail system feasibility study”; and that funds made available in Public Law 106-69 under “Capital investment grants” for buses and bus-related facilities that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), \$350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(l)(3) of Public Law 105-178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$20,000,000, to remain available until expended: *Provided*, That no more than \$100,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to \$250,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation’s budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation,

\$13,004,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, \$36,373,000, of which \$645,000 shall be derived from the Pipeline Safety Fund, and of which \$4,707,000 shall remain available until September 30, 2003: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$47,044,000, of which \$7,488,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which \$36,556,000 shall be derived from the Pipeline Safety Fund, of which \$23,837,000 shall remain available until September 30, 2003; and of which \$3,000,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: *Provided*, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: *Provided*, That not more than \$14,300,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$48,450,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$17,954,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$900,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2001, to result in a final appropriation from the general fund estimated at no more than \$17,054,000.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS
COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$4,795,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals

not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$62,942,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Hereafter, funds appropriated under this or any other Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public

record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) 18 U.S.C. 2725 is amended by: In paragraph (2) striking the word “and”; and inserting after paragraph 3:

“(4) ‘highly restricted personal information’ means an individual’s photograph or image, social security number, medical or disability information; and

“(5) ‘express consent’ means consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106–229.”.

(c) 18 U.S.C. 2721(a) is amended to read as follows:

“(a) IN GENERAL.—A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

“(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

“(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): *Provided*, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual’s driver’s license or affect the administration of organ donation initiatives in the States.”.

(d) 18 U.S.C. 2721(b) is amended by inserting before “may be disclosed” “, subject to subsection (a)(2),”.

(e) 18 U.S.C. 2721 is amended by inserting after subsection (d):

“(e) PROHIBITION ON CONDITIONS.—No State may condition or burden in any way the issuance of an individual’s motor vehicle record as defined in 18 U.S.C. 2725(1) to obtain express consent. Nothing in this paragraph shall be construed to prohibit a State from charging an administrative fee for issuance of a motor vehicle record.”.

(f) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and paragraph (7) of this section, for the highway use tax evasion program, and amounts provided under section 110 of title 23,

United States Code, excluding \$128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year;

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year; and

(7) Notwithstanding any other provision of law, after determining the amount of funds to be allocated to the surface transportation program, to the bridge program, to the congestion mitigation and air quality improvement program, and to the Interstate and National Highway System program, under section 110 of title 23, United States Code, deduct a sum, in an amount not to exceed $1\frac{1}{6}$ percent of the sum made available to each program, to administer the provisions of law to be financed from appropriations for the Federal-aid highways program.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for

obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available

for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 335 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 319. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 320. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than \$3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry routes.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees

more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 324. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 325. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 326. In addition to the funds limited in this Act, \$54,963,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), shall be available for section 1069(y) of Public Law 102-240.

SEC. 327. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building

space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 328. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 329. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105-134, \$750,000, to remain available until September 30, 2002: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105-134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105-134.

SEC. 330. Item number 1473 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 311) is amended by striking "Stony" and inserting "Commerce".

SEC. 331. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 332. Of the funds provided for fiscal year 2001 in section 232 of the Miscellaneous Appropriations Act, 2000, as enacted by section 1000(a)(5) of the Consolidated Appropriations Act, 2000, \$20,000,000 shall be available only for fire and life safety improvements to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center.

SEC. 333. None of the funds in this Act shall be available for planning, design, or construction of a light rail system in Houston, Texas.

SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by adding at the end the following:

“(72) Wilmington Downtown transit corridor.

“(73) Honolulu Bus Rapid Transit project.”.

SEC. 335. None of the funds appropriated or made available by this Act or any other Act shall be used: (1) to adopt any proposed

rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA-97-2350-953); (2) to adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice; or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this section, to enforce such rule or amendment to a rule: *Provided*, That nothing in this section shall apply to issuing and proceeding, through all stages of rulemaking other than adoption of a final rule, under subchapter II of chapter 5 of title 5, United States Code on a supplemental notice of proposed rulemaking to be issued in Docket No. FMCSA-97-2350-953 that contains proposed rules and proposed amendments to rules that take appropriate account of the information received for filing in the docket on the Notice of Proposed Rulemaking (Docket No. FMCSA-97-2350-953).

SEC. 336. Section 3038(e) of Public Law 105-178 is amended by striking “50” and inserting “90”.

SEC. 337. Item number 273 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by striking “Reconstruct I-235 and improve the interchange for access to the MLKing Parkway.” and inserting “Construction of the north-south segments of the Martin Luther King Jr. Parkway in Des Moines.”.

SEC. 338. Item number 328 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by inserting before “of” the following: “or construction”.

SEC. 339. Section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 256) is amended—

(1) by striking item number 63, relating to Ohio; and

(2) in item number 186, relating to Ohio, by striking “3.75” and inserting “7.5”.

SEC. 340. (a) Of the funds apportioned to the Commonwealth of Massachusetts under each of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, the Secretary shall withhold obligation of Federal funds and all project approvals for the Central Artery/Tunnel project in fiscal year 2001 and each fiscal year thereafter unless the Secretary of the Department of Transportation determines that the Commonwealth meets each of the following criteria:

(1) The Commonwealth is in full compliance with the partnership agreement that was executed on June 22, 2000, between the Federal Highway Administration, the Massachusetts Turnpike Authority, the Massachusetts Highway Department, and the Massachusetts Executive Office of Transportation and Construction.

(2) The Commonwealth is in full compliance with the balanced statewide program memorandum of understanding entered into by the Massachusetts Highway Department, the Executive Office of Transportation and Construction, and metropolitan planning organizations in the Commonwealth of Massachusetts.

(3) The Commonwealth of Massachusetts shall spend no less than \$400,000,000 each year for construction activities and specific transportation projects as defined in the Balanced

Statewide Program Memorandum of Understanding on projects other than the Central Artery/Tunnel project.

(b) After June 22, 2000, the Secretary of Transportation shall not approve new net advance construction for the Central Artery/Tunnel project in an amount greater than \$222,000,000 and no conversion of advance construction to obligation authority shall cause the Federal share of funding for the Central Artery/Tunnel project to exceed \$8,549,000,000.

(c) Of the funds apportioned to the Commonwealth of Massachusetts under each of subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, the Secretary shall withhold obligation of Federal funds and all project approvals for the Central Artery/Tunnel project in fiscal year 2001 and each fiscal year thereafter until the Inspector General of the Department of Transportation finds the annual update of the Central Artery/Tunnel project finance plan consistent with Federal Highway Administration financial plan guidance and the Secretary of the Department of Transportation approves the annual update of the finance plan, except for fiscal year 2001 when approval of the annual update of the finance plan will not be required until December 1, 2000.

(d) Total Federal contributions to the Central Artery/Tunnel project shall not exceed \$8,549,000,000.

(e) Should the Secretary withhold Federal funds apportioned to the Commonwealth of Massachusetts under subsections (b)(1), (b)(2), (b)(3), and (b)(4) of section 104 and section 105 of title 23, United States Code, for the Central Artery/Tunnel project in any fiscal year for noncompliance with this section, such funds shall be available to the Commonwealth of Massachusetts for projects other than the Central Artery/Tunnel project in that fiscal year.

(f) This section shall be in effect for each fiscal year in which any Federal funds are made available to construct the Central Artery/Tunnel project in Boston, Massachusetts.

(g) Notwithstanding the foregoing provisions of this section to the contrary, the Secretary is authorized to approve conversion of advance construction to obligation authority and otherwise make Federal funds available to the Commonwealth of Massachusetts without regard to the requirements of this section, other than subsection (d), if and only if to the extent necessary, as evidenced by a certificate of the Secretary of Administration and Finance of the Commonwealth of Massachusetts satisfactory to the Secretary, to enable the Commonwealth of Massachusetts to pay all or any portion of the principal amount of notes issued by the Commonwealth of Massachusetts pursuant to section 9 through 10D of chapter 11 of the Massachusetts acts of 1997, as amended, to finance costs of the Central Artery/Tunnel project in anticipation of the receipts of Federal funds: *Provided*, That no funds derived from the sale of grant anticipation notes shall be used to exceed the caps described in subsections (b) and (d).

SEC. 341. Section 3027(c)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 2681-477), relating to services for elderly and persons with disabilities, is amended by striking “\$1,000,000” and inserting “\$1,444,000”.

SEC. 342. Notwithstanding any other provision of law, unobligated balances from section 149(a)(45) and section 149(a)(63) of Public Law 100-17 and the Ebensburg Bypass Demonstration

Project of Public Law 101-164 may be used for improvements along Route 56 in Cambria County, Pennsylvania, including the construction of a parking facility in the vicinity.

SEC. 343. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.

SEC. 344. None of the funds made available in this Act may be used for engineering work related to an additional runway at New Orleans International Airport.

SEC. 345. Notwithstanding any other provision of law, up to \$800,000 of unobligation balances from capital investment grants available for Fayette County, Pennsylvania intermodal facilities and buses in the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public Law 105-277) and the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-69) may be made available for an intermodal parking facility in Cambria County, Pennsylvania.

SEC. 346. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 347. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects reductions from the previous year due to user fee proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fee proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2002 appropriations Act.

SEC. 348. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104-208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.

SEC. 349. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of

funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 350. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard “Acquisition, construction, and improvements” shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 2000, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration’s pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 351. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 2 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code, in fiscal year 2005, the Secretary shall withhold 4 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; in fiscal year 2006, the Secretary shall withhold 6 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code; and beginning in fiscal year 2007, and in each fiscal year thereafter, the Secretary shall withhold 8 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code. If within 4 years from the date the apportionment for any State is reduced in accordance with this section the Secretary determines that such State has enacted and is enforcing a provision described in section 163(a) of chapter 1 of title 23, United States Code, the apportionment

of such State shall be increased by an amount equal to such reduction. If at the end of such 4-year period, any State has not enacted and is not enforcing a provision described in section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.

SEC. 352. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 353. The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking “Extend NW 86th Street from NW 70th Street” and inserting “Construct a road from State Highway 141”.

SEC. 354. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

SEC. 355. Section 1214 of Public Law 105-178, as amended, is further amended by adding a new subsection to read as follows:

“(s) Notwithstanding section 117(c) of title 23, United States Code, for project number 1646 in section 1602 of Public Law 105-178, the non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation.”.

SEC. 356. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the “Frank R. Lautenberg Station”: *Provided*, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the “Frank R. Lautenberg Station”.

SEC. 357. None of the funds in this Act may be available for the planning, development or construction of a multi-lane, limited access expressway at section 800, Pennsylvania Route 202 in Bucks County, Pennsylvania.

SEC. 358. Item 131 in the table under “Federal Transit Administration, Capital investment grants” in Public Law 106-69 is amended by adding after “buses” the following: “, bus-related equipment and bus facilities”.

SEC. 359. Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance. Not later than 6 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall provide that the requirements of this section are applied to 25 percent of the Federal workforce, and to an additional 25 percent of such workforce each year thereafter.

SEC. 360. Notwithstanding any other provision of law, new fixed guideway system funds available for the Jackson, Mississippi, Intermodal Corridor in the Department of Transportation and Related Agencies Appropriations Act, 1998, Public Law 105-66, may be made available for obligation during this fiscal year for studies to evaluate and define transportation alternatives for this project, including an intermodal facility at Jackson International Airport, and for related preliminary engineering, final design or construction.

SEC. 361. Notwithstanding any other provision of law, up to \$499,000 of the funds made available in item 760 of section 1602 of the Transportation Equity Act for the 21st Century shall be available for corridor planning studies between western Baldwin County and Mobile Municipal Airport.

SEC. 362. Item number 78 in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) is amended by inserting “Akron Innerbelt (State Route 59) corridor, Broadway viaduct replacement, and High Street viaduct replacement,” after “extension,”.

SEC. 363. Section 117(c) of title 23, United States Code, is amended by inserting before the period at the end the following: “; except that the Federal share on account of the project to be carried out under item 1419 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 309), relating to reconstruction of a road and causeway in Shiloh

Military Park in Hardin County, Tennessee, shall be 100 percent of the total cost thereof”.

SEC. 364. Section 30118 of title 49, United States Code, is amended—

(1) in subsections (a), (b)(1), and (c), by inserting “, original equipment,” before “or replacement equipment” each place it appears; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking “A manufacturer” and inserting the following: “(1) IN GENERAL.—A manufacturer”; and

(C) by adding at the end the following:

“(2) DUTY OF MANUFACTURERS.—For the purposes of paragraph (1), a manufacturer of a motor vehicle, original equipment, or replacement equipment shall have a duty to review and consider information, including information received from any foreign source, to learn whether the vehicle or equipment contains a defect or does not comply with an applicable motor vehicle safety standard.”.

SEC. 365. Funds appropriated to the Federal Transit Administration under the heading “Transit planning and research” for international activities in Public Law 106-69 shall be transferred to and administered by the Agency for International Development for transportation needs in the frontline states to the Kosovo conflict, as determined to be appropriate by the Administrator of the Agency for International Development.

SEC. 366. Under the heading “Discretionary Grants” in Public Law 105-66, “\$4,000,000 for the Salt Lake City regional commuter system project,” is amended to read “\$4,000,000 for the transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway intermodal terminal;”.

SEC. 367. Of the amounts to be made available in fiscal year 2001 under section 1404 (safety incentives to prevent operation of motor vehicles by intoxicated persons) of Public Law 105-178, \$2,492,121 shall be made available to the Commonwealth of Kentucky for adopting a 0.08 blood alcohol content standard. Thereafter the remaining funds shall be distributed by formula to the eligible States, including Kentucky.

SEC. 368. Notwithstanding any other provision of law, the Secretary of Transportation shall waive repayment of any Federal-aid highway funds expended by the City of Spokane, Washington on the Lincoln Street Bridge Project.

SEC. 369. Items 218 and 219 in the table under “Federal Transit Administration, Capital investment grants” in division A, section 101(g) of Public Law 105-277 and items 222 and 223 in the table under “Federal Transit Administration, Capital investment grants” in Public Law 106-69 are amended by inserting “and bus and bus facilities” at the end of each item.

SEC. 370. Item number 6 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by inserting after “Kaysville”, “and within the amount provided, \$2,000,000 for repair and reconstruction of the North Ogden Divide Highway”.

SEC. 371. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title

23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation. Any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages.

SEC. 372. Notwithstanding section 402 of the Department of Transportation and Related Agencies Appropriations Act, 1982 (49 U.S.C. 10903 nt), Mohall Railroad, Inc. may abandon track from milepost 5.25 near Granville, North Dakota, to milepost 35.0 at Lansford, North Dakota, and the track so abandoned shall not be counted against the 350-mile limitation contained in that section.

SEC. 373. Item number 163 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by inserting before the numeral “which includes the study, design, and construction related to local street improvements needed to complement the extension of Kapkowski Road”.

SEC. 374. Item number 331 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 269) is amended by striking “highway access” and inserting “highway and freight rail access”.

SEC. 375. For capital costs associated with track relocation, track construction and rehabilitation, highway-rail separation construction activities including right-of-way acquisition and utility relocation, and signal improvements in Muscle Shoals, Tuscumbia, and Sheffield, Alabama, \$5,000,000 to the Alabama Department of Transportation, to remain available until expended: *Provided*, That obligation of Federal funds is contingent upon a match of no less than 75 percent from non-Federal sources.

SEC. 376. For capital costs associated with track acquisition and rehabilitation between Strasburg Junction and Shenandoah Caverns, Virginia, \$1,000,000 to Valley Trains and Tours, to remain available until expended: *Provided*, That the obligation of Federal funds is contingent upon an agreement with Norfolk Southern Corporation on track usage and financial support by the Commonwealth of Virginia.

SEC. 377. Item 1135 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 298) is amended by striking “Replace Barton Road/M-14 interchange, Ann Arbor” and inserting “Conduct a study of all possible alternatives to the current M-14/Barton Drive interchange in Ann Arbor, including relocation of M-14/U.S. 23 from Maple Road to Plymouth Road, mass transit options, and other means of reducing commuter traffic and improving highway safety”.

SEC. 378. Notwithstanding any other provision of law, in addition to amounts made available in this Act or any other Act, the following sums shall be made available from the Highway Trust Fund (other than the Mass Transit Account): \$50,000,000 for the intelligent transportation infrastructure program as authorized by section 5117(b)(3) of Public Law 105-178; \$8,500,000 for construction of, and improvements to, 17th Avenue and 23d Avenue highway ramps in Denver, Colorado; \$1,000,000 for engineering, construction of, and improvements to, the Cascade Gateway Border Project in Whatcom County, Washington; \$100,000,000 for construction of, and improvements to, Corridor D on the Appalachian development highway system in the State of West Virginia;

\$1,500,000 for construction of, and improvements to, the Alameda Corridor-East Gateway to American Trade corridor project, California; \$4,000,000 for construction of, and improvements to, Avenue G viaduct and connector roads in Council Bluffs, Iowa; \$34,100,000 for design and construction of the Birmingham, Alabama Northern Beltline; \$13,500,000 for construction of, and improvements to, US 231 from Bowling Green to Scottsville, Kentucky; \$150,000 for improvements to the Broad Street and Wyckoff Road intersection, including traffic light upgrades, in the Borough of Eatontown, New Jersey; \$12,000,000 for construction of road expansion and improvements to, the Broad Street Parkway in Nashua, New Hampshire; \$10,000,000 to construct interchanges US 281 at FM 2812, FM 162, FM 490, SP 122, and SH 186 in Texas; \$12,500,000 to construct interchanges US 77 at Business 77 North, FM 3186, FM 490, SP 122, and SP 413 in Texas; \$30,000,000 for construction of, and improvements to, the Cooper River Bridge in South Carolina; \$100,000,000 for construction of, and improvements to, Corridor X on the Appalachian development highway system in the State of Alabama; \$4,000,000 for construction, including related activities, of an interchange at County Highway J and US 10 and to upgrade a segment of US 10 to a four-lane highway in Portage County, Wisconsin; \$5,000,000 for construction, including related activities, of the Craig Road overpass between I-15 and Lossee Road in the City of North Las Vegas, Nevada; \$30,200,000 for construction of, and improvements to, bridges and other projects on the Dalton Highway, Alaska; \$3,200,000 for improvements to Dayton Road in Ames, Iowa; \$15,000,000 for construction of, and improvements to, the Detroit, Michigan Ambassador Bridge Gateway project; \$24,000,000 for construction of, and improvements to, FAST Corridor in Washington; \$10,000,000 for construction of, and improvements to, the Fort Washington Way reconfiguration project, Cincinnati, Ohio; \$35,000,000 for construction of, and improvements to, the Four Bears Bridge in North Dakota; \$50,000,000 for construction of, and improvements to, the Glen Highway/George Parks Highway interchange in Alaska; \$8,000,000 for preliminary design of the Interstate Route 69 Great River Bridge crossing the Mississippi at Bolivar County, Mississippi; \$8,000,000 for reconstruction of, and other improvements to, Halls Mill Road in Freehold Township and Monmouth County, New Jersey; \$4,500,000 for construction of, and improvements to, Hamakua-Hilo corridor road and bridge projects, Hawaii; \$35,000,000 for construction, including related activities, of an extension of Highway 180 from the City of Mendota to I-5 in Fresno County, California; \$10,000,000 to upgrade Highway 36 in Marion County, Missouri, to four-lane divided highway; \$9,750,000 for widening, relocation of, and other improvements to South Carolina Highway 5, including the removal and relocation of municipal utilities, between Interstate 85 in Cherokee County, South Carolina and Interstate 77 in York County, South Carolina; \$10,000,000 for upgrading Highway 60 in Shannon and Carter counties, Missouri, to four-lane divided highway; \$6,400,000 for Hoeven Valley corridor, Sioux City, road, intersection, and rail crossing improvements in Iowa; \$20,000,000 for environmental work, design, and construction of the Hoover Dam bypass four-lane bridge; \$13,500,000 for construction of, and improvements to, I-15 between milepost 0 and milepost 16, from the Utah border to Deep Creek, Idaho; \$10,000,000 for construction of, and improvements to, the I-15 Southbound project, Nevada; \$10,000,000 for

construction of, and improvements to, I-195 in Rhode Island; \$6,400,000 for municipality relocation costs for I-235 in Polk County, Iowa; \$12,000,000 for environmental work, preliminary survey and design, and reconstruction of I-35 from Des Moines to Ankeny, Iowa; \$36,000,000 for construction, including related activities, of the I-39/US 51/SH 29 corridor (Wausau Beltline) in and around Wausau, Wisconsin; \$94,000,000 for construction of, and improvements to, I-49 in the State of Arkansas; \$18,400,000 for environmental work, preliminary survey and design of I-69 in Tennessee; \$10,000,000 for construction of, and improvements to, the I-80/US 395 interchange, in Reno, Nevada; \$2,800,000 for border crossing improvements on I-87, in New York; \$8,000,000 for construction of, and improvements to, the I-95 to Transitway access project in Stamford, Connecticut; \$4,000,000 for construction of, and improvements to, U.S. Department of Transportation structure numbered 289-961-H at FAS Route 37 in Illinois; \$250,000 for improvements at the Rosedale Road and Provinceline Road intersection in the Township of Princeton, New Jersey; \$1,200,000 for improvements to County Route 605 in Delaware Township and West Amwell Township Hunterdon County, New Jersey; \$2,500,000 for improvements to the Route 9 and Route 520 intersection in Marlboro Township, New Jersey; \$5,000,000 for improvements to US 73 from State Avenue North to Marxen Road in Wyandotte County, Kansas; \$5,000,000 for installation of sound barriers along the Route 309 Expressway between Limekiln Pike and State Route 63 in Montgomery County, Pennsylvania; \$8,700,000 for construction, including related activities, of a new interchange on I-435 at Donahoo Road in Wyandotte County, Kansas; \$15,000,000 for construction of, and improvements to, the intersection at 27th Street and Airport Road in Billings, Montana; \$5,000,000 for construction of, and improvements to, Kahuku Bridges, Hawaii; \$5,500,000 for construction of, and improvements to, the Kansas Lane Connector Road alignment project in Monroe, Louisiana; \$4,000,000 for construction of, and improvements to, Kekaha, Kauai access roads, Hawaii; \$10,000,000 for planning, environmental work, and preliminary engineering of highway, pedestrian, vehicular, and bicycle access to the John F. Kennedy Center for the Performing Arts in the District of Columbia; \$2,500,000 for construction of, and improvements to, Kihei Road, Hawaii; \$10,000,000 for Lafayette Street access improvements from the US 202 Dannehower Bridge to the Pennsylvania Turnpike, including extension of Lafayette Street to the Conshohocken Road, intersection improvements and bridge reconstruction, in Norristown, Pennsylvania; \$12,400,000 for widening and overlay/guard rail work on SR 789 between Lander and Hudson, Wyoming; \$500,000 for reconstruction of Lewisville Road in Lawrence Township, New Jersey; \$3,200,000 for construction of, and improvements to, the Martin Luther King, Jr. Bridge in Toledo, Ohio; \$9,300,000 for construction of, and improvements to, the Midtown West intermodal ferry terminal, New York City, New York; \$5,000,000 for construction, including related activities, of an extension of Mississippi Highway 44, including a bridge over the Pearl River, in Lawrence County, Mississippi; \$13,000,000 for construction of, and improvements to, the Missouri River pedestrian crossing in Omaha, Nebraska; \$5,000,000 for the NJCDC Training Facility Project in Paterson, New Jersey; \$16,000,000 for construction of, and improvements to, North Shore Road in Swain County, North Carolina; \$3,500,000 for construction of, and improvements

to, the Norwich, Connecticut intermodal facility project; \$1,500,000 for construction of, and improvements to, Padanaram and Little River Road bridge projects in Dartmouth, Massachusetts; \$11,000,000 for reconstruction activities on the Potee Street Bridge in Baltimore, Maryland; \$250,000 for reconstruction of Institute Street, Lockwood Avenue, First Street, Second Street, Third Street, Ford Avenue, Liberty Street and Bond Street in the Borough of Freehold, New Jersey; \$4,200,000 for relocation and related construction activities thereto of MacArthur Boulevard in Oklahoma City, Oklahoma; \$1,200,000 for grade crossing eliminations along Route 17 in Chemung County, New York; \$4,000,000 for construction of, and improvements to, Route 2 between St. Johnsbury, Vermont and the New Hampshire State Line; \$500,000 for improvements to Route 35 at Clinton Avenue and other intersections in the Borough of Eatontown, New Jersey; \$500,000 for Route 35 corridor improvements, including signal upgrades, in the Borough of Eatontown, New Jersey; \$2,600,000 for construction of, and improvements to, the Niangua Bridge on Route 5 in Camden County, Missouri; \$1,000,000 for improvements to Route 641 in Hunterdon County, New Jersey; \$25,000,000 for construction, including related activities, of the Route 7 North bypass in Brookfield, Connecticut; \$6,000,000 for construction of, and improvements to, the Route 9 Bennington Bypass, Vermont; \$5,000,000 for construction of, and improvements to, Saddle Road, Hawaii; \$1,200,000 for reconstruction of School Road East in Marlboro Township, New Jersey; \$29,000,000 for construction of, and improvements to, a Southeast Connector Route between I-90 and SD 79 in South Dakota; \$5,000,000 for improvements, including traffic signal system upgrades, to State Route 99 in Shoreline, Washington; \$500,000 for the Township of Princeton, New Jersey municipal complex road improvements, including improvements to the Valley, Mount Lucas, Terhune and Cherry Hill roadways in the Township of Princeton, New Jersey; \$23,600,000 for construction of, and improvements to, US 12 between Aberdeen and I-29 in South Dakota; \$40,000,000 for construction of, and improvements to, US 19 in Pinellas County, Florida; \$25,000,000 for construction of, and improvements to, US 50 Parkersburg bypass in West Virginia; \$10,000,000 for construction of, and improvements to, US 63 in Jonesboro, Arkansas; \$5,000,000 for construction of, and improvements to, US 101 in Oregon; \$4,000,000 for construction of, and improvements to, US 54 in Kansas; \$100,000,000 for construction of, and improvements to, the US 82 bridge over the Mississippi River at Greenville, Mississippi; \$10,000,000 for construction of, and improvements to, including widening, of US 95 between Laughlin Cutoff and Railroad Pass, Nevada; \$1,000,000 for improvements to the Van Wyck Expressway, Queens County, New York; and \$20,000,000 for widening US 53 from two lanes to four lanes from Minnesota Highway 169 north of Virginia, Minnesota to Cook, Minnesota: *Provided*, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this Act or any other Act.

SEC. 379. (a) Section 412(a) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended—

(1) in paragraph (1)—

(A) by striking “There is” and inserting the following:

“(A) HIGHWAY TRUST FUND.—There is”; and

(B) by adding at the end the following:

“(B) GENERAL FUND.—

“(i) IN GENERAL.—In addition to amounts made available under subparagraph (A), there is appropriated to pay the costs described in subparagraph (A) \$600,000,000 for fiscal year 2001.

“(ii) CONDITION.—Notwithstanding any other provision of law, the additional funds made available by clause (i) shall be made available only when 1 or more of the Capital Region jurisdictions accepts conveyance from the Secretary of all right, title, and interest of the United States in and to the new Bridge.

“(iii) MANNER OF USE.—The use of the additional funds made available by clause (i) shall be subject to title 23, United States Code.”;

(2) in paragraph (2)—

(A) by striking “Funds” and inserting “Except as provided in paragraph (3), funds”; and

(B) by striking “this section” and inserting “paragraph (1)(A)”; and

(3) by striking “Code; except that—” and inserting the following: “Code.

“(3) CONDITIONS.—With respect to funds authorized or appropriated by this section—”.

(b) Section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627; 112 Stat. 159) is amended by adding at the end the following:

“(d) LIMITATION ON FEDERAL CONTRIBUTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the aggregate of the amounts made available from the Highway Trust Fund and the general fund of the Treasury under this section shall not exceed \$1,500,000,000.

“(2) EXCLUDED AMOUNTS.—Amounts made available for the Project under section 110 of title 23, United States Code, shall be excluded from the limitation established by paragraph (1).”.

SEC. 380. Section 5309(g)(4) of title 49 United States Code is amended by inserting “(A)” after “(4)” and by adding at the end the following:

“(B) For fiscal year 2001 and thereafter, the amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems referred to in subparagraph (A) shall be the amount equivalent to the last 3 fiscal years of such authorized funding.

“(C) Any increase in the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements as a result of application of subparagraph (B) instead of subparagraph (A) shall be available as follows:

“(1) \$269,100,000 for the Chicago, Illinois Metra commuter rail project, that consists of the following elements: the Kane County extension; the North Central double-tracking project; and the Southwest corridor extension.

“(2) \$565,600,000 for the Chicago Transit Authority project that consists of the following elements: Ravenswood

Branch station and line improvements and the Douglas Branch reconstruction project.

“(3) For new fixed guideways and extensions to existing fixed guideway systems other than for projects referred to in paragraphs (1) and (2); except that for fiscal year 2001, such increase under this paragraph shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.

“(D) Of the amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2) shall be available as follows:

“(1) \$60,000,000 for the Minneapolis Hiawatha corridor light rail project, which shall be in addition to amounts otherwise allocated under subparagraph (A), for a total of \$334,300,000.

“(2) \$217,800,000 for the Dulles corridor bus rapid transit project, that consists of a light rail extension from the West Falls Church metrorail station to Tysons Corner, Virginia and bus rapid transit from Tysons Corner to the Dulles International Airport.

“(E) Any amount that would be available under subparagraph (A) if subparagraph (B) were not in effect and would have otherwise been allocated by the Federal Transit Administration to those projects referred to in subparagraphs (C)(1) and (C)(2), shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001, except for those projects referred to in subparagraph (D)(1) and (D)(2).

“(F) Future obligations of the Government and contingent commitments made against the contingent commitment authority under section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 for the San Francisco BART to the Airport project for fiscal years 2002, 2003, 2004, 2005 and 2006 shall be charged against section 3032(g)(2) of the Intermodal Surface Transportation Efficiency Act of 1991.

“(G) Any amount that would be available under subparagraph (A) if subparagraph (F) were not in effect and would otherwise have been allocated by the Federal Transit Administration to the project in subparagraph (F) shall not be available for allocation by the department or for making future obligations of the Government and contingent commitments until April 1, 2001.”.

SEC. 381. Notwithstanding any other provision of law, within one week from the date of enactment of this Act, the Federal Transit Administrator shall sign a Full Funding Grant Agreement for the MOS-2 segment of the New Jersey Urban Core—Hudson Bergen project.

SEC. 382. None of the funds appropriated in this or any other Act may be used to adjust the boundary of the Point Retreat Light Station or to otherwise limit the property at the Point Retreat Light Station currently under lease to the Alaska Lighthouse Association: *Provided*, That any modifications to the boundary of the Point Retreat Light Station made after January 1, 1998 is hereby declared null and void.

TITLE IV

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000.

TITLE V

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount in support of the Nation's counterterrorism efforts, \$6,424,000: *Provided*, That these funds shall be for establishing a new interagency National Terrorist Asset Tracking Center in the Office of Foreign Assets Control: *Provided further*, That these funds may be used to reimburse any Department of the Treasury organization for costs of providing support for this effort.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the integrated Treasury wireless network, \$15,000,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to develop and implement programs to expand access to financial services for low- and moderate-income individuals, \$8,000,000, to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount to establish and operate a metropolitan area law enforcement training center for the Department of

the Treasury, other Federal agencies, the United States Capitol Police, and the Washington, D.C., Metropolitan Police Department, \$5,000,000: *Provided*, That the principal function of the center shall be for firearms and vehicle operation requalification: *Provided further*, That use of the center for training for other State and local law enforcement agencies may be provided on a space-available basis: *Provided further*, That the Federal Law Enforcement Training Center is authorized to obligate funds in anticipation of reimbursement from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the costs of transportation to and from the center, ammunition, vehicles, and instruction at the center shall be funded either directly by participating law enforcement agencies, or through reimbursement of actual costs to this appropriation: *Provided further*, That of the funds provided, no more than \$1,500,000 may be obligated until a funding plan for the center has been submitted to the Committees on Appropriations: *Provided further*, That all Federal property in the National Capital Region that is in the surplus property inventory of the General Services Administration shall be available for selection and use by the Secretary of the Treasury as the site of such a metropolitan area law enforcement training center. If the Secretary of the Treasury identifies a parcel of such property that is appropriate for use for such a center, the property shall not be treated as excess property or surplus property (as those terms are used in the Federal Property and Administrative Services Act of 1949) and administrative jurisdiction over the property shall be transferred to the Secretary for use for such a center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED
EXPENSES

For an additional amount for design and construction of a metropolitan area law enforcement training center, including firearms and vehicle operations requalification facilities, \$25,000,000, to remain available until expended: *Provided*, That of the funds provided, no more than \$3,000,000 may be obligated until a design and construction plan has been submitted to the Committees on Appropriations.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount, \$4,148,000, for participation in Joint Terrorism Task Forces.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For an additional amount, \$18,934,000: *Provided*, That \$10,000,000 shall be for technology and infrastructure along the northern border: *Provided further*, That \$6,600,000 shall be for hiring counterterrorism agents for deployment along the northern border: *Provided further*, That none of the funds provided for the northern border shall be obligated until the Commissioner of the

Customs Service submits for approval to the Committees on Appropriations a plan for the deployment of the resources and personnel: *Provided further*, That \$2,334,000 shall be for participation in Joint Terrorism Task Forces.

INTERNAL REVENUE SERVICE

TAX LAW ENFORCEMENT

For an additional amount, \$7,974,000: *Provided*, That \$3,135,000 shall be in support of the money laundering strategy: *Provided further*, That \$4,839,000 shall be for participation in Joint Terrorism Task Forces.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, \$71,751,000, to remain available until September 30, 2003, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

STAFFING TAX ADMINISTRATION FOR BALANCE AND EQUITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service related to the hiring of new staff, \$141,000,000: *Provided*, That these funds shall be transferred to the appropriations accounts for "Processing, Assistance, and Management", "Tax Law Enforcement", and "Information Systems" in accordance with a staffing plan approved by the Department of the Treasury and the Office of Management and Budget: *Provided further*, That none of these funds may be transferred or obligated until such staffing plan is submitted to, and approved by, the Committees on Appropriations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount, \$2,904,000, for participation in Joint Terrorism Task Forces.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS
APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For an additional amount, \$7,000,000: *Provided*, That \$5,000,000 shall be available for continued operation of the technology transfer program: *Provided further*, That \$2,000,000, to remain available until expended, shall be available for counter-narcotics research and development projects, to be used for the continued development of a wireless interoperability communication project in Colorado.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$3,500,000: *Provided*, That, of such amount, \$2,500,000 shall become available on March 31, 2001, and shall be provided to the Elections Commission of the Commonwealth of Puerto Rico as a transfer to be used for objective, nonpartisan citizens' education and a choice by voters regarding the islands' future status: *Provided further*, That none of the funds described in the preceding proviso may be obligated until 45 days after the Elections Commission of the Commonwealth of Puerto Rico submits to the Committees on Appropriations for approval an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rican Independence Party: *Provided further*, That the Elections Commission of the Commonwealth of Puerto Rico shall include in the expenditure plan additional views from any party that does not agree with the plan.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), \$11,350,000: *Provided*, That \$3,000,000 shall be available for nonprospective construction: *Provided further*, That \$8,350,000, to remain available until expended, shall be available for repairs and alterations.

POLICY AND OPERATIONS

For an additional amount, \$13,789,000 of which \$2,060,000 shall be for the electronic government initiative, of which \$2,000,000 shall be for the regulatory information service center, of which \$2,000,000 shall be for facilitating post conveyance remediation to be performed by the City of Waltham, Massachusetts, of which \$2,000,000 shall be for a grant to the Institute for Biomedical Science and Biotechnology, of which \$2,000,000 shall be for a grant to the Center for Agricultural Policy and Trade Studies, of which \$1,000,000 shall be for a grant to the Berwick, Pennsylvania Industrial Development Authority, of which \$1,000,000 shall be a grant to Ewing-Lawrence Sewerage Authority in Ewing Township, New Jersey, of which \$750,000 shall be for logistical support of the World Police and Fire Games in Indiana, and of which \$979,000 shall be for base operations.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

REPAIRS AND RESTORATION

For an additional amount for repairs to the John F. Kennedy Presidential Library, \$6,610,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in the Treasury and General Government Appropriations Act, 2001 may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) RELATION TO OTHER PROVISION.—Section 644 of the Treasury and General Government Appropriations Act, 2001 (relating

to Federal agency monitoring of personal information on use of the Internet) shall not have effect.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 502. (a) CLARIFICATION OF PERMISSIBLE USE OF FACSIMILE MACHINES AND ELECTRONIC MAIL TO FILE INDEPENDENT EXPENDITURE STATEMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

“(d)(1) Any person who is required to file a statement under subsection (c) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

“(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

“(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.”.

(b) TREATMENT OF LINES OF CREDIT OBTAINED BY CANDIDATES AS COMMERCIALLY REASONABLE LOANS.—Section 301(8)(B) of such Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking “and” at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting “; and”; and

(3) by adding at the end the following new clause:

“(xv) any loan of money derived from an advance on a candidate’s brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate’s brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person’s business.”.

(c) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

(1) IN GENERAL.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(A) by striking “shall be reported” and inserting “shall be filed”; and

(B) by adding at the end the following new sentence: “Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom

the notification is required to be sent shall be considered the time of filing of the statement with the recipient.”.

(2) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking “or (4)(A)(ii)” and inserting “or (4)(A)(ii), or the second sentence of subsection (c)(2)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. 503. Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2001 for the anti-doping efforts of the United States Olympic Committee, the Director of such Office shall make direct payment of \$3,300,000 to The U.S. Anti-Doping Agency, Incorporated, for the conduct of anti-doping activities: *Provided*, That these funds shall be provided not later than 30 days after the date of the enactment of this Act: *Provided further*, That of the funds made available for this effort, The U.S. Anti-Doping Agency shall have the sole authority to obligate these funds for the promotion of anti-doping efforts relating to United States athletes in the Olympic, Pan American, and Paralympic Games.

SEC. 504. Section 640 of the Treasury and General Government Appropriations Act, 2001 (relating to Civil Service Retirement System) shall not have effect.

SEC. 505. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

“7.5 January 1, 2001, to December 31,
2002.

7 After December 31, 2002.”

and inserting the following:

“7 After December 31, 2000.”;

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

“8 January 1, 2001, to December 31,
2002.

7.5 After December 31, 2002.”

and inserting the following:

“7.5 After December 31, 2000.”;

(3) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

“8 January 1, 2001, to December 31,
2002.

7.5 After December 31, 2002.”

and inserting the following:

“7.5 After December 31, 2000.”;

(4) in the matter relating to a bankruptcy judge by striking:

“8.5 January 1, 2001, to December 31,
2002.

8 After December 31, 2002.”

and inserting the following:

“8 After December 31, 2000.”;

(5) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

“8.5 January 1, 2001, to December 31,
2002.

8 After December 31, 2002.”

and inserting the following:

“8 After December 31, 2000.”;

(6) in the matter relating to a United States magistrate by striking:

“8.5 January 1, 2001, to December 31,
2002.

8 After December 31, 2002.”

and inserting the following:

“8 After December 31, 2000.”;

(7) in the matter relating to a Court of Federal Claims judge by striking:

“8.5 January 1, 2001, to December 31,
2002.

8 After December 31, 2002.”

and inserting the following:

“8 After December 31, 2000.”;

(8) in the matter relating to a member of the Capitol Police by striking:

“8 January 1, 2001, to December 31,
2002.

7.5 After December 31, 2002.”

and inserting the following:

“7.5 After December 31, 2000.”;

and

(9) in the matter relating to a nuclear materials courier by striking:

“8 January 1, 2001 to December 31, 2002.

7.5 After December 31, 2002.”

and inserting the following:

“7.5 After December 31, 2000.”.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) The applicable percentage under this paragraph for civilian service shall be as follows:

“Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	8	January 1, 2001, to December 31, 2002.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	After December 31, 2002.
	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
Nuclear materials courier	7.5	After December 31, 2000.
	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.”.

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking “December 31, 2002” and inserting “December 31, 2000”; and

(B) in the matter after the colon, by striking all that follows “December 31, 2000.”.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking “December 31, 2002” and inserting “December 31, 2000”; and

(B) in the matter after the colon, by striking all that follows “December 31, 2000.”.

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking “December 31, 2002” and inserting “December 31, 2000”; and

(ii) in the matter after the colon, by striking all that follows “December 31, 2000.”; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking “December 31, 2002” and inserting “December 31, 2000”; and

(ii) in the matter after the colon, by striking all that follows “December 31, 2000.”.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

“January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002	7”

and inserting the following:

“After December 31, 2000	7”.
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(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking

all that follows “December 31, 2000.” and inserting the following:

“7.5 After December 31, 2000.”.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking “December 31, 2002” and inserting “December 31, 2000”; and

(B) in the matter after the colon, by striking all that follows “December 31, 2000.”.

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334(a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol Police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge,

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System, in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

SEC. 506. Of the amount provided to the United States Secret Service for fiscal year 2001 and specified for activities related to investigations of exploited children, \$2,000,000 shall be available to the United States Secret Service for forensic and related support

of investigations of missing and exploited children and shall remain available until September 30, 2001.

SEC. 507. (a) Section 108 of the Legislative Branch Appropriations Act, 2001 is amended to read as follows:

“SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—(a) IN GENERAL.—There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer as follows:

“(1) Not later than 60 days after the date of the enactment of this Act, the Chief Administrative Officer shall be appointed by the Chief of the Capitol Police after consultation with the Capitol Police Board and the Comptroller General, and shall report to and serve at the pleasure of the Chief of the Capitol Police.

“(2) The Comptroller General shall evaluate the performance of the Chief Administrative Officer in carrying out the duties and responsibilities of the Office of Administration as outlined in this section. The Comptroller General shall meet with the Chief of the Capitol Police and the Capitol Police Board at least quarterly to provide an analysis of the performance of the Chief Administrative Officer. The Comptroller General shall report the results of the evaluation to the Chief of the Capitol Police, the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

“(3) The Chief of the Capitol Police shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

“(4) The Chief Administrative Officer shall receive basic pay at a rate determined by the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title).

“(5) The Capitol Police shall reimburse from available appropriations any costs incurred by the Comptroller General under this section, which shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended.

“(b) RESPONSIBILITIES.—The Chief Administrative Officer shall have the following areas of responsibility:

“(1) BUDGETING.—The Chief Administrative Officer shall—

“(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

“(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

“(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

“(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

“(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

“(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

“(ii) complies with any other requirements applicable to such systems; and

“(iii) provides for—

“(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

“(II) the development and reporting of cost information;

“(III) the integration of accounting and budgeting information; and

“(IV) the systematic measurement of performance;

“(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

“(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

“(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

“(D) shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

“(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

“(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

“(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

“(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

“(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

“(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

“(B) develop and monitor payroll and time and attendance systems and employee services; and

“(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

“(c) ADMINISTRATIVE PROVISIONS.—

“(1) PERSONNEL.—The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration,

but shall not have the authority to hire or discharge uniformed and operational police force personnel.

“(2) RESOURCES OF OTHER AGENCIES.—The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

“(d) PLAN.—No later than 180 days after appointment, the Chief Administrative Officer shall prepare and submit to Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a plan—

“(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

“(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

“(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

“(e) REPORT.—No later than September 30, 2001, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

“(f) SUBMISSION TO COMMITTEES.—The Chief of the Capitol Police shall submit the plan required in subsection (d) and report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

“(g) TERMINATION OF ROLE.—As of October 1, 2002, the role of the Comptroller General, as established by this section, will cease.”.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001.

This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 2001”.

Public Law 106–347
106th Congress

An Act

To designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the “Frank R. Lautenberg Post Office and Courthouse”.

Oct. 23, 2000
[H.R. 4975]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The post office and courthouse located at 2 Federal Square, Newark, New Jersey, shall be known and designated as the “Frank R. Lautenberg Post Office and Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office and courthouse referred to in section 1 shall be deemed to be a reference to the “Frank R. Lautenberg Post Office and Courthouse”.

Approved October 23, 2000.

LEGISLATIVE HISTORY—H.R. 4975:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Sept. 19, considered and passed House.
Oct. 6, considered and passed Senate.



Public Law 106–348
106th Congress

An Act

Oct. 24, 2000
[H.R. 1509]

To authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

40 USC 1003
note.

SECTION 1. MEMORIAL TO HONOR DISABLED VETERANS OF THE UNITED STATES ARMED FORCES.

(a) **MEMORIAL AUTHORIZED.**—The Disabled Veterans' LIFE Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) **PAYMENT OF EXPENSES.**—The Disabled Veterans' LIFE Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Disabled Veterans' LIFE Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 1509:

HOUSE REPORTS: No. 106–583 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 2, 3, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–349
106th Congress

An Act

To authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

Oct. 24, 2000
[H.R. 3201]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE.

This Act may be cited as the “Carter G. Woodson Home National Historic Site Study Act of 2000”.

Carter G.
Woodson Home
National Historic
Site Study Act of
2000.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Dr. Carter G. Woodson, cognizant of the widespread ignorance and scanty information concerning the history of African Americans, founded on September 9, 1915, the Association for the Study of Negro Life and History, since renamed the Association for the Study of African-American Life and History.

(2) The Association was founded in particular to counter racist propaganda alleging black inferiority and the pervasive influence of Jim Crow prevalent at the time.

(3) The mission of the Association was and continues to be educating the American public of the contributions of Black Americans in the formation of the Nation’s history and culture.

(4) Dr. Woodson dedicated nearly his entire adult life to every aspect of the Association’s operations in furtherance of its mission.

(5) Among the notable accomplishments of the Association under Dr. Woodson’s leadership, Negro History Week was instituted in 1926 to be celebrated annually during the second week of February. Negro History Week has since evolved into Black History Month.

(6) The headquarters and center of operations of the Association was Dr. Woodson’s residence, located at 1538 Ninth Street, Northwest, Washington, D.C.

SEC. 3. DEFINITION.

For purposes of this Act, the term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date on which funds are made available for such purpose, the Secretary, after consultation with the Mayor of the District of Columbia,

Deadline.

shall submit to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a resource study of the Dr. Carter G. Woodson Home and headquarters of the Association for the Study of African-American Life and History, located at 1538 Ninth Street, Northwest, Washington, D.C.

(b) CONTENTS.—The study under subsection (a) shall—

(1) identify suitability and feasibility of designating the Carter G. Woodson Home as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the Carter G. Woodson Home.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 3201:

SENATE REPORTS: No. 106-322 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Feb. 15, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–350
106th Congress

An Act

To revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

Oct. 24, 2000
[H.R. 3632]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Golden Gate National Recreation Area Boundary Adjustment Act of 2000”.

SEC. 2. ADDITIONS TO THE GOLDEN GATE NATIONAL RECREATION AREA.

Section 2(a) of the Act entitled “An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes” (16 U.S.C. 460bb–1(a)) is amended by adding at the end the following: “The recreation area shall also include the lands generally depicted on the map entitled ‘Additions to Golden Gate National Recreation Area’, numbered NPS–80,076, and dated July 2000/PWR–PLRPC.”.

Golden Gate
National
Recreation Area
Boundary
Adjustment Act
of 2000.
16 USC 460bb
note.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 3632 (S. 2051):

HOUSE REPORTS: No. 106–825 (Comm. on Resources).

SENATE REPORTS: No. 106–376 accompanying S. 2051 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–351
106th Congress

An Act

Oct. 24, 2000
[H.R. 3676]

To establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

Santa Rosa and
San Jacinto
Mountains
National
Monument Act of
2000.
16 USC 431 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Santa Rosa and San Jacinto Mountains National Monument Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Establishment of Santa Rosa and San Jacinto Mountains National Monument, California.
- Sec. 3. Management of Federal lands in the National Monument.
- Sec. 4. Development of management plan.
- Sec. 5. Existing and historical uses of Federal lands included in Monument.
- Sec. 6. Acquisition of land.
- Sec. 7. Local advisory committee.
- Sec. 8. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT, CALIFORNIA.

(a) **FINDINGS.**—Congress finds the following:

(1) The Santa Rosa and San Jacinto Mountains in southern California contain nationally significant biological, cultural, recreational, geological, educational, and scientific values.

(2) The magnificent vistas, wildlife, land forms, and natural and cultural resources of these mountains occupy a unique and challenging position given their proximity to highly urbanized areas of the Coachella Valley.

(3) These mountains, which rise abruptly from the desert floor to an elevation of 10,802 feet, provide a picturesque backdrop for Coachella Valley communities and support an abundance of recreational opportunities that are an important regional economic resource.

(4) These mountains have special cultural value to the Agua Caliente Band of Cahuilla Indians, containing significant cultural sites, including village sites, trails, petroglyphs, and other evidence of their habitation.

(5) The designation of a Santa Rosa and San Jacinto Mountains National Monument by this Act is not intended to impact upon existing or future growth in the Coachella Valley.

(6) Because the areas immediately surrounding the new National Monument are densely populated and urbanized, it is anticipated that certain activities or uses on private lands outside of the National Monument may have some impact upon

the National Monument, and Congress does not intend, directly or indirectly, that additional regulations be imposed on such uses or activities as long as they are consistent with other applicable law.

(7) The Bureau of Land Management and the Forest Service should work cooperatively in the management of the National Monument.

(b) ESTABLISHMENT AND PURPOSES.—In order to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains and to secure now and for future generations the opportunity to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources in these mountains and to recreate therein, there is hereby designated the Santa Rosa and San Jacinto Mountains National Monument (in this Act referred to as the “National Monument”).

(c) BOUNDARIES.—The National Monument shall consist of Federal lands and Federal interests in lands located within the boundaries depicted on a series of 24 maps entitled “Boundary Map, Santa Rosa and San Jacinto National Monument”, 23 of which are dated May 6, 2000, and depict separate townships and one of which is dated June 22, 2000, and depicts the overall boundaries.

(d) LEGAL DESCRIPTIONS; CORRECTION OF ERRORS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall use the map referred to in subsection (c) to prepare legal descriptions of the boundaries of the National Monument. The Secretary shall submit the resulting legal descriptions to the Committee on Resources and the Committee on Agriculture of the House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) LEGAL EFFECT.—The map and legal descriptions of the National Monument shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal descriptions. The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management and the Forest Service.

Public inspection.

SEC. 3. MANAGEMENT OF FEDERAL LANDS IN THE NATIONAL MONUMENT.

(a) BASIS OF MANAGEMENT.—The Secretary of the Interior and the Secretary of Agriculture shall manage the National Monument to protect the resources of the National Monument, and shall allow only those uses of the National Monument that further the purposes for the establishment of the National Monument, in accordance with—

- (1) this Act;
- (2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);
- (3) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a); and
- (4) other applicable provisions of law.

(b) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LANDS.—Lands or interests in lands within the boundaries of the National Monument that are acquired by the Bureau of Land Management after the date of the enactment of this Act shall be managed by the Secretary of the Interior. Lands or interests in lands within the boundaries of the National Monument that are acquired by the Forest Service after the date of the enactment of this Act shall be managed by the Secretary of Agriculture.

(c) PROTECTION OF RESERVATION, STATE, AND PRIVATE LANDS AND INTERESTS.—Nothing in the establishment of the National Monument shall affect any property rights of any Indian reservation, any individually held trust lands, any other Indian allotments, any lands or interests in lands held by the State of California, any political subdivision of the State of California, any special district, or the Mount San Jacinto Winter Park Authority, or any private property rights within the boundaries of the National Monument. Establishment of the National Monument shall not grant the Secretary of the Interior or the Secretary of Agriculture any new authority on or over non-Federal lands not already provided by law. The authority of the Secretary of the Interior and the Secretary of Agriculture under this Act extends only to Federal lands and Federal interests in lands included in the National Monument.

(d) EXISTING RIGHTS.—The management of the National Monument shall be subject to valid existing rights.

(e) NO BUFFER ZONES AROUND NATIONAL MONUMENT.—Because the National Monument is established in a highly urbanized area—

(1) the establishment of the National Monument shall not lead to the creation of express or implied protective perimeters or buffer zones around the National Monument;

(2) an activity on, or use of, private lands up to the boundaries of the National Monument shall not be precluded because of the monument designation, if the activity or use is consistent with other applicable law; and

(3) an activity on, or use of, private lands, if the activity or use is consistent with other applicable law, shall not be directly or indirectly subject to additional regulation because of the designation of the National Monument.

(f) AIR AND WATER QUALITY.—Nothing in this Act shall be construed to change standards governing air or water quality outside of the designated area of the National Monument.

SEC. 4. DEVELOPMENT OF MANAGEMENT PLAN.

(a) DEVELOPMENT REQUIRED.—

(1) IN GENERAL.—Not later than 3 years after of the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall complete a management plan for the conservation and protection of the National Monument consistent with the requirements of section 3(a). The Secretaries shall submit the management plan to Congress before it is made public.

(2) MANAGEMENT PENDING COMPLETION.—Pending completion of the management plan for the National Monument, the Secretaries shall manage Federal lands and interests in lands within the National Monument substantially consistent with current uses occurring on such lands and under the general guidelines and authorities of the existing management plans

Deadline.

of the Forest Service and the Bureau of Land Management for such lands, in a manner consistent with other applicable Federal law.

(3) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection shall preclude the Secretaries, during the preparation of the management plan, from implementing subsections (b) and (i) of section 5. Nothing in this section shall be construed to diminish or alter existing authorities applicable to Federal lands included in the National Monument.

(b) CONSULTATION AND COOPERATION.—

(1) IN GENERAL.—The Secretaries shall prepare and implement the management plan required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and in consultation with the local advisory committee established pursuant to section 7 and, to the extent practicable, interested owners of private property and holders of valid existing rights located within the boundaries of the National Monument. Such consultation shall be on a periodic and regular basis.

(2) AGUA CALIENTE BAND OF CAHUILLA INDIANS.—The Secretaries shall make a special effort to consult with representatives of the Agua Caliente Band of Cahuilla Indians regarding the management plan during the preparation and implementation of the plan.

(3) WINTER PARK AUTHORITY.—The management plan shall consider the mission of the Mount San Jacinto Winter Park Authority to make accessible to current and future generations the natural and recreational treasures of the Mount San Jacinto State Park and the National Monument. Establishment and management of the National Monument shall not be construed to interfere with the mission or powers of the Mount San Jacinto Winter Park Authority, as provided for in the Mount San Jacinto Winter Park Authority Act of the State of California.

(c) COOPERATIVE AGREEMENTS.—

(1) GENERAL AUTHORITY.—Consistent with the management plan and existing authorities, the Secretaries may enter into cooperative agreements and shared management arrangements, which may include special use permits with any person, including the Agua Caliente Band of Cahuilla Indians, for the purposes of management, interpretation, and research and education regarding the resources of the National Monument.

(2) USE OF CERTAIN LANDS BY UNIVERSITY OF CALIFORNIA.—In the case of any agreement with the University of California in existence as of the date of the enactment of this Act relating to the University's use of certain Federal land within the National Monument, the Secretaries shall, consistent with the management plan and existing authorities, either revise the agreement or enter into a new agreement as may be necessary to ensure its consistency with this Act.

SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL LANDS INCLUDED IN MONUMENT.

(a) RECREATIONAL ACTIVITIES GENERALLY.—The management plan required by section 4(a) shall include provisions to continue to authorize the recreational use of the National Monument, including such recreational uses as hiking, camping, mountain

biking, sightseeing, and horseback riding, as long as such recreational use is consistent with this Act and other applicable law.

(b) **MOTORIZED VEHICLES.**—Except where or when needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the National Monument shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) **HUNTING, TRAPPING, AND FISHING.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall permit hunting, trapping, and fishing within the National Monument in accordance with applicable laws (including regulations) of the United States and the State of California.

(2) **REGULATIONS.**—The Secretaries, after consultation with the California Department of Fish and Game, may issue regulations designating zones where, and establishing periods when, no hunting, trapping, or fishing will be permitted in the National Monument for reasons of public safety, administration, or public use and enjoyment.

(d) **ACCESS TO STATE AND PRIVATE LANDS.**—The Secretaries shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the National Monument, which will provide the owner of the land or the holder of the interest the reasonable use and enjoyment of the land or interest, as the case may be.

(e) **UTILITIES.**—Nothing in this Act shall have the effect of terminating any valid existing right-of-way within the Monument. The management plan prepared for the National Monument shall address the need for and, as necessary, establish plans for the installation, construction, and maintenance of public utility rights-of-way within the National Monument outside of designated wilderness areas.

(f) **MAINTENANCE OF ROADS, TRAILS, AND STRUCTURES.**—In the development of the management plan required by section 4(a), the Secretaries shall address the maintenance of roadways, jeep trails, and paths located in the National Monument.

(g) **GRAZING.**—The Secretaries shall issue and administer any grazing leases or permits in the National Monument in accordance with the same laws (including regulations) and Executive orders followed by the Secretaries in issuing and administering grazing leases and permits on other land under the jurisdiction of the Secretaries. Nothing in this Act shall affect the grazing permit of the Wellman family (permittee number 12-55-3) on lands included in the National Monument.

(h) **OVERFLIGHTS.**—

(1) **GENERAL RULE.**—Nothing in this Act or the management plan prepared for the National Monument shall be construed to restrict or preclude overflights, including low-level overflights, over lands in the National Monument, including military, commercial, and general aviation overflights that can be seen or heard within the National Monument. Nothing in this Act or the management plan shall be construed to restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the National Monument.

(2) **COMMERCIAL AIR TOUR OPERATION.**—Any commercial air tour operation over the National Monument is prohibited

unless such operation was conducted prior to February 16, 2000. For purposes of this paragraph, “commercial air tour operation” means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing.

(i) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights as provided in section 3(d), the Federal lands and interests in lands included within the National Monument are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) EXCHANGE.—Paragraph (1)(A) does not apply in the case of—

(A) an exchange that the Secretary determines would further the protective purposes of the National Monument; or

(B) the exchange provided in section 6(e).

SEC. 6. ACQUISITION OF LAND.

(a) ACQUISITION AUTHORIZED; METHODS.—State, local government, tribal, and privately held land or interests in land within the boundaries of the National Monument may be acquired for management as part of the National Monument only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) USE OF EASEMENTS.—To the extent practicable, and if preferred by a willing landowner, the Secretary of the Interior and the Secretary of Agriculture shall use permanent conservation easements to acquire interests in land in the National Monument in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VALUATION OF PRIVATE PROPERTY.—The United States shall offer the fair market value for any interests or partial interests in land acquired under this section.

(d) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any land or interest in lands within the boundaries of the National Monument that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the National Monument as provided in section 3(b).

(e) LAND EXCHANGE AUTHORIZATION.—In order to support the cooperative management agreement in effect with the Agua Caliente Band of Cahuilla Indians as of the date of the enactment of this Act, the Secretary of the Interior may, without further authorization by law, exchange lands which the Bureau of Land Management has acquired using amounts provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), with the Agua Caliente Band of Cahuilla Indians. Any such land exchange may include the exchange of federally owned property within or outside of the boundaries of the National Monument for property owned by the Agua Caliente Band of Cahuilla Indians within or outside of the boundaries of the National Monument.

The exchanged lands acquired by the Secretary within the boundaries of the National Monument shall be managed for the purposes described in section 2(b).

SEC. 7. LOCAL ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an advisory committee for the National Monument, whose purpose shall be to advise the Secretaries with respect to the preparation and implementation of the management plan required by section 4.

(b) **REPRESENTATION.**—To the extent practicable, the advisory committee shall include the following members:

(1) A representative with expertise in natural science and research selected from a regional college or university.

(2) A representative of the California Department of Fish and Game or the California Department of Parks and Recreation.

(3) A representative of the County of Riverside, California.

(4) A representative of each of the following cities: Palm Springs, Cathedral City, Rancho Mirage, La Quinta, Palm Desert, and Indian Wells.

(5) A representative of the Agua Caliente Band of Cahuilla Indians.

(6) A representative of the Coachella Valley Mountains Conservancy.

(7) A representative of a local conservation organization.

(8) A representative of a local developer or builder organization.

(9) A representative of the Winter Park Authority.

(10) A representative of the Pinyon Community Council.

(c) **TERMS.**—

(1) **STAGGERED TERMS.**—Members of the advisory committee shall be appointed for terms of 3 years, except that, of the members first appointed, one-third of the members shall be appointed for a term of 1 year and one-third of the members shall be appointed for a term of 2 years.

(2) **REAPPOINTMENT.**—A member may be reappointed to serve on the advisory committee upon the expiration of the member's current term.

(3) **VACANCY.**—A vacancy on the advisory committee shall be filled in the same manner as the original appointment.

(d) **QUORUM.**—A quorum shall be eight members of the advisory committee. The operations of the advisory committee shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(e) **CHAIRPERSON AND PROCEDURES.**—The advisory committee shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(f) **SERVICE WITHOUT COMPENSATION.**—Members of the advisory committee shall serve without pay.

(g) **TERMINATION.**—The advisory committee shall cease to exist on the date upon which the management plan is officially adopted by the Secretaries, or later at the discretion of the Secretaries.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 3676:

HOUSE REPORTS: No. 106-750 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–352
106th Congress

An Act

Oct. 24, 2000
[H.R. 4063]

To establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rosie the Riveter/
World War II
Home Front
National
Historical Park
Establishment
Act of 2000.
16 USC 410gg
note.
16 USC 410ggg.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000”.

SEC. 2. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

(a) **ESTABLISHMENT.**—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain sites, structures, and areas located in Richmond, California, that are associated with the industrial, governmental, and citizen efforts that led to victory in World War II, there is established the Rosie the Riveter/World War II Home Front National Historical Park (in this Act referred to as the “park”).

(b) **AREAS INCLUDED.**—The boundaries of the park shall be those generally depicted on the map entitled “Proposed Boundary Map, Rosie the Riveter/World War II Home Front National Historical Park” numbered 963/80000 and dated May 2000. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC
410ggg–1.

SEC. 3. ADMINISTRATION OF THE NATIONAL HISTORICAL PARK.

(a) **IN GENERAL.**—

(1) **GENERAL ADMINISTRATION.**—The Secretary of the Interior (in this Act referred to as the “Secretary”) shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 35, 1916 (39 Stat. 535; 16 U.S.C. 1 through 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) **SPECIFIC AUTHORITIES.**—The Secretary may interpret the story of Rosie the Riveter and the World War II home front, conduct and maintain oral histories that relate to the World War II home front theme, and provide technical assistance in the preservation of historic properties that support this story.

(b) **COOPERATIVE AGREEMENTS.**—

(1) GENERAL AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions under which the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(2) LIMITED AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested persons for interpretation and technical assistance with the preservation of—

- (A) the Ford Assembly Building;
- (B) the intact dry docks/basin docks and five historic structures at Richmond Shipyard #3;
- (C) the Shimada Peace Memorial Park;
- (D) Westshore Park;
- (E) the Rosie the Riveter Memorial;
- (F) Sheridan Observation Point Park;
- (G) the Bay Trail/Esplanade;
- (H) Vincent Park; and
- (I) the vessel S.S. RED OAK VICTORY, and Whirley Cranes associated with shipbuilding in Richmond.

(c) EDUCATION CENTER.—The Secretary may establish a World War II Home Front Education Center in the Ford Assembly Building. Such center shall include a program that allows for distance learning and linkages to other representative sites across the country, for the purpose of educating the public as to the significance of the site and the World War II Home Front.

(d) USE OF FEDERAL FUNDS.—

(1) NON-FEDERAL MATCHING.—(A) As a condition of expending any funds appropriated to the Secretary for the purposes of the cooperative agreements under subsection (b)(2), the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds, goods, services, or in-kind contributions provided by non-Federal sources.

(B) With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for purposes of this paragraph.

(2) COOPERATIVE AGREEMENT.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall entitle the United States to reimbursement of the greater of—

- (A) all funds paid by the Secretary to such project;
- or
- (B) the proportion of the increased value of the project attributable to such payments, determined at the time of such conversion, use, or disposal.

(e) ACQUISITION.—

(1) FORD ASSEMBLY BUILDING.—The Secretary may acquire a leasehold interest in the Ford Assembly Building for the purposes of operating a World War II Home Front Education Center.

(2) OTHER FACILITIES.—The Secretary may acquire, from willing sellers, lands or interests in the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67, through donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

(3) ARTIFACTS.—The Secretary may acquire and provide for the curation of historic artifacts that relate to the park.

(f) DONATIONS.—The Secretary may accept and use donations of funds, property, and services to carry out this Act.

(g) GENERAL MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 complete fiscal years after the date funds are made available, the Secretary shall prepare, in consultation with the City of Richmond, California, and transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.

(2) PRESERVATION OF SETTING.—The general management plan shall include a plan to preserve the historic setting of the Rosie the Riveter/World War II Home Front National Historical Park, which shall be jointly developed and approved by the City of Richmond.

(3) ADDITIONAL SITES.—The general management plan shall include a determination of whether there are additional representative sites in Richmond that should be added to the park or sites in the rest of the United States that relate to the industrial, governmental, and citizen efforts during World War II that should be linked to and interpreted at the park. Such determination shall consider any information or findings developed in the National Park Service study of the World War II Home Front under section 4.

16 USC
410ggg-2.**SEC. 4. WORLD WAR II HOME FRONT STUDY.**

The Secretary shall conduct a theme study of the World War II home front to determine whether other sites in the United States meet the criteria for potential inclusion in the National Park System in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

16 USC
410ggg-3.**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—

(1) ORAL HISTORIES, PRESERVATION, AND VISITOR SERVICES.—There are authorized to be appropriated such sums as may be necessary to conduct oral histories and to carry out the preservation, interpretation, education, and other essential visitor services provided for by this Act.

(2) ARTIFACTS.—There are authorized to be appropriated \$1,000,000 for the acquisition and curation of historical artifacts related to the park.

(b) PROPERTY ACQUISITION.—There are authorized to be appropriated such sums as are necessary to acquire the properties listed in section 3(e)(2).

(c) LIMITATION ON USE OF FUNDS FOR S.S. RED OAK VICTORY.—None of the funds authorized to be appropriated by this section may be used for the operation, maintenance, or preservation of the vessel S.S. RED OAK VICTORY.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 4063:

HOUSE REPORTS: No. 106-723 (Comm. on Resources).

SENATE REPORTS: No. 106-446 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 11, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106-353
106th Congress

An Act

Oct. 24, 2000
[H.R. 4275]

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Colorado
Canyons
National
Conservation
Area and Black
Ridge Canyons
Wilderness Act of
2000.
Utah.
16 USC 460mmm
note.
16 USC
460mmm.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) **PURPOSE.**—The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 4(b), including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

16 USC
460mmm-1.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Colorado Canyons National Conservation Area established by section 4(a).

(2) COUNCIL.—The term “Council” means the Colorado Canyons National Conservation Area Advisory Council established under section 8.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan developed for the Conservation Area under section 6(h).

(4) MAP.—The term “Map” means the map entitled “Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area” and dated July 18, 2000.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WILDERNESS.—The term “Wilderness” means the Black Ridge Canyons Wilderness so designated in section 5.

SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION AREA.

16 USC
460mmm-2.

(a) IN GENERAL.—There is established the Colorado Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION.

16 USC
460mmm-3, 1132
note.

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

SEC. 6. MANAGEMENT.

16 USC
460mmm-4.

(a) CONSERVATION AREA.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto. Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) WILDERNESS.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(f) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) AREA AND TIME CLOSURES.—The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) GRAZING.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(h) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection

Deadline.

and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this Act.

(i) NO BUFFER ZONES.—The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this Act.

(k) INTERPRETIVE FACILITIES OR SITES.—The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 2(b).

(l) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this Act generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) STATUTORY CONSTRUCTION.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this Act.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) COLORADO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) NEW PROJECTS.—

(A) As used in this paragraph, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by section 6(g) or other provisions of this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(C) Except as provided in this paragraph, nothing in this Act shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of the enactment of this Act within the boundaries of the Wilderness.

(5) BOUNDARIES ALONG COLORADO RIVER.—(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled “Line A” on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

- (i) all forms of entry, appropriation, or disposal under the public land laws;
- (ii) location, entry, and patent under the mining laws; and
- (iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

16 USC
460mmm-5.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) FORCE AND EFFECT.—The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

- (1) the Office of the Director of the Bureau of Land Management;
- (2) the Grand Junction District Office of the Bureau of Land Management in Colorado;
- (3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and
- (4) the appropriate office of the Bureau of Land Management in Utah.

(d) MAP CONTROLLING.—Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

SEC. 8. ADVISORY COUNCIL.

16 USC
460mmm-6.
Deadline.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the “Colorado Canyons National Conservation Area Advisory Council”.

(b) DUTY.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) APPLICABLE LAW.—The Council shall be subject to—

- (1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) Seven members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

16 USC
460mmm-7.

SEC. 9. PUBLIC ACCESS.

(a) IN GENERAL.—The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) GLADE PARK.—The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 4275:

SENATE REPORTS: No. 106-460 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–354
106th Congress

An Act

To amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

Oct. 24, 2000

[H.R. 4386]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Breast and Cervical Cancer Prevention and Treatment Act of 2000”.

Breast Cancer
Prevention and
Treatment Act of
2000.
42 USC 1305
note.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking “or” at the end;

(B) in subclause (XVII), by adding “or” at the end;

and

(C) by adding at the end the following:

“(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);”.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

“(aa) Individuals described in this subsection are individuals who—

“(1) are not described in subsection (a)(10)(A)(i);

“(2) have not attained age 65;

“(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

“(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).”.

(3) **LIMITATION ON BENEFITS.**—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking “and (XIII)” and inserting “(XIII)”; and

(B) by inserting “, and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer” before the semicolon.

(4) **CONFORMING AMENDMENTS.**—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking “or” at the end;

(B) in clause (xii), by adding “or” at the end; and

(C) by inserting after clause (xii) the following:

“(xiii) individuals described in section 1902(aa),”.

(b) **PRESUMPTIVE ELIGIBILITY.**—

(1) **IN GENERAL.**—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

“PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL
CANCER PATIENTS

“SEC. 1920B. (a) **STATE OPTION.**—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

“(b) **DEFINITIONS.**—For purposes of this section:

“(1) **PRESUMPTIVE ELIGIBILITY PERIOD.**—The term ‘presumptive eligibility period’ means, with respect to an individual described in subsection (a), the period that—

“(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

“(B) ends with (and includes) the earlier of—

“(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

“(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

“(2) **QUALIFIED ENTITY.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the term ‘qualified entity’ means any entity that—

“(i) is eligible for payments under a State plan approved under this title; and

“(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

“(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

“(c) ADMINISTRATION.—

“(1) IN GENERAL.—The State agency shall provide qualified entities with—

“(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

“(B) information on how to assist such individuals in completing and filing such forms.

“(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

“(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

“(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

“(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

“(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

“(1) is furnished to an individual described in subsection (a)—

“(A) during a presumptive eligibility period;

“(B) by a entity that is eligible for payments under the State plan; and

“(2) is included in the care and services covered by the State plan, shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: “and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section”.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking “or for” and inserting “, for”; and

(ii) by inserting before the period the following:
 “, or for medical assistance provided to an individual
 described in subsection (a) of section 1920B during
 a presumptive eligibility period under such section”.

(c) **ENHANCED MATCH.**—The first sentence of section 1905(b)
 of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking “and” before “(3)”; and

(2) by inserting before the period at the end the following:
 “, and (4) the Federal medical assistance percentage shall be
 equal to the enhanced FMAP described in section 2105(b) with
 respect to medical assistance provided to individuals who are
 eligible for such assistance only on the basis of section
 1902(a)(10)(A)(ii)(XVIII)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section
 apply to medical assistance for items and services furnished on
 or after October 1, 2000, without regard to whether final regulations
 to carry out such amendments have been promulgated by such
 date.

Applicability.
 42 USC 1396a
 note.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 4386 (S. 662):

SENATE REPORTS: No. 106-323 accompanying S. 662 (Comm. on Finance).
 CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

Oct. 4, considered and passed Senate, amended, in lieu of S. 662.

Oct. 12, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 24, Presidential statement.



Public Law 106–355
106th Congress

An Act

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

Oct. 24, 2000
[H.R. 4613]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Historic Lighthouse Preservation Act of 2000”.

National Historic
Lighthouse
Preservation Act
of 2000.
16 USC 470 note.

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.

16 USC 470w–7.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w–6) is amended by adding at the end the following new section:

“SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.

“(a) IN GENERAL.—In order to provide a national historic light station program, the Secretary shall—

“(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

“(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

“(3) sponsor or conduct research and study into the history of light stations;

“(4) maintain a listing of historic light stations; and

“(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

“(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

“(1) PROCESS AND POLICY.—Not later than 1 year after the date of the enactment of this section, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.

Deadline.

“(2) APPLICATION REVIEW.—The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be ‘excess property’ as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity,

the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

“(3) CONVEYANCE OF HISTORIC LIGHT STATIONS.—(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary’s selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383).

“(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

“(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

“(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

“(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary’s responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

“(c) TERMS OF CONVEYANCE.—

“(1) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—

“(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

“(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

“(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

“(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior’s Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior’s Standards for Rehabilitation, 36 CFR part 67.7;

“(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

“(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

“(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

“(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

“(2) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.

“(3) REVERSION.—In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

“(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for

education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

“(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

“(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

“(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

“(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

Notification.

“(F) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

“(d) DESCRIPTION OF PROPERTY.—

“(1) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

“(2) ARTIFACTS.—Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

“(3) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

“(4) SUBMERGED LANDS.—No submerged lands shall be conveyed under this section.

“(e) DEFINITIONS.—For purposes of this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ shall mean the Administrator of General Services.

“(2) HISTORIC LIGHT STATION.—The term ‘historic light station’ includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers,

walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' shall mean:

"(A) any department or agency of the Federal Government; or

"(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

"(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and

"(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).

"(4) FEDERAL AID TO NAVIGATION.—The term 'Federal aid to navigation' shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior."

SEC. 3. SALE OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w-6), as amended by section 2 of this Act, is amended by adding at the end the following new section:

"SEC. 309. HISTORIC LIGHT STATION SALES.

16 USC 470w-8.

"(a) IN GENERAL.—In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

"(b) NET SALE PROCEEDS.—Net sale proceeds from the disposal of a historic light station—

"(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) within the Department of the Interior; and

"(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining

under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.”.

SEC. 4. FUNDING.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 4613 (S. 2343):

HOUSE REPORTS: No. 106-890 (Comm. on Resources).

SENATE REPORTS: No. 106-380 accompanying S. 2343 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–356
106th Congress

An Act

To amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

Oct. 24, 2000

[H.R. 5036]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dayton Aviation Heritage Preservation Amendments Act of 2000”.

Dayton Aviation
Heritage
Preservation
Amendments Act
of 2000.
16 USC 410ww
note.

SEC. 2. REVISION OF DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992.

(a) **AREAS INCLUDED IN PARK.**—Section 101(b) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww(b)) is amended to read as follows:

“(b) **AREAS INCLUDED.**—The park shall consist of the following sites, as generally depicted on a map entitled ‘Dayton Aviation Heritage National Historical Park’, numbered 362–80,010 and dated September 1, 2000:

Ohio

“(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company building, Hoover Block, and lands between.

“(2) The Setzer building property (also known as the Aviation Trail building property), Dayton, Ohio.

“(3) The residential properties at 26 South Williams Street and at 30 South Williams Street, Dayton, Ohio.

“(4) Huffman Prairie Flying Field, located at Wright-Patterson Air Force Base, Ohio.

“(5) The Wright 1905 Flyer III and Wright Hall, including constructed additions and attached structures, known collectively as the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio.

“(6) The Paul Laurence Dunbar State Memorial, Dayton, Ohio.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 109 of such Act (16 U.S.C. 410ww–8) is amended by striking the colon after “title” and all that follows through the end of the sentence and inserting a period.

(c) TECHNICAL CORRECTION.—Section 107 of such Act (16 U.S.C. 410ww-6) is amended by striking “Secretary of Interior” and inserting “Secretary of the Interior”.

Approved October 24, 2000.

LEGISLATIVE HISTORY—H.R. 5036 (S. 2959):

HOUSE REPORTS: No. 106-896 (Comm. on Resources).

SENATE REPORTS: No. 106-443 accompanying S. 2959 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 5, considered and passed Senate.



Public Law 106–357
106th Congress

An Act

To designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

Oct. 24, 2000
[S. 1849]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “White Clay Creek Wild and Scenic Rivers System Act”.

White Clay Creek
Wild and Scenic
Rivers System
Act.
16 USC 1271
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled “White Clay Creek and Its Tributaries Watershed Management Plan”, dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(162) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

“(A) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

“(B) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

“(C) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

“(D) 6.8 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to a point that is 500 feet north of the Borough of West Grove wastewater treatment facility, as a recreational river.

“(E) 14 miles of the middle branch, beginning at a point that is 500 feet south of the Borough of West Grove wastewater treatment facility downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

“(F) 2.1 miles of the middle branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

“(G) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

“(H) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

“(I) 5.4 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary of the city of Newark, Delaware, as a recreational river.

“(J) 16.8 miles of the main stem beginning at Paper Mill Road downstream to the Old Route 4 bridge, as a recreational river.

“(K) 4.4 miles of the main stem beginning at the southern boundary of the property of the corporation known as United

Water Delaware downstream to the confluence of White Clay Creek with the Christina River, as a recreational river.

“(L) 1.3 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

“(M) 5.2 miles of Middle Run that flow within the boundaries of the Middle Run Natural Area, as a scenic river.

“(N) 15.6 miles of Pike Creek, as a recreational river.

“(O) 38.7 miles of Mill Creek, as a recreational river.”.

SEC. 4. BOUNDARIES.

16 USC 1274
note.

With respect to each of the segments of White Clay Creek and its tributaries designated by the amendment made by section 3, in lieu of the boundaries provided for in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the segment shall be 250 feet as measured from the ordinary high water mark on both sides of the segment.

SEC. 5. ADMINISTRATION.

16 USC 1274
note.

(a) BY SECRETARY OF THE INTERIOR.—The segments designated by the amendment made by section 3 shall be administered by the Secretary of the Interior (referred to in this Act as the “Secretary”), in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled “White Clay Creek and Its Tributaries Watershed Management Plan” and dated May 1998 (referred to in this Act as the “Management Plan”).

(b) REQUIREMENT FOR COMPREHENSIVE MANAGEMENT PLAN.—The Management Plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the segments designated by the amendment made by section 3, the Secretary shall offer to enter into a cooperative agreement pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the Management Plan.

SEC. 6. FEDERAL ROLE IN MANAGEMENT.

16 USC 1274
note.

(a) IN GENERAL.—The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segment is designated.

(b) ASSISTANCE.—To assist in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed \$150,000 for each fiscal year.

(c) **COOPERATIVE AGREEMENTS.**—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by the amendment made by section 3—

(1) shall be consistent with the Management Plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) **NATIONAL PARK SYSTEM.**—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by section 3 that is not in the National Park System as of the date of the enactment of this Act shall not, under this Act—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

16 USC 1274
note.

SEC. 7. STATE REQUIREMENTS.

State and local zoning laws and ordinances, as in effect on the date of the enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) with respect to the segment designated by the amendment made by section 3.

16 USC 1274
note.

SEC. 8. NO LAND ACQUISITION.

The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest along the segments designated by the amendment made by section 3 for the purpose of carrying out the amendment or this Act.

Approved October 24, 2000.

LEGISLATIVE HISTORY—S. 1849 (H.R. 3520):

HOUSE REPORTS: No. 106-813 accompanying H.R. 3520 (Comm. on Resources).

SENATE REPORTS: No. 106-266 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

Sept. 18, considered and passed House, amended.

Oct. 5, Senate concurred in House amendment.



Public Law 106–358
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Oct. 26, 2000
[H.J. Res. 115]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “October 26, 2000”.

Ante, pp. 806,
810, 1073, 1318.

Approved October 26, 2000.

LEGISLATIVE HISTORY—H.J. Res. 115:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 25, considered and passed House and Senate.



Public Law 106–359
106th Congress

Joint Resolution

Oct. 26, 2000
[H.J. Res. 116]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “October 27, 2000”.
Ante, p. 806, 810, 1073, 1318, 1397.

Approved October 26, 2000.

LEGISLATIVE HISTORY—H.J. Res. 116:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 26, considered and passed House and Senate.



Public Law 106–360
106th Congress

An Act

To direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

Oct. 27, 2000
[H.R. 34]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAPS.

16 USC 3503
note.
Deadline.

(a) IN GENERAL.—The Secretary of the Interior shall, before the end of the 30-day period beginning on the date of the enactment of this Act, make such corrections to the map described in subsection (b) as are necessary to ensure that depictions of areas on that map are consistent with the depictions of areas appearing on the map entitled “Amendments to the Coastal Barrier Resources System”, dated June 5, 2000.

(b) MAP DESCRIBED.—The map described in this subsection is the map that—

(1) is included in a set of maps entitled “Coastal Barrier Resources System”, dated November 2, 1994; and

(2) relates to unit P19–P of the Coastal Barrier Resources System.

(c) AVAILABILITY.—The Secretary of the Interior shall keep the map described in subsection (b) on file and available for public inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 34:

SENATE REPORTS: No. 106–471 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 18, considered and passed House.

Vol. 146 (2000): Oct. 5, considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendments.



Public Law 106–361
106th Congress

An Act

Oct. 27, 2000
[H.R. 208]

To amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBLE ROLLOVER DISTRIBUTIONS.

(a) IN GENERAL.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

“(j)(1) For the purpose of this subsection—

“(A) the term ‘eligible rollover distribution’ has the meaning given such term by section 402(c)(4) of the Internal Revenue Code of 1986; and

“(B) the term ‘qualified trust’ has the meaning given such term by section 402(c)(8) of the Internal Revenue Code of 1986.

“(2) An employee or Member may contribute to the Thrift Savings Fund an eligible rollover that a qualified trust could accept under the Internal Revenue Code of 1986. A contribution made under this subsection shall be made in the form described in section 401(a)(31) of the Internal Revenue Code of 1986. In the case of an eligible rollover distribution, the maximum amount transferred to the Thrift Savings Fund shall not exceed the amount which would otherwise have been included in the employee’s or Member’s gross income for Federal income tax purposes.

Regulations.

“(3) The Executive Director shall prescribe regulations to carry out this subsection.”.

5 USC 8432 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

SEC. 2. IMMEDIATE PARTICIPATION IN THE THRIFT SAVINGS PLAN.

(a) ELIMINATION OF CERTAIN WAITING PERIODS FOR PURPOSES OF EMPLOYEE CONTRIBUTIONS.—Paragraph (4) of section 8432(b) of title 5, United States Code, is amended to read as follows:

“(4) The Executive Director shall prescribe such regulations as may be necessary to carry out the following:

“(A) Notwithstanding subparagraph (A) of paragraph (2), an employee or Member described in such subparagraph shall be afforded a reasonable opportunity to first make an election under this subsection beginning on the date of commencing service or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes

administratively feasible, as determined by the Executive Director.

“(B) An employee or Member described in subparagraph (B) of paragraph (2) shall be afforded a reasonable opportunity to first make an election under this subsection (based on the appointment or election described in such subparagraph) beginning on the date of commencing service pursuant to such appointment or election or, if that is not administratively feasible, beginning on the earliest date thereafter that such an election becomes administratively feasible, as determined by the Executive Director.

“(C) Notwithstanding the preceding provisions of this paragraph, contributions under paragraphs (1) and (2) of subsection (c) shall not be payable with respect to any pay period before the earliest pay period for which such contributions would otherwise be allowable under this subsection if this paragraph had not been enacted.

“(D) Sections 8351(a)(2), 8440a(a)(2), 8440b(a)(2), 8440c(a)(2), and 8440d(a)(2) shall be applied in a manner consistent with the purposes of subparagraphs (A) and (B), to the extent those subparagraphs can be applied with respect thereto.

“(E) Nothing in this paragraph shall affect paragraph (3).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 8432(a) of title 5, United States Code, is amended—

(A) in the first sentence by striking “(b)(1)” and inserting “(b)”;

(B) by amending the second sentence to read as follows: “Contributions under this subsection pursuant to such an election shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.”.

(2) Section 8432(b)(1)(B) of title 5, United States Code, is amended by inserting “(or any election allowable by virtue of paragraph (4))” after “subparagraph (A)”.

(3) Section 8432(b)(3) of title 5, United States Code, is amended by striking “Notwithstanding paragraph (2)(A), an” and inserting “An”.

(4) Section 8439(a)(1) of title 5, United States Code, is amended by inserting “who makes contributions or” after “for each individual” and by striking “section 8432(c)(1)” and inserting “section 8432”.

(5) Section 8439(c)(2) of title 5, United States Code, is amended by adding at the end the following: “Nothing in this paragraph shall be considered to limit the dissemination of information only to the times required under the preceding sentence.”.

(6) Sections 8440a(a)(2) and 8440d(a)(2) of title 5, United States Code, are amended by striking all after “subject to” and inserting “this chapter.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect at the earliest practicable date after September 30, 2000, as determined by the Executive Director in regulations.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, until the amendments made by this section

5 USC 8432 note.

take effect, title 5, United States Code, shall be applied as if this section had not been enacted.

SEC. 3. COURT ORDERS AFFECTING REFUNDS.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8342(j)(1) of title 5, United States Code, is amended to read as follows:

“(j)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member’s application.

Regulations.

“(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information and documentation as the Office may require that—

“(i) a court order bars payment of the lump-sum credit in order to preserve the court’s ability to award an annuity under section 8341(h) or section 8345(j); or

“(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under section 8341(h) or to any portion of an annuity under section 8345(j).”.

(b) **FEDERAL EMPLOYEES RETIREMENT SYSTEM.**—Section 8424(b)(1) of title 5, United States Code, is amended to read as follows:

“(b)(1)(A) Payment of the lump-sum credit under subsection (a) may be made only if the spouse, if any, and any former spouse of the employee or Member are notified of the employee or Member’s application.

Regulations.

“(B) The Office shall prescribe regulations under which the lump-sum credit shall not be paid without the consent of a spouse or former spouse of the employee or Member where the Office has received such additional information or documentation as the Office may require that—

“(i) a court order bars payment of the lump-sum credit in order to preserve the court’s ability to award an annuity under section 8445 or 8467; or

“(ii) payment of the lump-sum credit would extinguish the entitlement of the spouse or former spouse, under a court order on file with the Office, to a survivor annuity under

section 8445 or to any portion of an annuity under section 8467.”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 208:

HOUSE REPORTS: No. 106-87 (Comm. on Government Reform).

SENATE REPORTS: No. 106-343 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Apr. 20, considered and passed House.

Vol. 146 (2000): July 21, considered and passed Senate, amended.

Oct. 10, House concurred in Senate amendments.



Public Law 106–362
106th Congress

An Act

Oct. 27, 2000
[H.R. 1695]

Ivanpah Valley
Airport Public
Lands Transfer
Act.

To provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ivanpah Valley Airport Public Lands Transfer Act”.

SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NEVADA.

(a) **IN GENERAL.**—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1713), but subject to subsection (b) of this section and valid existing rights, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal public lands identified for disposition on the map entitled “Ivanpah Valley, Nevada-Airport Selections” numbered 01, and dated April 1999, for the purpose of developing an airport facility and related infrastructure. The Secretary shall keep such map on file and available for public inspection in the offices of the Director of the Bureau of Land Management and in the district office of the Bureau located in Las Vegas, Nevada.

(b) **CONDITIONS.**—The Secretary shall make no conveyance under subsection (a) until each of the following conditions are fulfilled:

(1) The County has conducted an airspace assessment, using the airspace management plan required by section 4(a), to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.

(2) The Federal Aviation Administration has made a certification under section 4(b).

(3) The County has entered into an agreement with the Secretary to retain ownership of Jean Airport, located at Jean, Nevada, and to maintain and operate such airport for general aviation purposes.

(c) **PAYMENT.**—

(1) **IN GENERAL.**—As consideration for the conveyance of each parcel, the County shall pay to the United States an amount equal to the fair market value of the parcel.

(2) DEPOSIT IN SPECIAL ACCOUNT.—(A) The Secretary shall deposit the payments received under paragraph (1) into the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345). Such funds may be expended only for the acquisition of private inholdings in the Mojave National Preserve and for the protection and management of the petroglyph resources in Clark County, Nevada. The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

(B) The Secretary may not expend funds pursuant to this section until—

(i) the provisions of section 5 of this Act have been completed; and

(ii) a final Record of Decision pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued which permits development of an airport at the Ivanpah site.

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act and in accordance with the findings made by the actions taken in compliance with such section, the Federal Aviation Administration and the County determine that an airport should not be constructed on the conveyed lands—

(1) the Secretary of the Interior shall immediately refund to the County all payments made to the United States for such lands under subsection (c); and

(2) upon such payment—

(A) all right, title, and interest in the lands conveyed to the County under this Act shall revert to the United States; and

(B) the Secretary may reenter such lands.

SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CONVEYANCE.

The public lands referred to in section 2(a) are withdrawn from mineral entry under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPORTATION.

(a) DEVELOPMENT OF AIRSPACE MANAGEMENT PLAN.—The Secretary of Transportation shall, in consultation with the Secretary, prior to the conveyance of the land referred to in section 2(a), develop an airspace management plan for the Ivanpah Valley Airport that shall, to the maximum extent practicable and without adversely impacting safety considerations, restrict aircraft arrivals and departures over the Mojave Desert Preserve in California.

(b) CERTIFICATION OF ASSESSMENT.—The Administrator of the Federal Aviation Administration shall certify to the Secretary that the assessment made by the County under section 2(b)(1) is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REQUIRED.

Prior to construction of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to initial planning and construction shall be completed by the Secretary of Transportation and the Secretary of the Interior as joint lead agencies. Any actions conducted in accordance with this section shall specifically address any impacts on the purposes for which the Mojave National Preserve was created.

SEC. 6. DEFINITIONS.

In this Act—

- (1) the term “County” means Clark County, Nevada; and
- (2) the term “Secretary” means the Secretary of the Interior.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 1695:

HOUSE REPORTS: No. 106-471 (Comm. on Resources).

SENATE REPORTS: No. 106-394 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 146 (2000): Mar. 9, considered and passed House.

Oct. 5, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendments.



Public Law 106–363
106th Congress

An Act

To extend and reauthorize the Defense Production Act of 1950.

Oct. 27, 2000

[H.R. 1715]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. EXTENSION OF TERMINATION DATE.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking “September 30, 2000” and inserting “September 30, 2001”.

SEC. 2. EXTENSION OF AUTHORIZATION.

Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking “2000” and inserting “2001”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 1715:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 18, considered and passed House.

Oct. 12, considered and passed Senate.



Public Law 106–364
106th Congress

An Act

Oct. 27, 2000
[H.R. 2296]

To amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIZE OF LEGISLATURE.

Section 5(b) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1571(b)) is amended—

(1) by striking “fifteen”; and

(2) by inserting after the first sentence the following: “The number of such senators shall be determined by the laws of the Virgin Islands.”.

SEC. 2. NUMBER CONSTITUTING QUORUM.

The first sentence of section 9(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1575(a)) is amended to read as follows: “The number of members of the legislature needed to constitute a quorum shall be determined by the laws of the Virgin Islands.”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 2296:

HOUSE REPORTS: No. 106–807 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 106–365
106th Congress

An Act

To provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the “I Have A Dream” speech.

Oct. 27, 2000
[H.R. 2879]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

40 USC 1003
note.

SECTION 1. PLACEMENT OF PLAQUE AT LINCOLN MEMORIAL.

(a) IN GENERAL.—The Secretary of the Interior shall install in the area of the Lincoln Memorial in the District of Columbia a suitable plaque to commemorate the speech of Martin Luther King, Jr., known as the “I Have A Dream” speech.

(b) RELATION TO COMMEMORATIVE WORKS ACT.—The Commemorative Works Act (40 U.S.C. 1001 et seq.) shall apply to the design and placement of the plaque within the area of the Lincoln Memorial.

Applicability.

SEC. 2. ACCEPTANCE OF CONTRIBUTIONS.

The Secretary of the Interior is authorized to accept and expand contributions toward the cost of preparing and installing the plaque, without further appropriation. Federal funds may be used to design, procure, or install the plaque.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 2879:

HOUSE REPORTS: No. 106–448 (Comm. on Resources).

SENATE REPORTS: No. 106–334 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 9, considered and passed House.

Vol. 146 (2000): Oct. 5, considered and passed Senate, amended.

Oct. 10, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 27, Presidential statement.



Public Law 106–366
106th Congress

An Act

Oct. 27, 2000
[H.R. 2984]

To direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF THE ASSETS OF THE MIDDLE LOUP DIVISION OF THE MISSOURI RIVER BASIN PROJECT, NEBRASKA.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of the enactment of this Act and in accordance with all applicable law, convey all right, title, and interest in and to the property comprising the assets of the Missouri River Basin Project, Middle Loup Division, Nebraska, in accordance with the Memorandum of Understanding.

(b) SALE PRICE.—The Secretary shall accept \$2,847,360 as payment from the District and \$2,600,000 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Pick-Sloan Missouri Basin Program (Eastern Division) collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, \$2,600,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(c) FUTURE BENEFITS.—Upon payment by the Districts of consideration for the conveyance in accordance with the Memorandum of Understanding, the Middle Loup Division of the Missouri River Basin Project—

(1) shall not be treated as a Federal reclamation project; and

(2) shall not be subject to the reclamation laws or entitled to receive any reclamation benefits under those laws.

(d) LIABILITY.—Except as otherwise provided by law, effective on the date of conveyance of the assets under this section, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the assets.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSETS.—The term “assets” has the meaning that term has in the Memorandum of Understanding.

(2) DISTRICTS.—The term “Districts” means the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska.

(3) MEMORANDUM OF UNDERSTANDING.—The term “Memorandum of Understanding” means Bureau of Reclamation memorandum of understanding number 99AG601285, entitled “MEMORANDUM OF UNDERSTANDING BETWEEN UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION GREAT PLAINS REGION NEBRASKA-KANSAS AREA OFFICE AND LOUP BASIN RECLAMATION DISTRICT FARWELL IRRIGATION DISTRICT SARGENT IRRIGATION DISTRICT CONCERNING PRINCIPLES AND ELEMENTS OF PROPOSED TRANSFER OF TITLE TO WORKS, FACILITIES AND LANDS IN THE MIDDLE LOUP DIVISION”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 2984 (S. 1612):

HOUSE REPORTS: No. 106-829 (Comm. on Resources).

SENATE REPORTS: No. 106-373 accompanying S. 1612 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 18, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–367
106th Congress

An Act

Oct. 27, 2000
[H.R. 3235]

To improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Police
Athletic League
Youth
Enrichment Act
of 2000.
42 USC 13751
note.
42 USC 13751
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Police Athletic League Youth Enrichment Act of 2000”.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) The goals of the Police Athletic League are to—
 - (A) increase the academic success of youth participants in PAL programs;
 - (B) promote a safe, healthy environment for youth under the supervision of law enforcement personnel where mutual trust and respect can be built;
 - (C) increase school attendance by providing alternatives to suspensions and expulsions;
 - (D) reduce the juvenile crime rate in participating designated communities and the number of police calls involving juveniles during nonschool hours;
 - (E) provide youths with alternatives to drugs, alcohol, tobacco, and gang activity;
 - (F) create positive communications and interaction between youth and law enforcement personnel; and
 - (G) prepare youth for the workplace.
- (2) The Police Athletic League, during its 55-year history as a national organization, has proven to be a positive force in the communities it serves.
- (3) The Police Athletic League is a network of 1,700 facilities serving over 3,000 communities. There are 320 PAL chapters throughout the United States, the Virgin Islands, and the Commonwealth of Puerto Rico, serving 1,500,000 youths, ages 5 to 18, nationwide.
- (4) Based on PAL chapter demographics, approximately 82 percent of the youths who benefit from PAL programs live in inner cities and urban areas.
- (5) PAL chapters are locally operated, volunteer-driven organizations. Although most PAL chapters are sponsored by a law enforcement agency, PAL chapters receive no direct funding from law enforcement agencies and are dependent in

large part on support from the private sector, such as individuals, business leaders, corporations, and foundations. PAL chapters have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement.

(6) Today's youth face far greater risks than did their parents and grandparents. Law enforcement statistics demonstrate that youth between the ages of 12 and 17 are at risk of committing violent acts and being victims of violent acts between the hours of 3 p.m. and 8 p.m.

(7) Greater numbers of students are dropping out of school and failing in school, even though the consequences of academic failure are more dire in 1999 than ever before.

(8) Many distressed areas in the United States are still underserved by PAL chapters.

SEC. 3. PURPOSE.

The purpose of this Act is to provide adequate resources in the form of—

(1) assistance for the 320 established PAL chapters to increase of services to the communities they are serving; and

(2) seed money for the establishment of 250 (50 per year over a 5-year period) additional local PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans, by not later than fiscal year 2006.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSISTANT ATTORNEY GENERAL.—The term “Assistant Attorney General” means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

(2) DISTRESSED AREA.—The term “distressed area” means an urban, suburban, or rural area with a high percentage of high-risk youth, as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa–8(f)).

(3) PAL CHAPTER.—The term “PAL chapter” means a chapter of a Police or Sheriff's Athletic/Activities League.

(4) POLICE ATHLETIC LEAGUE.—The term “Police Athletic League” means the private, nonprofit, national representative organization for 320 Police or Sheriff's Athletic/Activities Leagues throughout the United States (including the Virgin Islands and the Commonwealth of Puerto Rico).

(5) PUBLIC HOUSING; PROJECT.—The terms “public housing” and “project” have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

SEC. 5. GRANTS AUTHORIZED.

(a) IN GENERAL.—Subject to appropriations, for each of fiscal years 2001 through 2005, the Assistant Attorney General shall award a grant to the Police Athletic League for the purpose of establishing PAL chapters to serve public housing projects and other distressed areas, and expanding existing PAL chapters to serve additional youths.

(b) APPLICATION.—

(1) SUBMISSION.—In order to be eligible to receive a grant under this section, the Police Athletic League shall submit

42 USC 13751
note.

42 USC 13751
note.

42 USC 13751
note.

to the Assistant Attorney General an application, which shall include—

(A) a long-term strategy to establish 250 additional PAL chapters and detailed summary of those areas in which new PAL chapters will be established, or in which existing chapters will be expanded to serve additional youths, during the next fiscal year;

Deadline. (B) a plan to ensure that there are a total of not less than 570 PAL chapters in operation before January 1, 2004;

(C) a certification that there will be appropriate coordination with those communities where new PAL chapters will be located; and

(D) an explanation of the manner in which new PAL chapters will operate without additional, direct Federal financial assistance once assistance under this Act is discontinued.

Deadline. (2) REVIEW.—The Assistant Attorney General shall review and take action on an application submitted under paragraph (1) not later than 120 days after the date of such submission.

42 USC 13751
note.

SEC. 6. USE OF FUNDS.

(a) IN GENERAL.—

(1) ASSISTANCE FOR NEW AND EXPANDED CHAPTERS.—Amounts made available under a grant awarded under this Act shall be used by the Police Athletic League to provide funding for the establishment of PAL chapters serving public housing projects and other distressed areas, or the expansion of existing PAL chapters.

(2) PROGRAM REQUIREMENTS.—Each new or expanded PAL chapter assisted under paragraph (1) shall carry out not less than four programs during nonschool hours, of which—

(A) not less than two programs shall provide—

- (i) mentoring assistance;
- (ii) academic assistance;
- (iii) recreational and athletic activities; or
- (iv) technology training; and

(B) any remaining programs shall provide—

- (i) drug, alcohol, and gang prevention activities;
- (ii) health and nutrition counseling;
- (iii) cultural and social programs;
- (iv) conflict resolution training, anger management, and peer pressure training;
- (v) job skill preparation activities; or
- (vi) Youth Police Athletic League Conferences or Youth Forums.

(b) ADDITIONAL REQUIREMENTS.—In carrying out the programs under subsection (a), a PAL chapter shall, to the maximum extent practicable—

(1) use volunteers from businesses, academic communities, social organizations, and law enforcement organizations to serve as mentors or to assist in other ways;

(2) ensure that youth in the local community participate in designing the after-school activities;

(3) develop creative methods of conducting outreach to youth in the community;

(4) request donations of computer equipment and other materials and equipment; and

(5) work with State and local park and recreation agencies so that activities funded with amounts made available under a grant under this Act will not duplicate activities funded from other sources in the community served.

SEC. 7. REPORTS.

42 USC 13751
note.

(a) **REPORT TO ASSISTANT ATTORNEY GENERAL.**—For each fiscal year for which a grant is awarded under this Act, the Police Athletic League shall submit to the Assistant Attorney General a report on the use of amounts made available under the grant.

(b) **REPORT TO CONGRESS.**—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Assistant Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing and expanding PAL chapters in public housing projects and other distressed areas, and the effectiveness of the PAL programs in reducing drug abuse, school dropouts, and juvenile crime.

Deadline.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

42 USC 13751
note.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act \$16,000,000 for each of fiscal years 2001 through 2005.

(b) **FUNDING FOR PROGRAM ADMINISTRATION.**—Of the amount made available to carry out this Act in each fiscal year—

(1) not less than 2 percent shall be used for research and evaluation of the grant program under this Act;

(2) not less than 1 percent shall be used for technical assistance related to the use of amounts made available under grants awarded under this Act; and

(3) not less than 1 percent shall be used for the management and administration of the grant program under this Act, except that the total amount made available under this paragraph for administration of that program shall not exceed 6 percent.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 3235:

HOUSE REPORTS: No. 106–859 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 2, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–368
106th Congress

An Act

Oct. 27, 2000
[H.R. 3236]

To authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may enter into contracts with the Weber Basin Water Conservancy District or any of its member unit contractors under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Weber Basin Project, Utah; and

(2) the exchange of water among Weber Basin Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Weber Basin Project, Utah.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 3236:

HOUSE REPORTS: No. 106–742 (Comm. on Resources).

SENATE REPORTS: No. 106–434 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–369
106th Congress

An Act

To provide for the establishment of the Cat Island National Wildlife Refuge in
West Feliciana Parish, Louisiana.

Oct. 27, 2000
[H.R. 3292]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cat Island National Wildlife
Refuge Establishment Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the southernmost unleveed portion of the Mississippi
River, Cat Island, Louisiana, is one of the last remaining tracts
in the lower Mississippi Valley that is still influenced by the
natural dynamics of the river;

(2) Cat Island supports one of the highest densities of
virgin bald cypress trees in the entire Mississippi River Valley,
including the Nation’s champion cypress tree which is 17 feet
wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining
species of forest songbirds and supports thousands of wintering
waterfowl;

(4) Cat Island supports high populations of deer, turkey,
and furbearers, such as mink and bobcats;

(5) conservation and enhancement of this area through
inclusion in the National Wildlife Refuge System would help
meet the habitat conservation goals of the North American
Waterfowl Management Plan;

(6) these forested wetlands represent one of the most valu-
able and productive wildlife habitat types in the United States,
and have extremely high recreational value for hunters, anglers,
birdwatchers, nature photographers, and others; and

(7) the Cat Island area is deserving of inclusion in the
National Wildlife Refuge System.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “Refuge” means the Cat Island National Wild-
life Refuge; and

(2) the term “Secretary” means the Secretary of the
Interior.

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall
be managed are—

Cat Island
National Wildlife
Refuge
Establishment
Act.
Conservation.
16 USC 668dd
note.
16 USC 668dd
note.

16 USC 668dd
note.

16 USC 668dd
note.

(1) to conserve, restore, and manage habitats as necessary to contribute to the migratory bird population goals and habitat objective as established through the Lower Mississippi Valley Joint Venture;

(2) to conserve, restore, and manage the significant aquatic resource values associated with the area's forested wetlands and to achieve the habitat objectives of the "Mississippi River Aquatic Resources Management Plan";

(3) to conserve, enhance, and restore the historic native bottomland community characteristics of the lower Mississippi alluvial valley and its associated fish, wildlife, and plant species;

(4) to conserve, enhance, and restore habitat to maintain and assist in the recovery of endangered, and threatened plants and animals; and

(5) to encourage the use of volunteers and facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

16 USC 668dd
note.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) **ACQUISITION BOUNDARY.**—The Secretary is authorized to establish the Cat Island National Wildlife Refuge, consisting of approximately 36,500 acres of land and water, as depicted upon a map entitled "Cat Island National Wildlife Refuge—Proposed", dated February 8, 2000, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) **BOUNDARY REVISIONS.**—The Secretary may make such minor revisions of the boundary designated under this section as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(c) **ACQUISITION.**—The Secretary is authorized to acquire the lands and waters, or interests therein, within the acquisition boundary described in subsection (a) of this section.

Federal Register,
publication.

(d) **ESTABLISHMENT.**—The Secretary shall establish the Refuge by publication of a notice to that effect in the Federal Register and publications of local circulation whenever sufficient property has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge.

16 USC 668dd
note.

SEC. 6. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish- and wildlife-oriented recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

(b) **PRIORITY USES.**—In providing opportunities for compatible fish- and wildlife-oriented recreation, the Secretary, in accordance with paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure that hunting, fishing, wildlife observation and photography, and environmental education and interpretation are the priority public uses of the Refuge.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such funds as may be necessary for the acquisition of lands and waters designated in section 5(c); and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

16 USC 668dd
note.

SEC. 8. DESIGNATION OF HERBERT H. BATEMAN EDUCATION AND ADMINISTRATIVE CENTER.

(a) **IN GENERAL.**—A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the “Herbert H. Bateman Education and Administrative Center”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the Herbert H. Bateman Education and Administrative Center.

Virginia.
16 USC 459f-5
note.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Effective on the day after the date of the enactment of the Act entitled, “An Act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994” (106th Congress), section 6 of the Junior Duck Stamp Conservation and Design Program Act of 1994 (16 U.S.C. 668dd note; Public Law 103-340), relating to an environmental education center and refuge, is redesignated as section 7.

(b) Effective on the day after the date of the enactment of the Cahaba River National Wildlife Refuge Establishment Act (106th Congress), section 6 of that Act is amended—

(1) in paragraph (2), by striking “the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)” and inserting “the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)”; and

(2) in paragraph (3), by striking “section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))” and inserting “paragraphs (3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))”.

(c) Effective on the day after the date of the enactment of the Red River National Wildlife Refuge Act (106th Congress), section 4(b)(2)(D) of that Act is amended by striking “section 4(a)(3) and (4) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668ee(a)(3), (4))” and inserting “paragraphs

Effective dates.
16 USC 668dd
note.

Ante, p. 1056.

(3) and (4) of section 4(a) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a))”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 3292:

HOUSE REPORTS: No. 106-659 (Comm. on Resources).

SENATE REPORTS: No. 106-459 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 19, considered and passed House.

Oct. 5, considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendments.



Public Law 106–370
106th Congress

An Act

To direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah.

Oct. 27, 2000
[H.R. 3468]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Duchesne City
Water Rights
Conveyance Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Duchesne City Water Rights Conveyance Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1861, President Lincoln established the Uintah Valley Reservation by Executive order. The Congress confirmed the Executive order in 1864 (13 Stat. 63), and additional lands were added to form the Uintah Indian Reservation (now known as the Uintah and Ouray Indian Reservation).

(2) Pursuant to subsequent Acts of Congress, lands were allotted to the Indians of the reservation, and unallotted lands were restored to the public domain to be disposed of under homestead and townsite laws.

(3) In July 1905, President Theodore Roosevelt reserved lands for the townsite for Duchesne, Utah, by Presidential proclamation and pursuant to the applicable townsite laws.

(4) In July 1905, the United States, through the Acting United States Indian Agent in Behalf of the Indians of the Uintah Indian Reservation, Utah, filed two applications, 43–180 and 43–203, under the laws of the State of Utah to appropriate certain waters.

(5) The stated purposes of the water appropriation applications were, respectively, “for irrigation and domestic supply for townsite purposes in the lands herein described”, and “for the purpose of irrigating Indian allotments on the Uintah Indian Reservation, Utah, * * * and for an irrigating and domestic water supply for townsite purposes in the lands herein described”.

(6) The United States subsequently filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes in the town of Duchesne, Utah.

(7) The State Engineer of Utah approved the change applications, and the State of Utah issued water right certificates, identified as Certificate Numbers 1034 and 1056, in the name of the United States Indian Service in 1921, pursuant

to the applications filed, for domestic and municipal uses in the town of Duchesne.

(8) Non-Indians settled the town of Duchesne, and the inhabitants have utilized the waters appropriated by the United States for townsite purposes.

(9) Pursuant to title V of Public Law 102-575, Congress ratified the quantification of the reserved waters rights of the Ute Indian Tribe, subject to reratification of the water compact by the State of Utah and the Tribe.

(10) The Ute Indian Tribe does not oppose legislation that will convey the water rights appropriated by the United States in 1905 to the city of Duchesne because the appropriations do not serve the purposes, rights, or interests of the Tribe or its members, because the full amount of the reserved water rights of the Tribe will be quantified in other proceedings, and because the Tribe and its members will receive substantial benefits through such legislation.

(11) The Secretary of the Interior requires additional authority in order to convey title to those appropriations made by the United States in 1905 in order for the city of Duchesne to continue to enjoy the use of those water rights and to provide additional benefits to the Ute Indian Tribe and its members as originally envisioned by the 1905 appropriations.

SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE CITY, UTAH.

(a) **CONVEYANCE.**—The Secretary of the Interior, as soon as practicable after the date of the enactment of this Act, and in accordance with all applicable law, shall convey to Duchesne City, Utah, or a water district created by Duchesne City, all right, title, and interest of the United States in and to those water rights appropriated under the laws of the State of Utah by the Department of the Interior's United States Indian Service and identified as Water Rights Nos. 43-180 (Certificate No. 1034) and 43-203 (Certificate No. 1056) in the records of the State Engineer of Utah.

(b) **REQUIRED TERMS.**—

(1) **IN GENERAL.**—As terms of any conveyance under subsection (a), the Secretary shall require that Duchesne City—

(A) shall allow the Ute Indian Tribe of the Uintah and Ouray Reservation, its members, and any person leasing or utilizing land that is held in trust for the Tribe by the United States and is located within the Duchesne City water service area (as such area may be adjusted from time to time), to connect to the Duchesne City municipal water system;

(B) shall not require such tribe, members, or person to pay any water impact, connection, or similar fee for such connection; and

(C) shall not require such tribe, members, or person to deliver or transfer any water or water rights for such connection.

(2) **LIMITATION.**—Paragraph (1) shall not be construed to prohibit Duchesne City from charging any person that connects to the Duchesne City municipal water system pursuant to paragraph (1) reasonable, customary, and nondiscriminatory fees to recover costs of the operation and maintenance of the water system to treat, transport, and deliver water to the person.

SEC. 4. WATER RIGHTS.

(a) **NO RELINQUISHMENT OR REDUCTION.**—Except as provided in section 3, nothing in this Act may be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Utah on or before the date of the enactment of this Act.

(b) **NO PRECEDENT.**—Nothing in this Act may be construed as establishing a precedent for conveying or otherwise transferring water rights held by the United States.

SEC. 5. TRIBAL RIGHTS.

Nothing in this Act may be construed to affect or modify any treaty or other right of the Ute Indian Tribe or any other Indian tribe.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 3468 (S. 2350):

HOUSE REPORTS: No. 106-737 (Comm. on Resources).

SENATE REPORTS: No. 106-478 accompanying S. 2350 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–371
106th Congress

An Act

Oct. 27, 2000
[H.R. 3577]

To increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act of September 30, 1950 (chapter 1114; 64 Stat. 1085), authorizing appropriations for the north side pumping division of the Minidoka reclamation project, Idaho, is amended by striking “\$11,395,000” and inserting “\$14,200,000”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 3577:

HOUSE REPORTS: No. 106–599 (Comm. on Resources).

SENATE REPORTS: No. 106–435 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 8, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–372
106th Congress

An Act

To provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

Oct. 27, 2000
[H.R. 3986]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1208 of Public Law 103–434 (108 Stat. 4562) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “OR WATER EXCHANGE” after “ELECTRIFICATION”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(C) by striking “In order to” and inserting the following:

“(1) ELECTRIFICATION.—In order to”; and

(D) by adding at the end the following:

“(2) WATER EXCHANGE ALTERNATIVE.—

“(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than \$4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—

“(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;

“(ii) secure the critical right-of-way areas for the pipeline alignment;

“(iii) prepare an environmental assessment; and

“(iv) conduct such other studies or investigations as are necessary to develop a water exchange.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or water exchange” after “electrification”; and

(B) in the second sentence of paragraph (2)(A), by inserting “or the equivalent of the rate” before the period;

(3) in subsection (d), by striking “electrification,” each place it appears and inserting “electrification or water exchange”; and

(4) in subsection (d), by striking “of the two” and inserting “thereof”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 3986 (S. 2163):

HOUSE REPORTS: No. 106-864 (Comm. on Resources).

SENATE REPORTS: No. 106-488 accompanying S. 2163 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and rejected in House.

Sept. 20, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–373
106th Congress

An Act

To amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

Oct. 27, 2000
[H. R. 4002]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Famine Prevention and Freedom From Hunger Improvement Act of 2000”.

Famine
Prevention and
Freedom From
Hunger
Improvement Act
of 2000.
22 USC 2151
note.

SEC. 2. GENERAL PROVISIONS.

(a) **DECLARATIONS OF POLICY.**—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: “The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.”.

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking “in this country” and inserting “with and through the private sector in this country and to understanding processes of economic development”;

(C) in subparagraph (B) (as redesignated), to read as follows:

“(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research

institutions in other countries, the private sector, and non-governmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;”;

(D) in subparagraph (C) (as redesignated), to read as follows:

“(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;”;

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking “and” at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

(H) by inserting after subparagraph (D) the following:

“(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

“(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);”;

(I) in subparagraph (G) (as redesignated), by striking “in the United States” and inserting “and the broader economy of the United States”; and

(J) by adding at the end the following:

“(H) that there is a need to responsibly manage the world’s agricultural and natural resources for sustained productivity, health and resilience to climate variability; and

“(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.”.

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

“(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

“(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

“(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

“(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

“(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

“(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

“(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.”.

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking “each component” and inserting “each of the program components described in paragraphs (1) through (6) of subsection (b)”;

(2) in paragraph (2)—

(A) by inserting “and public and private partners of universities” after “for the universities”; and

(B) by striking “and” at the end;

(3) in paragraph (3)—

(A) by inserting “and public and private partners of universities” after “such universities”;

(B) in subparagraph (A), by striking “, and” and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

“(C) multilateral banks and agencies receiving United States funds;

“(D) development agencies of other countries; and

“(E) United States Government foreign assistance and economic cooperation programs;”; and

(4) by adding at the end the following:

“(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

“(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.”.

(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after “sea-grant colleges;” the following: “Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);”; and

(2) in paragraph (1), by striking “extension” and inserting “extension (including outreach)”.

(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting “United States” before “Agency”.

(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

“(f) As used in this title, the term ‘public and private partners of universities’ includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.”.

(g) DEFINITION OF AGRICULTURE.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

“(g) As used in this title, the term ‘agriculture’ includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.”.

(h) DEFINITION OF AGRICULTURISTS.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

“(h) As used in this title, the term ‘agriculturists’ includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from

salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policy-makers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.”.

SEC. 3. GENERAL AUTHORITY.

(a) **AUTHORIZATION OF ASSISTANCE.**—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

(1) in paragraph (1), to read as follows:

“(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;”;

(2) in paragraph (3), to read as follows:

“(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;” and

(3) in paragraph (4)—

(A) by inserting “United States” before “universities”;

(B) by inserting “agricultural” before “research centers”; and

(C) by striking “and the institutions of agriculturally developing nations” and inserting “multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs”.

(b) **REQUIREMENTS.**—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “universities” and inserting “United States universities with public and private partners of universities”; and

(B) in subparagraph (C)—

(i) by inserting “, environment,” before “and related”; and

(ii) by striking “farmers and farm families” and inserting “agriculturalists”;

(2) in paragraph (2), by inserting “, including resources of the private sector,” after “Federal or State resources”; and

(3) in paragraph (3), by striking “and the United States Department of Agriculture” and all that follows and inserting “, the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.”.

(c) **FURTHER REQUIREMENTS.**—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

“(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;” and

(2) in paragraph (4), to read as follows:

“(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and”.

(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

“(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.”.

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: “on a case-by-case basis”.

(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

“(b) The Board’s general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.”.

(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “increase food production” and all that follows and inserting the following: “improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;”; and

(B) in subparagraph (B), by inserting before “sciences” the following: “, environmental, and related social”;

(2) in paragraph (4), after “Administrator and universities” insert “and their partners”;

(3) in paragraph (5), after “universities” insert “and public and private partners of universities”;

(4) in paragraph (6), by striking “and” at the end;

(5) in paragraph (7), by striking “in the developing nations.” and inserting “and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), and the amendments made by that Act;”; and

(6) by adding at the end the following:

“(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

“(9) investigating and resolving issues concerning implementation of this title as requested by universities; and
“(10) advising the Administrator on any and all issues as requested.”.

(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking “Research” and insert “Policy”;

(B) by striking “administration” and inserting “design”;
and

(C) by striking “section 297(a)(3) of this title” and inserting “section 297”; and

(2) in paragraph (2)—

(A) by striking “Joint Committee on Country Programs” and inserting “Joint Operations Committee”; and

(B) by striking “which shall assist” and all that follows and inserting “which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.”.

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking “April 1” and inserting “September 1”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4002:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Oct. 4, considered and passed Senate, amended.

Oct. 12, House concurred in Senate amendment.



Public Law 106–374
106th Congress

An Act

Oct. 27, 2000
[H.R. 4132]

To reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WATER RESOURCES RESEARCH PROGRAM GRANTS.

Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking “\$5,000,000 for fiscal year 1996, \$7,000,000 for each of fiscal years 1997 and 1998, and \$9,000,000 for each of fiscal years 1999 and 2000” and inserting “\$9,000,000 for fiscal year 2001, \$10,000,000 for each of fiscal years 2002 and 2003, and \$12,000,000 for each of fiscal years 2004 and 2005”.

SEC. 2. GRANTS FOR RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.

The first sentence of section 104(g)(1) of such Act (42 U.S.C. 10303(g)(1)) is amended by striking “\$3,000,000 for each of fiscal years 1996 through 2000” and inserting “\$3,000,000 for fiscal year 2001, \$4,000,000 for each of fiscal years 2002 and 2003, and \$6,000,000 for each of fiscal years 2004 and 2005”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4132 (S. 2297):

HOUSE REPORTS: No. 106–714 (Comm. on Resources).

SENATE REPORTS: No. 106–369 accompanying S. 2297 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 10, considered and passed House.

Oct. 18, considered and passed Senate.



Public Law 106–375
106th Congress

An Act

To require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

Oct. 27, 2000
[H.R. 4259]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Museum of the American Indian Commemorative Coin Act of 2000”, or the “American Buffalo Coin Commemorative Coin Act of 2000”.

National
Museum of the
American Indian
Commemorative
Coin Act of 2000.
31 USC 5112
note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Smithsonian Institution was established in 1846, with funds bequeathed to the United States by James Smithson for the “increase and diffusion of knowledge”.

(2) Once established, the Smithsonian Institution became an important part of the process of developing the United States national identity, an ongoing role which continues today.

(3) The Smithsonian Institution, which is now the world’s largest museum complex, including 16 museums, 4 research centers, and the National Zoo, is visited by millions of Americans and people from all over the world each year.

(4) The National Museum of the American Indian of the Smithsonian Institution (hereafter referred to in this section as the “NMAI”) was established by an Act of Congress in 1989, in Public Law 101–185.

(5) The purpose of the NMAI, as established by Congress, is to—

(A) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(B) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest; and

(C) provide for Native American research and study programs.

(6) The NMAI works in cooperation with Native Americans and oversees a collection that spans more than 10,000 years of American history.

(7) It is fitting that the NMAI will be located in a place of honor near the United States Capitol, and on the National Mall.

(8) Thousands of Americans, including many American Indians, came from all over the Nation to witness the groundbreaking ceremony for the NMAI on September 28, 1999.

(9) The NMAI is scheduled to open in the summer of 2002.

(10) The original 5-cent buffalo nickel, as designed by James Earle Fraser and minted from 1913 through 1938, which portrays a profile representation of a Native American on the obverse side and a representation of an American buffalo on the reverse side, is a distinctive and appropriate model for a coin to commemorate the NMAI.

(11) The surcharge proceeds from the sale of a commemorative coin, which would have no net cost to the taxpayers, would raise valuable funding for the opening of the NMAI and help to supplement the endowment and educational outreach funds of the NMAI.

SEC. 3. COIN SPECIFICATIONS.

(a) **\$1 SILVER COINS.**—In commemoration of the opening of the Museum of the American Indian of the Smithsonian Institution, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue not more than 500,000 \$1 coins, each of which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the \$1 coins minted under this Act shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 through 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side, a representation of an American buffalo (also known as a bison).

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2001”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

- (1) selected by the Secretary, after consultation with the Commission of Fine Arts; and
- (2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—

(1) **IN GENERAL.**—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that the United States Mint facility in Denver, Colorado should strike the coins authorized by this Act, unless the Secretary determines that such action would be technically or cost-prohibitive.

(c) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this Act beginning on January 1, 2001.

(d) **TERMINATION OF MINTING.**—No coins may be minted under this Act after December 31, 2001.

SEC. 7. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge required by subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) **SURCHARGES.**—All sales of coins minted under this Act shall include a surcharge of \$10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) **IN GENERAL.**—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian of the Smithsonian Institution for the purposes of—

(1) commemorating the opening of the National Museum of the American Indian; and

(2) supplementing the endowment and educational outreach funds of the Museum of the American Indian.

(b) **AUDITS.**—The National Museum of the American Indian shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the museum under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4259:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 11, considered and passed Senate.



Public Law 106–376
106th Congress

An Act

To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

Oct. 27, 2000
[H.R. 4389]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) **CONTRACT.**—The term “contract” means the contract between the United States and the Northern Colorado Water Conservancy District providing for the construction of the Colorado-Big Thompson Project, dated July 5, 1938 (including any amendments and supplements).

(2) **DISTRICT.**—The term “District” means the Northern Colorado Water Conservancy District.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRANSFERRED WATER DISTRIBUTION FACILITIES.**—The term “transferred water distribution facilities” means the North Poudre Supply Canal and Diversion Works, also known as the Munroe Gravity Canal, the Charles Hansen (Supply) Canal and Windsor Extension, and the Dixon Feeder Canal, all of which are facilities of the Colorado-Big Thompson Project located in Larimer County, Colorado.

SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.

(a) **IN GENERAL.**—The Secretary shall, as soon as practicable after the date of the enactment of this Act and in accordance with all applicable law, convey to the District all right, title, and interest in and to the transferred water distribution facilities.

(b) **SALE PRICE.**—

(1) **IN GENERAL.**—The Secretary shall accept \$150,315 as payment from the District and \$1,798,200 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Loveland Area Projects collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, \$1,798,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(2) **NO EFFECT ON OBLIGATIONS AND RIGHTS.**—Except as expressly provided in this Act, nothing in this Act affects or

modifies the obligations and rights of the District under the contract.

(3) PAYMENTS.—Except as provided in subsection (c), the District shall continue to make such payments as are required under the contract.

(c) CREDIT TOWARD PROJECT REPAYMENT.—Upon payment by the District of the amount authorized to be accepted from the District under subsection (b)(1), the amount paid shall be credited toward repayment of capital costs of the Colorado-Big Thompson Project in an amount equal to the associated undiscounted obligation for repayment of the capital costs.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the transferred water distribution facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on any prior ownership or operation by the United States of the conveyed property.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4389 (S. 2400):

HOUSE REPORTS: No. 106-812 (Comm. on Resources).

SENATE REPORTS: No. 106-450 accompanying S. 2400 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed House.

Oct. 13, considered and passed Senate.



***Public Law 106–377**
106th Congress

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Oct. 27, 2000
 [H.R. 4635]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

Incorporation by
 reference.

(1) H.R. 5482, as introduced on October 18, 2000.

(2) H.R. 5483, as introduced on October 18, 2000.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

Publication.
 1 USC 112 note.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4635:

HOUSE REPORTS: Nos. 106–674 (Comm. on Appropriations) and 106–988 (Comm. of Conference).

SENATE REPORTS: No. 106–410 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 19–21, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 19, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 27, Presidential statement.

***ENDNOTE:** The following appendixes were added pursuant to the provisions of section 1 of this Act.



TABLE OF CONTENTS

The table of contents is as follows:

APPENDIX A—H.R. 5482

APPENDIX B—H.R. 5483

APPENDIX A—H.R. 5482

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$22,766,276,000, to remain available until expended: *Provided*, That not to exceed \$17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, \$1,634,000,000, to remain available until expended: *Provided*, That expenses for

rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: *Provided further*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$162,000,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, \$220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$52,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$432,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$532,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS
VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$750,000 of the amounts appropriated by this Act for “General operating expenses” and “Medical care” may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., \$20,281,587,000, plus reimbursements: *Provided*, That of the funds made available under this heading, \$900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: *Provided further*, That of the funds made available under this heading, not to exceed \$500,000,000 shall

be available until September 30, 2002: *Provided further*, That of the funds made available under this heading, not to exceed \$28,134,000 may be transferred to and merged with the appropriation for “General operating expenses”: *Provided further*, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: *Provided further*, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105-33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, \$351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, \$62,000,000 plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,050,000,000: *Provided*, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1),

(2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed \$45,000,000 shall be available until September 30, 2002: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, \$109,889,000: *Provided*, That travel expenses shall not exceed \$1,125,000: *Provided further*, That of the amount made available under this heading, not to exceed \$125,000 may be transferred to and merged with the appropriation for “General operating expenses”.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$46,464,000: *Provided*, That of the amount made available under this heading, not to exceed \$28,000 may be transferred to and merged with the appropriation for “General operating expenses”.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$4,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$66,040,000, to remain available until expended: *Provided*, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by

September 30, 2002: *Provided further*, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the “Parking revolving fund”, may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than \$4,000,000, \$162,000,000, to remain available until expended, along with unobligated balances of previous “Construction, minor projects” appropriations which are hereby made available for any project where the estimated cost is less than \$4,000,000: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from “Medical care”.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, \$100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, \$25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for “Construction, major projects”, “Construction, minor projects”, and the “Parking revolving fund”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901-7904 or 42 U.S.C. 5141-5204), unless reimbursement of cost is made to the “Medical care” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from “Compensation and pensions”.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans’ Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the “General operating expenses” account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106-117) and credited to the appropriate

Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103-335) under the heading “Research, Development, Test and Evaluation, Defense-Wide”.

SEC. 110. As HR LINK\$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK\$ services from the Franchise Fund shall be transferred to the General Administration portion of the “General operating expenses” appropriation in the following amounts: \$78,000 from the “Office of Inspector General”, \$358,000 from the “National cemetery administration”, \$1,106,000 from “Medical care”, \$84,000 from “Medical administration and miscellaneous operating expenses”, and \$38,000 shall be reprogrammed within the “General operating expenses” appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed \$1,600,000 from the “Medical care” appropriation shall be transferred to the “General operating expenses” appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed \$1,200,000 may be transferred from the “Medical care” appropriation to the “General operating expenses” appropriation to fund contracts and services in support of the Veterans Benefits Administration’s Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed \$4,500,000 from the “Construction, minor projects” appropriation and not to exceed \$2,000,000 from the “Medical care” appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for “Medical care” appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, \$13,940,907,000 and amounts that are recaptured in this account to remain available until expended: *Provided*, That of the total amount provided under this heading, \$13,430,000,000, of which \$9,230,000,000 shall be available on October 1, 2000 and \$4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (“the Act” herein) (42 U.S.C. 1437): *Provided further*, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: *Provided further*, That of the total amount provided under this heading, \$11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That of the total amount provided under this heading, \$40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42

U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further*, That of the total amount provided under this heading, \$452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: *Provided further*, That of the total amount provided under this heading, up to \$7,000,000 shall be made available for the completion of the Jobs Plus Demonstration: *Provided further*, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: *Provided further*, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That \$1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual Contributions for Assisted Housing” or any other heading for fiscal year 2000 and prior years: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: *Provided further*, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: *Provided further*, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), \$3,000,000,000, to remain available until expended, of which up to \$50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and \$43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: *Provided further*, That of the total amount, up to \$75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C.

1437g), \$3,242,000,000, to remain available until expended: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901-11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921-11925, \$310,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, up to \$3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to \$150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, \$2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and \$10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: *Provided further*, That of the amount under this heading, \$10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: *Provided further*, That of the amount under this heading, \$20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by non-profit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided further*, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, \$575,000,000 to remain available until expended, of which the Secretary may use up to \$10,000,000 for technical assistance and contract expertise, to be provided directly

or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104-330), \$650,000,000, to remain available until expended, of which \$6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided*, That of the amount provided under this heading, \$6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$54,600,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to \$150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for “Salaries and expenses”, to be used only for the administrative costs of these guarantees: *Provided further*, That of the amount provided in this heading, \$2,000,000 shall be transferred to the Working Capital Fund for development and maintaining information technology systems.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), \$6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for “Salaries and expenses”, to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), \$258,000,000, to remain available until expended: *Provided*, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided*, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, \$90,000,000, to remain available until expended: *Provided*, That \$75,000,000 shall be available for the Secretary of Housing and Urban Development for “Urban Empowerment Zones”, as authorized in the Taxpayer Relief Act of 1997, including \$5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: *Provided further*, That \$15,000,000 shall be available to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$5,057,550,000: *Provided*, That of the amount provided, \$4,409,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301), to remain available until September 30, 2003: *Provided further*, That \$71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, \$3,000,000 shall be available as a grant to the Housing Assistance Council, \$2,600,000 shall be available as a grant to the National American Indian Housing Council, \$10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed \$2,000,000 and for a program

of affordable housing acquisition and rehabilitation, and \$45,500,000 shall be for grants pursuant to section 107 of the Act of which \$3,000,000 shall be made available to support Alaska Native serving institutions and Native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which \$3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for “Planning and Management Development” and “Administration” as defined in regulations promulgated by the department: *Provided further*, That \$15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That \$20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, \$28,450,000 shall be made available for capacity building, of which \$25,000,000 shall be made available for “Capacity Building for Community Development and Affordable Housing”, for LIHC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120), as in effect immediately before June 12, 1997, of which not less than \$5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which \$3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to \$55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, \$44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: *Provided further*, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, \$60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*,

That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That no more than 10 percent of any grant award may be used for administrative costs: *Provided further*, That not less than \$10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: *Provided further*, That of the amount provided under this paragraph, \$4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, \$2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, \$292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, \$29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program, \$1,000,000, which shall be transferred to and merged with the appropriation for “Salaries and expenses”.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,800,000,000 to remain available until expended: *Provided*, That up to \$20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: *Provided further*, That \$17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), \$1,025,000,000, to remain available until expended: *Provided*, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: *Provided further*, That \$500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, \$100,000,000, to remain available until expended: *Provided*, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, \$996,000,000, to remain available until expended: *Provided*, That \$779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental

assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount \$50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount \$50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use: *Provided further*, That of the amount under this heading, \$217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That \$1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: *Provided further*, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$250,000,000: *Provided*, That

the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$330,888,000, of which not to exceed \$324,866,000 shall be transferred to the appropriation for “Salaries and expenses”; and not to exceed \$4,022,000 shall be transferred to the appropriation for “Office of Inspector General”. In addition, for administrative contract expenses, \$160,000,000, of which \$96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That to the extent guaranteed loan commitments exceed \$65,500,000 on or before April 1, 2001 an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$101,000,000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$21,000,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000; of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$211,455,000, of which \$193,134,000, shall be transferred to the appropriation for “Salaries and expenses”; and of which \$18,321,000 shall be transferred to the appropriation for “Office of Inspector General”. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$144,000,000, of which \$33,500,000 shall be transferred to the Working Capital

Fund for the development and maintenance of information technology systems: *Provided*, That to the extent guaranteed loan commitments exceed \$8,426,000,000 on or before April 1, 2001, an additional \$19,800,000 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$8,426,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$9,383,000 shall be transferred to the appropriation for “Salaries and expenses”.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$53,500,000, to remain available until September 30, 2002: *Provided*, That of the amount provided under this heading, \$10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: *Provided further*, That \$3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department’s budget process: *Provided further*, That \$500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$46,000,000, to remain available until September 30, 2002, of which \$24,000,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or

legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, \$100,000,000 to remain available until expended, of which \$1,000,000 shall be for CLEARCorps and \$10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$1,072,000,000, of which \$518,000,000 shall be provided from the various funds of the Federal Housing Administration, \$9,383,000 shall be provided from funds of the Government National Mortgage Association, \$1,000,000 shall be provided from the “Community development fund” account, \$150,000 shall be provided by transfer from the “Title VI Indian federal guarantees program” account, and \$200,000 shall be provided by transfer from the “Indian housing loan guarantee fund program” account: *Provided*, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: *Provided further*, That not more than \$758,000,000 shall be made available to the personal services object class: *Provided further*, That no less than \$100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: *Provided further*, That the Secretary shall fill 7 out of 10 vacancies at the GS-14 and GS-15 levels until the total number of GS-14 and GS-15 positions in the Department has been reduced from the number of GS-14 and GS-15 positions on the date of enactment of this provision by 2½ percent: *Provided further*, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: *Provided further*, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$85,000,000, of which \$22,343,000 shall be provided from the various funds of the Federal Housing Administration and \$10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for “Drug elimination grants for low-income housing”: *Provided*, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the

purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

“(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.”.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking “and 2000” and inserting “2000, and thereafter”.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting “and any other reasonable limit prescribed by the Secretary” immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal

Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: *Provided*, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

“SEC. 443. ENVIRONMENTAL REVIEW.

“For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.”.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after “December 31, 2002” the following: “, except that this subparagraph shall continue to apply if the Secretary receives a mortgagee’s written notice of intent to assign its mortgage to the Secretary on or before such date”.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking “and”;

(2) in subparagraph (F), by striking “or their designees.” and inserting “and”;

(3) by adding the following new subparagraph at the end:

“(G) the Director of the Enforcement Center; or their designees.”.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, State, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, State, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.”.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF
THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING
ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of \$20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading “Public Housing Demolition, Site Revitalization, and Replacement Housing Grants” for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: “, including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources”;

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking “and” at the end;

(B) in subparagraph (J), by striking the period and inserting “; and”; and

(C) by adding after subparagraph (J) the following:

“(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.”; and

(3) in subsection (h)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period and inserting “; and”; and

(C) by inserting after paragraph (7) the following:

“(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).”.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: “, including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources”; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following: “, including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)”.

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105-65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking “fiscal year 2000” and inserting “fiscal years 2000 and 2001”.

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

- (1) in clause (v), striking “or” at the end;
- (2) in clause (vi), striking the period at the end; and
- (3) adding at the end the following new clause:

“(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas; (II) has a population of not less than 650,000; (III) for more than 10 years, has been classified as a metropolitan city for purposes of allocating and distributing funds under section 106; and (IV) as of the date of enactment of this clause, has over 90 percent of the county’s population within the jurisdiction of the consolidated government; or

“(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.”.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF
RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading “Community Planning and Development—Community Development Block Grants” in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the \$1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105-769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be

made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking “PUBLIC HOUSING” and inserting “PUBLIC AND INDIAN HOUSING”;

(2) in subsection (a)—

(A) by inserting after “residents,” the following: “recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act,”; and

(B) by inserting after “public housing residents” the second place it appears the following: “and residents of housing assisted under such Act”;

(3) in subsection (b)—

(A) by inserting after “project” the first place it appears the following: “or the property of a recipient under such Act or housing assisted under such Act”;

(B) by inserting after “public housing residents” the following: “or residents of housing assisted under such Act”; and

(C) in subsection (b)(1), by inserting after “public housing project” the following: “or residents of housing assisted under such Act”; and

(4) in subsection (d)(2), by striking “State or local” and inserting “State, local, or tribal”.

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after “public housing” the following: “and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996”.

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74; 113 Stat. 1075) is amended by striking “September 30, 2000” and inserting “September 30, 2001”.

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the City of Homestead, Florida (Public Law 103-50; 107 Stat. 262), up to \$583,926.70 shall be made available to Dade County, Florida, for use only

for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking “1993” and all that follows through “City of Los Angeles” and inserting “1993 through 2001 to the City of Los Angeles”.

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking “mortgage” and all that follows through “involving” and inserting “mortgage closed on or before December 31, 2002, involving”.

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

“(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.”.

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

- (1) in subsection (a), by striking “or as a result of a lack of access to private financial markets”; and
- (2) in subsection (b)(2), by inserting “refinance,” after “acquire,”.

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after “contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project” the following: “(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)”.

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act is amended by adding at the end the following new section:

“SEC. 402. DISCHARGE COORDINATION POLICY.

“The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.”.

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in the matter preceding subparagraph (A), by inserting a comma after “homelessness”; and

(2) by striking “Not” and inserting the following: “Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not”.

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act (42 U.S.C. 12701 note) is amended in subsection (a) by striking “Commission on Affordable Housing and Health Care Facility Needs in the 21st Century” and inserting “Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century”.

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following: “The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis.”; and

(2) in section 209 by striking “1994” and inserting “2005”.

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

“(13) PHA PROJECT-BASED ASSISTANCE.—

“(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

“(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

“(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

“(i) the public housing agency plan for the agency approved under section 5A; and

“(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

“(D) INCOME MIXING REQUIREMENT.—

“(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

“(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

“(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

“(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

“(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

“(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency’s annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government

or other entity approved by the Secretary in the manner provided under paragraph (11).

“(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

“(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

“(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

“(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

“(ii) the provisions of subsection (c)(2)(C) shall not apply.

“(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission

to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.

“(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

“(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only: (I) if the vacancy was not the fault of the owner of the dwelling unit; and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

“(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.”.

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to

any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

- (1) by striking “any family (A) who is otherwise eligible for such assistance, and (B)” and inserting “(A) any family (i) who is otherwise eligible for such assistance, and (ii)”; and
- (2) by inserting before the period at the end the following: “and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older”.

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

- (1) in subsection (a)—
 - (A) in the first sentence, by striking “demonstrate the effectiveness of providing” and inserting “provide”; and
 - (B) in the second sentence, by striking “demonstration” and inserting “the”;
- (2) in subsection (b)—
 - (A) in paragraph (1), by striking “determine the effectiveness of” and inserting “provide”; and
 - (B) by striking paragraph (5), and inserting the following new paragraph:

“(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.”;
- (3) in subsection (c)—
 - (A) in paragraph (1), by striking “test the effectiveness of” and inserting “provide”; and
 - (B) by striking paragraph (4) and inserting the following new paragraph:

“(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.”;
- (4) by striking subsection (d);
- (5) by striking “pilot” and “PILOT” each place such terms appear; and
- (6) in the section heading, by striking “**DEMONSTRATIONS**” and inserting “**PROGRAMS**”.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$7,500,000, \$5,000,000 of which to remain available until September 30, 2001 and \$2,500,000 of which to remain available until September 30, 2002: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: *Provided further*, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$118,000,000, to remain available until September 30, 2002, of which \$5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to \$8,750,000 may be used for administrative expenses, up to \$19,750,000 may be used for the cost of direct loans, and up to \$1,000,000 may be used for

administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$53,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the “Act”) (42 U.S.C. 12501 et seq.), \$458,500,000, to remain available until September 30, 2002: *Provided*, That not more than \$31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than \$2,000,000 targeted for the acquisition of a cost accounting system for the Corporation’s financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: *Provided further*, That not more than \$2,500 shall be for official reception and representation expenses: *Provided further*, That not more than \$70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed \$5,000,000 shall be available for national service scholarships for high school students performing community service: *Provided further*, That not more than \$231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than \$45,000,000 may be used to administer, reimburse, or support any national service program authorized

under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than \$25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: *Provided further*, That not more than \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than \$43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than \$28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than \$5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: *Provided further*, That of amounts available in the National Service Trust account from previous appropriations Acts, \$30,000,000 shall be rescinded: *Provided further*, That not more than \$7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: *Provided further*, That not more than \$5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: *Provided further*, That not more than \$2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: *Provided further*, That not more than \$2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: *Provided further*, That not more than \$1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

PUBLIC LAW 106–377—APPENDIX A 114 STAT. 1441A–39

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading “Corporation for National and Community Service, National and Community Service Programs Operating Expenses” in title III by reducing to \$229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the “Act”) (with a corresponding reduction to \$40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to \$33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of 3 years to support the “P.A.V.E. the Way” project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, \$12,445,000, of which \$895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section

311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, \$63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for

senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses, \$2,087,990,000, which shall remain available until September 30, 2002: *Provided*, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the “Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits” with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: *Provided further*, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; \$1,270,000,000 (of which \$100,000,000 shall not become

available until September 1, 2001), to remain available until expended, consisting of \$635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101-508, and \$635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$11,500,000 shall be transferred to the “Office of Inspector General” appropriation to remain available until September 30, 2002, and \$36,500,000 shall be transferred to the “Science and technology” appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, \$15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,628,740,000, to remain available until expended, of which \$1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; \$825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; \$335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this

Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and \$1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C-180840-01, C-180840-04, C-470319-03, and C-470319-04, are hereby resolved in favor of the grantee: *Provided further*, That EPA, in considering the local match for the \$5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-Federal money spent by the City of Cumberland for combined sewer, stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the

fiscal year 1999 and any subsequent funds may be used for any required non-Federal share of the costs of projects funded by the Federal Government under section 580 of Public Law 106-53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

“(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until 1 year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).”.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969,

the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, \$2,900,000: *Provided*, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: *Provided further*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed \$2,900,000 may be transferred to “Emergency management planning and assistance” for the consolidated emergency management performance grant program; and up to \$15,000,000 may be obligated for flood map modernization activities following disaster declarations: *Provided*, That of the funds made available under this heading in this and prior appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, \$3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for “Disaster relief”, \$1,300,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, \$1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying

such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000.

In addition, for administrative expenses to carry out the direct loan program, \$427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses, \$215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$10,000,000: *Provided*, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404-405), and Reorganization Plan No. 3 of 1978, \$269,652,000: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), \$25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106-74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and

equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended, \$140,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed \$25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$77,307,000 for flood mitigation, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) \$55,000,000 for operating expenses; (2) \$455,627,000 for agents' commissions and taxes; and (3) \$40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to \$17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104-208, is further amended by striking "September 30, 2000" and inserting "December 31, 2001".

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking "September 30, 2000" and inserting "December 31, 2001".

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, \$20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$7,122,000, to be deposited into the Federal Consumer Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of \$12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of \$12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,190,700,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or

allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, \$2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for “Human space flight”, “Science, aeronautics and technology”, or “Mission support” by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in “Mission support” pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for “Human space flight”, “Science, aeronautics and technology”, or “Mission support” by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for “Mission support” and “Office of Inspector General”, amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for “Human space flight” may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility shall not exceed \$296,303: *Provided further*, That \$1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which \$650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and \$350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; \$3,350,000,000, of which not to exceed \$275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That \$65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: *Provided further*, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: *Provided further*, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: *Provided further*, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days

for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, \$121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$787,352,000, to remain available until September 30, 2002: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That \$10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$160,890,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$90,000,000, of which \$5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: *Provided*, That of the amount made available, \$2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$24,480,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—
(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for

a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except

as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term “qualified student loan” with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the committees by December 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, *American Trucking Ass'ns. v. EPA* (No. 97-1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104-204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting “or to restructure and improve the efficiency of the workforce” after “the National Aeronautics and Space Administration” and before “the Administrator”;

(b) by striking paragraph (4) of subsection (h) and inserting the following:

“(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements.”

(c) by striking subsection (i) and inserting the following:

“(i) **REPORTS.**—The Administrator shall submit a report on NASA’s restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than September 30, 2001. This report shall include—

“(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

“(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

“(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

“(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive.”; and

(d) in subsection (j), by striking “September 30, 2000” and inserting “September 30, 2002”.

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking “December 31, 2000”, and inserting “December 31, 2001”.

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85-568, is amended by adding the following new section at the end:

“SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, ‘Human space flight’, ‘Science, aeronautics and technology’, and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration’s related activities.

“(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

“(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the ‘Mission support’ account are to be transferred to the ‘Human space flight’ and ‘Science, aeronautics and technology’ accounts. Such balances shall be transferred and merged with the ‘Human space flight’ and ‘Science, aeronautics and technology’ accounts, and remain available for the period of which originally appropriated.”.

TITLE V—FILIPINO VETERANS’ BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking “Payments” in the second sentence of subsection (a) and inserting “Except as provided in subsection (c), payments”; and

(B) by adding at the end the following new subsection:

“(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.”.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting “(a)” before “The Secretary,”; and

(2) by adding at the end the following:

“(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.”.

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

“(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.”.

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,172,730,916.14.

Titles I–IV of this Act may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001”.

APPENDIX B—H.R. 5483

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I**DEPARTMENT OF DEFENSE—CIVIL****DEPARTMENT OF THE ARMY****CORPS OF ENGINEERS—CIVIL**

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$160,038,000, to remain available until expended: *Provided*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: *Provided further*, That the Secretary of the Army is directed to use \$750,000 of the funds appropriated herein to continue preconstruction engineering and design for the Murrieta Creek, California flood protection and environmental restoration project in accordance with Alternative 6, based on the Murrieta Creek feasibility report and environmental impact statement dated June 2000 at a total cost of \$90,866,000, with an estimated Federal cost of \$59,063,900 and an estimated non-Federal cost of \$31,803,100.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,717,199,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

Elba, Alabama, \$8,400,000;
 Geneva, Alabama, \$10,800,000;
 San Gabriel Basin Groundwater Restoration, California, \$25,000,000;
 San Timoteo Creek (Santa Ana River Mainstem), California, \$5,000,000;
 Indianapolis Central Waterfront, Indiana, \$10,000,000;
 Southern and Eastern Kentucky, Kentucky, \$4,000,000;
 Clover Fork, Middlesboro, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Martin County, and Harlan County, Kentucky, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, Kentucky, \$20,000,000: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with planning, engineering, design and construction of the Town of Martin, Kentucky, element, in accordance with Plan A as set forth in the preliminary draft Detailed Project Report, Appendix T of the General Plan of the Huntington District Commander;
 Jackson County, Mississippi, \$2,000,000;
 Bosque and Leon Rivers, Texas, \$4,000,000; and
 Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, \$4,100,000:

Provided further, That using \$900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the Bowie County Levee project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: *Provided further*, That

no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II of the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed hereafter to use available Construction, General funds in addition to funding provided in Public Law 104-206 to complete design and construction of the Red River Regional Visitors Center in the vicinity of Shreveport, Louisiana at an estimated cost of \$6,000,000: *Provided further*, That section 101(b)(4) of the Water Resources Development Act of 1996, is amended by striking “total cost of \$8,600,000” and inserting “total cost of \$15,000,000”: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$3,000,000 of the funds appropriated herein for additional emergency bank stabilization measures at Galena, Alaska under the same terms and conditions as previous emergency bank stabilization work undertaken at Galena, Alaska pursuant to section 116 of Public Law 99-190: *Provided further*, That with \$4,200,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use not to exceed \$300,000 of funds appropriated herein to reimburse the City of Renton, Washington, at full Federal expense, for mitigation expenses incurred for the flood control project constructed pursuant to 33 U.S.C. 701s at Cedar River, City of Renton, Washington, as a result of over-dredging by the Army Corps of Engineers: *Provided further*, That \$2,000,000 of the funds appropriated herein shall be available for stabilization and renovation of Lock and Dam 10, Kentucky River, Kentucky, subject to enactment of authorization by law: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$3,000,000 of the funds appropriated herein to initiate construction of a navigation project at Kaunapali Harbor, Hawaii: *Provided further*, That the Secretary of the Army is directed to use \$2,000,000 of the funds provided herein for Dam Safety and Seepage/Stability Correction Program to design and construct seepage control features at Waterbury Dam, Winooski River, Vermont: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct barge lanes at the Houston-Galveston Navigation Channels, Texas, project, immediately adjacent to either side of the Houston Ship Channel, from Bolivar Roads to Morgan Point, to a depth of 12 feet with prior years’ Construction, General carry-over funds: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105-62 and Public Law 105-245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and

environmentally acceptable, and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the “Boundary Waters Treaty of 1909”): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake: *Provided further*, That within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g-1), \$347,731,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to complete his analysis and determination of Federal maintenance of the Greenville Inner Harbor, Mississippi navigation project in accordance with section 509 of the Water Resources Development Act of 1996.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing

and straightening channels; and removal of obstructions to navigation, \$1,901,959,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, from the funds provided herein for the operation and maintenance of New York Harbor, New York, is directed to prepare the necessary documentation and initiate removal of submerged obstructions and debris in the area previously marked by the Ambrose Light Tower in the interest of safe navigation: *Provided further*, That the Secretary of the Army is directed to use \$500,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: *Provided further*, That \$500,000 of the funds appropriated herein for the Ohio River Open Channel, Illinois, Kentucky, Indiana, Ohio, West Virginia, and Pennsylvania, project, are provided for the Secretary of the Army, acting through the Chief of Engineers, to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$125,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein to: (1) by March 1, 2001, supplement the report, Cost Analysis For the 1999 Proposal to Issue and Modify Nationwide Permits, to reflect the Nationwide Permits actually issued on March 9, 2000, including changes in the acreage limits, preconstruction notification requirements and general conditions between the rule proposed on July 21, 1999, and the rule promulgated and published in the Federal Register; (2) after consideration of the cost analysis for the 1999 proposal to issue and modify nationwide permits and the supplement prepared pursuant to this Act and by September 30, 2001, prepare, submit to Congress and publish in the Federal Register a Permit Processing Management Plan by which the Corps of Engineers will handle the additional work associated with all projected increases in the number of individual permit applications and preconstruction notifications related to the new and replacement permits and general conditions. The Permit Processing Management Plan shall include specific objective goals and criteria by which the Corps of Engineers' progress towards reducing any permit backlog can be measured; (3) beginning on December 31, 2001, and on a biannual basis thereafter, report to Congress and publish in the Federal Register, an analysis of the performance of its program as measured against the criteria set out in the Permit Processing Management Plan; (4) implement a 1-year pilot program to publish quarterly on the U.S. Army Corps of Engineer's Regulatory Program website all Regulatory Analysis and Management Systems (RAMS) data for the South Pacific Division and North Atlantic Division beginning within 30 days of the enactment of this Act; and (5) publish in

Division Office websites all findings, rulings, and decisions rendered under the administrative appeals process for the Corps of Engineers Regulatory Program as established in Public Law 106-60: *Provided further*, That, through the period ending on September 30, 2003, the Corps of Engineers shall allow any appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process: *Provided further*, That within 30 days of the enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, shall require all U.S. Army Corps of Engineers Divisions and Districts to record the date on which a section 404 individual permit application or nationwide permit notification is filed with the Corps of Engineers: *Provided further*, That the Corps of Engineers, when reporting permit processing times, shall track both the date a permit application is first received and the date the application is considered complete, as well as the reason that the application is not considered complete upon first submission.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, \$152,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

REVOLVING FUND

Amounts in the Revolving Fund are available for the costs of relocating the U.S. Army Corps of Engineers headquarters to office space in the General Accounting Office headquarters building in Washington, D.C.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) The Secretary of the Army shall enter into an agreement with the City of Grand Prairie, Texas, wherein the City agrees to assume all of the responsibilities of the Trinity River Authority of Texas under Contract No. DACW63-76-C-0166, other than financial responsibilities, except as provided for in subsection (c) of this section. The Trinity River Authority shall be relieved of all of its financial responsibilities under the Contract as of the date the Secretary of the Army enters into the agreement with the City.

(b) In consideration of the agreement referred to in subsection (a), the City shall pay the Federal Government a total of \$4,290,000 in two installments, one in the amount of \$2,150,000, which shall be due and payable no later than December 1, 2000, and one in the amount of \$2,140,000, which shall be due and payable no later than December 1, 2003.

(c) The agreement executed pursuant to subsection (a) shall include a provision requiring the City to assume all costs associated with operation and maintenance of the recreation facilities included in the Contract referred to in that subsection.

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 103. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of \$89,850,000 with an estimated Federal cost of \$57,735,000 and an estimated non-Federal cost of \$32,115,000.

SEC. 104. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available by this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Chesapeake and Delaware Canal, Delaware, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 105. Within available funds under title I, the Secretary of the Army, acting through the Chief of Engineers, shall provide up to \$7,000,000 to replace and upgrade the dam in Kake, Alaska

which collapsed July 2000, to provide drinking water and hydroelectricity.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$38,724,000, to remain available until expended, of which \$19,158,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and \$14,158,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,216,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$678,450,000, to remain available until expended, of which \$1,916,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$39,467,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which \$16,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund

or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting “2000, and 2001” in lieu of “and 2000”: *Provided further*, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89-108, as amended by section 8 of Public Law 99-294, section 1701(b) of Public Law 102-575, Public Law 105-245, and Public Law 106-60 is increased by \$2,000,000 (October 1998 prices): *Provided further*, That the amount authorized for Minidoka Project North Side Pumping Division, Idaho, by section 5 of Public Law 81-864, is increased by \$2,805,000: *Provided further*, That the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended as follows: (1) by inserting in section 4(c) after “1984,” and before “costs” the following: “and the additional \$95,000,000 further authorized to be appropriated by amendments to that Act in 2000,”; (2) by inserting in section 5 after “levels),” and before “plus” the following: “and, effective October 1, 2000, price levels),”; and (3) by striking “sixty days (which” and all that follows through “day certain)” and inserting in lieu thereof “30 calendar days”.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, \$8,944,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$27,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$38,382,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$50,224,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. Beginning in fiscal year 2001 and thereafter, the Secretary of the Interior shall assess and collect annually from Central Valley Project (CVP) water and power contractors the sum of \$540,000 (June 2000 price levels) and remit, without further appropriation, the amount collected annually to the Trinity Public Utilities District (TPUD). This assessment shall be payable 70 percent by CVP Preference Power Customers and 30 percent by CVP Water Contractors. The CVP Water Contractor share of this assessment shall be collected by the Secretary through established Bureau of Reclamation (Reclamation) Operation and Maintenance ratesetting practices. The CVP Power Contractor share of this assessment shall be assessed by Reclamation to the Western Area Power Administration, Sierra Nevada Region (Western), and collected by Western through established power ratesetting practices.

SEC. 204. (a) IN GENERAL.—For fiscal year 2001 and each fiscal year thereafter, the Secretary of the Interior shall continue funding, from power revenues, the activities of the Glen Canyon Dam Adaptive Management Program as authorized by section 1807 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), at not more than \$7,850,000 (October 2000 price level), adjusted in subsequent years to reflect changes in the Consumer Price Index

for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) VOLUNTARY CONTRIBUTIONS.—Nothing in this section precludes the use of voluntary financial contributions (except power revenues) to the Adaptive Management Program that may be authorized by law.

(c) ACTIVITIES TO BE FUNDED.—The activities to be funded as provided under subsection (a) include activities required to meet the requirements of section 1802(a) and subsections (a) and (b) of section 1805 of the Grand Canyon Protection Act of 1992 (106 Stat. 4672), including the requirements of the Biological Opinion on the Operation of Glen Canyon Dam and activities required by the Programmatic Agreement on Cultural and Historic Properties, to the extent that the requirements and activities are consistent with the Grand Canyon Protection Act of 1992 (106 Stat. 4672).

(d) ADDITIONAL FUNDING.—To the extent that funding under subsection (a) is insufficient to pay the costs of the monitoring and research and other activities of the Glen Canyon Dam Adaptive Management Program, the Secretary of the Interior may use funding from other sources, including funds appropriated for that purpose. All such appropriated funds shall be nonreimbursable and nonreturnable.

SEC. 205. The Secretary of the Interior is authorized and directed to use not to exceed \$1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330-268; 43 U.S.C. 390ww(i)).

SEC. 206. CANYON FERRY RESERVOIR, MONTANA. (a) APPRAISALS.—Section 1004(c)(2)(B) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-713; 113 Stat. 1501A-307) is amended—

(1) in clause (i), by striking “be based on” and inserting “use”;

(2) in clause (vi), by striking “Notwithstanding any other provision of law,” and inserting “To the extent consistent with the Uniform Appraisal Standards for Federal Land Acquisition,”; and

(3) by adding at the end the following:

“(vii) APPLICABILITY.—This subparagraph shall apply to the extent that its application is practicable and consistent with the Uniform Appraisal Standards for Federal Land Acquisition.”.

(b) TIMING.—Section 1004(f)(2) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-714; 113 Stat. 1501A-308) is amended by inserting after “Act,” the following: “in accordance with all applicable law,”.

(c) INTEREST.—Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-717; 113 Stat. 1501A-310) is amended by striking paragraph (4).

SEC. 207. Beginning in fiscal year 2000 and thereafter, any amounts provided for the Newlands Water Rights Fund for purchasing and retiring water rights in the Newlands Reclamation Project shall be non-reimbursable.

SEC. 208. USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NONPROJECT WATER. The Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

SEC. 209. AMENDMENT TO IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998. (a) Section 2(a) of the Irrigation Project Contract Extension Act of 1998, Public Law 105-293, is amended by striking the date “December 31, 2000”, and inserting in lieu thereof the date “December 31, 2003”; and

(b) Subsection 2(b) of the Irrigation Project Contract Extension Act of 1998, Public Law 105-293, is amended by—

(1) striking the phrase “not to go beyond December 31, 2001”, and inserting in lieu thereof the phrase “not to go beyond December 31, 2003”; and

(2) striking the phrase “terminates prior to December 31, 2000”, and inserting in lieu thereof “terminates prior to December 31, 2003”.

SEC. 210. Section 202 of division B, title I, chapter 2 of Public Law 106-246 is amended by adding at the end the following: “This section shall be effective through September 30, 2001.”.

SEC. 211. (a) Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675; 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

“(f) REQUIREMENT TO FURNISH WATER, POWER CAPACITY, AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

“(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: *Provided*, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

“(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands’ reservations or in the local entities’ service areas in accordance with the settlement agreement. The Secretary, through a coterminous exhibit to Bureau of Reclamation Contract No. 6-CU-30-P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize Federal project use power provided for in Bureau of Reclamation Contracts numbered 6-CU-30-P1136, 6-CU-30-P1137, and 6-CU-30-P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E ‘Project Use Power’ of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).”.

(b) Title II of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100-675; 102 Stat. 4000 et seq.) is amended by adding at the end the following new section:

“SEC. 210. ANNUAL REPAYMENT INSTALLMENTS.

“During the period of planning, design, and construction of the works and during the period that the Indian Water Authority and the local entities receive up to 16,000 acre-feet of the water conserved by the works, the annual repayment installments provided in section 102(b) of the Colorado River Basin Salinity Control Act (Public Law 93-320; 88 Stat. 268) shall continue to be non-reimbursable. Nothing in this section shall affect the national obligation set forth in section 101(c) of such Act.”.

SEC. 212. (a) DEFINITIONS.—For the purpose of this section, the term—

(1) “Secretary” means the Secretary of the Interior;

(2) “Sly Park Unit” means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat,

and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) “District” means the El Dorado Irrigation District.

(b) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(c) SALE PRICE.—The Secretary is authorized to receive from the District \$2,000,000 to relieve payment obligations and extinguish the debt under contract number 14-06-200-949IR3, and \$9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102-575 through year 2029.

(d) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

(e) FUTURE BENEFITS.—Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

(f) LIABILITY.—Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

(g) COSTS.—All costs, including interest charges, associated with the Project that have been included as a reimbursable cost of the Central Valley Project are declared to be nonreimbursable and nonreturnable.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, \$660,574,000 to remain available until expended: *Provided*, That, in addition, royalties received to compensate the Department of Energy for its participation in the First-Of-A-Kind-Engineering program shall be credited to this account to be available until September 30, 2002, for the purposes of Nuclear Energy, Science and Technology activities.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, \$277,812,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, \$393,367,000, of which \$345,038,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended: *Provided*, That \$72,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 58 passenger motor vehicles for replacement only, \$3,186,352,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$191,074,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed \$2,500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended: *Provided further*, That \$6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall

provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97-425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$226,107,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$151,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than \$75,107,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$31,500,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of

Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 12 for replacement only), \$5,015,186,000, to remain available until expended: *Provided*: That, \$130,000,000 shall be immediately available for Project 96-D-111, the National Ignition Facility at Lawrence Livermore National Laboratory: *Provided further*, That \$69,100,000 shall be available only upon a certification by the Administrator of the National Nuclear Security Administration to the Congress after March 31, 2001, that (a) includes a recommendation on an appropriate path forward for the project; (b) certifies all established project and scientific milestones have been met on schedule and on cost; (c) certifies the first and second quarter project reviews in fiscal year 2001 determined the project to be on schedule and cost; (d) includes a study of requirements for and alternatives to a 192 beam ignition facility for maintaining the safety and reliability of the current nuclear weapons stockpile; (e) certifies an integrated cost-schedule earned-value project control system has been fully implemented; and (f) includes a 5-year budget plan for the stockpile stewardship program.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$874,196,000, to remain available until expended: *Provided*, That not to exceed \$7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2001.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$690,163,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$5,000), \$10,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and

other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, \$4,974,476,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$1,082,714,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$65,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$585,755,000, to remain available until expended, of which \$17,000,000 shall be for the Department of Energy Employees Compensation Initiative upon enactment of authorization legislation into law.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$200,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D'Alene Tribe Trout Production facility, and for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2001, no new direct loan obligations may be made. Section 511 of the Energy and Water Development Appropriations Act, 1997 (Public Law 104-206), is amended by striking the last sentence and inserting "This authority shall expire January 1, 2003."

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$34,463,000; for fiscal year 2002, up to \$26,463,000; for fiscal year 2003, up to \$20,000,000; and for fiscal year 2004, up to \$15,000,000.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements, to remain available until expended: *Provided*, That amounts collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$288,000; for fiscal year 2002, up to \$288,000; for fiscal year 2003, up to \$288,000; and for fiscal year 2004, up to \$288,000.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,
WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$165,830,000, to remain available until expended, of which \$154,616,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$5,950,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That amounts collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting

collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$65,224,000; for fiscal year 2002, up to \$33,500,000; for fiscal year 2003, up to \$30,000,000; and for fiscal year 2004, up to \$20,000,000.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,670,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$175,200,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$175,200,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2001 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than \$0.

RESCISSIONS

DEFENSE NUCLEAR WASTE DISPOSAL

(RESCISSION)

Of the funds appropriated in Public Law 104-46 for interim storage of nuclear waste, \$75,000,000 are transferred to this heading and are hereby rescinded.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

(RESCISSION)

Of the funds appropriated in Public Law 106-60 and prior Energy and Water Development Acts for the Tank Waste Remediation System at Richland, Washington, \$97,000,000 of unexpended balances of prior appropriations are rescinded.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the \$24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. (a) Of the funds appropriated by this title to the Department of Energy, not more than \$185,000,000 shall be available for reimbursement of management and operating contractor travel expenses, of which \$10,000,000 is available for use by the Chief Financial Officer of the Department of Energy for emergency travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

(c) The limitation in subsection (a) shall not apply to reimbursement of management and operating contractor travel expenses within the Laboratory Directed Research and Development program.

SEC. 308. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 309. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackaged residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: *Provided*, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

- (1) The Kansas City Plant, Kansas City, Missouri.
- (2) The Y-12 Plant, Oak Ridge, Tennessee.
- (3) The Pantex Plant, Amarillo, Texas.
- (4) The Savannah River Plant, South Carolina.

SEC. 311. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 312. Not more than \$10,000,000 of funds previously appropriated for interim waste storage activities for Defense Nuclear

Waste Disposal in Public Law 104-46, the Energy and Water Development Appropriations Act, 1996, may be made available to the Department of Energy upon written certification by the Secretary of Energy to the House and Senate Committees on Appropriations that the Site Recommendation Report cannot be completed on time without additional funding.

SEC. 313. TERM OF OFFICE OF PERSON FIRST APPOINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF TERM.—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the first person appointed to that position shall be 3 years.

(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) POSITION DESCRIBED.—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 954).

SEC. 314. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION. (a) SCOPE OF AUTHORITY.—Subtitle A of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 957; 50 U.S.C. 2401 et seq.) is amended by adding at the end the following new section:

“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY TO MODIFY ORGANIZATION OF ADMINISTRATION.

“Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by subsection (b) or (c) of section 3291.”.

(b) CONFORMING AMENDMENTS.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended—

(1) by striking “The Secretary” and inserting “(a) Subject to subsection (b), the Secretary”; and

(2) by adding at the end the following new subsection:

“(b) The authority of the Secretary to establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the National Nuclear Security Administration is governed by the provisions of section 3219 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65).”.

SEC. 315. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE NATIONAL NUCLEAR SECURITY ADMINISTRATION. Subtitle C of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED IN CONCURRENT SERVICE OR DUTIES INSIDE AND OUTSIDE ADMINISTRATION.

“(a) Except as otherwise expressly provided by statute, no funds authorized to be appropriated or otherwise made available for the

Department of Energy may be obligated or utilized to pay the basic pay of an officer or employee of the Department of Energy who—

“(1) serves concurrently in a position in the Administration and a position outside the Administration; or

“(2) performs concurrently the duties of a position in the Administration and the duties of a position outside the Administration.

“(b) The provision of this section shall take effect 60 days after the date of enactment of this section.”.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$66,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to establish the Delta Regional Authority and to carry out its activities, \$20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, \$30,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$481,900,000, to remain available until expended: *Provided*, That of the amount

appropriated herein, \$21,600,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$447,958,000 in fiscal year 2001 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That \$3,200,000 of the funds herein appropriated for regulatory reviews and assistance to other Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$33,942,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$5,500,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$5,390,000 in fiscal year 2001 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at not more than \$110,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$2,900,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

FISCAL YEAR 2001 EMERGENCY APPROPRIATIONS

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, \$203,460,000, to remain available until expended, of which \$2,000,000 shall be made available to the United States Army Corps of Engineers to undertake immediate measures to provide erosion control and sediment protection to sewage lines, trails, and bridges in Pueblo and Los Alamos Canyons downstream of Diamond Drive in New Mexico: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$203,460,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the

Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For necessary expenses to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, \$11,000,000, to remain available until expended, which shall be available only to the extent an official budget request for \$11,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE VI

GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality

standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 605. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking “2000” and inserting “2009”.

SEC. 606. REDESIGNATION OF INTERSTATE SANITATION COMMISSION AND DISTRICT. (a) INTERSTATE SANITATION COMMISSION.—

(1) IN GENERAL.—The district known as the “Interstate Sanitation Commission”, established by article III of the Tri-State Compact described in the Resolution entitled, “A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission”, approved August 27, 1935 (49 Stat. 933), is redesignated as the “Interstate Environmental Commission”.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the Interstate Sanitation Commission shall be deemed to be a reference to the Interstate Environmental Commission.

(b) INTERSTATE SANITATION DISTRICT.—

(1) IN GENERAL.—The district known as the “Interstate Sanitation District”, established by article II of the Tri-State Compact described in the Resolution entitled, “A Joint Resolution granting the consent of Congress to the States of New York, New Jersey, and Connecticut to enter into a compact for the creation of the Interstate Sanitation District and the establishment of the Interstate Sanitation Commission”, approved August 27, 1935 (49 Stat. 932), is redesignated as the “Interstate Environmental District”.

(2) REFERENCES.—Any reference in a law, regulation, map, document, paper, or other record of the United States to the

Interstate Sanitation District shall be deemed to be a reference to the Interstate Environmental District.

TITLE VII

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000.

TITLE VIII

NUCLEAR REGULATORY COMMISSION

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking “September 30, 1999” and inserting “September 20, 2005”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “or certificate holder” after “licensee”; and

(B) by striking paragraph (2) and inserting the following:

“(2) AGGREGATE AMOUNT OF CHARGES.—

“(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

“(i) amounts collected under subsection (b) during the fiscal year; and

“(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

“(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

“(i) 98 percent for fiscal year 2001;

“(ii) 96 percent for fiscal year 2002;

“(iii) 94 percent for fiscal year 2003;

“(iv) 92 percent for fiscal year 2004; and

“(v) 90 percent for fiscal year 2005.”.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2001”.

Public Law 106–378
106th Congress

An Act

Oct. 27, 2000

[H.R. 4681]

To provide for the adjustment of status of certain Syrian nationals.

8 USC 1255 note. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. FINDINGS.

The Congress finds as follows:

(1) President Bush and President Clinton successively conducted successful negotiations with the Government of Syria to bring about the release of members of the Syrian Jewish population and their immigration to the United States.

(2) In order to accommodate the Syrian Government, the United States was required to admit these aliens by first granting them temporary nonimmigrant visas and subsequently granting them asylum, rather than admitting them as refugees (as is ordinarily done when the United States grants refuge to members of a persecuted alien minority group).

(3) The asylee status of these aliens has resulted in a long and unnecessary delay in their adjustment to lawful permanent resident status that would not have been encountered had they been admitted as refugees.

(4) This delay has impaired these aliens' ability to work in their chosen professions, travel freely, and apply for naturalization.

(5) The Attorney General should act without further delay to grant lawful permanent resident status to these aliens in accordance with section 2.

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN SYRIAN NATIONALS.

(a) **ADJUSTMENT OF STATUS.**—Subject to subsection (c), the Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(1) applies for adjustment of status under this section not later than 1 year after the date of the enactment of this Act or applied for adjustment of status under the Immigration and Nationality Act before the date of the enactment of this Act;

(2) has been physically present in the United States for at least 1 year after being granted asylum;

(3) is not firmly resettled in any foreign country; and

(4) is admissible as an immigrant under the Immigration and Nationality Act at the time of examination for adjustment of such alien.

(b) **ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.**—The benefits provided by subsection (a) shall apply to any alien—

Applicability.

(1) who—

(A) is a Jewish national of Syria;

(B) arrived in the United States after December 31, 1991, after being permitted by the Syrian Government to depart from Syria; and

(C) is physically present in the United States at the time of filing the application described in subsection (a)(1); or

(2) who is the spouse, child, or unmarried son or daughter of an alien described in paragraph (1).

(c) **NUMERICAL LIMITATION.**—The total number of aliens whose status may be adjusted under this section may not exceed 2,000.

(d) **RECORD OF PERMANENT RESIDENCE.**—Upon approval of an application for adjustment of status under this section, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date 1 year before the date of the approval of the application.

(e) **AVAILABILITY OF ADMINISTRATIVE REVIEW.**—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to applicants for adjustment of status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)).

(f) **NO OFFSET IN NUMBER OF VISAS AVAILABLE.**—Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(g) **APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.**—The definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 4681:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 11, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–379
106th Congress

An Act

Oct. 27, 2000

[H. R. 5107]

To make certain corrections in copyright law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Work Made For
Hire and
Copyright
Corrections Act
of 2000.
17 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Work Made For Hire and Copyright Corrections Act of 2000”.

SEC. 2. WORK MADE FOR HIRE.

(a) **DEFINITION.**—The definition of “work made for hire” contained in section 101 of title 17, United States Code, is amended—

(1) in paragraph (2), by striking “as a sound recording,”; and

(2) by inserting after paragraph (2) the following:

“In determining whether any work is eligible to be considered a work made for hire under paragraph (2), neither the amendment contained in section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, nor the deletion of the words added by that amendment—

“(A) shall be considered or otherwise given any legal significance, or

“(B) shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination,

by the courts or the Copyright Office. Paragraph (2) shall be interpreted as if both section 2(a)(1) of the Work Made For Hire and Copyright Corrections Act of 2000 and section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, were never enacted, and without regard to any inaction or awareness by the Congress at any time of any judicial determinations.”.

(b) **EFFECTIVE DATE.**—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall be effective as of November 29, 1999.

(2) **SEVERABILITY.**—If the provisions of paragraph (1), or any application of such provisions to any person or circumstance, is held to be invalid, the remainder of this section, the amendments made by this section, and the application of this section to any other person or circumstance shall not be affected by such invalidation.

17 USC 101 note.

SEC. 3. OTHER AMENDMENTS TO TITLE 17, UNITED STATES CODE.

(a) **AMENDMENTS TO CHAPTER 7.**—Chapter 7 of title 17, United States Code, is amended as follows:

(1) Section 710, and the item relating to that section in the table of contents for chapter 7, are repealed.

(2) Section 705(a) is amended to read as follows:

“(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordations, and other actions taken under this title are maintained, and that indexes of such records are prepared.”. Records.

(3)(A) Section 708(a) is amended to read as follows:

“(a) **FEES.**—Fees shall be paid to the Register of Copyrights—

“(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

“(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is made;

“(3) for the issuance of a receipt for a deposit under section 407;

“(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document;

“(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license;

“(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

“(7) for the issuance, under section 706, of an additional certificate of registration;

“(8) for the issuance of any other certification; and

“(9) for the making and reporting of a search as provided by section 705, and for any related services.

The Register is authorized to fix fees for other services, including the cost of preparing copies of Copyright Office records, whether or not such copies are certified, based on the cost of providing the service.”.

(B) Section 708(b) is amended—

(i) by striking the matter preceding paragraph (1) and inserting the following:

“(b) **ADJUSTMENT OF FEES.**—The Register of Copyrights may, by regulation, adjust the fees for the services specified in paragraphs (1) through (9) of subsection (a) in the following manner:”;

(ii) in paragraph (1), by striking “increase” and inserting “adjustment”;

(iii) in paragraph (2), by striking “increase” the first place it appears and inserting “adjust”; and

(iv) in paragraph (5), by striking “increased” and inserting “adjusted”.

(b) **CONFORMING AMENDMENT.**—Section 121(a) of title 17, United States Code, is amended by striking “sections 106 and 710” and inserting “section 106”.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

17 USC 708 note.

(2) CARRY-OVER OF EXISTING FEES.—The fees under section 708(a) of title 17, United States Code, on the date of the enactment of this Act shall be the fees in effect under section 708(a) of such title on the day before such date of enactment.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 5107:

HOUSE REPORTS: No. 106–861 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 12, considered and passed Senate.



Public Law 106–380
106th Congress

An Act

To direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

Oct. 27, 2000
[H.R. 5212]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Oral History Project Act”.

Veterans’ Oral
History Project
Act.
20 USC 2101
note.

SEC. 2. FINDINGS; PURPOSE.

20 USC 2141.

(a) **FINDINGS.**—Congress finds as follows:

(1) Military service during a time of war is the highest sacrifice a citizen may make for his or her country.

(2) 4,700,000 Americans served in World War I, 16,500,000 Americans served in World War II, 6,800,000 Americans served in the Korean Conflict, 9,200,000 Americans served in the Vietnam Conflict, 3,800,000 Americans served in the Persian Gulf War, and countless other Americans served in military engagements overseas throughout the 20th century.

(3) The Department of Veterans Affairs reports that there are almost 19,000,000 war veterans living in this Nation today.

(4) Today there are only approximately 3,400 living veterans of World War I, and of the some 6,000,000 veterans of World War II alive today, almost 1,500 die each day.

(5) Oral histories are of immeasurable value to historians, researchers, authors, journalists, film makers, scholars, students, and citizens of all walks of life.

(6) War veterans possess an invaluable resource in their memories of the conflicts in which they served, and can provide a rich history of our Nation and its people through the retelling of those memories, yet frequently those who served during times of conflict are reticent to family and friends about their experiences.

(7) It is in the Nation’s best interest to collect and catalog oral histories of American war veterans so that future generations will have original sources of information regarding the lives and times of those who served in war and the conditions under which they endured, so that Americans will always remember those who served in war and may learn first-hand of the heroics, tediousness, horrors, and triumphs of war.

(8) The Library of Congress, as the Nation’s oldest Federal cultural institution and largest and most inclusive library in human history (with nearly 119,000,000 items in its multimedia

collection) is an appropriate repository to collect, preserve, and make available to the public an archive of these oral histories. The Library's American Folklife Center has expertise in the management of documentation projects and experience in the development of cultural and educational programs for the public.

(b) **PURPOSE.**—It is the purpose of this Act to create a new federally sponsored, authorized, and funded program that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of American war veterans, and to assist and encourage local efforts to preserve the memories of this Nation's war veterans so that Americans of all current and future generations may hear directly from veterans and better appreciate the realities of war and the sacrifices made by those who served in uniform during wartime.

20 USC 2142.

SEC. 3. ESTABLISHMENT OF PROGRAM AT AMERICAN FOLKLIFE CENTER TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF VETERANS.

(a) **IN GENERAL.**—The Director of the American Folklife Center at the Library of Congress shall establish an oral history program—

(1) to collect video and audio recordings of personal histories and testimonials of veterans of the Armed Forces who served during a period of war;

(2) to create a collection of the recordings obtained (including a catalog and index) which will be available for public use through the National Digital Library of the Library of Congress and such other methods as the Director considers appropriate to the extent feasible subject to available resources; and

(3) to solicit, reproduce, and collect written materials (such as letters and diaries) relevant to the personal histories of veterans of the Armed Forces who served during a period of war and to catalog such materials in a manner the Director considers appropriate, consistent with and complimentary to the efforts described in paragraphs (1) and (2).

(b) **USE OF AND CONSULTATION WITH OTHER ENTITIES.**—The Director may carry out the activities described in paragraphs (1) and (3) of subsection (a) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the program under this Act.

(c) **TIMING.**—As soon as practicable after the enactment of this Act, the Director shall begin collecting video and audio recordings under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest veterans.

20 USC 2143.

SEC. 4. PRIVATE SUPPORT.

(a) **ACCEPTANCE OF DONATIONS.**—The Librarian of Congress may solicit and accept donations of funds and in-kind contributions to carry out the oral history program under section 3.

(b) **ESTABLISHMENT OF SEPARATE GIFT ACCOUNT.**—There is established in the Treasury (among the accounts of the Library of Congress) a gift account for the oral history program under section 3.

(c) DEDICATION OF FUNDS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to carry out the oral history program under section 3 shall be deposited entirely into the gift account established under subsection (b);

(2) the funds contained in such account shall be used solely to carry out the oral history program under section 3; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of carrying out the oral history program under section 3.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

20 USC 2144.

There are authorized to be appropriated to carry out this Act—

(1) \$250,000 for fiscal year 2001; and

(2) such sums as may be necessary for each succeeding fiscal year.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.R. 5212:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 4, considered and passed House.

Oct. 17, considered and passed Senate.



Public Law 106–381
106th Congress

Joint Resolution

Oct. 27, 2000
[H.J. Res. 117]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “October 28, 2000”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—H.J. Res. 117:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 27, considered and passed House and Senate.



Public Law 106–382
106th Congress

An Act

To authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

Oct. 27, 2000
[S. 624]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort Peck Reservation Rural Water System Act of 2000”.

Fort Peck
Reservation
Rural Water
System Act of
2000.

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and
- (2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—The term “Assiniboine and Sioux Rural Water System” means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) **DRY PRAIRIE RURAL WATER SYSTEM.**—The term “Dry Prairie Rural Water System” means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) **FORT PECK RESERVATION RURAL WATER SYSTEM.**—The term “Fort Peck Reservation Rural Water System” means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) **FORT PECK TRIBES.**—The term “Fort Peck Tribes” means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) **PICK-SLOAN.**—The term “Pick-Sloan” means the Pick-Sloan Missouri River Basin program (authorized by section 9 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891)).

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(7) STATE.—The term “State” means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the “Assiniboine and Sioux Rural Water System”, as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of the enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) **OPTIONAL PROVISIONS.**—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of the enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) **TERMINATION.**—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) **TRANSFER.**—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) **SERVICE AREA.**—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) **CONSTRUCTION REQUIREMENTS.**—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) **TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of the enactment of this Act.

(g) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

Deadline.
Reports.

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

Publication.

(h) **TECHNICAL ASSISTANCE.**—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes

to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) APPLICATION OF INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(j) COST SHARING.—

(1) CONSTRUCTION.—The Federal share of the cost of construction of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Reclamation.

(2) OPERATION AND MAINTENANCE.—The Federal share of the cost of operation and maintenance of the Assiniboine and Sioux Rural Water System shall be 100 percent, and shall be funded through annual appropriations to the Bureau of Indian Affairs.

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent, and shall be funded with amounts appropriated from the reclamation fund. Such amounts shall not be returnable or reimbursable under the Federal reclamation laws.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural

Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

- (i) needs assessment, feasibility, and environmental studies;
- (ii) engineering and design;
- (iii) construction;
- (iv) water conservation measures; and
- (v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

- (A) north of the Missouri River;
- (B) south of the border between the United States and Canada;
- (C) west of the border between the States of North Dakota and Montana; and
- (D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—The Secretary shall—

(1) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(2) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

Deadline.
Reports.

Publication.

(g) **LIMITATION ON USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) **FEDERAL FUNDS.**—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) **TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.**—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the Fort Peck Reservation Rural Water System.

(b) **QUALIFICATION TO USE PICK-SLOAN POWER.**—For as long as the Fort Peck Reservation rural water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this Act shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

(c) **RECOVERY OF EXPENSES.**—

(1) **ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.**—In the case of the Assiniboine and Sioux Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover such expenses. Such charge shall be paid fully through the annual appropriations to the Bureau of Indian Affairs.

(2) **DRY PRAIRIE RURAL WATER SYSTEM.**—In the case of the Dry Prairie Rural Water System, the Western Area Power Administration shall recover expenses associated with power purchases under subsection (a) through a separate power charge sufficient to cover expenses. Such charge shall be paid fully by the Dry Prairie Rural Water System.

(d) **ADDITIONAL POWER.**—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the Fort Peck Reservation Rural Water System, the Administrator of the Western Area Power Administration may purchase the necessary additional power at the best available rate. The costs of such purchases shall be reimbursed to the Administrator according to the terms identified in subsection (c).

SEC. 7. WATER CONSERVATION PLAN.

(a) **IN GENERAL.**—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act. Applicability.

SEC. 8. WATER RIGHTS.

(a) IN GENERAL.—This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908) (commonly known as the “Winters Doctrine”), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

(b) OFFSET AGAINST CLAIMS.—Any funds received by the Fort Peck Tribes pursuant to this Act shall be used to offset any claims for money damages against the United States by the Fort Peck Tribes, existing on the date of the enactment of this Act, for water rights based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in *Winters v. United States*, 207 U.S. 564 (1908), or other law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) to the Bureau of Reclamation over a period of 10 fiscal years, \$124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System; and

(2) to the Bureau of Indian Affairs such sums as are necessary for the operation and maintenance of the Assiniboine and Sioux Rural Water System.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, \$51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

Approved October 27, 2000.

LEGISLATIVE HISTORY—S. 624 (H.R. 1124):

HOUSE REPORTS: Nos. 106-823 and 106-824 accompanying H.R. 1124 (both from Comm. on Resources).

SENATE REPORTS: No. 106-198 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Sept. 12, considered and passed House, amended.
Oct. 13, Senate concurred in House amendment.



Public Law 106–383
106th Congress

An Act

To authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

Oct. 27, 2000
[S. 2498]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FACILITY AUTHORIZED.

20 USC 50 note.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

20 USC 50 note.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, \$2,000,000 for fiscal year 2001, and \$2,500,000 for fiscal year 2002, which shall remain available until expended.

Approved October 27, 2000.

LEGISLATIVE HISTORY—S. 2498:

CONGRESSIONAL RECORD, Vol. 146 (2000):
June 14, considered and passed Senate.
Oct. 17, considered and passed House.



Public Law 106–384
106th Congress

An Act

Oct. 27, 2000
[S. 2686]

To amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) **ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.**—Section 3622 of title 39, United States Code, is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following:

“(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.”.

(b) **RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.**—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

“(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

“(i) the estimated costs attributable to such class of mail or kind of mailer; and

“(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).”.

(c) **SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.**—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

“(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

“(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.”.

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

“(6) The rates for mail matter under former sections 4452

(b) and (c) of this title shall be established as follows:

“(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

“(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

“(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.”.

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

“(7) The rates for mail matter under former sections 4554

(b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.”.

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

39 USC 3622
note.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking “4454(b), or 4454(c)” and inserting “4554(b), or 4554(c)”.

Approved October 27, 2000.

LEGISLATIVE HISTORY—S. 2686:

SENATE REPORTS: No. No. 106-468 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 6, considered and passed Senate.

Oct. 11, considered and passed House.



Public Law 106–385
106th Congress

An Act

To rename the National Museum of American Art.

Oct. 27, 2000

[S. 3201]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF NATIONAL MUSEUM OF AMERICAN ART.

(a) **IN GENERAL.**—The National Museum of American Art, as designated under section 1 of Public Law 96–441 (20 U.S.C. 71 note), shall be known as the “Smithsonian American Art Museum”.

(b) **REFERENCES IN LAW.**—Any reference in any law, regulation, document, or paper to the National Museum of American Art shall be considered to be a reference to the Smithsonian American Art Museum.

SEC. 2. EFFECTIVE DATE.

20 USC 71 note.

Section 1 shall take effect on the day after the date of enactment of this Act.

Approved October 27, 2000.

LEGISLATIVE HISTORY—S. 3201:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 12, considered and passed Senate.

Oct. 17, considered and passed House.



Public Law 106–386
106th Congress

An Act

Oct. 28, 2000
[H.R. 3244]

Victims of
Trafficking and
Violence
Protection Act of
2000.
22 USC 7101
note.

To combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Trafficking and Violence Protection Act of 2000”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions, as follows:

- (1) DIVISION A.—Trafficking Victims Protection Act of 2000.
- (2) DIVISION B.—Violence Against Women Act of 2000.
- (3) DIVISION C.—Miscellaneous Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Sec. 101. Short title.

Sec. 102. Purposes and findings.

Sec. 103. Definitions.

Sec. 104. Annual Country Reports on Human Rights Practices.

Sec. 105. Interagency Task Force To Monitor and Combat Trafficking.

Sec. 106. Prevention of trafficking.

Sec. 107. Protection and assistance for victims of trafficking.

Sec. 108. Minimum standards for the elimination of trafficking.

Sec. 109. Assistance to foreign countries to meet minimum standards.

Sec. 110. Actions against governments failing to meet minimum standards.

Sec. 111. Actions against significant traffickers in persons.

Sec. 112. Strengthening prosecution and punishment of traffickers.

Sec. 113. Authorizations of appropriations.

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

Sec. 1001. Short title.

Sec. 1002. Definitions.

Sec. 1003. Accountability and oversight.

**TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE
AGAINST WOMEN**

Sec. 1101. Full faith and credit enforcement of protection orders.

Sec. 1102. Role of courts.

Sec. 1103. Reauthorization of STOP grants.

Sec. 1104. Reauthorization of grants to encourage arrest policies.

Sec. 1105. Reauthorization of rural domestic violence and child abuse enforcement grants.

Sec. 1106. National stalker and domestic violence reduction.

- Sec. 1107. Amendments to domestic violence and stalking offenses.
- Sec. 1108. School and campus security.
- Sec. 1109. Dating violence.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

- Sec. 1201. Legal assistance for victims.
- Sec. 1202. Shelter services for battered women and children.
- Sec. 1203. Transitional housing assistance for victims of domestic violence.
- Sec. 1204. National domestic violence hotline.
- Sec. 1205. Federal victims counselors.
- Sec. 1206. Study of State laws regarding insurance discrimination against victims of violence against women.
- Sec. 1207. Study of workplace effects from violence against women.
- Sec. 1208. Study of unemployment compensation for victims of violence against women.
- Sec. 1209. Enhancing protections for older and disabled women from domestic violence and sexual assault.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

- Sec. 1301. Safe havens for children pilot program.
- Sec. 1302. Reauthorization of victims of child abuse programs.
- Sec. 1303. Report on effects of parental kidnapping laws in domestic violence cases.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

- Sec. 1401. Rape prevention and education.
- Sec. 1402. Education and training to end violence against and abuse of women with disabilities.
- Sec. 1403. Community initiatives.
- Sec. 1404. Development of research agenda identified by the Violence Against Women Act of 1994.
- Sec. 1405. Standards, practice, and training for sexual assault forensic examinations.
- Sec. 1406. Education and training for judges and court personnel.
- Sec. 1407. Domestic Violence Task Force.

TITLE V—BATTERED IMMIGRANT WOMEN

- Sec. 1501. Short title.
- Sec. 1502. Findings and purposes.
- Sec. 1503. Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.
- Sec. 1504. Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.
- Sec. 1505. Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.
- Sec. 1506. Restoring immigration protections under the Violence Against Women Act of 1994.
- Sec. 1507. Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.
- Sec. 1508. Technical correction to qualified alien definition for battered immigrants.
- Sec. 1509. Access to Cuban Adjustment Act for battered immigrant spouses and children.
- Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.
- Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.
- Sec. 1512. Access to services and legal representation for battered immigrants.
- Sec. 1513. Protection for certain crime victims including victims of crimes against women.

TITLE VI—MISCELLANEOUS

- Sec. 1601. Notice requirements for sexually violent offenders.
- Sec. 1602. Teen suicide prevention study.
- Sec. 1603. Decade of pain control and research.

DIVISION C—MISCELLANEOUS PROVISIONS

- Sec. 2001. Aimee's law.
- Sec. 2002. Payment of anti-terrorism judgments.
- Sec. 2003. Aid to victims of terrorism.
- Sec. 2004. Twenty-first amendment enforcement.

Trafficking
Victims
Protection Act of
2000.

DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000

22 USC 7101
note.

SEC. 101. SHORT TITLE.

This division may be cited as the “Trafficking Victims Protection Act of 2000”.

22 USC 7101.

SEC. 102. PURPOSES AND FINDINGS.

(a) **PURPOSES.**—The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) **FINDINGS.**—Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can

have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In *United States v. Kozminski*, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

SEC. 103. DEFINITIONS.

22 USC 7102.

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) **COERCION.**—The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(3) **COMMERCIAL SEX ACT.**—The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

(4) **DEBT BONDAGE.**—The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) **INVOLUNTARY SERVITUDE.**—The term “involuntary servitude” includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(6) **MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.**—The term “minimum standards for the elimination of trafficking” means the standards set forth in section 108.

(7) **NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.**—The term “nonhumanitarian, nontrade-related foreign assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) assistance under chapter 4 of part II of that Act that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;

(ii) assistance under chapter 8 of part I of that Act;

(iii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(v) antiterrorism assistance under chapter 8 of part II of that Act;

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) SEX TRAFFICKING.—The term “sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(10) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(11) TASK FORCE.—The term “Task Force” means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.

(12) UNITED STATES.—The term “United States” means the fifty States of the United States, the District of Columbia,

the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(13) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph (8).

(14) VICTIM OF TRAFFICKING.—The term “victim of trafficking” means a person subjected to an act or practice described in paragraph (8) or (9).

SEC. 104. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES. 22 USC 2151n.

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(f)) is amended to read as follows:

“(f)(1) The report required by subsection (d) shall include the following:

“(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

“(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

“(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

“(ii) Which government authorities in that country are involved in activities to combat such trafficking.

“(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

“(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

“(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

“(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

“(vii) Whether the government of that country is assisting in international investigations of transnational

trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

“(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

“(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

“(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

“(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.”.

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

“(h)(1) The report required by subsection (b) shall include the following:

“(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

“(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

“(i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.

“(ii) Which government authorities in that country are involved in activities to combat such trafficking.

“(iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.

“(iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.

“(v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.

“(vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking

all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.

“(vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.

“(viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.

“(ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

“(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

“(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.”.

SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

22 USC 7103.

(a) **ESTABLISHMENT.**—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

President.

(b) **APPOINTMENT.**—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) **CHAIRMAN.**—The Task Force shall be chaired by the Secretary of State.

(d) **ACTIVITIES OF THE TASK FORCE.**—The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this division.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 110.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international “sex tourism” industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this division.

(e) **SUPPORT FOR THE TASK FORCE.**—The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

22 USC 7104.

SEC. 106. PREVENTION OF TRAFFICKING.

(a) **ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING.**—The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women’s participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) **PUBLIC AWARENESS AND INFORMATION.**—The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) **CONSULTATION REQUIREMENT.**—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

22 USC 7105.

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.**—

(1) **IN GENERAL.**—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration,

reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims.

(b) VICTIMS IN THE UNITED STATES.—

(1) ASSISTANCE.—

(A) ELIGIBILITY FOR BENEFITS AND SERVICES.—Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) REQUIREMENT TO EXPAND BENEFITS AND SERVICES.—Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims.

(C) DEFINITION OF VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—For the purposes of this paragraph, the term “victim of a severe form of trafficking in persons” means only a person—

(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and

(ii)(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(D) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign

Deadline.

Relations, and the Committee on the Judiciary of the Senate.

(E) CERTIFICATION.—

(i) IN GENERAL.—Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)—

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) PERIOD OF EFFECTIVENESS.—A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) INVESTIGATION AND PROSECUTION DEFINED.—For the purpose of a certification under this subparagraph, the term “investigation and prosecution” includes—

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(2) GRANTS.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) ALLOCATION OF GRANT FUNDS.—Of amounts made available for grants under this paragraph, there shall be set aside—

(i) three percent for research, evaluation, and statistics;

(ii) two percent for training and technical assistance; and

(iii) one percent for management and administration.

(C) LIMITATION ON FEDERAL SHARE.—The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) **TRAFFICKING VICTIM REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following: Deadline.

(1) **PROTECTIONS WHILE IN CUSTODY.**—Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall—

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including—

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) **ACCESS TO INFORMATION.**—Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) **AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES.**—Federal law enforcement officials may permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

(4) **TRAINING OF GOVERNMENT PERSONNEL.**—Appropriate personnel of the Department of State and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) **CONSTRUCTION.**—Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) **PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.**—

(1) **IN GENERAL.**—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by striking “or” at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(T)(i) subject to section 214(n), an alien who the Attorney General determines—

“(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

“(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

“(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(bb) has not attained 15 years of age, and

“(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

“(ii) if the Attorney General considers it necessary to avoid extreme hardship—

“(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

“(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,

if accompanying, or following to join, the alien described in clause (i).”.

(2) CONDITIONS OF NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(A) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-1820) as subsection (m); and

(B) by adding at the end the following:

“(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).

“(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

“(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.”.

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

“(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

“(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General’s discretion, may waive the application of—

“(i) paragraphs (1) and (4) of subsection (a); and

“(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10)(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).”.

(4) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO “T” VISA NONIMMIGRANTS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

“(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)—

“(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien’s options while in the United States and the resources available to the alien; and

“(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an ‘employment authorized’ endorsement or other appropriate work permit.”.

(5) STATUTORY CONSTRUCTION.—Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien’s admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien’s admission as a nonimmigrant under such section 101(a)(15)(T)(i).

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

“(1)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)—

“(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

“(B) has, throughout such period, been a person of good moral character, and

“(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States, the Attorney General may adjust the status of the alien (and any person admitted under that section as the spouse, parent, or child of the alien) to that of an alien lawfully admitted for permanent residence.

“(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General’s discretion, may waive the application of—

“(A) paragraphs (1) and (4) of section 212(a); and

“(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10)(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were

incident to, the victimization described in section 101(a)(15)(T)(i)(I).

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

“(3)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

“(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

“(4) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date of such approval.”

(g) ANNUAL REPORTS.—On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(n)(1) or 245(l)(4)(A) of such Act.

22 USC 7106.

SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS.—For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA.—In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking

in persons that take place wholly or partly within the territory of the country.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 109. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

“SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

22 USC 2152d.

“(a) **AUTHORIZATION.**—The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including—

“(1) the drafting of laws to prohibit and punish acts of trafficking;

“(2) the investigation and prosecution of traffickers;

“(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and

“(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

“(b) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.”.

22 USC 7107.

SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that—

(1) does not comply with minimum standards for the elimination of trafficking; and

(2) is not making significant efforts to bring itself into compliance with such standards.

(b) REPORTS TO CONGRESS.—

Deadline.

(1) ANNUAL REPORT.—Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons that shall include—

(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards;

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance; and

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance.

(2) INTERIM REPORTS.—In addition to the annual report under paragraph (1), the Secretary of State may submit to the appropriate congressional committees at any time one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments—

(A) have come into or out of compliance with the minimum standards for the elimination of trafficking; or

(B) have begun or ceased to make significant efforts to bring themselves into compliance, since the transmission of the last annual report.

(3) SIGNIFICANT EFFORTS.—In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider—

(A) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;

(B) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking; and

(C) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

(c) NOTIFICATION.—Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report—

Deadline.

(A) does not comply with the minimum standards for the elimination of trafficking; and

(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) PRESIDENTIAL DETERMINATIONS.—The determinations referred to in subsection (c) are the following:

(1) WITHHOLDING OF NONHUMANITARIAN, NONTRADE-RELATED ASSISTANCE.—The President has determined that—

President.

(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) ONGOING, MULTIPLE, BROAD-BASED RESTRICTIONS ON ASSISTANCE IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—The President has determined that such country is already subject to multiple, broad-based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions

provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) SUBSEQUENT COMPLIANCE.—The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of nonhumanitarian, nontrade-related foreign assistance, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this division or is otherwise in the national interest of the United States.

(5) EXERCISE OF WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may exercise the authority under paragraph (4) with respect to—

(i) all nonhumanitarian, nontrade-related foreign assistance to a country;

(ii) all multilateral assistance described in paragraph (1)(B) to a country; or

(iii) one or more programs, projects, or activities of such assistance.

(B) AVOIDANCE OF SIGNIFICANT ADVERSE EFFECTS.—

President.

The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) DEFINITION OF MULTILATERAL DEVELOPMENT BANK.—

In this subsection, the term “multilateral development bank” refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

President.

(e) CERTIFICATION.—Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 103(7)(A), or with respect to any assistance described in section 103(7)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

22 USC 7108.

SEC. 111. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—The President may exercise the authorities set forth in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701) without regard to section 202 of that Act (50 U.S.C. 1701) in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(b) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS.—

(1) IN GENERAL.—Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees—

President.

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

(2) REMOVAL OF SANCTIONS.—Upon suspending or terminating any action imposed under the authority of subsection (a), the President shall report to the committees described in paragraph (1) on such suspension or termination.

President.

(3) SUBMISSION OF CLASSIFIED INFORMATION.—Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

(c) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(d) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting at the end the following new subparagraph:

“(H) SIGNIFICANT TRAFFICKERS IN PERSONS.—

“(i) IN GENERAL.—Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

“(ii) BENEFICIARIES OF TRAFFICKING.—Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien

inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

“(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS.—Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.”.

(e) IMPLEMENTATION.—

(1) DELEGATION OF AUTHORITY.—The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).

(2) PROMULGATION OF RULES AND REGULATIONS.—The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.

(3) OPPORTUNITY FOR REVIEW.—Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).

(f) DEFINITION OF FOREIGN PERSONS.—In this section, the term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(g) CONSTRUCTION.—Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).

22 USC 7109.

SEC. 112. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS.—Chapter 77 of title 18, United States Code, is amended—

(1) in each of sections 1581(a), 1583, and 1584—

(A) by striking “10 years” and inserting “20 years”; and

(B) by adding at the end the following: “If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”;

(2) by inserting at the end the following:

“§ 1589. Forced labor

“Whoever knowingly provides or obtains the labor or services of a person—

“(1) by threats of serious harm to, or physical restraint against, that person or another person;

“(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

“(3) by means of the abuse or threatened abuse of law or the legal process,

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

“§ 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

“Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

“§ 1591. Sex trafficking of children or by force, fraud or coercion

“(a) Whoever knowingly—

“(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

“(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

“(b) The punishment for an offense under subsection (a) is—

“(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

“(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

“(c) In this section:

“(1) The term ‘commercial sex act’ means any sex act, on account of which anything of value is given to or received by any person.

“(2) The term ‘coercion’ means—

“(A) threats of serious harm to or physical restraint against any person;

“(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

“(C) the abuse or threatened abuse of law or the legal process.

“(3) The term ‘venture’ means any group of two or more individuals associated in fact, whether or not a legal entity.

“§ 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

“(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—

“(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

“(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

“(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.

“(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

“§ 1593. Mandatory restitution

“(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

“(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3) of this subsection.

“(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

“(3) As used in this subsection, the term ‘full amount of the victim’s losses’ has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim’s services or labor or the value of the victim’s labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

“(c) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent,

incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

“§ 1594. General provisions

“(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

“(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

“(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

“(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

“(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

“(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

“(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

“(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

“(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).”; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

“1589. Forced labor.

“1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

“1591. Sex trafficking of children or by force, fraud, or coercion.

“1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.

“1593. Mandatory restitution.

“1594. General provisions.”.

(b) AMENDMENT TO THE SENTENCING GUIDELINES.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall—

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

22 USC 7110.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE.**—To carry out the purposes of sections 104, 105, and 110, there are authorized to be appropriated to the Secretary of State \$1,500,000 for fiscal year 2001 and \$3,000,000 for fiscal year 2002.

(b) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.**—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(c) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE.**—

(1) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.**—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(2) **VOLUNTARY CONTRIBUTIONS TO OSCE.**—To carry out the purposes of section 109, there are authorized to be appropriated to the Secretary of State \$300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) **PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS.**—To carry out the purposes of section 104, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(e) AUTHORIZATION OF APPROPRIATIONS TO PRESIDENT.—

(1) FOREIGN VICTIM ASSISTANCE.—To carry out the purposes of section 106, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(2) ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.—To carry out the purposes of section 109, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(f) AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR.—To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

DIVISION B—VIOLENCE AGAINST WOMEN ACT OF 2000

Violence Against
Women Act of
2000.

SEC. 1001. SHORT TITLE.

This division may be cited as the “Violence Against Women Act of 2000”.

42 USC 13701
note.

SEC. 1002. DEFINITIONS.

In this division—

(1) the term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

42 USC 3796gg–
2 note.

SEC. 1003. ACCOUNTABILITY AND OVERSIGHT.

42 USC 3789p.

(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 1101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) **IN GENERAL.**—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding “**AND ENFORCEMENT OF PROTECTION ORDERS**” at the end;

42 USC 3796hh.

(2) in section 2101(b)—

(A) in paragraph (6), by inserting “(including juvenile courts)” after “courts”; and

(B) by adding at the end the following:

“(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.”; and

42 USC 3796hh–1.

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking “and” at the end;

(ii) in paragraph (2), by striking the period at the end and inserting “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);” and

(iii) by adding at the end the following:

“(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

“(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 2101(b), will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.”; and

(B) by adding at the end the following:

“(c) **DISSEMINATION OF INFORMATION.**—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.”.

(b) **PROTECTION ORDERS.**—

(1) **FILING COSTS.**—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking “**FILING**” and inserting “**AND PROTECTION ORDERS**” after “**CHARGES**”;

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or”; and

(ii) in paragraph (2)(B), by striking “2 years” and inserting “2 years after the date of the enactment of the Violence Against Women Act of 2000”; and

(C) by adding at the end the following:

“(c) **DEFINITION.**—In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18, United States Code.”.

(2) **ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.**—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

“(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.”; and

(B) by adding at the end the following:

“(d) **DEFINITION.**—In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18, United States Code.”.

(3) **APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.**—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(a)(1)(B)) is amended by inserting before the semicolon the following: “or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date the of the enactment of the Violence Against Women Act of 2000”.

(4) **REGISTRATION FOR PROTECTION ORDERS.**—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

“(d) NOTIFICATION AND REGISTRATION.—

“(1) NOTIFICATION.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

“(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

“(e) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.”

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding “AND ENFORCEMENT OF PROTECTION ORDERS” at the end.

SEC. 1102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

42 USC 3796gg.

(1) in section 2001—

(A) in subsection (a), by striking “Indian tribal governments,” and inserting “State and local courts (including juvenile courts), Indian tribal governments, tribal courts,”; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting “, judges, other court personnel,” after “law enforcement officers”;

(ii) in paragraph (2), by inserting “, judges, other court personnel,” after “law enforcement officers”; and

(iii) in paragraph (3), by inserting “, court,” after “police”; and

42 USC 3796gg–
1.

(2) in section 2002—

(A) in subsection (a), by inserting “State and local courts (including juvenile courts),” after “States,” the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) of the amount granted—

“(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

“(B) not less than 30 percent shall be allocated to victim services; and

“(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and”; and

(C) in subsection (d)(1), by inserting “court,” after “law enforcement,”.

(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments,”;

(2) in subsection (b)—

(A) by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”;

(B) in paragraph (2), by striking “policies and” and inserting “policies, educational programs, and”;

(C) in paragraph (3), by inserting “parole and probation officers,” after “prosecutors,”; and

(D) in paragraph (4), by inserting “parole and probation officers,” after “prosecutors,”;

(3) in subsection (c), by inserting “State and local courts (including juvenile courts),” after “Indian tribal governments”; and

(4) by adding at the end the following:

“(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”.

SEC. 1103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following: “(18) There is authorized to be appropriated to carry out part T \$185,000,000 for each of fiscal years 2001 through 2005.”.

(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

42 USC 3796gg.

(A) in subsection (b)—

(i) in paragraph (5), by striking “racial, cultural, ethnic, and language minorities” and inserting “underserved populations”;

(ii) in paragraph (6), by striking “and” at the end;

(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;

“(9) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault,”; and

(B) by adding at the end the following:

“(c) STATE COALITION GRANTS.—

“(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

“(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

“(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

“(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

“(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).”;

42 USC 3796gg–
1.

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(B) in paragraph (1), by striking “4 percent” and inserting “5 percent”;

(C) in paragraph (5), as redesignated, by striking “\$500,000” and inserting “\$600,000”; and

(D) by inserting after paragraph (1) the following:

“(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to $\frac{1}{54}$ of the total amount made available under this paragraph for each fiscal year;

“(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to $\frac{1}{54}$ of the total amount made available under this paragraph for each fiscal year;

“(4) $\frac{1}{54}$ shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country;”;

42 USC 3796gg–
2.

(3) in section 2003, by striking paragraph (7) and inserting the following:

“(7) the term ‘underserved populations’ includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;”;

and

(4) in section 2004(b)(3), by inserting “, and the membership of persons served in any underserved population” before the semicolon. 42 USC 3796gg–3.

SEC. 1104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

“(19) There is authorized to be appropriated to carry out part U \$65,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”; and

(2) by adding at the end the following:

“(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.”.

SEC. 1106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

“SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subtitle \$3,000,000 for each of fiscal years 2001 through 2005.”.

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting “and implement” after “improve”. 42 USC 14031.

SEC. 1107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) OFFENSES.—

“(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).”.

(b) INTERSTATE STALKING.—

(1) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

“§ 2261A. Interstate stalking

“Whoever—

“(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

“(2) with the intent—

“(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

“(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

“(i) that person;

“(ii) a member of the immediate family (as defined in section 115) of that person; or

“(iii) a spouse or intimate partner of that person, uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii),

shall be punished as provided in section 2261(b).”.

28 USC 994 note.

(2) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—

(A) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to reflect the amendment made by this subsection.

(B) FACTORS FOR CONSIDERATION.—In carrying out subparagraph (A), the Commission shall consider—

(i) whether the Federal Sentencing Guidelines relating to stalking offenses should be modified in light of the amendment made by this subsection; and

(ii) whether any changes the Commission may make to the Federal Sentencing Guidelines pursuant to clause (i) should also be made with respect to offenses under chapter 110A of title 18, United States Code.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) OFFENSES.—

“(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment

against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).”.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

“§ 2266. Definitions

“In this chapter:

“(1) BODILY INJURY.—The term ‘bodily injury’ means any act, except one done in self-defense, that results in physical injury or sexual abuse.

“(2) COURSE OF CONDUCT.—The term ‘course of conduct’ means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

“(3) ENTER OR LEAVE INDIAN COUNTRY.—The term ‘enter or leave Indian country’ includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

“(4) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning stated in section 1151 of this title.

“(5) PROTECTION ORDER.—The term ‘protection order’ includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

“(6) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning stated in section 2119(2).

“(7) SPOUSE OR INTIMATE PARTNER.—The term ‘spouse or intimate partner’ includes—

“(A) for purposes of—

“(i) sections other than 2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; and

“(ii) section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child

in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and

“(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

“(8) STATE.—The term ‘State’ includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

“(9) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term ‘travel in interstate or foreign commerce’ does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.”.

SEC. 1108. SCHOOL AND CAMPUS SECURITY.

(a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.—Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in paragraphs (2), (6), (7), and (9) of subsection (b), by striking “and domestic violence” and inserting “domestic violence, and dating violence”;

(2) in subsection (c)(2)(B), by striking “and domestic violence” and inserting “, domestic violence and dating violence”;

(3) in subsection (f)—

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

“(1) the term ‘dating violence’ means violence committed by a person—

“(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

“(i) the length of the relationship;

“(ii) the type of relationship; and

“(iii) the frequency of interaction between the persons involved in the relationship.”;

(C) in paragraph (2) (as redesignated by subparagraph (A)), by inserting “, dating” after “domestic” each place the term appears; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by inserting “or a public, nonprofit organization acting in a nongovernmental capacity” after “organization”;

(ii) by inserting “, dating violence” after “assists domestic violence”;

(iii) by striking “or domestic violence” and inserting “, domestic violence or dating violence”; and

(iv) by inserting “dating violence,” before “stalking,”; and

(4) in subsection (g), by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “each of fiscal years 2001 through 2005”.

(b) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part Z the following new part:

“PART AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY

“SEC. 2701. PROGRAM AUTHORIZED.

42 USC 3797a.

“(a) IN GENERAL.—The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

“(b) USES OF FUNDS.—Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

“(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

“(2) Security assessments.

“(3) Security training of personnel and students.

“(4) Coordination with local law enforcement.

“(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

“(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

“(d) MATCHING FUNDS.—

“(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

“(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

“(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

“(e) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Attorney General shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

“(f) ADMINISTRATIVE COSTS.—The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

42 USC 3797b.

“SEC. 2702. APPLICATIONS.

“(a) **IN GENERAL.**—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall—

“(1) include a detailed explanation of—

“(A) the intended uses of funds provided under the grant; and

“(B) how the activities funded under the grant will meet the purpose of this part; and

“(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

“(A) consistent with a comprehensive approach to preventing school violence; and

“(B) individualized to the needs of each school at which those improvements are to be made.

Deadline.

“(b) **GUIDELINES.**—Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

42 USC 3797c.

“SEC. 2703. ANNUAL REPORT TO CONGRESS.

“Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

42 USC 3797d.

“SEC. 2704. DEFINITIONS.

“For purposes of this part—

“(1) the term ‘school’ means a public elementary or secondary school;

“(2) the term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

“(3) the term ‘Indian tribe’ has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

42 USC 3797e.

“SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$30,000,000 for each of fiscal years 2001 through 2003.”.

SEC. 1109. DATING VIOLENCE.

(a) **DEFINITIONS.**—

(1) **SECTION 2003.**—Section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2) is amended—

(A) in paragraph (8), by striking the period at the end and inserting “; and”; and

(B) by adding at the end the following:

“(9) the term ‘dating violence’ means violence committed by a person—

“(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

“(i) the length of the relationship;

“(ii) the type of relationship; and

“(iii) the frequency of interaction between the persons involved in the relationship.”.

(2) SECTION 2105.—Section 2105 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) the term ‘dating violence’ means violence committed by a person—

“(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

“(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

“(i) the length of the relationship;

“(ii) the type of relationship; and

“(iii) the frequency of interaction between the persons involved in the relationship.”.

(b) STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by striking “sexual assault and domestic violence” and inserting “sexual assault, domestic violence, and dating violence”; and

(2) in paragraph (5), by striking “sexual assault and domestic violence” and inserting “sexual assault, domestic violence, and dating violence”.

(c) GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended—

(1) in paragraph (2), by inserting “and dating violence” after “domestic violence”; and

(2) in paragraph (5), by inserting “and dating violence” after “domestic violence”.

(d) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT.—Section 40295(a) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(a)) is amended—

(1) in paragraph (1), by inserting “and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))” after “domestic violence”; and

(2) in paragraph (2), by inserting “and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))” after “domestic violence”.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

42 USC 3796gg–
6.

SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.

(a) **IN GENERAL.**—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) **DEFINITIONS.**—In this section:

(1) **DOMESTIC VIOLENCE.**—The term “domestic violence” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) **LEGAL ASSISTANCE FOR VICTIMS.**—The term “legal assistance” includes assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.

(3) **SEXUAL ASSAULT.**—The term “sexual assault” has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) **LEGAL ASSISTANCE FOR VICTIMS GRANTS.**—The Attorney General may award grants under this subsection to private non-profit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) **ELIGIBILITY.**—To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or

tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.

(e) **EVALUATION.**—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.

(2) **ALLOCATION OF FUNDS.**—

(A) **TRIBAL PROGRAMS.**—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) **VICTIMS OF SEXUAL ASSAULT.**—Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

(3) **NONSUPPLANTATION.**—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 1202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) **REAUTHORIZATION.**—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

“(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2001 through 2005.”.

(b) **STATE MINIMUM; REALLOTMENT.**—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking “for grants to States for any fiscal year” and all that follows and inserting the following: “and available for grants to States under this subsection for any fiscal year—

“(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{8}$ of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for payment in a grant authorized under section 303(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.”;

(2) in subsection (c), in the first sentence, by inserting “and available” before “for grants”; and

(3) by adding at the end the following:

“(e) In subsection (a)(2), the term “State” does not include any jurisdiction specified in subsection (a)(1).”.

SEC. 1203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

42 USC 10419.

“SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

“(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

“(2) for whom emergency shelter services are unavailable or insufficient.

“(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

“(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

“(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

“(c) TERM OF ASSISTANCE.—

“(1) IN GENERAL.—Subject to paragraph (2), an individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

“(2) WAIVER.—The recipient of a grant under this section may waive the restrictions of paragraph (1) for up to an additional 6-month period with respect to any individual (and dependents of the individual) who has made a good-faith effort to acquire permanent housing and has been unable to acquire the housing.

“(d) REPORTS.—

“(1) REPORT TO SECRETARY.—

“(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

“(B) CONTENTS.—Each report shall include information on—

“(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

“(ii) the number of months each individual or dependent received the assistance;

“(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

“(iv) the type of support services provided to each individual or dependent assisted under this section.

“(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

“(e) EVALUATION, MONITORING, AND ADMINISTRATION.—Of the amount appropriated under subsection (f) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2001.”.

SEC. 1204. NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1910) is amended by striking “(such as District of Columbia)—” and all that follows and inserting “(such as District of Columbia), \$1,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

42 USC 14042
note.

(a) IN GENERAL.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

Deadline.

SEC. 1207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

42 USC 14042
note.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of the enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

42 USC 14042
note.

SEC. 1208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of the enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 1209. ENHANCING PROTECTIONS FOR OLDER AND DISABLED WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) ELDER ABUSE, NEGLECT, AND EXPLOITATION.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

“Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

42 USC 14041.

“SEC. 40801. DEFINITIONS.

“In this subtitle:

“(1) IN GENERAL.—The terms ‘elder abuse, neglect, and exploitation’, and ‘older individual’ have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

“(2) DOMESTIC VIOLENCE.—The term ‘domestic violence’ has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

“(3) SEXUAL ASSAULT.—The term ‘sexual assault’ has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

“SEC. 40802. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS. 42 USC 14041a.

“The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

“SEC. 40803. AUTHORIZATION OF APPROPRIATIONS.

42 USC 14041b.

“There are authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2001 through 2005.”.

(b) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) 42 USC 3796hh. is amended by adding at the end the following:

“(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).”.

(c) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1103(b) of this division) is amended by adding at the end the following:

“(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals; and”.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

42 USC 10420.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, sexual assault, or stalking.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) **APPLICANT REQUIREMENTS.**—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) **REPORTING.**—

Deadline.

(1) **IN GENERAL.**—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.

(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 1302. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle \$12,000,000 for each of fiscal years 2001 through 2005.”.

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle \$2,300,000 for each of fiscal years 2001 through 2005.”.

(c) GRANTS FOR TELEVISED TESTIMONY.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

“(7) There is authorized to be appropriated to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.”.

(d) DISSEMINATION OF INFORMATION.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

42 USC 3793
note.

28 USC 1738A
note.

**SEC. 1303. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS
IN DOMESTIC VIOLENCE CASES.**

(a) IN GENERAL.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.

(d) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking “he” and inserting “the child, a sibling, or parent of the child”.

**TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT
VIOLENCE AGAINST WOMEN**

SEC. 1401. RAPE PREVENTION AND EDUCATION.

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

42 USC 280b-1c.

“SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

“(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

“(1) educational seminars;

“(2) the operation of hotlines;

“(3) training programs for professionals;

“(4) the preparation of informational material;

“(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

“(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

“(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

“(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$80,000,000 for each of fiscal years 2001 through 2005.

“(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of \$1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

“(d) LIMITATIONS.—

“(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

“(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

“(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.”.

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed. 42 USC 300w-10.

SEC. 1402. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES. 42 USC 3796gg-7.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States, units of local government, Indian tribal governments, and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) **PRIORITIES.**—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) **USES OF GRANTS.**—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$7,500,000 for each of fiscal years 2001 through 2005.

SEC. 1403. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by striking subsection (h) and inserting the following:

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2001 through 2005.”.

42 USC 13961
note.

SEC. 1404. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) **IN GENERAL.**—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled “Understanding Violence Against Women” of the National Academy of Sciences; and

Deadline.

(2) not later than 1 year after the date of the enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda; and

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1405. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

42 USC 3796gg
note.

(a) **IN GENERAL.**—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

(b) **CONSULTATION.**—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)), as amended by this division).

(c) **REPORT.**—The Attorney General shall ensure that not later than 1 year after the date of the enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.

SEC. 1406. EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL.

(a) **GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS.**—

(1) **SECTION 40412.**—Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(A) by striking “and” at the end of paragraph (18);

(B) by striking the period at the end of paragraph

(19) and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

“(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser’s desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

“(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the

safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

“(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;”.

(2) SECTION 40414.—Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting “and \$1,500,000 for each of the fiscal years 2001 through 2005” after “1996”.

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS.—

(1) SECTION 40421.—Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

“(d) CONTINUING EDUCATION AND TRAINING PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.”.

(2) SECTION 40422.—Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting “and \$500,000 for each of the fiscal years 2001 through 2005” after “1996”.

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994.—

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding “, including national, State, tribal, and local domestic violence and sexual assault programs and coalitions” after “victim advocates”.

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following: “Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.”.

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

“(c) STATE JUSTICE INSTITUTE.—The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.”.

(d) DATING VIOLENCE.—

(1) SECTION 40411.—Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C. 13991) is amended by inserting “dating violence,” after “domestic violence.”

(2) SECTION 40412.—Section 40412 of such Act (42 U.S.C. 13992) is amended—

(A) in paragraph (10), by inserting “and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg–2))” before the semicolon;

(B) in paragraph (11), by inserting “and dating violence” after “domestic violence”;

(C) in paragraph (13), by inserting “and dating violence” after “domestic violence” in both places that it appears;

(D) in paragraph (17), by inserting “or dating violence” after “domestic violence” in both places that it appears; and

(E) in paragraph (18), by inserting “and dating violence” after “domestic violence”.

SEC. 1407. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) (as amended by section 1209(a) of this division) is amended by adding at the end the following:

“Subtitle I—Domestic Violence Task Force

“SEC. 40901. TASK FORCE.

42 USC 14042.

“(a) ESTABLISH.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

“(b) USES OF FUNDS.—Funds appropriated under this section shall be used to—

“(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

“(2) track and report all Federal research and expenditures on domestic violence; and

“(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

“(c) REPORT.—The Task Force shall report to Congress annually on its work under subsection (b).

“(d) DEFINITION.—For purposes of this section, the term ‘domestic violence’ has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2(1)).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2001 through 2004.”.

Battered
Immigrant
Women
Protection Act of
2000.
8 USC 1101 note.

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 1501. SHORT TITLE.

This title may be cited as the “Battered Immigrant Women Protection Act of 2000”.

8 USC 1101 note.

SEC. 1502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser’s control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 1503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

“(50) The term ‘intended spouse’ means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).”.

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN’S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

“(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

“(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

“(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.

“(II) For purposes of subclause (I), an alien described in this subclause is an alien—

“(aa)(AA) who is the spouse of a citizen of the United States;

“(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

“(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

“(aaa) whose spouse died within the past 2 years;

“(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to an incident of domestic violence; or

“(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse;

“(bb) who is a person of good moral character;

“(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

“(dd) who has resided with the alien’s spouse or intended spouse.”.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

“(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s citizen parent. For purposes of this clause, residence includes any period of visitation.”.

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

“(v) An alien who—

“(I) is the spouse, intended spouse, or child living abroad of a citizen who—

“(aa) is an employee of the United States Government;

“(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

“(cc) has subjected the alien or the alien’s child to battery or extreme cruelty in the United States; and

“(II) is eligible to file a petition under clause (iii) or (iv), shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (iii) or (iv), as applicable.”.

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

“(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

“(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

“(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien’s spouse or intended spouse.

“(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

“(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

“(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

“(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

“(aaa) whose spouse lost status within the past 2 years due to an incident of domestic violence; or

“(bbb) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the lawful permanent resident spouse;

“(bb) who is a person of good moral character;

“(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

“(dd) who has resided with the alien’s spouse or intended spouse.”.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

“(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien’s permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien’s permanent resident parent.”.

(3) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

“(iv) An alien who—

“(I) is the spouse, intended spouse, or child living abroad of a lawful permanent resident who—

“(aa) is an employee of the United States Government;

“(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

“(cc) has subjected the alien or the alien’s child to battery or extreme cruelty in the United States; and

“(II) is eligible to file a petition under clause (ii) or (iii), shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (ii) or (iii), as applicable.”.

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner’s admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien’s having been battered or subjected to extreme cruelty.

“(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

“(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

“(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

“(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

“(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.”; and

(3) in subparagraph (J) (as so redesignated), by inserting “or in making determinations under subparagraphs (C) and (D),” after “subparagraph (B),”.

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting “, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,” after “United States” the first place such term appears; and

(2) by inserting “(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)” after “has been living in marital union with the citizen spouse”.

SEC. 1504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

“(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

“(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

“(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

“(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a

child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

“(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen’s or lawful permanent resident’s bigamy;

“(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

“(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

“(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

“(v) the removal would result in extreme hardship to the alien, the alien’s child, or the alien’s parent.

“(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that does not bar the Attorney General from granting relief under this paragraph by reason of subparagraph (A)(iv) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III–A effective date in section 309

of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

“(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”.

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

“(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

“(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

“(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

“(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

“(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.”.

8 USC 1229b
note.

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and

Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

SEC. 1505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) **BATTERED IMMIGRANT WAIVER.**—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: “The Attorney General in the Attorney General’s discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

“(1) the alien’s having been battered or subjected to extreme cruelty; and

“(2) the alien’s—

“(A) removal;

“(B) departure from the United States;

“(C) reentry or reentries into the United States; or

“(D) attempted reentry into the United States.”.

(b) **DOMESTIC VIOLENCE VICTIM WAIVER.**—

(1) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.**—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

“(7) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.**—

“(A) **IN GENERAL.**—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

“(i) upon a determination that—

“(I) the alien was acting in self-defense;

“(II) the alien was found to have violated a protection order intended to protect the alien; or

“(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

“(aa) that did not result in serious bodily injury; and

“(bb) where there was a connection between the crime and the alien’s having been battered or subjected to extreme cruelty.

“(B) **CREDIBLE EVIDENCE CONSIDERED.**—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.”.

(2) **CONFORMING AMENDMENT.**—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is

amended by inserting “(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)” after “237(a)(3)”.

(c) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: “or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien’s United States citizen, lawful permanent resident, or qualified alien parent or child”.

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting “(I)” after “(i)”;

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

“(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B).”.

(d) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by adding “or” at the end; and

(3) by inserting after subparagraph (B) the following:

“(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B);”.

(e) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking “and” and inserting “or”; and

(2) by adding at the end the following:

“(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B); and”.

(f) PUBLIC CHARGE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

“(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).”.

Deadline.

(g) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered

or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 1506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting “or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or” after “into the United States.”; and

(B) in subsection (c), by striking “Subsection (a) shall not be applicable to” and inserting the following: “Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), subsection (a) shall not be applicable to”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

8 USC 1255 note.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking “when the alien is served a notice to appear under section 239(a) or” and inserting “(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2), when the alien is served a notice to appear under section 239(a), or (B)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

8 USC 1229b note.

(3) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

“(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—”; and

(B) in clause (i)—

(i) in subclause (IV), by striking “or” at the end;

(ii) in subclause (V), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).”.

8 USC 1101 note.

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

“(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—

“(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2);

“(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen; and

“(III) if the motion to reopen is filed within 1 year of the entry of the final order of removal, except that the Attorney General may, in the Attorney General’s discretion, waive this time limitation in the case of an alien who demonstrates extraordinary circumstances or extreme hardship to the alien’s child.”.

8 USC 1229a note.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229-1229c).

8 USC 1229a note.

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section

309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 1507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 1503(b)(3) of this title) is amended by adding at the end the following:

“(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.”.

(2) **LOSS OF STATUS.**—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 1503(c)(3) of this title) is amended by adding at the end the following:

“(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien’s ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

“(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.”.

8 USC 1151.

(3) **DEFINITION OF IMMEDIATE RELATIVES.**—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: “For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.”.

(b) **ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.**—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: “Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in clause (iv) or (vi) of section 204(a)(1)(A) or in section 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.”.

SEC. 1508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

“(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).”.

SEC. 1509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) **IN GENERAL.**—The last sentence of the first section of Public Law 89-732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: “, except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on

applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

8 USC 1255 note.

SEC. 1510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

(a) **ADJUSTMENT OF STATUS OF CERTAIN NICARAGUAN AND CUBAN BATTERED SPOUSES.**—Section 202(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100, as amended) is amended—

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) the alien—

“(i) is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for adjustment under this subsection is filed; or

“(ii) was, at the time at which an alien filed for adjustment under subsection (a), the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien that filed for adjustment under subsection (a);”;

(2) by adding at the end the following:

“(3) **PROCEDURE.**—In acting on an application under this section with respect to a spouse or child who has been battered or subjected to extreme cruelty, the Attorney General shall apply section 204(a)(1)(H).”.

(b) **CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION TRANSITION RULES FOR CERTAIN BATTERED SPOUSES.**—Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1101 note) (as amended by section 1506(b)(3) of this title) is amended—

(1) in clause (i)—

(A) by striking the period at the end of subclause (VI) (as added by section 1506(b)(3) of this title) and inserting “; or”; and

(B) by adding at the end the following:

“(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)—

“(AA) at the time at which a decision is rendered to suspend the deportation or cancel the removal of the alien;

“(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or

“(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; and

“(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V).”; and

(2) by adding at the end the following:

“(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

“(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of clause (i)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.”.

8 USC 1101 note.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective as if included in the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100, as amended).

8 USC 1255 note.

SEC. 1511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538) is amended to read as follows:

“(B)(i) the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for such adjustment is filed;

“(ii) at the time of filing of the application for adjustment under subsection (a), the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

“(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective as if included in the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538).

SEC. 1512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) **LAW ENFORCEMENT AND PROSECUTION GRANTS.**—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1209(c) of this division) is amended by adding at the end the following:

“(11) providing assistance to victims of domestic violence and sexual assault in immigration matters.”.

(b) **GRANTS TO ENCOURAGE ARRESTS.**—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: “, including strengthening assistance to such victims in immigration matters”.

(c) **RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.**—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

“(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and”.

(d) **CAMPUS DOMESTIC VIOLENCE GRANTS.**—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105-244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: “, including assistance to victims in immigration matters”.

SEC. 1513. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN.

(a) **FINDINGS AND PURPOSE.**—

8 USC 1101 note.

(1) **FINDINGS.**—Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.

(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

(2) **PURPOSE.**—

(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage

law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.

(b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NON-IMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) (as amended by section 107 of this Act) is amended—

(1) by striking “or” at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(U)(i) subject to section 214(o), an alien who files a petition for status under this subparagraph, if the Attorney General determines that—

“(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

“(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

“(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

“(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

“(ii) if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution would be harmed without the

assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and

“(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.”.

(c) CONDITIONS FOR ADMISSION AND DUTIES OF THE ATTORNEY GENERAL.—Section 214 of such Act (8 U.S.C. 1184) (as amended by section 107 of this Act) is amended by adding at the end the following new subsection:

“(o) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS.—

“(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS.—The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien “has been helpful, is being helpful, or is likely to be helpful” in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

“(2) NUMERICAL LIMITATIONS.—

“(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

“(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

“(3) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO ‘U’ VISA NONIMMIGRANTS.—With respect to nonimmigrant aliens described in subsection (a)(15)(U)—

“(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and

“(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.

“(4) CREDIBLE EVIDENCE CONSIDERED.—In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.

8 USC 1367.

“(5) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.”.

(d) PROHIBITION ON ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY.—Section 384(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended—

(1) by striking “or” at the end of paragraph (1)(C);

(2) by striking the comma at the end of paragraph (1)(D) and inserting “, or”; and

(3) by inserting after paragraph (1)(D) the following new subparagraph:

“(E) in the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act, the perpetrator of the substantial physical or mental abuse and the criminal activity,”; and

(4) in paragraph (2), by inserting “section 101(a)(15)(U),” after “section 216(c)(4)(C),”.

(e) WAIVER OF GROUNDS OF INELIGIBILITY FOR ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

“(13) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(U). The Attorney General, in the Attorney General’s discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(U), if the Attorney General considers it to be in the public or national interest to do so.”.

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

“(1)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Attorney General determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

“(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U); and

“(B) in the opinion of the Attorney General, the alien’s continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.

“(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the Attorney General may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the Attorney General considers the grant of such status or visa necessary to avoid extreme hardship.

“(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date of such approval.”.

TITLE VI—MISCELLANEOUS

SEC. 1601. NOTICE REQUIREMENTS FOR SEXUALLY VIOLENT OFFENDERS.

Campus Sex
Crimes
Prevention Act.
20 USC 1001
note.

(a) SHORT TITLE.—This section may be cited as the “Campus Sex Crimes Prevention Act”.

(b) NOTICE WITH RESPECT TO INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following:

“(j) NOTICE OF ENROLLMENT AT OR EMPLOYMENT BY INSTITUTIONS OF HIGHER EDUCATION.—

“(1) NOTICE BY OFFENDERS.—

“(A) IN GENERAL.—In addition to any other requirements of this section, any person who is required to register in a State shall provide notice as required under State law—

“(i) of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and

“(ii) of each change in enrollment or employment status of such person at an institution of higher education in that State.

“(B) CHANGE IN STATUS.—A change in status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.

“(2) STATE REPORTING.—State procedures shall ensure that the registration information collected under paragraph (1)—

“(A) is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and

“(B) entered into the appropriate State records or data system.

“(3) REQUEST.—Nothing in this subsection shall require an educational institution to request such information from any State.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 2 years after the date of the enactment of this Act.

42 USC 14071
note.

(c) DISCLOSURES BY INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:

“(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.”.

20 USC 1092
note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 2 years after the date of the enactment of this Act.

(d) AMENDMENT TO FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.—Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)), also known as the Family Educational Rights and Privacy Act of 1974, is amended by adding at the end the following:

“(7)(A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under such section.

“(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.”.

Teen Suicide
Prevention Act of
2000.
42 USC 290bb–
36 note.

SEC. 1602. TEEN SUICIDE PREVENTION STUDY.

(a) SHORT TITLE.—This section may be cited as the “Teen Suicide Prevention Act of 2000”.

(b) FINDINGS.—Congress finds that—

(1) measures that increase public awareness of suicide as a preventable public health problem, and target parents and youth so that suicide risks and warning signs can be recognized, will help to eliminate the ignorance and stigma of suicide as barriers to youth and families seeking preventive care;

(2) suicide prevention efforts in the year 2000 should—

(A) target at-risk youth, particularly youth with mental health problems, substance abuse problems, or contact with the juvenile justice system;

(B) involve—

(i) the identification of the characteristics of the at-risk youth and other youth who are contemplating suicide, and barriers to treatment of the youth; and

(ii) the development of model treatment programs for the youth;

(C) include a pilot study of the outcomes of treatment for juvenile delinquents with mental health or substance abuse problems;

(D) include a public education approach to combat the negative effects of the stigma of, and discrimination against individuals with, mental health and substance abuse problems; and

(E) include a nationwide effort to develop, implement, and evaluate a mental health awareness program for schools, communities, and families;

(3) although numerous symptoms, diagnoses, traits, characteristics, and psychosocial stressors of suicide have been investigated, no single factor or set of factors has ever come close to predicting suicide with accuracy;

(4) research of United States youth, such as a 1994 study by Lewinsohn, Rohde, and Seeley, has shown predictors of suicide, such as a history of suicide attempts, current suicidal ideation and depression, a recent attempt or completed suicide by a friend, and low self-esteem; and

(5) epidemiological data illustrate—

(A) the trend of suicide at younger ages as well as increases in suicidal ideation among youth in the United States; and

(B) distinct differences in approaches to suicide by gender, with—

(i) 3 to 5 times as many females as males attempting suicide; and

(ii) 3 to 5 times as many males as females completing suicide.

(c) PURPOSE.—The purpose of this section is to provide for a study of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

(d) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall carry out, directly or by grant or contract, a study that is designed to identify—

(1) the characteristics of at-risk and other youth age 13 through 21 who are contemplating suicide;

(2) the characteristics of at-risk and other youth who are younger than age 13 and are contemplating suicide; and

(3) the barriers that prevent youth described in paragraphs (1) and (2) from receiving treatment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 1603. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the “Decade of Pain Control and Research”.

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. AIMEE’S LAW.

(a) SHORT TITLE.—This section may be cited as “Aimee’s Law”.

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term “dangerous sexual offense” means any offense under State law for conduct that would constitute an offense under chapter 109A of title 18, United States Code, had the conduct occurred in the special

Aimee’s Law.
42 USC 13713.

maritime and territorial jurisdiction of the United States or in a Federal prison.

(2) MURDER.—The term “murder” has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(3) RAPE.—The term “rape” has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(c) PENALTY.—

(1) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(3) STATE DESCRIBED.—A State is described in this paragraph if—

(A) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than the average term of imprisonment imposed for that offense in all States; or

(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.

(d) STATE APPLICATIONS.—In order to receive an amount transferred under subsection (c), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.

(e) SOURCE OF FUNDS.—

(1) IN GENERAL.—Any amount transferred under subsection (c) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).

(2) PAYMENT SCHEDULE.—The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(f) CONSTRUCTION.—Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(g) EXCEPTION.—This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) and subsequently been convicted for an offense described in subsection (c).

(h) REPORT.—The Attorney General shall—

(1) conduct a study evaluating the implementation of this section; and

(2) not later than October 1, 2006, submit to Congress a report on the results of that study.

(i) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for—

- (i) any dangerous sexual offense;
- (ii) rape; and
- (iii) murder; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

Deadline.

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

(j) EFFECTIVE DATE.—This section shall take effect on January 1, 2002.

SEC. 2002. PAYMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Treasury shall pay each person described in paragraph (2), at the person's election—

(A) 110 percent of compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest under section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected on June 2, 2000), subject to final appellate review of that order; or

(B) 100 percent of the compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest, as provided in section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected June 2, 2000), subject to final appellate review of that order.

Payments under this subsection shall be made promptly upon request.

(2) PERSONS COVERED.—A person described in this paragraph is a person who—

(A)(i) as of July 20, 2000, held a final judgment for a claim or claims brought under section 1605(a)(7) of title 28, United States Code, against Iran or Cuba, or the right to payment of an amount awarded as a judicial sanction with respect to such claim or claims; or

(ii) filed a suit under such section 1605(a)(7) on February 17, 1999, December 13, 1999, January 28, 2000, March 15, 2000, or July 27, 2000;

(B) relinquishes all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments;

(C) in the case of payment under paragraph (1)(A), relinquishes all rights and claims to punitive damages awarded in connection with such claim or claims; and

(D) in the case of payment under paragraph (1)(B), relinquishes all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to section 1610(f)(1)(A) of title 28, United States Code.

(b) FUNDING OF AMOUNTS.—

(1) JUDGMENTS AGAINST CUBA.—For purposes of funding the payments under subsection (a) in the case of judgments and sanctions entered against the Government of Cuba or Cuban entities, the President shall vest and liquidate up to and not exceeding the amount of property of the Government of Cuba and sanctioned entities in the United States or any commonwealth, territory, or possession thereof that has been blocked pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, or regulation issued thereunder. For the purposes of paying amounts for judicial

sanctions, payment shall be made from funds or accounts subject to sanctions as of April 18, 2000, or from blocked assets of the Government of Cuba.

(2) JUDGMENTS AGAINST IRAN.—For purposes of funding payments under subsection (a) in the case of judgments against Iran, the Secretary of the Treasury shall make such payments from amounts paid and liquidated from—

(A) rental proceeds accrued on the date of the enactment of this Act from Iranian diplomatic and consular property located in the United States; and

(B) funds not otherwise made available in an amount not to exceed the total of the amount in the Iran Foreign Military Sales Program account within the Foreign Military Sales Fund on the date of the enactment of this Act.

(c) SUBROGATION.—Upon payment under subsection (a) with respect to payments in connection with a Foreign Military Sales Program account, the United States shall be fully subrogated, to the extent of the payments, to all rights of the person paid under that subsection against the debtor foreign state. The President shall pursue these subrogated rights as claims or offsets of the United States in appropriate ways, including any negotiation process which precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States, except that no funds shall be paid to Iran, or released to Iran, from property blocked under the International Emergency Economic Powers Act or from the Foreign Military Sales Fund, until such subrogated claims have been dealt with to the satisfaction of the United States.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should not normalize relations between the United States and Iran until the claims subrogated have been dealt with to the satisfaction of the United States.

(e) REAFFIRMATION OF AUTHORITY.—Congress reaffirms the President's statutory authority to manage and, where appropriate and consistent with the national interest, vest foreign assets located in the United States for the purposes, among other things, of assisting and, where appropriate, making payments to victims of terrorism.

(f) AMENDMENTS.—(1) Section 1610(f) of title 28, United States Code, is amended—

(A) in paragraphs (2)(A) and (2)(B)(ii), by striking “shall” each place it appears and inserting “should make every effort to”; and

(B) by adding at the end the following new paragraph:

“(3) WAIVER.—The President may waive any provision of paragraph (1) in the interest of national security.”.

(2) Subsections (b) and (d) of section 117 of the Treasury Department Appropriations Act, 1999 (as contained in section 101(h) of Public Law 105-277) are repealed.

28 USC 1606,
1610 note.

SEC. 2003. AID FOR VICTIMS OF TERRORISM.

(a) MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

“(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES.—

“(1) IN GENERAL.—The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

“(2) VICTIM DEFINED.—In this subsection, the term ‘victim’—

“(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

“(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.”.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) ADMINISTRATIVE PROVISION.—Not later than 90 days after the date of the enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) TECHNICAL AMENDMENT.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended by striking “1404(d)(4)(B)” and inserting “1402(d)(5)”.

(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended by striking “in excess of \$500,000” and all that follows through “than \$500,000” and inserting “shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums”.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

42 USC 10603b
note.

Deadline.
42 USC 10603b
note.

“SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM. 42 USC 10603c.

“(a) DEFINITIONS.—In this section:

“(1) INTERNATIONAL TERRORISM.—The term ‘international terrorism’ has the meaning given the term in section 2331 of title 18, United States Code.

“(2) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(3) VICTIM.—

“(A) IN GENERAL.—The term ‘victim’ means a person who—

“(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

“(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

“(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

“(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

“(b) AWARD OF COMPENSATION.—The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

“(c) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

“(1) an explanation of the procedures for filing and processing of applications for compensation;

“(2) a description of the procedures and policies instituted to promote public awareness about the program;

“(3) a complete statistical analysis of the victims assisted under the program, including—

“(A) the number of applications for compensation submitted;

“(B) the number of applications approved and the amount of each award;

“(C) the number of applications denied and the reasons for the denial;

“(D) the average length of time to process an application for compensation; and

“(E) the number of applications for compensation pending and the estimated future liability of the program; and

“(4) an analysis of future program needs and suggested program improvements.”.

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting “, to provide compensation to victims of international terrorism under the program under section 1404C,” after “section 1404B”.

(d) AMENDMENTS TO VICTIMS OF CRIME FUND.—Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: “Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.”.

SEC. 2004. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR IN VIOLATION OF STATE LAW.—The Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March 1, 1913 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C. 122) is amended by adding at the end the following:

27 USC 122a.

“SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘attorney general’ means the attorney general or other chief law enforcement officer of a State or the designee thereof;

“(2) the term ‘intoxicating liquor’ means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

“(3) the term ‘person’ means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

“(4) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction) against the person, as the attorney general determines to be necessary to—

“(1) restrain the person from engaging, or continuing to engage, in the violation; and

“(2) enforce compliance with the State law.

“(c) FEDERAL JURISDICTION.—

“(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section by an attorney general against any person, except one licensed or otherwise authorized to produce, sell, or store intoxicating liquor in such State.

“(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States

Code, or in the district in which the recipient of the intoxicating liquor resides or is found.

“(3) FORM OF RELIEF.—An action under this section is limited to actions seeking injunctive relief (a preliminary and/or permanent injunction).

“(4) NO RIGHT TO JURY TRIAL.—An action under this section shall be tried before the court.

“(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

“(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction to restrain a violation of this section. A proper showing under this paragraph shall require that a State prove by a preponderance of the evidence that a violation of State law as described in subsection (b) has taken place or is taking place.

“(2) ADDITIONAL SHOWING FOR PRELIMINARY INJUNCTION.—No preliminary injunction may be granted except upon—

“(A) evidence demonstrating the probability of irreparable injury if injunctive relief is not granted; and

“(B) evidence supporting the probability of success on the merits.

“(3) NOTICE.—No preliminary or permanent injunction may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

“(4) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction entered in an action brought under this section shall—

“(A) set forth the reasons for the issuance of the order;

“(B) be specific in terms;

“(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

“(D) be binding upon—

“(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

“(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

“(5) ADMISSIBILITY OF EVIDENCE.—In a hearing on an application for a permanent injunction, any evidence previously received on an application for a preliminary injunction in connection with the same civil action and that would otherwise be admissible, may be made a part of the record of the hearing on the permanent injunction.

“(e) RULES OF CONSTRUCTION.—This section shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power vested in the States—

“(1) under the twenty-first article of amendment to the Constitution of the United States as such article of amendment is interpreted by the Supreme Court of the United States including interpretations in conjunction with other provisions of the Constitution of the United States; and

“(2) under the first section herein as such section is interpreted by the Supreme Court of the United States; but shall not be construed to grant to States any additional power.

“(f) ADDITIONAL REMEDIES.—

“(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

“(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

27 USC 122b.

“SEC. 3. GENERAL PROVISIONS.

“(a) EFFECT ON INTERNET TAX FREEDOM ACT.—Nothing in this section may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).

“(b) INAPPLICABILITY TO SERVICE PROVIDERS.—Nothing in this section may be construed to—

“(1) authorize any injunction against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) used by another person to engage in any activity that is subject to this Act;

“(2) authorize any injunction against an electronic communication service (as defined in section 2510(15) of title 18, United States Code) used by another person to engage in any activity that is subject to this Act; or

“(3) authorize an injunction prohibiting the advertising or marketing of any intoxicating liquor by any person in any case in which such advertising or marketing is lawful in the jurisdiction from which the importation, transportation or other conduct to which this Act applies originates.”.

27 USC 122a
note.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective 90 days after the date of the enactment of this Act.

Deadline.
27 USC 122a
note.

(c) STUDY.—The Attorney General shall carry out the study to determine the impact of this section and shall submit the results of such study not later than 180 days after the enactment of this Act.

Approved October 28, 2000.

LEGISLATIVE HISTORY—H.R. 3244:

HOUSE REPORTS: Nos. 106-487, Pt. 1 (Comm. on International Relations) and Pt. 2 (Comm. on the Judiciary) and 106-939 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 9, considered and passed House.

July 27, considered and passed Senate, amended.

Oct. 6, House agreed to conference report.

Oct. 11, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 28, Presidential statement.



*Public Law 106–387
106th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

Oct. 28, 2000
[H.R. 4461]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The provisions of H.R. 5426 of the 106th Congress, as introduced on October 6, 2000, are hereby enacted into law.

Incorporation by
reference.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

Publication.
1 USC 112 note.

Approved October 28, 2000.

LEGISLATIVE HISTORY—H.R. 4461:

HOUSE REPORTS: No. 106–619 (Comm. on Appropriations) and No. 106–948 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 29, July 10, 11, considered and passed House.

July 18–20, considered and passed Senate, amended.

Oct. 11, House agreed to conference report.

Oct. 13, 18, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 28, Presidential statement.

*ENDNOTE: The following appendix was added pursuant to the provisions of section 1 of this Act.



APPENDIX—H.R. 5426

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I**AGRICULTURAL PROGRAMS****PRODUCTION, PROCESSING, AND MARKETING****OFFICE OF THE SECRETARY****(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,914,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS**CHIEF ECONOMIST**

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$7,462,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not

to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$12,421,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,765,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,051,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas for information technology, systems, and services, \$40,000,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$5,171,000: *Provided*, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$629,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of

Agriculture buildings, \$182,747,000, to remain available until expended: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., \$15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$36,010,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,568,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel

at the agency level: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,623,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$68,867,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$31,080,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$556,000.

ECONOMIC RESEARCH SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,038,000: *Provided*, That \$1,000,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627, Public Law 105-113, and other laws, \$100,772,000, of which up to \$15,000,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$898,812,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision,

organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2001, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$74,200,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$506,193,000, as follows: to carry out the provisions of the Hatch Act (7 U.S.C. 361a-i), \$180,545,000; for grants for cooperative forestry research (16 U.S.C. 582a-a7), \$21,932,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), \$32,676,000, of which \$1,000,000 shall be made available to West Virginia State College Institute, West Virginia; for special grants for agricultural research (7 U.S.C. 450i(c)), \$85,669,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$13,721,000; for competitive research grants (7 U.S.C. 450i(b)), \$106,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,109,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$800,000; for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), \$640,000, to remain available until expended; for the 1994 research program (7 U.S.C. 301 note), \$1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,000,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$4,350,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$1,000,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$3,500,000; for a program of noncompetitive grants, to be awarded on an equal basis, to

Alaska Native-serving and Native Hawaiian-serving Institutions to carry out higher education programs (7 U.S.C. 3242), \$3,000,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), \$800,000; for aquaculture grants (7 U.S.C. 3322), \$4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$9,250,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee University, \$9,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$1,552,000; and for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109, \$18,149,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$7,100,000: *Provided*, That hereafter, any distribution of the adjusted income from the Native American Institutions Endowment Fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$433,429,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,280,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,695,000; payments for the pest management program under section 3(d) of the Act, \$10,783,000; payments for the farm safety program under section 3(d) of the Act, \$4,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$12,200,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$908,000; payments for youth-at-risk programs under section 3(d) of the Act, \$8,500,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$500,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$3,192,000; payments for Indian reservation agents under

section 3(d) of the Act, \$2,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$3,800,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101-624 (7 U.S.C. 2661 note, 2662), \$2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University, \$28,243,000, of which \$1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341-349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$18,152,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$41,941,000, as follows: payments for the water quality program, \$13,000,000; payments for the food safety program, \$15,000,000; payments for the national agriculture pesticide impact assessment program, \$4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, \$4,900,000; payments for the crops affected by Food Quality Protection Act implementation, \$1,500,000; payments for the methyl bromide transition program, \$2,500,000; and payments for the organic transition program, \$500,000.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$635,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under

the Acts of March 2, 1931 (46 Stat. 1468) and December 22, 1987 (101 Stat. 1329-1331) (7 U.S.C. 426-426c); and to protect the environment, as authorized by law, \$530,564,000, of which \$4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$59,400,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That not to exceed \$1,000,000 of the funds available under this heading for wildlife services methods development may be used by the Secretary of Agriculture to conduct pilot projects in up to four States representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further*, That the General Accounting Office shall report to the Committees on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.

In fiscal year 2001, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2001, \$85,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$9,870,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$65,335,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That, only after promulgation of a final rule on a National Organic Standards Program, \$639,000 of this amount shall be available for the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Standards Program and such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY
(SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,350,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$31,420,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$460,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$696,704,000, of which no less than \$591,258,000 shall be available for Federal food inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That not more than \$2,500,000 of this appropriation may be used to implement section 752 of title VII of this Act: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings

and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That from amounts appropriated under this heading not needed for Federal food inspection, up to \$6,000,000 may be used to liquidate obligations incurred in previous years, to the extent approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN
AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$589,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$828,385,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), \$3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were

not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$998,000,000, of which \$870,000,000 shall be for guaranteed loans; operating loans, \$1,972,741,000, of which \$1,077,839,000 shall be for unsubsidized guaranteed loans and \$369,902,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,006,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$18,223,000, of which \$4,437,000 shall be for guaranteed loans; operating loans, \$92,310,000, of which \$14,770,000 shall be for unsubsidized guaranteed loans and \$30,185,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$323,000; and for emergency insured loans, \$6,133,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$269,454,000, of which \$265,315,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$65,597,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE
MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND
ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$711,000: *Provided*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to the Office of the Under Secretary for Natural Resources and Environment for the supervision, management, or direction of the Forest Service or the Natural Resources Conservation Service until January 20, 2001: *Provided further*, That the Chiefs of the Forest Service and the Natural Resources Conservation Service shall report directly to the Secretary of Agriculture until January 20, 2001.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$714,116,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$5,990,000 is for snow survey and water forecasting and not less than \$9,125,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That not to exceed \$2,000,000 of this amount shall be available for the Urban Resources Partnership program, of which \$1,000,000 shall be available only after promulgation of a final rule on this program: *Provided further*, That not to exceed \$204,000 of this amount shall be available for American Heritage Rivers: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1009), \$10,868,000: *Provided*, That not to exceed \$136,000 shall be available for American Heritage Rivers: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed \$44,423,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That of the funds available for Emergency Watershed Protection activities, \$8,000,000 shall be available for Ohio, New Mexico, Mississippi, and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act of 1954, Public Law 83-566 (16 U.S.C. 1001 et seq.); section 13 of the Flood Control Act of 1944, Public Law 78-534 (33 U.S.C. 701b-1); the pilot watershed program authorized under the heading "FLOOD PREVENTION" of the Department of Agriculture Appropriations Act, 1954, Public Law 83-156 (67 Stat. 214); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.): *Provided further*, That the amount of Federal funds that may be made available to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation: *Provided further*, That consistent with existing statute, rehabilitation assistance provided may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource projects entered into between the Secretary and the eligible local organization responsible for the works of improvement.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$42,015,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of

1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$605,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act, \$762,542,000, to remain available until expended, of which \$53,225,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$644,360,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$64,957,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided*, That of the total amount appropriated in this account, \$24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking and waste disposal systems pursuant to section 306C of such Act, of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations serving low-income rural communities, including Federally Recognized Indian tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit intermediary organizations (including tribal) proposing to carry out a program of financial and technical assistance to other public entities with a record of achievement in providing technical and financial assistance to housing and community development organizations in rural areas: *Provided further*, That such intermediary organizations shall provide matching

funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That of the amount appropriated for rural community programs, not to exceed \$5,000,000 shall be for hazardous weather early warning systems: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$5,000,000 shall be for rural partnership technical assistance grants; and \$2,000,000 shall be for grants to Mississippi Delta Region counties: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed \$20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 1 percent available to administer the program and up to 1 percent available to improve interagency coordination; not to exceed \$16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which \$8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs as authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926 for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$130,371,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,800,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$3,700,000,000 shall be for unsubsidized guaranteed loans; \$32,396,000 for section 504 housing repair loans; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$114,321,000 for section 515 rental housing; \$5,152,000 for section 524 site loans; \$11,780,000 for credit sales of acquired property, of which up to \$1,780,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans: *Provided*, That of the total amount made available for loans to section 502 borrowers, up to \$5,400,000 shall be available until expended for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to house low-income and very low-income elderly families who: (1) have lost their housing because of a major disaster (as so declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act); and (2)(A) do not have homeowner's insurance; or (B) can not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans: *Provided further*, That of the amounts made available for such demonstration program, \$5,000,000 shall be for grants and \$400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$184,160,000 of which \$7,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$11,481,000; section 538 multi-family housing guaranteed loans, \$1,520,000; section 515 rental housing, \$56,326,000; multi-family credit sales of acquired property, \$874,000; and section 523 self-help housing land development loans, \$279,000: *Provided*, That of the total amount appropriated in this paragraph, \$13,832,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$409,233,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing

Act of 1949, \$680,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2001 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$34,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$44,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$5,000,000 shall be for a housing demonstration program for agriculture, aquaculture, and seafood processor workers: *Provided further*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$30,000,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$2,036,000 shall be for federally recognized Native American tribes and of which \$4,072,000 shall be for Mississippi Delta Region counties (as defined by Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined

in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$38,256,000: *Provided further*, That of the total amount appropriated, \$3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,640,000 shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,911,000, which shall be administered in accordance with the regulations utilized in fiscal year 2000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,911,000 shall not be obligated and \$3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$6,500,000, of which \$2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,500,000 of the total amount appropriated shall be made available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$121,500,000; 5 percent rural telecommunications loans, \$75,000,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$295,000,000; and loans made pursuant to section 306 of that Act, rural electric, \$1,700,000,000 and rural telecommunications, \$120,000,000; and \$500,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, \$19,871,000; and cost of municipal rate loans, \$20,503,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$34,716,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$2,590,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, \$3,000,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$27,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, and of which \$2,000,000 may be available for a pilot program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of “rural area” used for the Distance Learning and Telemedicine Program authorized by 7 U.S.C. 950aaa: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$570,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$9,541,539,000, to remain available through September 30, 2002, of which \$4,413,960,000 is hereby appropriated and \$5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the funds made available under this heading, up to \$6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: *Provided further*, That of the funds made available under this heading, \$500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: *Provided further*, That school food authorities in Ohio participating in a domestic food assistance program administered by the Secretary and preparing meals for use by other schools and institutions also participating in a domestic food assistance program, shall, with regard to such meals, not be subject to additional requirements under section 301(c) of the Federal Meat Inspection Act or section 5(c) of the Poultry Products Inspection Act: *Provided further*, That up to \$4,511,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,
AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,052,000,000, to remain available through September 30, 2002: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional \$10,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, up to \$14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than \$6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully

reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$20,114,293,000, of which \$100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$3,000,000 shall be used to purchase bison for the FDPIR: *Provided further*, That the Secretary shall purchase such bison from Native American producers and Cooperative Organizations without competition: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That not more than \$194,000,000 may be reserved by the Secretary, notwithstanding section 16(h)(1)(A)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)(vi)), for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, \$140,300,000, to remain available through September 30, 2002: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note), \$20,781,000 of this amount shall be available for administrative expenses of the commodity supplemental food program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended;

and section 311 of the Older Americans Act of 1965, \$151,081,000, to remain available through September 30, 2002.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$116,807,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$4,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$115,424,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$1,850,000, of which \$1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural

Service, Salaries and Expenses”, and of which \$815,000 may be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, \$837,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation’s export guarantee program, GSM 102 and GSM 103, \$3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,231,000 may be transferred to and merged with the appropriation for “Foreign Agricultural Service, Salaries and Expenses”, and of which \$589,000 may be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG
ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized

and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,217,797,000, of which not to exceed \$149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 2001 shall be subject to the fiscal year 2001 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$285,269,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$317,547,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$12,534,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) \$140,489,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$64,069,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$165,207,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$35,568,000 shall be for the National Center for Toxicological Research; (7) \$25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) \$104,954,000 shall be for payments to the General Services Administration for rent and related costs; and (9) \$78,839,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$31,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and

elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$68,000,000, including not to exceed \$1,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2001 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 389 passenger motor vehicles, of which 385 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to \$2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education

and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2001 shall remain available until expended to cover obligations made in fiscal year 2001 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service;

the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may hereafter enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture

employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 722. (a) Of the funds made available to the Secretary of Agriculture pursuant to section 793(b)(1) of Public Law 104-127 (7 U.S.C. 2204f) for the 2000 fiscal year—

(1) \$30,000,000 shall be available to be obligated for any purpose authorized under section 793 of that Act during the 2001 fiscal year; and

(2) \$30,000,000 shall be available to be obligated for any purpose authorized under section 793 of that Act during the 2002 fiscal year.

(b) None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under section 793 of Public Law 104-127 (7 U.S.C. 2204f).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$174,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621): *Provided*, That notwithstanding section 401(d) of Public Law 105-185, any appropriation or funds available to the Secretary of Agriculture to make grants under section 401 of Public Law 105-185 shall be used only to make grants to Hispanic-serving institutions (as defined in 20 U.S.C. 1101a(5)); West Virginia State College in Institute; and the 1862 institutions, 1890 institutions, and 1994 institutions, as defined in section 2 of Public Law 105-185 (7 U.S.C. 7601), or research foundations maintained by such institutions.

SEC. 725. Hereafter, none of the funds made available to the Department of Agriculture shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 727. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis (recently renamed the Division of Pharmaceutical Analysis) in St. Louis, Missouri, except that funds could be used to plan a possible relocation of this Division within the city limits of St. Louis, Missouri.

SEC. 728. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 729. Hereafter, none of the funds appropriated by this Act or any other Act may be used to:

(1) carry out the proviso under 7 U.S.C. 1622(f); or

(2) carry out 7 U.S.C. 1622(h) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: *Provided*, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 730. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2002 appropriations Act.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105-185.

SEC. 733. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

SEC. 734. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities prior to July 1, 2001, without the specific authorization of Congress.

SEC. 735. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 736. Notwithstanding any other provision of law, for any fiscal year, in the case of a high cost, isolated rural area of the State of Alaska that is not connected to a road system—

(1) in the case of assistance provided by the Rural Housing Service for single family housing under title V of the Housing Act of 1949 (7 U.S.C. 1471 et seq.), the maximum income level for the assistance shall be 150 percent of the average income level in metropolitan areas of the State;

(2) in the case of community facility loans and grants provided under paragraphs (1) and (19), respectively, of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) and assistance provided under programs carried out by the Rural Utilities Service, the maximum income level for the loans, grants, and assistance shall be 150 percent of the average income level in nonmetropolitan areas of the State;

(3) in the case of a business and industry guaranteed loan made under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)), to the extent permitted under that Act, the Secretary of Agriculture shall—

(A) guarantee the repayment of 90 percent of the principal and interest due on the loan; and

(B) charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan; and

(4) in the case of assistance provided under the Rural Community Development Initiative for fiscal year 2001 carried out under the rural community advancement program established under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), the median household income level, and the not employed rate, with respect to applicants for assistance under the Initiative shall be scored on a community-by-community basis.

SEC. 737. Notwithstanding any other provision of law, the Town of Lloyd, New York, and the Town of Thompson, New York, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 738. Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: *Provided*, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: *Provided further*, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.

SEC. 739. Hereafter, notwithstanding section 502(h)(7) of the Housing Act of 1949 (42 U.S.C. 1472(h)(7)), the fee collected by the Secretary of Agriculture with respect to a guaranteed loan under such section 502(h) at the time of the issuance of such guarantee may be in an amount equal to not more than 2 percent of the principal obligation of the loan.

SEC. 740. Hereafter, funds appropriated to the Department of Agriculture may be used to employ individuals by contract for services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such contracts are authorized to be negotiated,

the terms of the contract to be prescribed, and the work to be performed, where necessary, without regard to such statutory provisions as relate to the negotiation, making and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services outside the United States shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq. Further, that Government service credit shall be accrued for the time employed under a Personal Service Agreement (PSA) should the individual later be hired into a permanent United States Government position within FAS or another United States Government agency if the authorities of the hiring agency so permit.

SEC. 741. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 742. (a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking “and 2000”; and inserting “through 2001”; and

(2) in subsection (h), by striking “2000” each place it appears and inserting “2001”.

(b) CONFORMING AMENDMENT.—Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking “2001” and inserting “2002”.

SEC. 743. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than \$25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and micro-enterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 744. In addition to amounts otherwise appropriated or made available by this Act, \$2,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 745. (a) SHORT TITLE.—This section may be cited as the “Medicine Equity and Drug Safety Act of 2000”.

(b) FINDINGS.—The Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including Medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting “and section 804” after “paragraph (2)”; and

(2) by adding at the end the following:

“IMPORTATION OF COVERED PRODUCTS

“SEC. 804. (a) REGULATIONS.—The Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting pharmacists and wholesalers to import into the United States covered products.

“(b) LIMITATION.—Regulations under subsection (a) shall—

“(1) require that safeguards be in place to ensure that each covered product imported pursuant to such subsection complies with section 505 (including with respect to being safe and effective for its intended use), with sections 501 and 502, and with other applicable requirements of this Act;

“(2) require that an importer of a covered product pursuant to subsection (a) comply with the applicable provisions of this section, including subsection (d); and

“(3) contain any additional provisions determined by the Secretary to be appropriate as a safeguard to protect the public health or as a means to facilitate the importation of such products.

“(c) RECORDS.—Regulations under subsection (a) shall require that records regarding the importation of covered products pursuant to such subsection be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

“(d) IMPORTATION.—Regulations under subsection (a) shall require an importer of a covered product pursuant to such subsection to provide to the Secretary the following information and records:

“(1) The name and amount of the active ingredient of such product and description of the dosage form.

“(2) The date that the product is shipped and the quantity of the product that is shipped, points of origin and destination for the product, the price paid for the product by the importer, and (once the product is distributed) the price for which such product is sold by the importer.

“(3) Documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received.

“(4) The manufacturer’s lot or control number of the product imported.

“(5) The name, address, and telephone number of the importer, including the professional license number of the importer, if any.

“(6) For a product that is coming directly from the first foreign recipient of the product from the manufacturer:

“(A) Documentation demonstrating that such product came from such recipient and was received by the recipient from such manufacturer.

“(B) Documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by the recipient.

“(C) In the case of the initial imported shipment, documentation demonstrating that each batch of such shipment was statistically sampled and tested for authenticity and degradation.

“(D) In the case of all subsequent shipments from such recipient, documentation demonstrating that a statistically valid sample of such shipments was tested for authenticity and degradation.

“(E) Certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act.

“(7) For a product that is not coming directly from the first foreign recipient of the product from the manufacturer:

“(A) Documentation demonstrating that each batch in all shipments offered for importation into the United States was statistically sampled and tested for authenticity and degradation.

“(B) Certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act.

“(8) Laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards.

“(9) Documentation demonstrating that the testing required by paragraphs (6) through (8) was performed at a qualifying laboratory (as defined in subsection (k)).

“(10) Any other information that the Secretary determines is necessary to ensure the protection of the public health.

“(e) TESTING.—Regulations under subsection (a)—

“(1) shall require that testing referred to in paragraphs (6) through (8) of subsection (d) be conducted by the importer of the covered product pursuant to subsection (a), or the manufacturer of the product;

“(2) shall require that if such tests are conducted by the importer, information needed to authenticate the product being tested, and to confirm that the labeling of such product complies with labeling requirements under this Act, be supplied by the manufacturer of such product to the pharmacist or wholesaler,

and shall require that such information be kept in strict confidence and used only for purposes of testing under this Act; and

“(3) may include such additional provisions as the Secretary determines to be appropriate to provide for the protection of trade secrets and commercial or financial information that is privileged or confidential.

“(f) COUNTRY LIMITATION.—Regulations under subsection (a) shall provide that covered products may be imported pursuant to such subsection only from a country, union, or economic area that is listed in subparagraph (A) of section 802(b)(1) or designated by the Secretary, subject to such limitations as the Secretary determines to be appropriate to protect the public health.

“(g) SUSPENSION OF IMPORTATIONS.—The Secretary shall require that importations of specific covered products or importations by specific importers pursuant to subsection (a) be immediately suspended upon discovery of a pattern of importation of such products or by such importers that is counterfeit or in violation of any requirement pursuant to this section, until an investigation is completed and the Secretary determines that the public is adequately protected from counterfeit and violative covered products being imported pursuant to subsection (a).

“(h) PROHIBITED AGREEMENTS.—No manufacturer of a covered product may enter into a contract or agreement that includes a provision to prevent the sale or distribution of covered products imported pursuant to subsection (a).

“(i) STUDIES; REPORTS.—

“(1) STUDY BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted pursuant to subsection (a), including consideration of the information received under subsection (d). In conducting such study, the Secretary or entity shall—

“(i) evaluate the compliance of importers with regulations under subsection (a), and the number of shipments pursuant to such subsection, if any, that have been determined to be counterfeit, misbranded, or adulterated, and determine how such compliance contrasts with the number of shipments of prescription drugs transported within the United States that have been determined to be counterfeit, misbranded, or adulterated; and

“(ii) consult with the United States Trade Representative and the Commissioner of Patents and Trademarks to evaluate the effect of importations pursuant to subsection (a) on trade and patent rights under Federal law.

“(B) REPORT.—Not later than 2 years after the effective date of final regulations under subsection (a), the Secretary shall prepare and submit to the Congress a report describing the findings of the study under subparagraph (A).

“(2) STUDY BY GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall conduct a study to determine the effect of this section on the price of covered products sold to consumers at retail. Not later than 18 months after the effective date of final regulations under subsection

(a), the Comptroller General shall prepare and submit to the Congress a report describing the findings of such study.

“(j) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to the importation of covered products, other than with respect to section 801(d)(1) as provided in this section.

“(k) DEFINITIONS.—

“(1) COVERED PRODUCT.—

“(A) IN GENERAL.—For purposes of this section, the term ‘covered product’ means a prescription drug, except that such term does not include a controlled substance in schedule I, II, or III under section 202(c) of the Controlled Substances Act or a biological product as defined in section 351 of the Public Health Service Act.

“(B) CHARITABLE CONTRIBUTIONS; PARENTERAL DRUGS.—Notwithstanding any other provision of this section, section 801(d)(1)—

“(i) continues to apply to a covered product donated or otherwise supplied for free by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; and

“(ii) continues to apply to a covered product that is a parenteral drug the importation of which pursuant to subsection (a) is determined by the Secretary to pose a threat to the public health.

“(2) OTHER TERMS.—For purposes of this section:

“(A) The term ‘importer’ means a pharmacist or wholesaler.

“(B) The term ‘pharmacist’ means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

“(C) The term ‘prescription drug’ means a drug subject to section 503(b).

“(D) The term ‘qualifying laboratory’ means a laboratory in the United States that has been approved by the Secretary for purposes of this section.

“(E) The term ‘wholesaler’ means a person licensed as a wholesaler or distributor of prescription drugs in the United States pursuant to section 503(e)(2)(A). Such term does not include a person authorized to import drugs under section 801(d)(1).

“(l) CONDITIONS.—This section shall become effective only if the Secretary demonstrates to the Congress that the implementation of this section will—

“(1) pose no additional risk to the public’s health and safety; and

“(2) result in a significant reduction in the cost of covered products to the American consumer.

“(m) SUNSET.—Effective upon the expiration of the 5-year period beginning on the effective date of final regulations under subsection (a), this section ceases to have any legal effect.”.

(d) PROHIBITED ACT.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(aa) The importation of a covered product in violation of section 804, the falsification of any record required to be maintained or provided to the Secretary under such section, or any other violation of regulations under such section.”.

(2) ENHANCED PENALTIES.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

“(6) Notwithstanding subsection (a), any person who is a manufacturer or importer of a covered product pursuant to section 804(a) and knowingly fails to comply with a requirement of section 804(e) that is applicable to such manufacturer or importer, respectively, shall be imprisoned for not more than 10 years or fined not more than \$250,000, or both.”.

(e) For an additional amount for “Salaries and expenses”, Food and Drug Administration, \$23,000,000, solely to carry out the “Medicine Equity and Drug Safety Act of 2000”, to be available only upon submission of an official budget request and justification for such amount by the President to the Congress.

SEC. 746. (a) SHORT TITLE.—This section may be cited as the “Prescription Drug Import Fairness Act of 2000”.

(b) FINDINGS.—The Congress finds as follows:

(1) Patients and their families sometimes have reason to import into the United States drugs that have been approved by the Food and Drug Administration (“FDA”).

(2) There have been circumstances in which—

(A) an individual seeking to import such a drug has received a notice from FDA that importing the drug violates or may violate the Federal Food, Drug, and Cosmetic Act; and

(B) the notice failed to inform the individual of the reasons underlying the decision to send the notice.

(3) FDA should not send a warning notice regarding the importation of a drug without providing to the individual involved a statement of the underlying reasons for the notice.

(c) CLARIFICATION OF CERTAIN RESPONSIBILITIES OF FOOD AND DRUG ADMINISTRATION WITH RESPECT TO IMPORTATION OF PRESCRIPTION DRUGS INTO UNITED STATES.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following subsection:

“(g)(1) With respect to a prescription drug being imported or offered for import into the United States, the Secretary, in the case of an individual who is not in the business of such importations, may not send a warning notice to the individual unless the following conditions are met:

“(A) The notice specifies, as applicable to the importation of the drug, that the Secretary has made a determination that—

“(i) importation is in violation of section 801(a) because the drug is or appears to be adulterated, misbranded, or in violation of section 505;

“(ii) importation is in violation of section 801(a) because the drug is or appears to be forbidden or restricted in sale in the country in which it was produced or from which it was exported;

“(iii) importation is or appears to be in violation of section 801(d)(1); or

“(iv) importation otherwise is or appears to be in violation of Federal law.

“(B) The notice does not specify any provision described in subparagraph (A) that is not applicable to the importation of the drug.

“(C) The notice states the reasons underlying such determination by the Secretary, including a brief application to the principal facts involved of the provision of law described in subparagraph (A) that is the basis of the determination by the Secretary.

“(2) For purposes of this section, the term ‘warning notice’, with respect to the importation of a drug, means a communication from the Secretary (written or otherwise) notifying a person, or clearly suggesting to the person, that importing the drug for personal use is, or appears to be, a violation of this Act.”.

SEC. 747. Notwithstanding any other provision of law, the Secretary of Agriculture may not deny a loan application made pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in Arkansas solely on the basis that—

(a) the proceeds of the loan will be used to conduct activities in a flood plain; or

(b) the loan is secured by land that is in a flood plain.

SEC. 748. Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after “sulfitess,” “except in the production of wine,”.

SEC. 749. Notwithstanding any other provision of law or regulation, hereafter, Friends of the National Arboretum, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code incorporated in the District of Columbia, shall not be considered a prohibited source with respect to gifts to the United States National Arboretum so long as Friends of the National Arboretum remains an organization described under section 501(c)(3) of such Code and continues to conduct its operations exclusively for the benefit of the United States National Arboretum. The Secretary of Agriculture shall, within 90 days of enactment of this Act, provide the Appropriations Committees of both Houses of Congress with either a copy of a Memorandum of Understanding detailing the nature of its partnership with the Friends of the National Arboretum, or with a written explanation of why such a Memorandum of Understanding could not be achieved.

SEC. 750. None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for 6 months from the date of enactment of this Act.

SEC. 751. Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

SEC. 752. Effective 180 days after the date of the enactment of this Act and continuing for the remainder of fiscal year 2001 and each subsequent fiscal year, establishments in the United States that slaughter or process birds of the order Ratitae, such as ostriches, emus and rheas, and squab, for distribution in commerce as human food shall be subject to the ante mortem and

post mortem inspection, reinspection, and sanitation requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) rather than the voluntary poultry inspection program of the Department of Agriculture under section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622).

SEC. 753. In developing a rule concerning on-farm standards for prevention of Salmonella Enteritidis in shell eggs pursuant to any plan to eliminate Salmonella Enteritidis illnesses due to eggs, the Food and Drug Administration shall—

(a) consider one environmental test per laying cycle for each layer house for verification of the producer's Salmonella Enteritidis reduction plan;

(b) consider when it is appropriate to require diversion of shell eggs to treatment, such as pasteurization, and base any requirement for testing that would necessitate diversion, which may include the receipt of a positive egg test result, on sound science;

(c) conduct or support research to develop cost-effective and improved tests for determination of Salmonella Enteritidis; and

(d) solicit comments on appropriate options for implementing a Salmonella Enteritidis reduction plan in shell eggs, including comments on conducting and funding testing, through Federal and State programs.

SEC. 754. Public Law 105-277, division A, title XI, section 1121 (112 Stat. 2681-44, 2681-45) is amended by—

(1) striking “not later than January 1, 2000” and inserting “not later than January 1, 2001”; and

(2) adding the following new subsection at the end thereof—

“(d) ADDITIONAL DISBURSEMENT.—

“(1) COTTON STORED IN GEORGIA.—The State of Georgia may use funds remaining in the indemnity fund established in accordance with this section to compensate cotton producers in other States who stored cotton in the State of Georgia and incurred losses in 1998 or 1999 as the result of the events described in subsection (a).

“(2) GINNERS AND OTHERS.—The State of Georgia may also use funds remaining in the indemnity fund established in accordance with this section to compensate cotton ginnery and others in the business of producing, ginning, warehousing, buying, or selling cotton for losses they incurred in 1998 or 1999 as the result of the events described in subsection (a), if—

“(A) as of March 1, 2000, the indemnity fund has not been exhausted,

“(B) the State of Georgia provides cotton producers an additional time period prior to May 1, 2000, in which to establish eligibility for compensation under this section;

“(C) the State of Georgia determines during calendar year 2000 that all cotton producers in that State and cotton producers in other States as described in paragraph (d)(1) have been appropriately compensated for losses incurred in 1998 or 1999 as described in subsection (a); and

“(D) such additional compensation is not made available until May 1, 2000.”.

SEC. 755. The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

“SEC. 1230A. GOOD FAITH RELIANCE.

“(a) **IN GENERAL.**—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contract and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

“(b) **TYPES OF RELIEF.**—The Secretary shall—

“(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

“(A) to retain payments received under the contract;

“(B) to continue to receive payments under the contract;

“(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

“(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

“(E) or any other equitable relief the Secretary deems appropriate; and

“(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

“(c) **RELATION TO OTHER LAW.**—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

“(d) **EXCEPTION.**—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).

“(e) **APPLICABILITY OF RELIEF.**—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.”.

SEC. 756. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking “\$20,000,000” and inserting “\$25,000,000”.

SEC. 757. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture’s charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary’s designee.

SEC. 758. The Act of August 19, 1958 (7 U.S.C. 1431 note) is amended—

(1) by striking “clause (3) or (4) of” the first place it appears and inserting “the Food for Progress Act of 1985,”;

(2) by striking “clause (3) or (4) of such” and inserting “the Food for Progress Act of 1985, such”; and

(3) by striking “to the President”.

SEC. 759. Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.

SEC. 760. Notwithstanding any other provision of law, the area bounded by West 197th Avenue, North S.W. 232nd Street, East U.S. Highway 1 and S.W. 360th Street in Dade County, Florida, shall continue to be eligible to receive business and industry guaranteed loans under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) until such time that population data is available from the 2000 decennial Census.

SEC. 761. Hereafter, the Secretary of Agriculture shall consider the City of Kewanee and the City of Jacksonville, Illinois, as meeting the requirements of a rural area contained in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 762. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service shall provide funds, within discretionary amounts available, to pay the balance of the amount due pursuant to the settlement of claims associated with the Chuquatonchee Watershed Project in Mississippi to close out this project.

SEC. 763. Notwithstanding any other provision of law, the Konocti Water District, California, shall be eligible for grants and loans administered by the Rural Utilities Service.

SEC. 764. Notwithstanding any other provision of law, Jefferson County, Kentucky, shall be considered to be a rural area for the purposes of the business and industry direct and guaranteed loan program authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

SEC. 765. The Secretary of Agriculture may convey, under such terms and conditions as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1 acre located within the Sunnyside Subdivision in Prince George's County, Maryland, for the purpose of resolving land title claims and encroachments at the Beltsville Agricultural Research Center and for promoting public access on Sunnyside Avenue. Any funds received by the Secretary as a result of the conveyance shall be credited to and merged with the appropriations available to operate the Beltsville Agricultural Research Center and shall be available, without further appropriation, for the same purposes and for the same time period as such appropriations.

SEC. 766. Of the funds provided to carry out section 211(a) of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 2820 note; Public Law 106-224), up to \$500,000 shall be used solely for the State of California.

SEC. 767. The first section of the Act of March 2, 1931 (7 U.S.C. 426) is amended to read as follows:

“SECTION 1. PREDATORY AND OTHER WILD ANIMALS.

“The Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. The Secretary shall administer the program in a manner consistent with all of the wildlife services authorities in effect on the day

before the date of the enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.”.

SEC. 768. Section 412(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(d)) is amended by striking “title I of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.)” and inserting “dairy price support operations”.

SEC. 769. Notwithstanding any other provision of law, the City of Coachella, California, shall be eligible for grants and loans administered by the rural development mission areas of the Department of Agriculture.

SEC. 770. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the City of Vicksburg, Mississippi, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 771. Notwithstanding any other provision of law, the Administrator of the Rural Utilities Service shall use the authorities provided in the Rural Electrification Act of 1936 to finance the acquisition of existing generation, transmission and distribution systems and facilities serving high cost, predominantly rural areas by entities capable of and dedicated to providing or improving service in such areas in an efficient and cost effective manner.

SEC. 772. None of the funds appropriated or otherwise made available by this Act shall be used to issue a notice of proposed rulemaking, to promulgate a proposed rule, or to otherwise change or modify the definition of “animal” in existing regulations pursuant to the Animal Welfare Act.

SEC. 773. Section 306(a)(19)(A) of the Consolidated Farmers Home Administration Act of 1961 is amended by inserting after “nonprofit corporations” the following new phrase: “, Indian tribes (as such term is defined under section 4(e) of Public Law 93-638, as amended),”.

SEC. 774. Section 2101 of the Emergency Supplemental Act, 2000 (Public Law 106-246; 114 Stat. 541) is amended—

(1) by inserting “or prior” after “such outstanding”; and

(2) by inserting “and subsequently repaid” after “placed under loan”.

SEC. 775. For purposes of administering title IX of this Act, the term “agricultural commodity” shall also include fertilizer and organic fertilizer, except to the extent provided pursuant to section 904 of that title.

SEC. 776. SENSE OF THE CONGRESS; HAMILTON GRANGE, NEW YORK.

(a) Congress finds that—

(1) Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

(2) Hamilton was General Washington’s aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

(3) after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

(4) the only home Hamilton ever owned, commonly known as “the Grange”, is a fine example of Federal period architecture

designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

(5) the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

(6) in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

(7) the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

(8) the New York State legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

(9) no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Alexander Hamilton made an immense contribution to the United States by serving as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

**SEC. 777. FINANCIAL ASSISTANCE FOR LAND ACQUISITION FOR
FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS
NATIONAL HISTORIC SITE.**

(a) IN GENERAL.—Section 4 of the Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999 (Public Law 106-164; 16 U.S.C. 461 note) is amended by adding at the end the following:

“(d) LAND ACQUISITION ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may provide financial assistance to the management entity for acquiring lands or interests in lands within the boundaries of the historic site under subsection (b).

“(2) COST SHARING.—Financial assistance under this subsection may not be used to pay more than 50 percent of the cost of any acquisition made with the assistance.

“(3) CONDITION.—The Secretary shall require, as a condition of any assistance under this subsection, that any interest in land acquired with assistance under this subsection shall be included in and managed as part of the historic site.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of such Act is amended by inserting “(a) IN GENERAL.—” before “There is authorized”, and by adding at the end the following:

“(b) LAND ACQUISITION ASSISTANCE.—There is authorized to be appropriated \$2,500,000 to carry out section 4(d).”.

TITLE VIII

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY
APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE CHIEF INFORMATION OFFICER

COMMON COMPUTING ENVIRONMENT

For an additional amount for “Common Computing Environment,” \$19,500,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$19,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for Departmental Administration, \$200,000: *Provided*, That this amount shall be transferred to the Small Business Administration to support two advocacy staffers to review rules and regulations relating to disasters to determine the impact of their implementation on small business entities: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$50,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for “Emergency Conservation Program,” for expenses resulting from natural disasters, \$80,000,000,

to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$80,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FEDERAL CROP INSURANCE CORPORATION FUND

For an additional amount for the Federal Crop Insurance Corporation Fund, up to \$13,000,000, to provide premium discounts to purchasers of crop insurance reinsured by the Corporation (except for catastrophic risk protection coverage), as authorized under section 1102(g)(2) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Public Law 105-277): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations”, to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, \$110,000,000, to remain available until expended: *Provided*, That of the amount made available in this section, the Secretary may use up to \$2,000,000 to replace, repair and improve snow telemetry equipment impacted by fire, winds, and fire fighting efforts in order to protect watersheds: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$110,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the Rural Community Advancement Program, \$200,000,000, to remain available until expended: *Provided*, That of the additional amount appropriated, \$50,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression: *Provided further*, That of the additional amount appropriated, \$30,000,000 shall be to provide grants in rural communities with extremely high energy costs: *Provided further*, That of the additional amount appropriated, \$50,000,000 shall be for rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d), of which \$25,000,000 shall be to provide assistance to areas in the State of North Carolina subject

to a declaration of a major disaster as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided further*, That of the additional amount appropriated, \$70,000,000 shall be for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d) for distribution through the national reserve, of which \$30,000,000 may be used in counties which have received an emergency designation by the President or the Secretary after January 1, 2001, for applications responding to water shortages resulting from the designated emergency: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for \$200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional \$35,000,000, to remain available until expended, shall be provided through the Commodity Credit Corporation for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program and the Wetlands Reserve Program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 802. The paragraph under the heading “Livestock Assistance” in chapter 1, title I of H.R. 3425 of the 106th Congress, enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536) is amended by striking “during 1999” and inserting “from January 1, 1999, through February 7, 2000”: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 803. Hereafter, for the purposes of the Livestock Indemnity Program authorized in Public Law 105–18, the term “livestock” shall have the same meaning as the term “livestock” under section 104 of Public Law 106–31.

SEC. 804. Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities and authorities

of the Commodity Credit Corporation to administer and make payments for losses not otherwise compensated to: (a) compensate growers whose crops could not be sold due to Mexican fruit fly quarantines in San Diego and San Bernardino/Riverside counties in California since their imposition on November 16, 1999, and September 10, 1999, respectively; (b) compensate growers in relation to the Secretary's "Declaration of Extraordinary Emergency" on March 2, 2000, regarding the plum pox virus; (c) compensate growers for losses due to Pierce's disease; (d) compensate growers for losses due to watermelon sudden wilt disease; and (e) compensate growers for losses incurred due to infestations of grasshoppers and Mormon crickets: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 805. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106-78 and to new dairy producers. Such payment, per unit of production used in such prior payments, shall be in an amount equal to 35 percent of the reduction in market value per unit of milk production in 2000, as determined by the Secretary, based, to the extent practicable, on price estimates as of the date of enactment of this Act, from the previous 5-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106-78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production which were applicable to the payments that were made to dairy producers under section 805 of Public Law 106-78, except that a producer may be paid for production up to 39,000 cwt: *Provided further*, That the Secretary shall also make payments to new dairy producers at the same per unit rate: *Provided further*, That for any dairy producers, including new dairy producers, whose base production was less than 12 months for purposes of section 805 of Public Law 106-78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the 12 months preceding the enactment of this section or the producer's base production under the program carried out under section 805 of Public Law 106-78 subject to such limitations which are applicable to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 806. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation in an amount equal to \$490,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2000 losses in a county which has received an emergency designation by the President or the Secretary after January 1, 2000, and shall be available until September 30, 2001: *Provided*, That the Secretary shall give consideration to the effect of recurring droughts in establishing the level of payments to producers under this section: *Provided further*, That of the funds made available by this section, up to \$40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding: *Provided further*, That of the funds made available, the Secretary shall use not more than \$12,000,000 to carry out the American Indian Livestock Feed Program: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for \$490,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 807. In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106-78), or under the matter under the heading "CROP LOSS ASSISTANCE" under the heading "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106-113 (113 Stat. 1536, 1501A-289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That such sums shall also be available to provide additional compensation to eligible agriculture producers of 1999 crop year citrus fruit for losses incurred due to the December 1998 freeze in California: *Provided further*, That such additional compensation, together with compensation previously provided by the Secretary of Agriculture for such losses does not exceed the level of compensation such producers would have received if such losses had occurred during the 1998 crop year: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 808. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the Wetlands Reserve Program: *Provided*, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 809. In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate, for economic losses not otherwise compensated, or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed \$2,400,000, the owners of all sheep destroyed from flocks within the period ending 20 days after the date of enactment of this Act under the Secretary's declarations of July 14, 2000, for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 810. (a) The Secretary of Agriculture shall pay Florida commercial citrus and lime growers \$26 for each commercial citrus or lime tree removed to control citrus canker in order to allow for tree replacement and associated business costs. Payments under this subsection shall be capped in accordance with the following trees per acre limitations:

- (1) in the case of grapefruit, 104 trees per acre;
- (2) in the case of valencias, 123 trees per acre;
- (3) in the case of navels, 118 trees per acre;
- (4) in the case of tangelos, 114 trees per acre;
- (5) in the case of limes, 154 trees per acre; and
- (6) in the case of other or mixed citrus, 104 trees per acre.

(b) The Secretary of Agriculture shall compensate Florida commercial citrus and lime growers for lost production, as determined by the Secretary of Agriculture, with respect to trees removed to control citrus canker.

(c) To receive assistance under this section, a tree referred to in subsection (a) or (b) must have been removed after January 1, 1986, and before September 30, 2001.

(d) In the case of a removed tree that was covered by a crop insurance tree policy, compensation for lost production under subsection (b) with respect to such a tree shall be reduced by the indemnity received with respect to such a tree. In the case of a removed tree that was not covered by a crop insurance tree policy, although such insurance was available for the tree, compensation for lost production under subsection (b) with respect to such a tree shall be reduced by 5 percent.

(e) The Secretary of Agriculture shall use \$58,000,000 of the funds of the Commodity Credit Corporation to carry out this section, to remain available until expended.

(f) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 811. Notwithstanding any other provision of law, the Secretary of Agriculture shall use \$100,000,000 of Commodity Credit Corporation funds, to remain available until expended, to make payments to apple producers to provide relief for the loss of markets: *Provided*, That the amount of payment to each producer shall be made on a per pound basis equal to each qualifying producer's 1998 and 1999 production of apples: *Provided further*, That the grower shall establish eligibility for the amount of market loss payment upon either of the 2 crop years or an average of the 2 years: *Provided further*, That the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 1.6 million pounds: *Provided further*, That in addition to the assistance provided under this section, the Secretary of Agriculture shall use \$38,000,000 of Commodity Credit Corporation funds, to remain available until expended, to make payments to apple and potato producers to compensate them for quality losses to either or both their 1999 and 2000 crops due to fireblight or weather-related disaster, including but not limited to a hurricane or hail: *Provided further*, That these payments shall be made regardless of whether a crop was harvested and without limit: *Provided further*, That the producer shall be ineligible for payments under this section with respect to a market loss for apples or a quality loss for apples or potatoes to the extent of that amount that the producer received as compensation or assistance for the loss under any other Federal program, other than the Federal Crop Insurance Program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.): *Provided further*, That the Secretary shall not establish any terms or conditions for grower eligibility, such as limits based upon gross income, other than those in this section: *Provided further*, That the assistance made available under this section for an eligible producer shall be made as soon as practicable after the enactment of this Act: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress:

Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 812. (a) NONRECOURSE MARKETING ASSISTANCE LOANS.—

(1) The Secretary shall use funds of the Commodity Credit Corporation to make nonrecourse marketing assistance loans available to producers of the 2000 crop of honey.

(2) The loan rate for a marketing assistance loan under paragraph (1) for honey shall be 65 cents per pound.

(3) The Secretary shall permit producers to repay a marketing assistance nonrecourse loan under paragraph (1) at a rate that is the lesser of—

(A) the loan rate for honey, plus interest (as determined by the Secretary); or

(B) the prevailing domestic market price for honey, as determined by the Secretary.

(b) LOAN DEFICIENCY PAYMENTS.—

(1) The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan under subsection (a), agrees to forgo obtaining the loan in return for a payment under this subsection.

(2) A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan payment rate determined under paragraph (3); by

(B) the quantity of honey that the producer is eligible to place under loan, but for which the producer forgoes obtaining the loan in return for a payment under this subsection.

(3) For the purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate established under subsection (a)(2); exceeds

(B) the rate at which a loan may be repaid under subsection (a)(3).

(c) In order to provide an orderly transition to the loans and payments provided under this section, the Secretary shall convert recourse loans for the 2000 crop of honey outstanding on the date of enactment of this Act to nonrecourse marketing assistance loans under subsection (a).

(d) LIMITATIONS.—

(1) The marketing assistance loan gains and loan deficiency payments that a person may receive for the 2000 crop of honey under this section shall be subject to the same limitations that apply to marketing assistance loans and loan deficiency payments received by producers of the same crop of other agricultural commodities.

(2) The Secretary shall carry out this section in such a manner as to minimize forfeitures of honey marketing assistance loans.

(e) The Secretary shall make loans and loan deficiency payments under this section available to producers beginning not later than 30 days after the date of enactment of this Act.

(f) In the case of a producer that marketed or redeemed, before, on, or within 30 days after the date of the enactment of this Act, a quantity of an eligible 2000 crop for which the

producer has not received a loan deficiency payment or marketing loan gain under this section, the producer shall be eligible to receive a payment from the Secretary of Agriculture under this section in an amount equal to the payment or gain that the producer would have received for that quantity of eligible production as of the date on which the producer lost beneficial interest in the quantity or redeemed the quantity, as determined by the Secretary.

(g) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 813. The Secretary shall use up to \$10,000,000 of the funds of the Commodity Credit Corporation to make livestock indemnity payment to producers on a farm that have incurred livestock losses during calendar year 2000 due to a disaster, as determined by the Secretary, including losses due to fires and anthrax: *Provided*, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 814. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation, not to exceed \$20,000,000, to make payments directly to producers of wool, and producers of mohair, for the 2000 marketing year: *Provided*, That the payment rate for producers of wool and mohair shall be equal to \$0.40 per pound: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 815. (a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the “Secretary”) shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277), including using the same

loss thresholds for quantity and economic losses as were used in administering that section.

(2) **LOSS THRESHOLDS FOR QUALITY LOSSES.**—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) **QUALIFYING LOSSES.**—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to crop diseases and insects) associated with crops that are, as determined by the Secretary—

- (1) quantity losses for the 2000 crop;
- (2) quality losses for the 2000 crop; or
- (3) severe economic losses for the 2000 crop.

(d) **QUALITY LOSSES.**—

(1) **AMOUNT OF QUALITY LOSS.**—The amount of a quality loss for a crop of producers on a farm under subsection (c)(2) shall be equal to the difference between—

(A) the per unit market value of the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(2) **AMOUNT OF QUALITY LOSS PAYMENT.**—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the quantity of the crop affected by the quality loss that was produced on the farm; by

(B) 65 percent of the per unit quality loss for the crop determined under paragraph (1).

(3) **ELIGIBILITY.**—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 20 percent of the value that all production of the crop would have had if the crop had not suffered a quality loss.

(e) **CROPS COVERED.**—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters, including—

(1) irrigated crops that, due to lack of water or contamination by saltwater intrusion of an irrigation supply resulting from drought conditions, were planted and suffered a loss or were prevented from being planted;

(2) pecans; and

(3) nursery losses in the State of Florida that occur, because of disaster, during the period beginning on October 1, 2000, and ending on December 31, 2000. Calculations of the amount of such losses shall be made independently of other losses of the producer, and such losses shall be subject to a separate limit on payment amounts as may otherwise apply. Any payment under this section for such losses shall for all purposes, present and future, be considered to be a 2000 crop payment, and such compensated losses shall be ineligible for any assistance that may become available for 2001 crop losses.

(f) **CROP INSURANCE.**—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a

farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(g) LIMITATION ON PAYMENTS FOR MULTIPLE LOSSES ON SAME ACREAGE.—Notwithstanding subsection (d), a producer may not receive assistance under this section for losses to more than one 2000 crop on the same acreage unless there is an established practice of planting two or more crops for harvest on such acreage in the same crop year, as determined by the Secretary. The Secretary shall give a producer that is not covered by the exception in the previous sentence an opportunity to designate the 2000 crop for which the producer requests assistance under this section.

(h) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 816. Of the amounts made available to the Secretary for the purchase of specialty crops under sections 203(d) and 261(a)(2) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224), the Secretary shall use not less than \$30,000,000 to purchase cranberry juice concentrate and frozen cranberry fruit: *Provided*, That section 203(d)(1) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224) is amended by inserting “or cranberry products (including cranberry juice concentrate and frozen cranberry fruit)” after “cranberries”: *Provided further*, That in this section, the term “farm unit” means a separate and distinct farming operation that reports independent production information to the Cranberry Marketing Committee: *Provided further*, That to provide assistance for loss of markets for cranberries, the Secretary shall use \$20,000,000 of funds of the Commodity Credit Corporation to make payments to cranberry producers: *Provided further*, That subject to this section and such other terms and conditions as are determined by the Secretary, a payment under this section shall be made on the basis of the quantity of the 1999 crop of cranberries that was produced on each farm unit: *Provided further*, That the maximum quantity of the 1999 crop of cranberries for which producers are eligible for a payment for a farm unit under this section shall be 1,600,000 pounds: *Provided further*, That subject to this section, the Secretary shall take such actions as are necessary to ensure that payments made under this section do not duplicate payments provided under other Federal programs for the same loss: *Provided further*, That this shall not apply to an indemnity provided under a policy or plan of insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.): *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 817. Section 1232(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(4)) is amended—

(1) by striking “except that such” and inserting “except that—

“(A) such”;

(2) by inserting “and” after the semicolon at the end; and

(3) by adding at the end the following:

“(B) the Secretary shall not terminate the contract for failure to establish approved vegetative or water cover on the land if—

“(i) the failure to plant such cover was due to excessive rainfall or flooding;

“(ii) the land subject to the contract that could practicably be planted to such cover is planted to such cover; and

“(iii) the land on which the owner or operator was unable to plant such cover is planted to such cover after the wet conditions that prevented the planting subsidies;”.

SEC. 818. (a) Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by adding at the end the following:

“(7) FINANCING OF RECAPTURE PAYMENT.—

“(A) IN GENERAL.—The Secretary may amortize a recapture payment owed to the Secretary under this subsection.

“(B) TERM.—The term of an amortization under this paragraph may not exceed 25 years.

“(C) INTEREST RATE.—

“(i) IN GENERAL.—The interest rate applicable to an amortization under this paragraph may not exceed the rate applicable to a loan to reacquire homestead property less 100 basis points.

“(ii) EXISTING AMORTIZATIONS AND LOANS.—The interest rate applicable to an amortization or loan made by the Secretary before the date of enactment of this paragraph to finance a recapture payment owed to the Secretary under this subsection may not exceed the rate applicable to a loan to reacquire homestead property less 100 basis points.”.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 819. The Secretary of Agriculture shall use up to \$2,500,000 of the funds of the Commodity Credit Corporation to provide financial assistance to the State of South Carolina to capitalize the South Carolina Grain Dealers Guaranty Fund: *Provided*, That these funds shall only be available if the State of South Carolina provides an equal amount in the form of a grant to the South Carolina Grain Dealers Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section

shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 820. (a) The Secretary of Agriculture may use funds made available under sections 211(a) and 211(b), and 133(b) of the Agricultural Risk Protection Act of 2000 to provide technical assistance to farmers and ranchers for the purposes described in sections 211(a) and 211(b), and 133(b) of that Act; and

(b) The Secretary of Agriculture may use funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106-224) to provide additional funding for the Wildlife Habitat Incentive Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 in such sums as the Secretary considers necessary to carry out that program.

(c) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 821. Section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking “Puerto Rico” and all that follows through “2002, to finance” and inserting “Puerto Rico—

“(i) for fiscal year 2000, \$1,268,000,000;

“(ii) for fiscal year 2001, the amount required to be paid under clause (i) for fiscal year 2000, as adjusted by the change in the Food at Home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, for the most recent 12-month period ending in June; and

“(iii) for fiscal year 2002, the amount required to be paid under clause (ii) for fiscal year 2001, as adjusted by the percentage by which the thrifty food plan is adjusted for fiscal year 2002 under section 3(o)(4);

to finance”.

SEC. 822. Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount \$7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$7,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted

by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 823. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Long Park Dam in Utah from funds available for the Emergency Watershed Program, not to exceed \$4,500,000.

SEC. 824. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kuhn Bayou (Point Remove) Project in Arkansas from funds available for the Emergency Watershed Program, not to exceed \$3,300,000.

SEC. 825. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Snake River Watershed project in Minnesota from funds available for the Emergency Watershed Program, not to exceed \$4,000,000.

SEC. 826. Of the funds made available for the Emergency Watershed Protection Program activities in the State of North Carolina, \$1,000,000 shall be available to the Secretary of Agriculture, acting through the Natural Resources Conservation Service, to provide technical and financial assistance for implementation of the project known as the “Flood Water Mitigation and Stream Restoration Project”, Princeville, North Carolina.

SEC. 827. Notwithstanding any other provision of law, funds paid to oyster producers in the State of Connecticut under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) shall be retained by such producers.

SEC. 828. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to DuPage County, Illinois, from funds available for the Emergency Watershed Program, not to exceed \$1,100,000.

SEC. 829. Subtitle G, section 262 of Public Law 106-224 is amended as follows: After “obligate”, strike “and expend”.

SEC. 830. Any funds appropriated by Cerro Grande Fire Supplemental as contained in Public Law 106-246 for the Emergency Conservation Program not required to meet the purposes of rehabilitating farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government may be used by the Secretary of Agriculture for activities mandated under the Emergency Conservation Program authorized under section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) consistent with the cost-share requirements of that program: *Provided*, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 831. Notwithstanding any other provision of law, for technical and financial assistance up to \$120,000 shall be made available from the Emergency Watershed Program for the Camp Lejeune Project on the Camp Lejeune Marine Base, North Carolina.

SEC. 832. Funds appropriated by this Act and Public Law 106-113 to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans and emergency loans may be transferred among these programs with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided*, That the entire amount shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 833. Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

“(3) LOANS TO POULTRY FARMERS.—

“(A) INABILITY TO OBTAIN INSURANCE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

“(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

“(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as ‘current industry standards’);

“(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

“(IV) meets the other requirements for the loan under this subtitle.

“(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

“(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

“(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

“(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

“(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

“(IV) the farmer meets the other requirements for the loan under this subtitle.

“(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

“(I) the amount of the hazard insurance obtained by the farmer; and

“(II) the cost of rebuilding the chicken house in accordance with current industry standards.”.

SEC. 834. For an additional amount for grants under sections 231(a) and 261(a)(2) of the Agricultural Risk Protection Act of 2000, \$10,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 835. For an additional amount for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under section 310B(a)(1) of the Consolidated Farm and Rural Development Act, \$10,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 836. Section 156(e) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1)—

(A) by striking “recourse” each place that it appears and inserting “nonrecourse”; and

(B) by striking “Subject to paragraph (2), the” and inserting “The”;

(2) by striking paragraph (2);

(3) by re-designating paragraph (3) as paragraph (2);

and

(4) in paragraph (2) as so re-designated, by striking “If” through “shall” in the first sentence and inserting “The Secretary shall”.

SEC. 837. Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308 (1)), the total amount of the payments specified in section 1001(3) of that Act or section 812 of this Act that a person shall be entitled to receive under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for one or more contract commodities, oilseeds and for honey under section 812

of this Act produced during the 2000 crop year may not exceed \$150,000: *Provided*, That in carrying out this section, the Secretary shall allow a producer that has marketed or redeemed a quantity of an eligible 2000 crop for which the producer has not received a loan deficiency payment or marketing loan gain under section 134 or 135 of the Agricultural Market Transition Act (7 U.S.C. 7234, 7235) or section 812 of this Act to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

SEC. 838. Notwithstanding any other provision of law, the Secretary shall extend until the date that is 60 days after the date of enactment of this Act the final eligibility date for marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for rice of special grade designations, as determined by the Secretary, that was made eligible for the loans by the Secretary during December 1999; and for which producers were not notified of the eligibility period for the loans: *Provided*, That producers on a farm that lost a beneficial interest in rice after the date on which the rice was made ineligible for loans and loan deficiency payments by the Secretary shall be eligible to obtain loan deficiency payments based on the payment rate that was in effect on the last date of eligibility for the loans before the date of enactment of this Act: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 839. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into contracts with livestock producers for the purpose of controlling the buildup of grasses, forbs and other natural fuels that contribute to the threat of wildfire on rangelands administered by the Secretary: *Provided*, That such contracts are provided from within discretionary funds.

SEC. 840. As soon as practicable after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement sections 804, 805, 806, 809, 810, 811, 812, 814, 815, 816, 836, 837, 838, 839, 841, 843, 844, and 845 of this title: *Provided*, That the issuance of the regulations shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): *Provided further*, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 841. The Secretary of Agriculture shall use funds of the Commodity Credit Corporation to make a payment to each eligible person described in section 204(b)(1)(A) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106-224) without regard to section 204(b)(1)(A)(ii) of that Act: *Provided*,

That the Secretary shall make a payment to an eligible person described in this section in the same amount as is payable to an eligible person under section 204 of that Act: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 842. Payments made from amounts appropriated pursuant to this title shall not be subject to administrative offset, including administrative offset under chapter 37 of title 31, United States Code.

SEC. 843. The Secretary of Agriculture shall use not more than \$20,000,000 of funds of the Commodity Credit Corporation to make payments to producers of tomatoes, pears, peaches, and apricots that were unable to market the crops of the producers because of the insolvency of an agriculture cooperative in the State of California: *Provided*, That the amount of a payment made to a producer under this subsection shall not exceed 50 percent of the contract value of the unmarketed crop referred to in this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 844. LOAN FORFEITURES OF BURLEY TOBACCO.

(a) IN GENERAL.—Notwithstanding sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445-2)—

(1) a producer-owned cooperative marketing association may fully settle a loan made for the 1999 crop of Burley tobacco by forfeiting to the Commodity Credit Corporation the Burley tobacco covered by the loan regardless of the condition of the tobacco;

(2) any losses to the Commodity Credit Corporation as a result of paragraph (1)—

(A) shall not be charged to the No Net Cost Tobacco Account; and

(B) shall not affect the amount of any assessment imposed against Burley or any other kind of tobacco under sections 106 through 106B of the Agricultural Act of 1949 (7 U.S.C. 1445 through 1445-2); and

(3) any tobacco forfeited pursuant to this section shall not be—

(A) counted for the purpose of determining the Burley tobacco quota for any year pursuant to section 319 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e); or

(B) sold for use in the United States.

(b) EMERGENCY REQUIREMENT.—

(1) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 845. COMMODITY ELIGIBILITY ASSISTANCE.

(a) **IN GENERAL.**—Section 3720B(a) of title 31, United States Code, is amended in the first sentence by inserting “or a marketing assistance loan or loan deficiency payment under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.)” after “disaster loan”.

(b) **PAYMENTS.**—Any payment made by the Commodity Credit Corporation to a producer as a result of the amendment made by section (a) shall be credited toward any delinquent debt owed by the producer to the Farm Service Agency.

(c) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

(2) **TRANSITION LOAN DEFICIENCY PAYMENTS.**—If the producers on a farm lost beneficial interest in a crop during the period beginning March 21, 2000, and ending on the day before the date of enactment of this Act and were ineligible for a marketing assistance loan under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) because of section 3720B(a) of title 31, United States Code, as in effect before the amendment made by subsection (a), the producers shall be eligible for any loan deficiency payment under subtitle C of that Act that was available on the date on which the producers lost beneficial interest in the crop.

(d)(1) The entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 846. MAXIMUM AMOUNT OF EXCESS SHELTER EXPENSE DEDUCTION.

(a) **AMENDMENT.**—Section 5(e)(7)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(B)) is amended by striking clauses (iii) and (iv) and inserting the following:

“(iii) for fiscal year 1999, \$275, \$478, \$393, \$334, and \$203 per month, respectively;

“(iv) for fiscal year 2000, \$280, \$483, \$398, \$339, and \$208 per month, respectively;

“(v) for fiscal year 2001, \$340, \$543, \$458, \$399, and \$268 per month, respectively; and

“(vi) for fiscal year 2002 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month

period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

(b) **EFFECTIVE DATE; APPLICATION OF AMENDMENT.**—(1) Except as provided in paragraph (2), the amendment made by this section shall take effect on March 1, 2001.

(2) The amendment made by this section shall not apply with respect to certification periods beginning before March 1, 2001.

(c)(1) The entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 847. VEHICLE ALLOWANCE.

(a) **IN GENERAL.**—Section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) by striking “subparagraph (C)” and inserting “subparagraphs (C) and (D)”; and

(B) by striking “to the extent that” and all that follows through the end of the clause and inserting “to the extent that the fair market value of the vehicle exceeds \$4,650; and”; and

(2) by adding at the end the following:

“(D) **ALTERNATIVE VEHICLE ALLOWANCE.**—If the vehicle allowance standards that a State agency uses to determine eligibility for assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) would result in a lower attribution of resources to certain households than under subparagraph (B)(iv), in lieu of applying subparagraph (B)(iv), the State agency may elect to apply the State vehicle allowance standards to all households that would incur a lower attribution of resources under the State vehicle allowance standards.”.

(b) **EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 2001.

(2) The amendments made by this section shall not apply with respect to certification periods beginning before July 1, 2001.

(c)(1) The entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE IX—TRADE SANCTIONS REFORM AND EXPORT
ENHANCEMENT**SEC. 901. SHORT TITLE.**

This title may be cited as the “Trade Sanctions Reform and Export Enhancement Act of 2000”.

SEC. 902. DEFINITIONS.

In this title:

(1) **AGRICULTURAL COMMODITY.**—The term “agricultural commodity” has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) **AGRICULTURAL PROGRAM.**—The term “agricultural program” means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) **JOINT RESOLUTION.**—The term “joint resolution” means—

(A) in the case of section 903(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 903(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 903(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____.”, with the blank completed with the appropriate date; and

(B) in the case of section 906(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 906(2) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 906(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on _____.”, with the blank completed with the appropriate date.

(4) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) **UNILATERAL AGRICULTURAL SANCTION.**—The term “unilateral agricultural sanction” means any prohibition, restriction,

or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

(7) UNILATERAL MEDICAL SANCTION.—The term “unilateral medical sanction” means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(A) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(B) a mandatory decision of the United Nations Security Council.

SEC. 903. RESTRICTION.

(a) NEW SANCTIONS.—Except as provided in sections 904 and 905 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) EXISTING SANCTIONS.—The President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

SEC. 904. EXCEPTIONS.

Section 903 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 903—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

SEC. 905. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 903(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 906. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of this title (other than section 904), the export of agricultural commodities, medicine, or medical devices to Cuba or to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), or to any other entity in such a country, shall only be made pursuant to 1-year licenses issued by the United States Government for contracts entered into during the 1-year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract, except that the requirements of such 1-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce or general licenses administered by the Department of the Treasury, except that procedures shall be in place to deny licenses for exports to any entity within such country promoting international terrorism.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the export of agricultural commodities, medicine, or medical

devices to the Government of Syria or to the Government of North Korea.

(b) **QUARTERLY REPORTS.**—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) **BIENNIAL REPORTS.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding 2-year period, including—

- (1) the number and types of licenses applied for;
- (2) the number and types of licenses approved;
- (3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;
- (4) the extent to which the licensing procedures were effectively implemented; and
- (5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 907. CONGRESSIONAL PROCEDURES.

(a) **REFERRAL OF REPORT.**—A report described in section 903(a)(1) or 905(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(b) **REFERRAL OF JOINT RESOLUTION.**—

(1) **IN GENERAL.**—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations, and a joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations.

(2) **REPORTING DATE.**—A joint resolution referred to in paragraph (1) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

SEC. 908. PROHIBITION ON UNITED STATES ASSISTANCE AND FINANCING.

(a) **PROHIBITION ON UNITED STATES ASSISTANCE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, no United States Government assistance, including United States foreign assistance, United States export assistance, and any United States credit or guarantees shall be available for exports to Cuba or for commercial exports to Iran, Libya, North Korea, or Sudan.

(2) **RULE OF CONSTRUCTION.**—Nothing in paragraph (1) shall be construed to alter, modify, or otherwise affect the provisions of section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) or any other provision of law relating to Cuba in effect on the day before the date of the enactment of this Act.

(3) **WAIVER.**—The President may waive the application of paragraph (1) with respect to Iran, Libya, North Korea, and Sudan to the degree the President determines that it is in

the national security interest of the United States to do so, or for humanitarian reasons.

(b) PROHIBITION ON FINANCING OF AGRICULTURAL SALES TO CUBA.—

(1) IN GENERAL.—No United States person may provide payment or financing terms for sales of agricultural commodities or products to Cuba or any person in Cuba, except in accordance with the following terms (notwithstanding part 515 of title 31, Code of Federal Regulations, or any other provision of law):

(A) Payment of cash in advance.

(B) Financing by third country financial institutions (excluding United States persons or Government of Cuba entities), except that such financing may be confirmed or advised by a United States financial institution.

Nothing in this paragraph authorizes payment terms or trade financing involving a debit or credit to an account of a person located in Cuba or of the Government of Cuba maintained on the books of a United States depository institution.

(2) PENALTIES.—Any private person or entity that violates paragraph (1) shall be subject to the penalties provided in the Trading With the Enemy Act for violations under that Act.

(3) ADMINISTRATION AND ENFORCEMENT.—The President shall issue such regulations as are necessary to carry out this section, except that the President, in lieu of issuing new regulations, may apply any regulations in effect on the date of the enactment of this Act, pursuant to the Trading With the Enemy Act, with respect to the conduct prohibited in paragraph (1).

(4) DEFINITIONS.—In this subsection—

(A) the term “financing” includes any loan or extension of credit;

(B) the term “United States depository institution” means any entity (including its foreign branches or subsidiaries) organized under the laws of any jurisdiction within the United States, or any agency, office or branch located in the United States of a foreign entity, that is engaged primarily in the business of banking (including a bank, savings bank, savings association, credit union, trust company, or United States bank holding company); and

(C) the term “United States person” means the Federal Government, any State or local government, or any private person or entity of the United States.

SEC. 909. PROHIBITION ON ADDITIONAL IMPORTS FROM CUBA.

Nothing in this title shall be construed to alter, modify, or otherwise affect the provisions of section 515.204 of title 31, Code of Federal Regulations, relating to the prohibition on the entry into the United States of merchandise that: (1) is of Cuban origin; (2) is or has been located in or transported from or through Cuba; or (3) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

SEC. 910. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALE OF AGRICULTURAL COMMODITIES.—The Secretary of the Treasury

shall promulgate regulations under which the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, may be authorized on a case-by-case basis by a specific license for travel to, from, or within Cuba for the commercial export sale of agricultural commodities pursuant to the provisions of this title.

(b) PROHIBITION ON TRAVEL RELATING TO TOURIST ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Secretary of the Treasury, or any other Federal official, may not authorize the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, either by a general license or on a case-by-case basis by a specific license for travel to, from, or within Cuba for tourist activities.

(2) DEFINITION.—In this subsection, the term “tourist activities” means any activity with respect to travel to, from, or within Cuba that is not expressly authorized in subsection (a) of this section, in any of paragraphs (1) through (12) of section 515.560 of title 31, Code of Federal Regulations, or in any section referred to in any of such paragraphs (1) through (12) (as such sections were in effect on June 1, 2000).

SEC. 911. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of enactment of this Act, and shall apply thereafter in any fiscal year.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title shall take effect 120 days after the date of enactment of this Act, and shall apply thereafter in any fiscal year.

TITLE X—CONTINUED DUMPING AND SUBSIDY OFFSET

SEC. 1001. SHORT TITLE.

This title may be cited as the “Continued Dumping and Subsidy Offset Act of 2000”.

SEC. 1002. FINDINGS OF CONGRESS.

Congress makes the following findings:

(1) Consistent with the rights of the United States under the World Trade Organization, injurious dumping is to be condemned and actionable subsidies which cause injury to domestic industries must be effectively neutralized.

(2) United States unfair trade laws have as their purpose the restoration of conditions of fair trade so that jobs and investment that should be in the United States are not lost through the false market signals.

(3) The continued dumping or subsidization of imported products after the issuance of antidumping orders or findings or countervailing duty orders can frustrate the remedial purpose of the laws by preventing market prices from returning to fair levels.

(4) Where dumping or subsidization continues, domestic producers will be reluctant to reinvest or rehire and may be unable to maintain pension and health care benefits that conditions of fair trade would permit. Similarly, small businesses and American farmers and ranchers may be unable to pay

down accumulated debt, to obtain working capital, or to otherwise remain viable.

(5) United States trade laws should be strengthened to see that the remedial purpose of those laws is achieved.

SEC. 1003. AMENDMENTS TO THE TARIFF ACT OF 1930.

(a) IN GENERAL.—Title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) is amended by inserting after section 753 the following new section:

“SEC. 754. CONTINUED DUMPING AND SUBSIDY OFFSET.

“(a) IN GENERAL.—Duties assessed pursuant to a countervailing duty order, an antidumping duty order, or a finding under the Antidumping Act of 1921 shall be distributed on an annual basis under this section to the affected domestic producers for qualifying expenditures. Such distribution shall be known as the ‘continued dumping and subsidy offset’.

“(b) DEFINITIONS.—As used in this section:

“(1) AFFECTED DOMESTIC PRODUCER.—The term ‘affected domestic producer’ means any manufacturer, producer, farmer, rancher, or worker representative (including associations of such persons) that—

“(A) was a petitioner or interested party in support of the petition with respect to which an antidumping duty order, a finding under the Antidumping Act of 1921, or a countervailing duty order has been entered, and

“(B) remains in operation.

Companies, businesses, or persons that have ceased the production of the product covered by the order or finding or who have been acquired by a company or business that is related to a company that opposed the investigation shall not be an affected domestic producer.

“(2) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Customs.

“(3) COMMISSION.—The term ‘Commission’ means the United States International Trade Commission.

“(4) QUALIFYING EXPENDITURE.—The term ‘qualifying expenditure’ means an expenditure incurred after the issuance of the antidumping duty finding or order or countervailing duty order in any of the following categories:

“(A) Manufacturing facilities.

“(B) Equipment.

“(C) Research and development.

“(D) Personnel training.

“(E) Acquisition of technology.

“(F) Health care benefits to employees paid for by the employer.

“(G) Pension benefits to employees paid for by the employer.

“(H) Environmental equipment, training, or technology.

“(I) Acquisition of raw materials and other inputs.

“(J) Working capital or other funds needed to maintain production.

“(5) RELATED TO.—A company, business, or person shall be considered to be ‘related to’ another company, business, or person if—

“(A) the company, business, or person directly or indirectly controls or is controlled by the other company, business, or person,

“(B) a third party directly or indirectly controls both companies, businesses, or persons,

“(C) both companies, businesses, or persons directly or indirectly control a third party and there is reason to believe that the relationship causes the first company, business, or persons to act differently than a nonrelated party.

For purposes of this paragraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

“(c) DISTRIBUTION PROCEDURES.—The Commissioner shall prescribe procedures for distribution of the continued dumping or subsidies offset required by this section. Such distribution shall be made not later than 60 days after the first day of a fiscal year from duties assessed during the preceding fiscal year.

“(d) PARTIES ELIGIBLE FOR DISTRIBUTION OF ANTIDUMPING AND COUNTERVAILING DUTIES ASSESSED.—

“(1) LIST OF AFFECTED DOMESTIC PRODUCERS.—The Commission shall forward to the Commissioner within 60 days after the effective date of this section in the case of orders or findings in effect on January 1, 1999, or thereafter, or in any other case, within 60 days after the date an antidumping or countervailing duty order or finding is issued, a list of petitioners and persons with respect to each order and finding and a list of persons that indicate support of the petition by letter or through questionnaire response. In those cases in which a determination of injury was not required or the Commission’s records do not permit an identification of those in support of a petition, the Commission shall consult with the administering authority to determine the identity of the petitioner and those domestic parties who have entered appearances during administrative reviews conducted by the administering authority under section 751.

“(2) PUBLICATION OF LIST; CERTIFICATION.—The Commissioner shall publish in the Federal Register at least 30 days before the distribution of a continued dumping and subsidy offset, a notice of intention to distribute the offset and the list of affected domestic producers potentially eligible for the distribution based on the list obtained from the Commission under paragraph (1). The Commissioner shall request a certification from each potentially eligible affected domestic producer—

“(A) that the producer desires to receive a distribution;

“(B) that the producer is eligible to receive the distribution as an affected domestic producer; and

“(C) the qualifying expenditures incurred by the producer since the issuance of the order or finding for which distribution under this section has not previously been made.

“(3) DISTRIBUTION OF FUNDS.—The Commissioner shall distribute all funds (including all interest earned on the funds) from assessed duties received in the preceding fiscal year to affected domestic producers based on the certifications

described in paragraph (2). The distributions shall be made on a pro rata basis based on new and remaining qualifying expenditures.

“(e) SPECIAL ACCOUNTS.—

“(1) ESTABLISHMENTS.—Within 14 days after the effective date of this section, with respect to antidumping duty orders and findings and countervailing duty orders notified under subsection (d)(1), and within 14 days after the date an antidumping duty order or finding or countervailing duty order issued after the effective date takes effect, the Commissioner shall establish in the Treasury of the United States a special account with respect to each such order or finding.

“(2) DEPOSITS INTO ACCOUNTS.—The Commissioner shall deposit into the special accounts, all antidumping or countervailing duties (including interest earned on such duties) that are assessed after the effective date of this section under the antidumping order or finding or the countervailing duty order with respect to which the account was established.

“(3) TIME AND MANNER OF DISTRIBUTIONS.—Consistent with the requirements of subsections (c) and (d), the Commissioner shall by regulation prescribe the time and manner in which distribution of the funds in a special account shall be made.

“(4) TERMINATION.—A special account shall terminate after—

“(A) the order or finding with respect to which the account was established has terminated;

“(B) all entries relating to the order or finding are liquidated and duties assessed collected;

“(C) the Commissioner has provided notice and a final opportunity to obtain distribution pursuant to subsection (c); and

“(D) 90 days has elapsed from the date of the notice described in subparagraph (C).

Amounts not claimed within 90 days of the date of the notice described in subparagraph (C), shall be deposited into the general fund of the Treasury.”.

(b) CONFORMING AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by inserting the following new item after the item relating to section 753:

“Sec. 754. Continued dumping and subsidy offset.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to all antidumping and countervailing duty assessments made on or after October 1, 2000.

TITLE XI—CONSERVATION OF FARMABLE WETLAND

SEC. 1101. SHORT TITLE.

This title may be cited as the “Conservation of Farmable Wetland Act of 2000”.

SEC. 1102. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

“(h) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—

“(1) IN GENERAL.—During the 2001 and 2002 calendar years, the Secretary shall carry out a pilot program in the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota under which the Secretary shall include eligible acreage described in paragraph (3) in the program established under this subchapter.

“(2) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each of the States referred to in paragraph (1) have an equitable opportunity to participate in the pilot program established under this subsection.

“(3) ELIGIBLE ACREAGE.—

“(A) IN GENERAL.—Subject to subparagraphs (B) through (D), an owner or operator may enroll in the conservation reserve under this subsection—

“(i) a wetland (including a converted wetland described in section 1222(b)(1)(A)) that was cropped during at least three of the immediately preceding 10 crop years; and

“(ii) buffer acreage that—

“(I) is contiguous to the wetland described in clause (i);

“(II) is used to protect the wetland; and

“(III) is of such width as the Secretary determines is necessary to protect the wetland, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds the wetland.

“(B) EXCLUSIONS.—An owner or operator may not enroll in the conservation reserve under this subsection—

“(i) any wetland, or land on a floodplain, that is, or is adjacent to, a perennial riverine system wetland identified on the final national wetland inventory map of the Secretary of the Interior; or

“(ii) in the case of an area that is not covered by the final national inventory map, any wetland, or land on a floodplain, that is adjacent to a perennial stream identified on a 1-24,000 scale map of the United States Geological Survey.

“(C) PROGRAM LIMITATIONS.—

“(i) IN GENERAL.—The Secretary may enroll in the conservation reserve under this subsection—

“(I) not more than 500,000 acres in all States referred to in paragraph (1); and

“(II) not more than 150,000 acres in any one State referred to in paragraph (1).

“(ii) RELATIONSHIP TO PROGRAM MAXIMUM.—Subject to clause (iii), for the purposes of subsection (d), any acreage enrolled in the conservation reserve under this subsection shall be considered acres maintained in the conservation reserve.

“(iii) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled under this subsection shall not affect for any fiscal year the quantity of—

“(I) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

“(II) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

“(D) OWNER OR OPERATOR LIMITATIONS.—

“(i) WETLAND.—The maximum size of any wetland described in subparagraph (A)(i) of an owner or operator enrolled in the conservation reserve under this subsection shall be 5 contiguous acres.

“(ii) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subparagraph (A)(ii) of an owner or operator enrolled in the conservation reserve under this subsection shall be the greater of—

“(I) three times the size of any wetland described in subparagraph (A)(i) to which the buffer acreage is contiguous; or

“(II) 150 feet on either side of the wetland.

“(iii) TRACTS.—The maximum size of any eligible acreage described in subparagraph (A) in a tract (as determined by the Secretary) of an owner or operator enrolled in the conservation reserve under this subsection shall be 40 acres.

“(4) DUTIES OF OWNERS AND OPERATORS.—Under a contract entered into under this subsection, during the term of the contract, an owner or operator of a farm or ranch must agree—

“(A) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

“(B) to establish vegetative cover on the eligible acreage, as determined by the Secretary; and

“(C) to carry out other duties described in section 1232.

“(5) DUTIES OF THE SECRETARY.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in return for a contract entered into by an owner or operator under this subsection, the Secretary shall make payments and provide assistance to the owner or operator in accordance with sections 1233 and 1234.

“(B) CONTINUOUS SIGNUP.—The Secretary shall use continuous signup under section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this subsection.

“(C) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this subsection shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.”.

SEC. 1103. INCIDENTAL GRAZING.

Section 1232(a)(7)(A) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)(A)) is amended—

(1) by striking “occurs during” and

inserting “occurs—

“(I) in the case of land other than eligible acreage enrolled under section 1231(h), during”; and

(2) by adding at the end the following:

“(II) in the case of eligible acreage enrolled under section 1231(h), at any time other than during the period beginning May 1 and ending August 1 of each year for a reduction in rental payment commensurate with the limited economic value of such incidental grazing; and”.

SEC. 1104. STUDY OF IMPACT OF PILOT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Agriculture shall conduct a study of the impact of the pilot program established under section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) (as added by section 1102(a)) on—

(1) enrollment of owners and operators in—

(A) the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3831 et seq.);

(B) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); and

(C) other Federal and State conservation programs;

(2) types of environmentally sensitive acreage that have not been enrolled in the wetlands reserve program; and

(3) conservation of soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat.

(b) **REPORTS.**—Not later than March 1, 2003, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study.

SEC. 1105. REGULATIONS.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by this Act.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE XII—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

SEC. 1201. SHORT TITLE.

This title may be cited as the “Hass Avocado Promotion, Research, and Information Act of 2000”.

SEC. 1202. FINDINGS AND DECLARATION OF POLICY.

(a) **FINDINGS.**—Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but virtually all domestically produced Hass avocados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on the date of enactment of this title, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

(b) **PURPOSE.**—It is the purpose of this title to authorize the establishment, through the exercise of the powers provided in this title, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry information, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

(c) **LIMITATION.**—Nothing in this title may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

SEC. 1203. DEFINITIONS.

As used in this title:

(1) **BOARD.**—The terms “Avocado Board” and “Board” mean the Hass Avocado Board established under section 1205.

(2) **CONFLICT OF INTEREST.**—The term “conflict of interest” means a situation in which a member or employee of the

Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

(3) CONSUMER INFORMATION.—The term “consumer information” means any action or program that provides information to consumers and other persons on the use, nutritional attributes, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

(4) CUSTOMS.—The term “Customs” means the United States Customs Service.

(5) DEPARTMENT.—The term “Department” means the United States Department of Agriculture.

(6) HASS AVOCADO.—

(A) IN GENERAL.—The term “Hass avocado” includes—

(i) the fruit of any Hass variety avocado tree; and

(ii) any other type of avocado fruit that the Board, with the approval of the Secretary, determines is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form.

(B) FORM OF FRUIT.—Except as provided in subparagraph (C), the term includes avocado fruit described in subparagraph (A) whether in fresh, frozen, or any other processed form.

(C) EXCEPTIONS.—In any case in which a handler further processes avocados described in subparagraph (A), or products of such avocados, for sale to a retailer, the Board, with the approval of the Secretary, may determine that such further processed products do not constitute a substantial value of the product and that, based on its determination, the product shall not be treated as a product of Hass avocados subject to assessment under the order. In addition, the Board, with the approval of the Secretary, may exempt certain frozen avocado products from assessment under the order.

(7) HANDLER.—

(A) FIRST HANDLER.—The term “first handler” means a person operating in the Hass avocados marketing system that sells domestic or imported Hass avocados for United States domestic consumption, and who is responsible for remitting assessments to the Board. The term includes an importer or producer who sells directly to consumers Hass avocados that the importer or producer has imported into the United States or produced, respectively.

(B) EXEMPT HANDLER.—The term “exempt handler” means a person who would otherwise be considered a first handler, except that all avocados purchased by the person have already been subject to the assessment under section 1205(h).

(8) IMPORTER.—The term “importer” means any person who imports Hass avocados into the United States.

(9) INDUSTRY INFORMATION.—The term “industry information” means information and programs that are designed to increase efficiency in processing, enhance the development of new markets and marketing strategies, increase marketing efficiency, and activities to enhance the image of Hass avocados and the Hass avocado industry domestically.

(10) ORDER.—The term “order” means the Hass avocado promotion, research, and information order issued under this title.

(11) PERSON.—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(12) PRODUCER.—The term “producer” means any person who—

(A) is engaged in the domestic production of Hass avocados for commercial use; and

(B) owns, or shares the ownership and risk of loss, of such Hass avocados.

(13) PROMOTION.—The term “promotion” means any action to advance the image, desirability, or marketability of Hass avocados, including paid advertising, sales promotion, and publicity, in order to improve the competitive position and stimulate sales of Hass avocados in the domestic marketplace.

(14) RESEARCH.—The term “research” means any type of test, study, or analysis relating to market research, market development, and marketing efforts, or relating to the use, quality, or nutritional value of Hass avocados, other related food science research, or research designed to advance the image, desirability, and marketability of Hass avocados.

(15) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(16) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(17) UNITED STATES.—The term “United States” means the United States collectively.

SEC. 1204. ISSUANCE OF ORDERS.

(a) IN GENERAL.—

(1) ISSUANCE.—To effectuate the policy of this title specified in section 1202(b), the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this title applicable to producers, importers, and first handlers of Hass avocados.

(2) SCOPE.—Any order shall be national in scope.

(3) ONE ORDER.—Not more than one order shall be in effect at any one time.

(b) PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An existing organization of avocado producers established pursuant to a State statute, or any other person who will be affected by this title, may request the issuance of, and submit a proposal for an order.

(2) PUBLICATION OF PROPOSAL.—The Secretary shall publish a proposed order and give notice and opportunity for public comment on the proposed order not later than 60 days after receipt by the Secretary of a proposal for an order from an existing organization of avocado producers established pursuant to a State statute, as provided in paragraph (1).

(3) ISSUANCE OF ORDER.—

(A) IN GENERAL.—After notice and opportunity for public comment are provided in accordance with paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order is in conformity with this title.

(B) EFFECTIVE DATE.—The order shall be issued and become effective only after an affirmative vote in a referendum as provided in section 1206, but not later than 180 days after publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend an order. The provisions of this title applicable to an order shall be applicable to any amendment to an order.

SEC. 1205. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order shall contain the terms and provisions specified in this section.

(b) HASS AVOCADO BOARD.—

(1) ESTABLISHMENT AND MEMBERSHIP.—

(A) ESTABLISHMENT.—The order shall provide for the establishment of a Hass Avocado Board, consisting of 12 members, to administer the order.

(B) MEMBERSHIP.—

(i) APPOINTMENT.—The order shall provide that members of the Board shall be appointed by the Secretary from nominations submitted as provided in this subsection.

(ii) COMPOSITION.—The Board shall consist of participating domestic producers and importers.

(C) SPECIAL DEFINITION OF IMPORTER.—In this subsection, the term “importer” means a person who is involved in, as a substantial activity, the importation, sale, and marketing of Hass avocados in the United States (either directly or as an agent, broker, or consignee of any person or nation that produces or handles Hass avocados outside the United States for sale in the United States), and who is subject to assessments under the order.

(2) DISTRIBUTION OF APPOINTMENTS.—

(A) IN GENERAL.—The order shall provide that the membership of the Board shall consist of the following:

(i) Seven members who are domestic producers of Hass avocados and are subject to assessments under the order.

(ii) Two members who represent importers of Hass avocados and are subject to assessments under the order.

(iii) Three members who are domestic producers of Hass avocados and are subject to assessments under the order, or are importers of Hass avocados and are subject to assessments under the order, to reflect the proportion of domestic production and imports supplying the United States market, which shall be based on the Secretary’s determination of the average volume of domestic production of Hass avocados proportionate to the average volume of imports of Hass avocados in the United States over the previous 3 years.

(B) ADJUSTMENT IN BOARD REPRESENTATION.—Three years after the assessment of Hass avocados commences pursuant to an order, and at the end of each 3-year period thereafter, the Avocado Board shall adjust the proportion of producer representatives to importer representatives on the Board under subparagraph (A)(iii) on the basis of the amount of assessments collected from producers and importers over the immediately preceding 3-year period. Any adjustment under this subparagraph shall be subject to the review and approval of the Secretary.

(3) NOMINATION PROCESS.—The order shall provide that—

(A) two nominees shall be submitted for each appointment to the Board;

(B) nominations for each appointment of a producer or an importer shall be made by domestic producers or importers, respectively—

(i) in the case of producers, through an election process which utilizes existing organizations of avocado producers established pursuant to a State statute, with approval by the Secretary; and

(ii) in the case of importers, nominations are submitted by importers under such procedures as the Secretary determines appropriate; and

(C) in any case in which producers or importers fail to nominate individuals for an appointment to the Board, the Secretary may appoint an individual to fill the vacancy on a basis provided in the order or other regulations of the Secretary.

(4) ALTERNATES.—The order shall provide for the selection of alternate members of the Board by the Secretary in accordance with procedures specified in the order.

(5) TERMS.—The order shall provide that—

(A) each term of appointment to the Board shall be for 3 years, except that, of the initial appointments, four of the appointments shall be for 2-year terms, four of the appointments shall be for 3-year terms, and four of the appointments shall be for 4-year terms; and

(B) no member of the Board may serve more than 2 consecutive terms of 3 years, except that any member serving an initial term of 4 years may serve an additional term of 3 years.

(6) REPLACEMENT.—

(A) DISQUALIFICATION FROM BOARD SERVICE.—The order shall provide that if a member or alternate of the Board who was appointed as a domestic producer or importer ceases to belong to the group for which such member was appointed, such member or alternate shall be disqualified from serving on the Board.

(B) MANNER OF FILLING VACANCY.—A vacancy arising as a result of disqualification or any other reason before the expiration of the term of office of an incumbent member or alternate of the Board shall be filled in a manner provided in the order.

(7) COMPENSATION.—The order shall provide that members and alternates of the Board shall serve without compensation, but shall be reimbursed for the reasonable expenses incurred in performing duties as members or alternates of the Board.

(c) GENERAL RESPONSIBILITIES OF THE AVOCADO BOARD.—The order shall define the general responsibilities of the Avocado Board, which shall include the responsibility to—

(1) administer the order in accordance with the terms and provisions of the order;

(2) meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(3) recommend to the Secretary rules and regulations to effectuate the terms and provisions of the order;

(4) employ such persons as the Board determines are necessary, and set the compensation and define the duties of the persons;

(5)(A) develop budgets for the implementation of the order and submit the budgets to the Secretary for approval under subsection (d); and

(B) propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval under subsection (d) plans or projects for Hass avocado promotion, industry information, consumer information, or related research;

(6)(A) implement plans and projects for Hass avocado promotion, industry information, consumer information, or related research, as provided in subsection (d); or

(B) contract or enter into agreements with appropriate persons to implement the plans and projects, as provided in subsection (e), and pay the costs of the implementation, or contracts and agreement, with funds received under the order;

(7) evaluate on-going and completed plans and projects for Hass avocado promotion, industry information, consumer information, or related research and comply with the independent evaluation provisions of the Commodity Promotion, Research, and Information Act of 1996 (subtitle B of title V of Public Law 104–127; 7 U.S.C. 7401 et seq.);

(8) receive, investigate, and report to the Secretary complaints of violations of the order;

(9) recommend to the Secretary amendments to the order;

(10) invest, pending disbursement under a plan or project, funds collected through assessments authorized under this title only in—

(A) obligations of the United States or any agency of the United States;

(B) general obligations of any State or any political subdivision of a State;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States, except that income from any such invested funds may be used only for a purpose for which the invested funds may be used;

(11) borrow funds necessary for the startup expenses of the order; and

(12) provide the Secretary such information as the Secretary may require.

(d) BUDGETS; PLANS AND PROJECTS.—

(1) SUBMISSION OF BUDGETS.—The order shall require the Board to submit to the Secretary for approval budgets, on

a fiscal year basis, of the anticipated expenses and disbursements of the Board in the implementation of the order, including the projected costs of Hass avocado promotion, industry information, consumer information, and related research plans and projects.

(2) PLANS AND PROJECTS.—

(A) PROMOTION AND CONSUMER INFORMATION.—The order shall provide—

(i) for the establishment, implementation, administration, and evaluation of appropriate plans and projects for advertising, sales promotion, other promotion, and consumer information with respect to Hass avocados, and for the disbursement of necessary funds for the purposes described in this clause; and

(ii) that any plan or project referred to in clause (i) shall be directed toward increasing the general demand for Hass avocados in the domestic marketplace.

(B) INDUSTRY INFORMATION.—The order shall provide for the establishment, implementation, administration, and evaluation of appropriate plans and projects that will lead to the development of new markets, maintain and expand existing markets, lead to the development of new marketing strategies, or increase the efficiency of the Hass avocado industry, and activities to enhance the image of the Hass avocado industry, and for the disbursement of necessary funds for the purposes described in this subparagraph.

(C) RESEARCH.—The order shall provide for—

(i) the establishment, implementation, administration, and evaluation of plans and projects for market development research, research with respect to the sale, distribution, marketing, use, quality, or nutritional value of Hass avocados, and other research with respect to Hass avocado marketing, promotion, industry information or consumer information;

(ii) the dissemination of the information acquired through the plans and projects; and

(iii) the disbursement of such funds as are necessary to carry out this subparagraph.

(D) SUBMISSION TO SECRETARY.—The order shall provide that the Board shall submit to the Secretary for approval a proposed plan or project for Hass avocados promotion, industry information, consumer information, or related research, as described in subparagraphs (A), (B), and (C).

(3) APPROVAL BY SECRETARY.—A budget, plan, or project for Hass avocados promotion, industry information, consumer information, or related research may not be implemented prior to approval of the budget, plan, or project by the Secretary. Not later than 45 days after receipt of such a budget, plan, or project, the Secretary shall notify the Board whether the Secretary approves or disapproves the budget, plan, or project. If the Secretary fails to provide such notice before the end of the 45-day period, the budget, plan, or project shall be deemed to be approved and may be implemented by the Board.

(e) CONTRACTS AND AGREEMENTS.—

(1) PROMOTION, CONSUMER INFORMATION, INDUSTRY INFORMATION AND RELATED RESEARCH PLANS AND PROJECTS.—

(A) IN GENERAL.—To ensure the efficient use of funds, the order shall provide that the Board, with the approval of the Secretary, shall enter into a contract or an agreement with an avocado organization established by State statute in a State with the majority of Hass avocado production in the United States, for the implementation of a plan or project for promotion, industry information, consumer information, or related research with respect to Hass avocados, and for the payment of the cost of the contract or agreement with funds received by the Board under the order.

(B) REQUIREMENTS.—The order shall provide that any contract or agreement entered into under this paragraph shall provide that—

(i) the contracting or agreeing party shall develop and submit to the Board a plan or project, together with a budget that includes the estimated costs to be incurred for the plan or project;

(ii) the plan or project shall become effective on the approval of the Secretary; and

(iii) the contracting party or agreeing party shall—
(I) keep accurate records of all transactions of the party;

(II) account for funds received and expended;

(III) make periodic reports to the Board of activities conducted; and

(IV) make such other reports as the Board or the Secretary shall require.

(2) OTHER CONTRACTS AND AGREEMENTS.—The order shall provide that the Board, with the approval of the Secretary, may enter into a contract or agreement for administrative services. Any contract or agreement entered into under this paragraph shall include provisions comparable to the provisions described in paragraph (1)(B).

(f) BOOKS AND RECORDS OF BOARD.—

(1) IN GENERAL.—The order shall require the Board to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may require;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may require; and

(C) account for the receipt and disbursement of all the funds entrusted to the Board, including all assessment funds disbursed by the Board to a State organization of avocado producers established pursuant to State law.

(2) AUDITS.—The Board shall cause the books and records of the Board to be audited by an independent auditor at the end of each fiscal year. A report of each audit shall be submitted to the Secretary.

(g) CONTROL OF ADMINISTRATIVE COSTS.—

(1) SYSTEM OF COST CONTROLS.—The order shall provide that the Board shall, as soon as practicable after the order becomes effective and after consultation with the Secretary and other appropriate persons, implement a system of cost controls based on normally accepted business practices that—

(A) will ensure that the costs incurred by the Board in administering the order in any fiscal year shall not exceed 10 percent of the projected level of assessments to be collected by the Board for that fiscal year; and

(B) cover the minimum administrative activities and personnel needed to properly administer and enforce the order, and conduct, supervise, and evaluate plans and projects under the order.

(2) USE OF EXISTING PERSONNEL AND FACILITIES.—The Board shall use, to the extent possible, the resources, staffs, and facilities of existing organizations, as provided in subsection (e)(1)(A).

(h) ASSESSMENTS.—

(1) AUTHORITY.—

(A) IN GENERAL.—The order shall provide that each first handler shall remit to the Board, in the manner provided in the order, an assessment collected from the producer, except to the extent that the sale is excluded from assessments under paragraph (6). In the case of imports, the assessment shall be levied upon imports and remitted to the Board by Customs.

(B) PUBLISHED LISTS.—To facilitate the payment of assessments under this paragraph, the Board shall publish lists of first handlers required to remit assessments under the order and exempt handlers.

(C) MAKING DETERMINATIONS.—

(i) FIRST HANDLER STATUS.—The order shall contain provisions regarding the determination of the status of a person as a first handler or exempt handler.

(ii) PRODUCER-HANDLERS.—For purposes of paragraph (3), a producer-handler shall be considered the first handler of those Hass avocados that are produced by that producer-handler and packed by that producer-handler for sale at wholesale or retail.

(iii) IMPORTERS.—The assessment on imported Hass avocados shall be paid by the importer to Customs at the time of entry into the United States and shall be remitted by Customs to the Board. Importation occurs when Hass avocados originating outside the United States are released from custody of Customs and introduced into the stream of commerce within the United States. Importers include persons who hold title to foreign-produced Hass avocados immediately upon release by Customs, as well as any persons who act on behalf of others, as agents, brokers, or consignees, to secure the release of Hass avocados from Customs and the introduction of the released Hass avocados into the current of commerce.

(2) ASSESSMENT RATES.—With respect to assessment rates, the order shall contain the following terms:

(A) INITIAL RATE.—The rate of assessment on Hass avocados shall be \$.025 per pound on fresh avocados or the equivalent rate for processed avocados on which an assessment has not been paid.

(B) CHANGES IN THE RATE.—

(i) IN GENERAL.—Once the order is in effect, the uniform assessment rate may be increased or decreased

not more than once annually, but in no event shall the rate of assessment be in excess of \$.05 per pound.

(ii) REQUIREMENTS.—Any change in the rate of assessment under this subparagraph—

(I) may be made only if adopted by the Board by an affirmative vote of at least seven members of the Board and approved by the Secretary as necessary to achieve the objectives of this title (after public notice and opportunity for comment in accordance with section 553 of title 5, United States Code, and without regard to sections 556 and 557 of such title);

(II) shall be announced by the Board not less than 30 days prior to going into effect; and

(III) shall not be subject to a vote in a referendum conducted under section 1206.

(3) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (1)(C)(iii), the first handler of Hass avocados shall be responsible for the collection of assessments from the producer under this subsection. As part of the collection of assessments, the first handler shall maintain a separate record of the Hass avocados of each producer whose Hass avocados are so handled, including the Hass avocados produced by the first handler.

(4) TIMING OF SUBMITTING ASSESSMENTS.—The order shall provide that each person required to remit assessments under this subsection shall remit to the Board the assessment due from each sale of Hass avocados that is subject to an assessment within such time period after the sale (not to exceed 60 days after the end of the month in which the sale took place) as is specified in the order.

(5) CLAIMING AN EXEMPTION FROM COLLECTING ASSESSMENTS.—To claim an exemption under section 1203(6) as an exempt handler for a particular fiscal year, a person shall submit an application to the Board—

(A) stating the basis for such exemption; and

(B) certifying such person will not purchase Hass avocados in the United States on which an assessment has not been paid for the current fiscal year.

(6) EXCLUSION.—An order shall exclude from assessments under the order any sale of Hass avocados for export from the United States.

(7) USE OF ASSESSMENT FUNDS.—The order shall provide that assessment funds shall be used for payment of costs incurred in implementing and administering the order, with provision for a reasonable reserve, and to cover the administrative costs incurred by the Secretary in implementing and administering this title, including any expenses incurred by the Secretary in conducting referenda under this title, subject to subsection (i).

(8) ASSESSMENT FUNDS FOR STATE ASSOCIATION.—The order shall provide that a State organization of avocado producers established pursuant to State law shall receive an amount equal to the product obtained by multiplying the aggregate amount of assessments attributable to the pounds of Hass avocados produced in such State by 85 percent. The State organization shall use such funds and any proceeds from the

investment of such funds for financing domestic promotion, research, consumer information, and industry information plans and projects, except that no such funds shall be used for the administrative expenses of such State organization.

(9) ASSESSMENT FUNDS FOR IMPORTERS ASSOCIATIONS.—

(A) IN GENERAL.—The order shall provide that any importers association shall receive a credit described in subparagraph (B) if such association is—

(i) established pursuant to State law that requires detailed State regulation comparable to that applicable to the State organization of United States avocado producers, as determined by the Secretary; or

(ii) certified by the Secretary as meeting the requirements applicable to the Board as to budgets, plans, projects, audits, conflicts of interest, and reimbursements for administrative costs incurred by the Secretary.

(B) CREDIT.—An importers association described in subparagraph (A) shall receive 85 percent of the assessments paid on Hass avocados imported by the members of such association.

(C) USE OF FUNDS.—

(i) IN GENERAL.—Importers associations described in subparagraph (A) shall use the funds described in subparagraph (B) and proceeds from the investment of such funds for financing promotion, research, consumer information, and industry information plans and projects in the United States.

(ii) ADMINISTRATIVE EXPENSES.—No funds described in subparagraph (C) shall be used for the administrative expenses of such importers association.

(i) REIMBURSEMENT OF SECRETARY EXPENSES.—The order shall provide for reimbursing the Secretary—

(1) for expenses not to exceed \$25,000 incurred by the Secretary in connection with any referendum conducted under section 1206;

(2) for administrative costs incurred by the Secretary for supervisory work of up to two employee years annually after an order or amendment to any order has been issued and made effective; and

(3) for costs incurred by the Secretary in implementation of the order issued under section 1204, for enforcement of the title and the order, for subsequent referenda conducted under section 1206, and in defending the Board in litigation arising out of action taken by the Board.

(j) PROHIBITION ON BRAND ADVERTISING AND CERTAIN CLAIMS.—

(1) PROHIBITIONS.—Except as provided in paragraph (2), a program or project conducted under this title shall not—

(A) make any reference to private brand names;

(B) make false, misleading, or disparaging claims on behalf of Hass avocados; or

(C) make false, misleading, or disparaging statements with respect to the attributes or use of any competing products.

(2) EXCEPTIONS.—Paragraph (1) does not preclude the Board from offering its programs and projects for use by

commercial parties, under such terms and conditions as the Board may prescribe as approved by the Secretary. For the purposes of this subsection, a reference to State of origin does not constitute a reference to a private brand name with regard to any funds credited to, or disbursed by the Board to, a State organization of avocado producers established pursuant to State law. Furthermore, for the purposes of this section, a reference to either State of origin or country of origin does not constitute a reference to a private brand name with regard to any funds credited to, or disbursed by the Board to, any importers association established or certified in accordance with subsection (h)(9)(A).

(k) PROHIBITION ON USE OF FUNDS TO INFLUENCE GOVERNMENTAL ACTION.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing legislation or government action or policy.

(2) EXCEPTION.—Paragraph (1) shall not apply to the development or recommendation of amendments to the order.

(l) PROHIBITION OF CONFLICT OF INTEREST.—The Board may not engage in, and shall prohibit the employees and agents of the Board from engaging in, any action that would be a conflict of interest.

(m) BOOKS AND RECORDS; REPORTS.—

(1) IN GENERAL.—The order shall provide that each first handler, producer, and importer subject to the order shall maintain, and make available for inspection, such books and records as are required by the order and file reports at the time, in the manner, and having the content required by the order, to the end that such information is made available to the Secretary and the Board as is appropriate for the administration or enforcement of this title, the order, or any regulation issued under this title.

(2) CONFIDENTIALITY REQUIREMENT.—

(A) IN GENERAL.—Information obtained from books, records, or reports under paragraph (1) shall be kept confidential by all officers and employees of the Department of Agriculture and by the staff and agents of the Board.

(B) SUITS AND HEARINGS.—Information described in subparagraph (A) may be disclosed to the public only—

(i) in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, involving the order; and

(ii) to the extent the Secretary considers the information relevant to the suit or hearing.

(C) GENERAL STATEMENTS AND PUBLICATIONS.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected from the reports, if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person who violates the order,

together with a statement of the particular provisions of the order violated by the person.

(3) LISTS OF IMPORTERS.—

(A) REVIEW.—The order shall provide that the staff of the Board shall periodically review lists of importers of Hass avocados to determine whether persons on the lists are subject to the order.

(B) CUSTOMS SERVICE.—On the request of the Secretary or the Board, the Commissioner of the United States Customs Service shall provide to the Secretary or the Board lists of importers of Hass avocados.

(n) CONSULTATIONS WITH INDUSTRY EXPERTS.—

(1) IN GENERAL.—The order shall provide that the Board may seek advice from and consult with experts from the production, import, wholesale, and retail segments of the Hass avocado industry to assist in the development of promotion, industry information, consumer information, and related research plans and projects.

(2) SPECIAL COMMITTEES.—

(A) IN GENERAL.—For the purposes described in paragraph (1), the order shall authorize the appointment of special committees composed of persons other than Board members.

(B) CONSULTATION.—A committee appointed under subparagraph (A) shall consult directly with the Board.

(o) OTHER TERMS OF THE ORDER.—The order shall contain such other terms and provisions, consistent with this title, as are necessary to carry out this title (including provision for the assessment of interest and a charge for each late payment of assessments under subsection (h)).

SEC. 1206. REFERENDA.

(a) REQUIREMENTS FOR INITIAL REFERENDUM.—

(1) REFERENDUM REQUIRED.—During the 60-day period immediately preceding the proposed effective date of an order issued under section 1204(b)(3), the Secretary shall conduct a referendum among producers and importers required to pay assessments under the order, as provided in section 1205(h)(1).

(2) APPROVAL OF ORDER NEEDED.—The order shall become effective only if the Secretary determines that the order has been approved by a simple majority of all votes cast in the referendum.

(b) VOTES PERMITTED.—

(1) IN GENERAL.—Each producer and importer eligible to vote in a referendum conducted under this section shall be entitled to cast one vote if they satisfy the eligibility requirements as defined in paragraph (2).

(2) ELIGIBILITY.—For purposes of paragraph (1), producers and importers, as these terms are defined in section 1203, shall be considered to be eligible to vote if they have been producers or importers with sales of Hass avocados during a period of at least 1 year prior to the referendum.

(c) MANNER OF CONDUCTING REFERENDA.—

(1) IN GENERAL.—Referenda conducted pursuant to this title shall be conducted in a manner determined by the Secretary.

(2) **ADVANCE REGISTRATION.**—A producer or importer of Hass avocados who chooses to vote in any referendum conducted under this title shall register with the Secretary prior to the voting period, after receiving notice from the Secretary concerning the referendum under paragraph (4).

(3) **VOTING.**—A producer or importer of Hass avocados who chooses to vote in any referendum conducted under this title shall vote in accordance with procedures established by the Secretary. The ballots and other information or reports that reveal or tend to reveal the identity or vote of voters shall be strictly confidential.

(4) **NOTICE.**—The Secretary shall notify all producers and importers at least 30 days prior to the referendum conducted under this title. The notice shall explain the procedure established under this subsection.

(d) **SUBSEQUENT REFERENDA.**—If an order is approved in a referendum conducted under subsection (a), effective beginning on the date that is 3 years after the date of the approval, the Secretary—

(1) at the discretion of the Secretary, may conduct at any time a referendum of producers and importers required to pay assessments under the order, as provided in section 1205(h)(1), subject to the voting requirements of subsections (b) and (c), to ascertain whether eligible producers and importers favor suspension, termination, or continuance of the order; or

(2) shall conduct a referendum of eligible producers and importers if requested by the Board or by a representative group comprising 30 percent or more of all producers and importers required to pay assessments under the order, as provided in section 1205(h)(1), subject to the voting requirements of subsections (b) and (c), to ascertain whether producers and importers favor suspension, termination, or continuance of the order.

(e) **SUSPENSION OR TERMINATION.**—If, as a result of a referendum conducted under subsection (d), the Secretary determines that suspension or termination of the order is favored by a simple majority of all votes cast in the referendum, the Secretary shall—

(1) not later than 180 days after the referendum, suspend or terminate, as appropriate, collection of assessments under the order; and

(2) suspend or terminate, as appropriate, activities under the order as soon as practicable and in an orderly manner.

SEC. 1207. PETITION AND REVIEW.

(a) **PETITION AND HEARING.**—

(1) **PETITION.**—A person subject to an order may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) **HEARING.**—The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary. Any such hearing shall be conducted in accordance with section 1209(b)(2) and

be held within the United States judicial district in which the residence or principal place of business of the person is located.

(3) **RULING.**—After a hearing under paragraph (2), the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(4) **LIMITATION.**—Any petition filed under this subsection challenging an order, any provision of the order, or any obligation imposed in connection with the order, shall be filed within 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition.

(b) **REVIEW.**—

(1) **COMMENCEMENT OF ACTION.**—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or conducts business shall have jurisdiction to review the ruling of the Secretary on the petition of the person, if a complaint requesting the review is filed no later than 20 days after the date of the entry of the ruling by the Secretary.

(2) **PROCESS.**—Service of process in proceedings under this subsection shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) **REMAND.**—If the court in a proceeding under this subsection determines that the ruling of the Secretary on the petition of the person is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion the court, the law requires.

(c) **ENFORCEMENT.**—The pendency of proceedings instituted under this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief under section 1208.

SEC. 1208. ENFORCEMENT.

(a) **JURISDICTION.**—A district court of the United States shall have jurisdiction to enforce, and to prevent and restrain any person from violating, this title or an order or regulation issued by the Secretary under this title.

(b) **REFERRAL TO ATTORNEY GENERAL.**—A civil action brought under subsection (a) shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this title, or an order or regulation issued under this title, if the Secretary believes that the administration and enforcement of this title would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) **CIVIL PENALTIES AND ORDERS.**—

(1) **CIVIL PENALTIES.**—

(A) **IN GENERAL.**—A person who violates a provision of this title, or an order or regulation issued by the Secretary under this title, or who fails or refuses to pay, collect, or remit any assessment or fee required of the person under an order or regulation issued under this title, may be assessed by the Secretary—

(i) a civil penalty of not less than \$1,000 nor more than \$10,000 for each violation; and

(ii) in the case of a willful failure to remit an assessment as required by an order or regulation, an additional penalty equal to the amount of the assessment.

(B) SEPARATE OFFENSES.—Each violation shall be a separate offense.

(2) CEASE AND DESIST ORDERS.—In addition to or in lieu of a civil penalty under paragraph (1), the Secretary may issue an order requiring a person to cease and desist from continuing a violation of this title, or an order or regulation issued under this title.

(3) NOTICE AND HEARING.—No penalty shall be assessed, or cease and desist order issued, by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to the violation. Any such hearing shall be conducted in accordance with section 1209(b)(2) and shall be held within the United States judicial district in which the residence or principal place of business of the person is located.

(4) FINALITY.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—

(1) COMMENCEMENT OF ACTION.—

(A) IN GENERAL.—Any person against whom a violation is found and a civil penalty is assessed or a cease and desist order is issued under subsection (c) may obtain review of the penalty or order by, within the 30-day period beginning on the date the penalty is assessed or the order is issued—

(i) filing a notice of appeal in the district court of the United States for the district in which the person resides or conducts business, or in the United States District Court for the District of Columbia; and

(ii) sending a copy of the notice by certified mail to the Secretary.

(B) COPY OF RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(2) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside under this subsection only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY AN ORDER.—

(1) IN GENERAL.—A person who fails to obey a cease and desist order issued under subsection (c) after the order has become final and unappealable, or after the appropriate United States district court had entered a final judgment in favor of the Secretary of not more than \$10,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d).

(2) SEPARATE VIOLATIONS.—Each day during which the person fails to obey an order described in paragraph (1) shall be considered as a separate violation of the order.

(f) FAILURE TO PAY A PENALTY.—

(1) IN GENERAL.—If a person fails to pay a civil penalty assessed under subsection (c) or (e) after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or conducts business.

(2) SCOPE OF REVIEW.—In an action by the Attorney General under paragraph (1), the validity and appropriateness of a civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this title shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 1209. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may conduct such investigations as the Secretary considers necessary for the effective administration of this title, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this title or any order or regulation issued under this title.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) INVESTIGATIONS.—For the purpose of conducting an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 1207(a)(2) or 1208(c)(3), the presiding officer may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of the records may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b).

(2) ORDER.—The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) FAILURE TO OBEY.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) PROCESS.—Process in any proceeding under this subsection may be served in the United States judicial district

in which the person being proceeded against resides or conducts business, or wherever the person may be found.

SEC. 1210. CONFIDENTIALITY.

(a) PROHIBITION.—No information regarding names of voters or how a person voted in a referendum conducted under this title shall be made public.

(b) PENALTY.—Any person who knowingly violates subsection (a) or the confidentiality terms of an order, as described in section 1205(m)(2), shall be subject to a fine of not less than \$1,000 nor more than \$10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the Board, the person shall be removed from office.

(c) ADDITIONAL PROHIBITION.—No information obtained under this title may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this title or an investigatory or enforcement action necessary for the implementation of this title.

(d) WITHHOLDING INFORMATION FROM CONGRESS PROHIBITED.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 1211. AUTHORITY FOR SECRETARY TO SUSPEND OR TERMINATE ORDER.

(a) GROUNDS FOR SUSPENSION OR TERMINATION.—If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this title specified in section 1202(b), the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

(b) EFFECT OF LACK OF APPROVAL OF ORDER.—If, as a result of a referendum, the Secretary determines that the order is not approved, the Secretary shall, within 180 days after making the determination, suspend, or terminate, as appropriate, collection of assessments under the order, and suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as possible.

SEC. 1212. RULES OF CONSTRUCTION.

(a) TERMINATION OR SUSPENSION NOT AN ORDER.—The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this title.

(b) RIGHTS.—This title—

(1) may not be construed to provide for control of production or otherwise limit the right of individual Hass avocado growers, handlers and importers to produce, handle, or import Hass avocados; and

(2) shall be construed to treat all persons producing, handling, and importing Hass avocados fairly and to implement any order in an equitable manner.

(c) OTHER PROGRAMS.—Nothing in this title may be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized and operated under the laws of the United States or of a State.

SEC. 1213. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this title and the powers vested in the Secretary by this title, including regulations relating to the assessment of late payment charges and interest.

SEC. 1214. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this title.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) may not be used for the payment of the expenses or expenditures of the Board in administering a provision of an order.

TITLE XIII—DEBT REDUCTION**DEPARTMENT OF THE TREASURY****BUREAU OF THE PUBLIC DEBT****GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT**

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001”.

Public Law 106–388
106th Congress

Joint Resolution

Oct. 28, 2000
[H.J. Res. 118]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398, 1450.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “October 29, 2000”.

Approved October 28, 2000.

LEGISLATIVE HISTORY—H.J. Res. 118:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 28, considered and passed House and Senate.



Public Law 106–389
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Oct. 29, 2000
[H.J. Res. 119]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “October 30, 2000”.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398, 1450,
1550.

Approved October 29, 2000.

LEGISLATIVE HISTORY—H.J. Res. 119:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 29, considered and passed House and Senate.



Public Law 106–390
106th Congress

An Act

Oct. 30, 2000
[H.R. 707]

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

Disaster
Mitigation Act of
2000.
42 USC 5121
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Disaster Mitigation Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.

Sec. 102. Predisaster hazard mitigation.

Sec. 103. Interagency task force.

Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.

Sec. 202. Management costs.

Sec. 203. Public notice, comment, and consultation requirements.

Sec. 204. State administration of hazard mitigation grant program.

Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.

Sec. 206. Federal assistance to individuals and households.

Sec. 207. Community disaster loans.

Sec. 208. Report on State management of small disasters initiative.

Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.

Sec. 302. Definitions.

Sec. 303. Fire management assistance.

Sec. 304. Disaster grant closeout procedures.

Sec. 305. Public safety officer benefits for certain Federal and State employees.

Sec. 306. Buy American.

Sec. 307. Treatment of certain real property.

Sec. 308. Study of participation by Indian tribes in emergency management.

**TITLE I—PREDISASTER HAZARD
MITIGATION**

42 USC 5133
note.

SEC. 101. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) **PURPOSE.**—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) **IN GENERAL.**—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

“SEC. 203. PREDISASTER HAZARD MITIGATION.

“(a) **DEFINITION OF SMALL IMPOVERISHED COMMUNITY.**—In this section, the term ‘small impoverished community’ means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(b) **ESTABLISHMENT OF PROGRAM.**—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of

President.
42 USC 5133.

predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

“(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the ‘Fund’), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

“(d) STATE RECOMMENDATIONS.—

“(1) IN GENERAL.—

“(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

“(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

“(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

“(2) USE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

“(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

“(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

“(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—Technical and financial assistance provided under this section—

“(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

“(B) may be used—

“(i) to support effective public-private natural disaster hazard mitigation partnerships;

“(ii) to improve the assessment of a community’s vulnerability to natural hazards; or

President.

“(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

“(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

“(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

“(1) shall be not less than the lesser of—

“(A) \$500,000; or

“(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

“(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

“(3) shall be subject to the criteria specified in subsection (g).

“(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

“(1) the extent and nature of the hazards to be mitigated;

“(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

“(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

“(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

“(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

“(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

“(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

“(8) the opportunity to fund activities that maximize net benefits to society;

“(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

“(10) such other criteria as the President establishes in consultation with State and local governments. President.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

“(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

“(i) NATIONAL PREDISASTER MITIGATION FUND.—

“(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the ‘National Predisaster Mitigation Fund’, to be used in carrying out this section.

“(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

“(A) amounts appropriated to carry out this section, which shall remain available until expended; and

“(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

“(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

“(4) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(E) TRANSFERS OF AMOUNTS.—

“(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

“(k) MULTHAZARD ADVISORY MAPS.—

“(1) DEFINITION OF MULTHAZARD ADVISORY MAP.—In this subsection, the term ‘multihazard advisory map’ means a map

on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

“(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events). President.

“(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

“(4) USE OF MAPS.—

“(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

“(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

“(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

“(ii) supporting the activities described in subsection (e); and

“(iii) other public uses.

“(1) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of the enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States. Deadline.

“(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.”

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

“TITLE II—DISASTER PREPAREDNESS AND MITIGATION ASSISTANCE”.

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

“SEC. 204. INTERAGENCY TASK FORCE.

42 USC 5134.

“(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

“(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

“(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

“(1) relevant Federal agencies;

“(2) State and local government organizations (including Indian tribes); and

“(3) the American Red Cross.”.

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

42 USC 5165.

“SEC. 322. MITIGATION PLANNING.

“(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

“(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

“(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

“(2) establish a strategy to implement those actions.

“(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

“(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

“(2) support development of local mitigation plans;

“(3) provide for technical assistance to local and tribal governments for mitigation planning; and

“(4) identify and prioritize mitigation actions that the State will support, as resources become available.

“(d) FUNDING.—

“(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

“(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

“(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

“(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

President.

“(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

“(A) eligibility criteria for property acquisition and other types of mitigation measures;

“(B) requirements for cost effectiveness that are related to the eligibility criteria;

“(C) a system of priorities that is related to the eligibility criteria; and

“(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

42 USC 5165a.

“(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

“(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

“(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

“(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.”.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of the enactment of this Act, except that additional assistance provided under this subsection shall not exceed \$6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

President.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking “section 409” and inserting “section 322”; and

(B) in the third sentence, by striking “The total” and inserting “Subject to section 322, the total”.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking “section 803 of the Public Works and Economic Development Act of 1965” each place it appears

and inserting “section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))”.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

42 USC 5165b.

“SEC. 324. MANAGEMENT COSTS.

“(a) DEFINITION OF MANAGEMENT COST.—In this section, the term ‘management cost’ includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

Regulations.

“(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

Deadline.

“(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.”.

42 USC 5165b
note.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of the enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

42 USC 5165c.

“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

“(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

President.

“(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

“(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

“(B) could result in a significant reduction of assistance under the program.

“(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

“(b) CONSULTATION CONCERNING INTERIM POLICIES.—

“(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

“(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

“(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

“(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

“(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.”. President.

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(c) PROGRAM ADMINISTRATION BY STATES.—

“(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

“(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

“(A) the demonstrated ability of the State to manage the grant program under this section;

“(B) there being in effect an approved mitigation plan under section 322; and

“(C) a demonstrated commitment to mitigation activities.

“(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2). President.

“(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

“(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.”. President.

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

“(a) CONTRIBUTIONS.—

“(1) IN GENERAL.—The President may make contributions—

“(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

“(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

“(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

“(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

“(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

“(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

“(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

“(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

“(ii) the owner or operator of the facility—

“(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

“(II)(aa) has been determined to be ineligible for such a loan; or

“(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

“(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term ‘critical services’ includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

“(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than \$20,000,000, the President shall notify—

“(A) the Committee on Environment and Public Works of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.”

(b) **FEDERAL SHARE.**—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

“(b) **FEDERAL SHARE.**—

“(1) **MINIMUM FEDERAL SHARE.**—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

“(2) **REDUCED FEDERAL SHARE.**—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

President.
Regulations.

“(A) that has been damaged, on more than one occasion within the preceding 10-year period, by the same type of event; and

“(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.”

(c) **LARGE IN-LIEU CONTRIBUTIONS.**—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

“(c) **LARGE IN-LIEU CONTRIBUTIONS.**—

“(1) **FOR PUBLIC FACILITIES.**—

“(A) **IN GENERAL.**—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) **AREAS WITH UNSTABLE SOIL.**—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(C) **USE OF FUNDS.**—Funds contributed to a State or local government under this paragraph may be used—

“(i) to repair, restore, or expand other selected public facilities;

“(ii) to construct new facilities; or

“(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

“(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(2) FOR PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

“(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

“(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

“(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person’s services and functions in the area affected by the major disaster.

“(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

“(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).”.

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

“(e) ELIGIBLE COST.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

“(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

“(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

“(B) COST ESTIMATION PROCEDURES.—

“(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

“(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

“(2) MODIFICATION OF ELIGIBLE COST.—

“(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

“(B) ACTUAL COST LESS THAN ESTIMATED COST.—

“(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

“(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

“(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

“(3) EXPERT PANEL.—

“(A) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

“(B) DUTIES.—The expert panel shall develop recommendations concerning—

“(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

President.

“(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

“(i) cost estimation procedures described in subparagraph (B)(i); and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

Deadline.

“(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

Deadline.

“(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

“(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner’s responsibility and not the contractor’s responsibility.”.

42 USC 5172
note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act and applies to funds appropriated after the date of the enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) IN GENERAL.—

“(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

“(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

“(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate. President.

“(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable

to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

“(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

“(2) REPAIRS.—

“(A) IN GENERAL.—The President may provide financial assistance for—

“(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

“(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

“(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

“(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(3) REPLACEMENT.—

“(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

“(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

“(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—

“(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

“(i) is complete with utilities; and

“(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

“(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

“(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

“(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

“(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

“(i) may be sold to any person; or

“(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

“(I) to comply with the nondiscrimination provisions of section 308; and

“(II) to obtain and maintain hazard and flood insurance on the housing unit.

“(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

“(f) STATE ROLE.—

“(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

“(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

“(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

“(g) COST SHARING.—

“(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

“(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

“(A) the Federal share shall be 75 percent; and

“(B) the non-Federal share shall be paid from funds made available by the State.

“(h) MAXIMUM AMOUNT OF ASSISTANCE.—

“(1) IN GENERAL.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster.

“(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

President.

“(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.”.

“(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking “temporary housing”.

(c) **ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.**—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) **EFFECTIVE DATE.**—The amendments made by this section take effect 18 months after the date of the enactment of this Act. 42 USC 5174 note.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking “(a) The President” and inserting the following:

“(a) **IN GENERAL.**—The President”;

(2) by striking “The amount” and inserting the following:

“(b) **AMOUNT.**—The amount”;

(3) by striking “Repayment” and inserting the following:

“(c) **REPAYMENT.**—

“(1) **CANCELLATION.**—Repayment”;

(4) by striking “(b) Any loans” and inserting the following:

“(d) **EFFECT ON OTHER ASSISTANCE.**—Any loans”;

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking “and shall” and inserting “shall”; and

(B) by inserting before the period at the end the following: “, and shall not exceed \$5,000,000”; and

(6) in subsection (c) (as designated by paragraph (3)), by

adding at the end the following:

“(2) **CONDITION ON CONTINUING ELIGIBILITY.**—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.”.

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

42 USC 5121 note.

Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

Deadline.

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

42 USC 5121 note.
Deadline.

Not later than 3 years after the date of the enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Robert T. Stafford Disaster Relief and Emergency Assistance Act’.”.

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking “the Northern” and all that follows through “Pacific Islands” and inserting “and the Commonwealth of the Northern Mariana Islands”;

(2) by striking paragraph (6) and inserting the following:
“(6) LOCAL GOVERNMENT.—The term ‘local government’ means—

“(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

“(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

“(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.”; and

(3) in paragraph (9), by inserting “irrigation,” after “utility,”.

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

“SEC. 420. FIRE MANAGEMENT ASSISTANCE.

“(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

President.

“(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

“(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

“(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.” President.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act. 42 USC 5187 note.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES. 42 USC 5205.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

“(a) STATUTE OF LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

“(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

“(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

“(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

“(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

“(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

“(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

“(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

“(1) the payment was authorized by an approved agreement specifying the costs;

“(2) the costs were reasonable; and

“(3) the purpose of the grant was accomplished.”.

SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

“(7) ‘public safety officer’ means—

“(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

“(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

“(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the head of the agency to be hazardous duties.”.

42 USC 3796b
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act.

42 USC 5206.

SEC. 306. BUY AMERICAN.

(a) **COMPLIANCE WITH BUY AMERICAN ACT.**—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) **DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.**—

Deadline.

(1) **IN GENERAL.**—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) **DEFINITION OF DEBAR.**—In this subsection, the term “debar” has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.

(a) **IN GENERAL.**—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster

Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) **REAL PROPERTY.**—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the City of Sycamore, DeKalb County, Illinois, including—

- (1) Maple Terrace Phase I;
- (2) Maple Terrace Phase II;
- (3) Maple Terrace Phase III Unit 1;
- (4) Maple Terrace Phase III Unit 2;
- (5) Maple Terrace Phase III Unit 3;
- (6) Maple Terrace Phase IV Unit 1;
- (7) Maple Terrace Phase IV Unit 2; and
- (8) Maple Terrace Phase IV Unit 3.

(c) **REVISION OF FLOOD INSURANCE RATE LOT MAPS.**—As soon as practicable after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

42 USC 5121
note.

(a) **DEFINITION OF INDIAN TRIBE.**—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) **STUDY.**—

(1) **IN GENERAL.**—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) **REQUIRED ELEMENTS.**—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) **CONSULTATION.**—In conducting the study, the Director shall consult with Indian tribes.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

Deadline.

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 707 (S. 1691):

HOUSE REPORTS: No. 106–40 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 106–295 accompanying S. 1691 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Mar. 4, considered and passed House.

Vol. 146 (2000): July 19, considered and passed Senate, amended.

Oct. 3, House concurred in Senate amendment with an amendment.

Oct. 5, Senate concurred in House amendment with an amendment.

Oct. 10, House concurred in Senate amendment.



Public Law 106–391
106th Congress

An Act

To authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

Oct. 30, 2000
[H.R. 1654]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Aeronautics and Space Administration Authorization Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

National
Aeronautics and
Space
Administration
Authorization
Act of 2000.

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

- Sec. 101. Human space flight.
- Sec. 102. Science, aeronautics, and technology.
- Sec. 103. Mission support.
- Sec. 104. Inspector general.
- Sec. 105. Total authorization.

Subtitle B—Limitations and Special Authority

- Sec. 121. Use of funds for construction.
- Sec. 122. Availability of appropriated amounts.
- Sec. 123. Reprogramming for construction of facilities.
- Sec. 124. Use of funds for scientific consultations or extraordinary expenses.
- Sec. 125. Earth science limitation.
- Sec. 126. Competitiveness and international cooperation.
- Sec. 127. Trans-Hab.
- Sec. 128. Consolidated space operations contract.

TITLE II—INTERNATIONAL SPACE STATION

- Sec. 201. International Space Station contingency plan.
- Sec. 202. Cost limitation for the International Space Station.
- Sec. 203. Research on International Space Station.
- Sec. 204. Space station commercial development demonstration program.
- Sec. 205. Space station research utilization and commercialization management.

TITLE III—MISCELLANEOUS

- Sec. 301. Requirement for independent cost analysis.
- Sec. 302. National Aeronautics and Space Act of 1958 amendments.
- Sec. 303. Commercial space goods and services.
- Sec. 304. Cost effectiveness calculations.
- Sec. 305. Foreign contract limitation.
- Sec. 306. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
- Sec. 307. Space shuttle upgrade study.
- Sec. 308. Aero-space transportation technology integration.
- Sec. 309. Definitions of commercial space policy terms.

- Sec. 310. External tank opportunities study.
- Sec. 311. Notice.
- Sec. 312. Unitary Wind Tunnel Plan Act of 1949 amendments.
- Sec. 313. Innovative technologies for human space flight.
- Sec. 314. Life in the universe.
- Sec. 315. Carbon cycle remote sensing applications research.
- Sec. 316. Remote sensing for agricultural and resource management.
- Sec. 317. 100th Anniversary of Flight educational initiative.
- Sec. 318. Internet availability of information.
- Sec. 319. Sense of the Congress; requirement regarding notice.
- Sec. 320. Anti-drug message on Internet sites.
- Sec. 321. Enhancement of science and mathematics programs.
- Sec. 322. Space advertising.
- Sec. 323. Aeronautical research.
- Sec. 324. Insurance, indemnification and cross-waivers.
- Sec. 325. Use of abandoned, underutilized, and excess buildings, grounds, and facilities.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should continue to pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, and convergence with defense and commercial sector systems, while sustaining safety standards for personnel and hardware.

(2) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space transportation that could radically alter the manner in which the Federal Government approaches its space mission.

(3) The overwhelming preponderance of the Federal Government's requirements for routine, unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(4) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of the development of advanced space transportation technologies including reusable space vehicles and human space systems.

(5) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(6) International cooperation in space exploration and science activities most effectively serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it—

(i) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(ii) is consistent with the need for Federal agencies to use space to complete their missions; and

(iii) is carried out in a manner consistent with United States export control laws.

(7) The National Aeronautics and Space Administration and the Department of Defense should cooperate more effectively in leveraging the mutual capabilities of these agencies to conduct joint aeronautics and space missions that not only improve United States aeronautics and space capabilities, but also reduce the cost of conducting those missions.

(8) The space shuttle will remain for the foreseeable future the Nation's only means of safe and reliable crewed access to space. As a result, the Congress is committed to funding upgrades designed to improve the shuttle's safety and reliability. The National Aeronautics and Space Administration should continue to provide appropriate levels of funding in its annual budget requests to meet the schedule for completing the high-priority upgrades in a timely manner.

(9) The Deep Space Network will continue to be a critically important part of the Nation's scientific and exploration infrastructure in the coming decades, and the National Aeronautics and Space Administration should ensure that the Network is adequately maintained and that upgrades required to support future missions are undertaken in a timely manner.

(10) The Hubble Space Telescope has proven to be an important national astronomical research facility that is revolutionizing our understanding of the universe and should be kept productive, and its capabilities should be maintained and enhanced as appropriate to serve as a scientific bridge to the next generation of space-based observatories.

(11) The National Aeronautics and Space Administration is to be commended for its successful efforts to transfer mobile robotics technologies to the United States industry through its existing 5-year commitment to the National Robotics Engineering Consortium (NREC). One of the attractive features of this activity has been NREC's ability to attract private sector matching funds for its government-sponsored projects. The National Aeronautics and Space Administration should give strong consideration to a continuation of its commitment to NREC after the current agreement expires.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “Administrator” means the Administrator of the National Aeronautics and Space Administration;

(2) the term “commercial provider” means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other than a Federal, State, local, or foreign government;

(3) the term “critical path” means the sequence of events of a schedule of events under which a delay in any event causes a delay in the overall schedule;

(4) the term “grant agreement” has the meaning given that term in section 6302(2) of title 31, United States Code;

42 USC 2452
note.

(5) the term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(6) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(7) the term “United States commercial provider” means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company’s subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. HUMAN SPACE FLIGHT.

(a) FISCAL YEAR 2000.—There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight for fiscal year 2000 \$5,487,900,000.

(b) **FISCAL YEARS 2001 AND 2002.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight for fiscal years 2001 and 2002 the following amounts:

(1) For International Space Station—

(A) for fiscal year 2001, \$2,114,500,000 of which \$455,400,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(b)(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(B) for fiscal year 2002, \$1,858,500,000, of which \$451,600,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(b)(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle—

(A) for fiscal year 2001, \$3,165,700,000, of which \$492,900,000 shall be for Safety and Performance Upgrades; and

(B) for fiscal year 2002, \$3,307,800,000.

(3) For Payload and ELV Support—

(A) for fiscal year 2001, \$90,200,000; and

(B) for fiscal year 2002, \$90,300,000.

(4) For Investments and Support—

(A) for fiscal year 2001, \$129,500,000, of which \$20,000,000 shall be for Technology and Commercialization; and

(B) for fiscal year 2002, \$131,000,000, of which \$20,000,000 shall be for Technology and Commercialization.

SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

(a) **FISCAL YEAR 2000.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology \$5,580,900,000 for fiscal year 2000.

(b) **FISCAL YEARS 2001 AND 2002.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology for fiscal years 2001 and 2002 the following amounts:

(1) For Space Science—

(A) for fiscal year 2001, \$2,417,800,000, of which—

(i) \$10,500,000 shall be for the Near Earth Object Survey;

(ii) \$523,601,000 shall be for the Research Program; and

(iii) \$12,000,000 shall be for Space Solar Power technology; and

(B) for fiscal year 2002, \$2,630,400,000, of which—

(i) \$10,500,000 shall be for the Near Earth Object Survey;

(ii) \$566,700,000 shall be for the Research Program;

(iii) \$12,000,000 shall be for Space Solar Power technology; and

(iv) \$5,000,000 shall be for Space Science Data Buy.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 2001, \$335,200,000, of which \$2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, \$5,000,000 shall be for sounding rocket vouchers, \$2,000,000 shall be made available for immediate clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights, and \$70,000,000 may be used for activities associated with International Space Station research; and

(B) for fiscal year 2002, \$344,000,000, of which \$2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, appropriate funding shall be made available for continuing clinical trials of islet transplantation in patients with Type I diabetes utilizing immunoisolation technologies derived from NASA space flights, and \$80,800,000 may be used for activities associated with International Space Station research.

(3) For Earth Science, subject to the limitations set forth in section 125—

(A) for fiscal year 2001, \$1,430,800,000; and

(B) for fiscal year 2002, \$1,357,500,000.

(4) For Aero-Space Technology—

(A) for fiscal year 2001, \$1,224,000,000, of which—
(i) at least \$36,000,000 shall be for Quiet Aircraft Technology;

(ii) at least \$70,000,000 shall be for the Aviation Safety program;

(iii) \$50,000,000 shall be for ultra-efficient engine technology; and

(iv) \$290,000,000 shall be for Second Generation RLV Program; and

(B) for fiscal year 2002, \$1,574,900,000, of which—

(i) at least \$36,000,000 shall be for Quiet Aircraft Technology;

(ii) at least \$70,000,000 shall be for the Aviation Safety program;

(iii) \$50,000,000 shall be for ultra-efficient engine technology; and

(iv) \$610,000,000 shall be for Second Generation RLV Program.

(5) For Space Operations—

(A) for fiscal year 2001, \$529,400,000; and

(B) for fiscal year 2002, \$500,800,000.

(6) For Academic Programs—

(A) for fiscal year 2001, \$141,300,000, of which—

(i) \$11,800,000 shall be for the Teacher/Faculty Preparation and Enhancement Programs;

(ii) \$11,800,000 shall be for the program known as the Experimental Program to Stimulate Competitive Research;

(iii) \$54,000,000 shall be for minority university research and education (at institutions such as Hispanic-serving institutions, Alaska Native serving institutions, Native Hawaiian serving institutions, and

tribally controlled colleges and universities), including \$35,900,000 for Historically Black Colleges and Universities; and

(iv) \$28,000,000 shall be for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act; and

(B) for fiscal year 2002, \$141,300,000, of which—

(i) \$12,500,000 shall be for the Teacher/Faculty Preparation and Enhancement Programs;

(ii) \$12,500,000 shall be for the program known as the Experimental Program to Stimulate Competitive Research;

(iii) \$54,000,000 shall be for minority university research and education (at institutions such as Hispanic-serving institutions, Alaska Native serving institutions, Native Hawaiian serving institutions, and tribally controlled colleges and universities), including \$35,900,000 for Historically Black Colleges and Universities; and

(iv) \$28,000,000 shall be for space grant colleges designated under section 208 of the National Space Grant College and Fellowship Act.

SEC. 103. MISSION SUPPORT.

(a) **FISCAL YEAR 2000.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support for fiscal year 2000 \$2,512,000,000.

(b) **FISCAL YEARS 2001 AND 2002.**—There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support for fiscal years 2001 and 2002 the following amounts:

(1) For Safety, Mission Assurance, Engineering, and Advanced Concepts—

(A) for fiscal year 2001, \$47,500,000; and

(B) for fiscal year 2002, \$51,500,000.

(2) For Construction of Facilities, including land acquisition—

(A) for fiscal year 2001, \$245,900,000; and

(B) for fiscal year 2002, \$231,000,000.

(3) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 2001, \$2,290,600,000; and

(B) for fiscal year 2002, \$2,383,700,000.

SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 2000, \$20,000,000;

(2) for fiscal year 2001, \$22,000,000; and

(3) for fiscal year 2002, \$22,700,000.

SEC. 105. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

(1) for fiscal year 2001, \$14,184,400,000; and

(2) for fiscal year 2002, \$14,625,400,000.

Subtitle B—Limitations and Special Authority

SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) **AUTHORIZED USES.**—Funds appropriated under sections 101, 102, and 103(b)(1) and funds appropriated for research operations support under section 103(b)(3) may, at any location in support of the purposes for which such funds are appropriated, be used for—

(1) the construction of new facilities; and

(2) additions to, repair of, rehabilitation of, or modification of existing facilities (in existence on the date on which such funds are made available by appropriation).

(b) **LIMITATION.**—

(1) **IN GENERAL.**—Until the date specified in paragraph (2), no funds may be expended pursuant to subsection (a) for a project, with respect to which the estimated cost to the National Aeronautics and Space Administration, including collateral equipment, exceeds \$1,000,000.

(2) **DATE.**—The date specified in this paragraph is the date that is 30 days after the Administrator notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives of the nature, location, and estimated cost to the National Aeronautics and Space Administration of the project referred to in paragraph (1).

(c) **TITLE TO FACILITIES.**—

(1) **IN GENERAL.**—If funds are used pursuant to subsection (a) for grants for the purchase or construction of additional research facilities to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, title to these facilities shall be vested in the United States.

(2) **EXCEPTION.**—If the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title to a facility referred to in paragraph (1) in an institution or organization referred to in that paragraph, the title to that facility shall vest in that institution or organization.

(3) **CONDITION.**—Each grant referred to in paragraph (1) shall be made under such conditions as the Administrator determines to be necessary to ensure that the United States will receive benefits from the grant that are adequate to justify the making of the grant.

SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) **IN GENERAL.**—Appropriations authorized for construction of facilities under section 103(b)(2)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under section 103(b)(2) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to \$10,000,000 of the amounts authorized under section 103(b)(2) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 124. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than \$32,500 of the funds appropriated under section 102 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 125. EARTH SCIENCE LIMITATION.

Of the funds authorized to be appropriated for Earth Science under section 102(b)(3) for each of fiscal years 2001 and 2002, \$25,000,000 shall be for the Commercial Remote Sensing Program for commercial data purchases, unless the National Aeronautics and Space Administration has integrated data purchases into the procurement process for Earth science research by obligating at least 5 percent of the aggregate amount appropriated for that fiscal year for Earth Observing System and Earth Probes for the purchase of Earth science data from the private sector.

SEC. 126. COMPETITIVENESS AND INTERNATIONAL COOPERATION.

(a) LIMITATION.—(1) As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(2) The Administrator shall certify to the Congress at least 15 days in advance of any cooperative agreement with the People's Republic of China, or any company owned by the People's Republic of China or incorporated under the laws of the People's Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information that—

42 USC 2475a.

Commerce
Business Daily,
publication.
Deadline.

Certification.
People's Republic
of China.

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People's Republic of China.

(3) The Inspector General of the National Aeronautics and Space Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the National Aeronautics and Space Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the National Aeronautics and Space Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) NATIONAL INTERESTS.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in section 2(6).

SEC. 127. TRANS-HAB.

(a) REPLACEMENT STRUCTURE.—No funds authorized by this Act shall be obligated for the definition, design, procurement, or development of an inflatable space structure to replace any International Space Station components scheduled for launch in the Assembly Sequence adopted by the National Aeronautics and Space Administration in June 1999.

(b) EXCEPTION.—Notwithstanding subsection (a), nothing in this Act shall preclude the National Aeronautics and Space Administration from leasing or otherwise using a commercially provided inflatable habitation module, if such module would—

(1) cost the same or less, including any necessary modifications to other hardware or operating expenses, than the remaining cost of completing and attaching the baseline habitation module;

(2) impose no delays to the Space Station Assembly Sequence; and

(3) result in no increased safety risk.

(c) REPORT.—Notwithstanding subsection (a), the National Aeronautics and Space Administration shall report to the Congress by April 1, 2001, on its findings and recommendations on substituting any inflatable habitation module, or other inflatable structures, for one of the elements included in the Space Station Assembly Sequence adopted in June 1999.

SEC. 128. CONSOLIDATED SPACE OPERATIONS CONTRACT.

No funds authorized by this Act shall be used to create a Government-owned corporation to perform the functions that are the subject of the Consolidated Space Operations Contract.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION CONTINGENCY PLAN.

(a) BIMONTHLY REPORTING ON RUSSIAN STATUS.—Not later than the first day of the first month beginning more than 60 days after the date of the enactment of this Act, and not later than

the first day of every second month thereafter until October 1, 2006, the Administrator shall report to Congress whether or not the Russians have performed work expected of them and necessary to complete the International Space Station. Each such report shall also include a statement of the Administrator's judgment concerning Russia's ability to perform work anticipated and required to complete the International Space Station before the next report under this subsection.

(b) **DECISION ON RUSSIAN CRITICAL PATH ITEMS.**—The President shall notify Congress within 90 days after the date of the enactment of this Act of the decision on whether or not to proceed with permanent replacement of any Russian elements in the critical path of the International Space Station or any Russian launch services. Such notification shall include the reasons and justifications for the decision and the costs associated with the decision. Such decision shall include a judgment of when all elements identified in Revision E assembly sequence as of June 1999 will be in orbit and operational. If the President decides to proceed with a permanent replacement for any Russian element in the critical path or any Russian launch services, the President shall notify Congress of the reasons and the justification for the decision to proceed with the permanent replacement and the costs associated with the decision.

President.
Notification.
Deadline.

(c) **ASSURANCES.**—The United States shall seek assurances from the Russian Government that it places a higher priority on fulfilling its commitments to the International Space Station than it places on extending the life of the Mir Space Station, including assurances that Russia will not utilize assets allocated by Russia to the International Space Station for other purposes, including extending the life of Mir.

(d) **EQUITABLE UTILIZATION.**—In the event that any International Partner in the International Space Station Program willfully violates any of its commitments or agreements for the provision of agreed-upon Space Station-related hardware or related goods or services, the Administrator should, in a manner consistent with relevant international agreements, seek a commensurate reduction in the utilization rights of that Partner until such time as the violated commitments or agreements have been fulfilled.

(e) **OPERATION COSTS.**—The Administrator shall, in a manner consistent with relevant international agreements, seek to reduce the National Aeronautics and Space Administration's share of International Space Station common operating costs, based upon any additional capabilities provided to the International Space Station through the National Aeronautics and Space Administration's Russian Program Assurance activities.

SEC. 202. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.

42 USC 2451
note.

(a) LIMITATION OF COSTS.—

(1) **IN GENERAL.**—Except as provided in subsections (c) and (d), the total amount obligated by the National Aeronautics and Space Administration for—

(A) costs of the International Space Station may not exceed \$25,000,000,000; and

(B) space shuttle launch costs in connection with the assembly of the International Space Station may not exceed \$17,700,000,000.

(2) CALCULATION OF LAUNCH COSTS.—For purposes of paragraph (1)(B)—

(A) not more than \$380,000,000 in costs for any single space shuttle launch shall be taken into account; and

Deadline.

(B) if the space shuttle launch costs taken into account for any single space shuttle launch are less than \$380,000,000, then the Administrator shall arrange for a verification, by the General Accounting Office, of the accounting used to determine those costs and shall submit that verification to the Congress within 60 days after the date on which the next budget request is transmitted to the Congress.

(b) COSTS TO WHICH LIMITATION APPLIES.—

(1) DEVELOPMENT COSTS.—The limitation imposed by subsection (a)(1)(A) does not apply to funding for operations, research, or crew return activities subsequent to substantial completion of the International Space Station.

(2) LAUNCH COSTS.—The limitation imposed by subsection (a)(1)(B) does not apply—

(A) to space shuttle launch costs in connection with operations, research, or crew return activities subsequent to substantial completion of the International Space Station;

(B) to space shuttle launch costs in connection with a launch for a mission on which at least 75 percent of the shuttle payload by mass is devoted to research; nor

(C) to any additional costs incurred in ensuring or enhancing the safety and reliability of the space shuttle.

(3) SUBSTANTIAL COMPLETION.—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) NOTICE OF CHANGES TO SPACE STATION COSTS.—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (d) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. In addition, such notice may be provided at other times, as deemed necessary by the Administrator. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change;

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases; and

(3) an explanation of the reasons that such a change was not anticipated in previous program budgets.

(d) FUNDING FOR CONTINGENCIES.—

(1) NOTICE REQUIRED.—If funding in excess of the limitation provided for in subsection (a) is required to address the contingencies described in paragraph (2), then the Administrator shall provide the written notice required by subsection (c). In the case of funding described in paragraph (3)(A), such notice shall be required prior to obligating any of the funding.

In the case of funding described in paragraph (3)(B), such notice shall be required within 15 days after making a decision to implement a change that increases the space shuttle launch costs in connection with the assembly of the International Space Station. Deadline.

(2) CONTINGENCIES.—The contingencies referred to in paragraph (1) are the following:

(A) The lack of performance or the termination of participation of any of the International countries party to the Intergovernmental Agreement.

(B) The loss or failure of a United States-provided element during launch or on-orbit.

(C) On-orbit assembly problems.

(D) New technologies or training to improve safety on the International Space Station.

(E) The need to launch a space shuttle to ensure the safety of the crew or to maintain the integrity of the station.

(3) AMOUNTS.—The total amount obligated by the National Aeronautics and Space Administration to address the contingencies described in paragraph (2) is limited to—

(A) \$5,000,000,000 for the International Space Station; and

(B) \$3,540,000,000 for the space shuttle launch costs in connection with the assembly of the International Space Station.

(e) REPORTING AND REVIEW.—

(1) IDENTIFICATION OF COSTS.—

(A) SPACE SHUTTLE.—As part of the overall space shuttle program budget request for each fiscal year, the Administrator shall identify separately—

(i) the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station; and

(ii) any shuttle research mission described in subsection (b)(2).

(B) INTERNATIONAL SPACE STATION.—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) ACCOUNTING FOR COST LIMITATIONS.—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) VERIFICATION OF ACCOUNTING.—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress. Deadline.

(4) INSPECTOR GENERAL.—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (c), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis were provided. Deadline.

42 USC 2451
note.

SEC. 203. RESEARCH ON INTERNATIONAL SPACE STATION.

(a) **STUDY.**—The Administrator shall enter into a contract with the National Research Council and the National Academy of Public Administration to jointly conduct a study of the status of life and microgravity research as it relates to the International Space Station. The study shall include—

(1) an assessment of the United States scientific community's readiness to use the International Space Station for life and microgravity research;

(2) an assessment of the current and projected factors limiting the United States scientific community's ability to maximize the research potential of the International Space Station, including, but not limited to, the past and present availability of resources in the life and microgravity research accounts within the Office of Human Spaceflight and the Office of Life and Microgravity Sciences and Applications and the past, present, and projected access to space of the scientific community; and

(3) recommendations for improving the United States scientific community's ability to maximize the research potential of the International Space Station, including an assessment of the relative costs and benefits of—

(A) dedicating an annual mission of the Space Shuttle to life and microgravity research during assembly of the International Space Station; and

(B) maintaining the schedule for assembly in place at the time of the enactment.

Deadline.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 204. SPACE STATION COMMERCIAL DEVELOPMENT DEMONSTRATION PROGRAM.

42 USC 14711
note.

Section 434 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended by striking “2004,” each place it appears and inserting “2002,”.

42 USC 2451
note.

SEC. 205. SPACE STATION RESEARCH UTILIZATION AND COMMERCIALIZATION MANAGEMENT.

(a) **RESEARCH UTILIZATION AND COMMERCIALIZATION MANAGEMENT ACTIVITIES.**—The Administrator of the National Aeronautics and Space Administration shall enter into an agreement with a non-government organization to conduct research utilization and commercialization management activities of the International Space Station subsequent to substantial completion as defined in section 202(b)(3). The agreement may not take effect less than 120 days after the implementation plan for the agreement is submitted to the Congress under subsection (b).

Deadline.

(b) **IMPLEMENTATION PLAN.**—Not later than September 30, 2001, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives an implementation plan to incorporate the use of a non-government organization

for the International Space Station. The implementation plan shall include—

- (1) a description of the respective roles and responsibilities of the Administration and the non-government organization;
- (2) a proposed structure for the non-government organization;
- (3) a statement of the resources required;
- (4) a schedule for the transition of responsibilities; and
- (5) a statement of the duration of the agreement.

TITLE III—MISCELLANEOUS

SEC. 301. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

42 USC 2459g.

(a) **REQUIREMENT.**—Before any funds may be obligated for Phase B of a project that is projected to cost more than \$150,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent life-cycle cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

(b) **DEFINITION.**—For purposes of this section, the term “Phase B” means the latter stages of project formulation, during which the final definition of a project is carried out and before project implementation (which includes the Design, Development, and Operations Phases) begins.

SEC. 302. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) **DECLARATION OF POLICY AND PURPOSE.**—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

- (1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and
- (2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking “(f), and (g)” and inserting “and (f)”.

(b) **REPORTS TO CONGRESS.**—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

- (1) by striking “January” and inserting “May”; and
- (2) by striking “calendar” and inserting “fiscal”.

SEC. 303. COMMERCIAL SPACE GOODS AND SERVICES.

It is the sense of the Congress that the National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible and shall not conduct activities with commercial applications that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a commercial provider, or if it could be supplied by a commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

42 USC 2459h.

SEC. 304. COST EFFECTIVENESS CALCULATIONS.

Except as otherwise required by law, in calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

42 USC 2475b.

SEC. 305. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

SEC. 306. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(i)(8) of title 10, United States Code, is amended by striking “and (4)” and inserting “(4), and (6)”.

SEC. 307. SPACE SHUTTLE UPGRADE STUDY.

(a) **STUDY.**—The Administrator shall enter into appropriate arrangements for the conduct of an independent study to reassess the priority of all Space Shuttle upgrades which are under consideration by the National Aeronautics and Space Administration but for which substantial development costs have not been incurred.

(b) **PRIORITIES.**—The study described in subsection (a) shall establish relative priorities of the upgrades within each of the following categories:

(1) Upgrades that are safety related.

(2) Upgrades that may have functional or technological applicability to reusable launch vehicles.

(3) Upgrades that have a payback period within the next 12 years.

(c) **COMPLETION DATE.**—The results of the study described in subsection (a) shall be transmitted to the Congress not later than 180 days after the date of the enactment of this Act.

42 USC 2451
note.**SEC. 308. AERO-SPACE TRANSPORTATION TECHNOLOGY INTEGRATION.**

(a) **INTEGRATION PLAN.**—The Administrator shall develop a plan for the integration of research, development, and experimental demonstration activities in the aeronautics transportation technology and space transportation technology areas where appropriate. The plan shall ensure that integration is accomplished without losing unique capabilities which support the National Aeronautics and Space Administration’s defined missions. The plan shall also include appropriate strategies for using aeronautics centers in integration efforts.

Deadline.

(b) **REPORTS TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing the plan developed under subsection (a). The Administrator shall transmit to the Congress annually thereafter for 5 years a report on progress in achieving such plan, to be transmitted with the annual budget request.

SEC. 309. DEFINITIONS OF COMMERCIAL SPACE POLICY TERMS.

It is the sense of the Congress that the Administrator should ensure, to the extent practicable, that the usage of terminology in National Aeronautics and Space Administration policies and programs with respect to space activities is consistent with the following definitions:

(1) The term “commercialization” means actions or policies which promote or facilitate the private creation or expansion of commercial markets for privately developed and privately provided space goods and services, including privatized space activities.

(2) The term “commercial purchase” means a purchase by the Federal Government of space goods and services at a market price from a private entity which has invested private resources to meet commercial requirements.

(3) The term “commercial use of Federal assets” means the use of Federal assets by a private entity to deliver services to commercial customers, with or without putting private capital at risk.

(4) The term “contract consolidation” means the combining of two or more Government service contracts for related space activities into one larger Government service contract.

(5) The term “privatization” means the process of transferring—

(A) control and ownership of Federal space-related assets, along with the responsibility for operating, maintaining, and upgrading those assets, to the private sector; or

(B) control and responsibility for space-related functions from the Federal Government to the private sector.

SEC. 310. EXTERNAL TANK OPPORTUNITIES STUDY.

(a) APPLICATIONS.—The Administrator shall enter into appropriate arrangements for an independent study to identify, and evaluate the potential benefits and costs of, the broadest possible range of commercial and scientific applications which are enabled by the launch of Space Shuttle external tanks into Earth orbit and retention in space, including—

(1) the use of privately owned external tanks as a venue for commercial advertising on the ground, during ascent, and in Earth orbit, except that such study shall not consider advertising that while in orbit is observable from the ground with the unaided human eye;

(2) the use of external tanks to achieve scientific or technology demonstration missions in Earth orbit, on the Moon, or elsewhere in space; and

(3) the use of external tanks as low-cost infrastructure in Earth orbit or on the Moon, including as an augmentation to the International Space Station.

A final report on the results of such study shall be delivered to the Congress not later than 90 days after the date of the enactment of this Act. Such report shall include recommendations as to Government and industry-funded improvements to the external tank which would maximize its cost-effectiveness for the scientific and commercial applications identified.

Reports.
Deadline.

(b) **REQUIRED IMPROVEMENTS.**—The Administrator shall conduct an internal agency study, based on the conclusions of the study required by subsection (a), of what—

(1) improvements to the current Space Shuttle external tank; and

Reports.
Deadlines.

(2) other in-space transportation or infrastructure capability developments,

would be required for the safe and economical use of the Space Shuttle external tank for any or all of the applications identified by the study required by subsection (a), a report on which shall be delivered to Congress not later than 45 days after receipt of the final report required by subsection (a).

(c) **CHANGES IN LAW OR POLICY.**—Upon receipt of the final report required by subsection (a), the Administrator shall solicit comment from industry on what, if any, changes in law or policy would be required to achieve the applications identified in that final report. Not later than 90 days after receipt of such final report, the Administrator shall transmit to the Congress the comments received along with the recommendations of the Administrator as to changes in law or policy that may be required for those purposes.

42 USC 2473
note.

SEC. 311. NOTICE.

(a) **NOTICE OF REPROGRAMMING.**—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Deadline.

(b) **NOTICE OF REORGANIZATION.**—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

SEC. 312. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking “transsonic and supersonic” and inserting “transsonic, supersonic, and hypersonic”; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking “laboratories” in subsection (a) and inserting “laboratories and centers”;

(B) by striking “supersonic” in subsection (a) and inserting “transsonic, supersonic, and hypersonic”; and

(C) by striking “laboratory” in subsection (c) and inserting “facility”.

42 USC 2451
note.

SEC. 313. INNOVATIVE TECHNOLOGIES FOR HUMAN SPACE FLIGHT.

(a) **ESTABLISHMENT OF PROGRAM.**—In order to promote a “faster, cheaper, better” approach to the human exploration and development of space, the Administrator shall establish a Human Space Flight Innovative Technologies program of ground-based and space-based research and development in innovative technologies.

The program shall be part of the Technology and Commercialization program.

(b) AWARDS.—At least 75 percent of the amount appropriated for Technology and Commercialization under section 101(b)(4) for any fiscal year shall be awarded through broadly distributed announcements of opportunity that solicit proposals from educational institutions, industry, nonprofit institutions, National Aeronautics and Space Administration Centers, the Jet Propulsion Laboratory, other Federal agencies, and other interested organizations, and that allow partnerships among any combination of those entities, with evaluation, prioritization, and recommendations made by external peer review panels.

(c) PLAN.—The Administrator shall provide to the Committee on Science of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate, not later than December 1, 2000, a plan to implement the program established under subsection (a).

Deadline.

SEC. 314. LIFE IN THE UNIVERSE.

42 USC 2451
note.

(a) REVIEW.—The Administrator shall enter into appropriate arrangements with the National Academy of Sciences for the conduct of a review of—

(1) international efforts to determine the extent of life in the universe; and

(2) enhancements that can be made to the National Aeronautics and Space Administration's efforts to determine the extent of life in the universe.

(b) ELEMENTS.—The review required by subsection (a) shall include—

(1) an assessment of the direction of the National Aeronautics and Space Administration's astrobiology initiatives within the Origins program;

(2) an assessment of the direction of other initiatives carried out by entities other than the National Aeronautics and Space Administration to determine the extent of life in the universe, including other Federal agencies, foreign space agencies, and private groups such as the Search for Extraterrestrial Intelligence Institute;

(3) recommendations about scientific and technological enhancements that could be made to the National Aeronautics and Space Administration's astrobiology initiatives to effectively utilize the initiatives of the scientific and technical communities; and

(4) recommendations for possible coordination or integration of National Aeronautics and Space Administration initiatives with initiatives of other entities described in paragraph (2).

(c) REPORT TO CONGRESS.—Not later than 20 months after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the review carried out under this section.

Deadline.

SEC. 315. CARBON CYCLE REMOTE SENSING APPLICATIONS RESEARCH.

42 USC 2451
note.

(a) CARBON CYCLE REMOTE SENSING APPLICATIONS RESEARCH PROGRAM.—

(1) IN GENERAL.—The Administrator shall develop a carbon cycle remote sensing applications research program—

(A) to provide a comprehensive view of vegetation conditions;

(B) to assess and model agricultural carbon sequestration; and

(C) to encourage the development of commercial products, as appropriate.

(2) **USE OF CENTERS.**—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct applications research under this section.

(3) **RESEARCHED AREAS.**—The areas that shall be the subjects of research conducted under this section include—

(A) the mapping of carbon-sequestering land use and land cover;

(B) the monitoring of changes in land cover and management;

(C) new approaches for the remote sensing of soil carbon; and

(D) region-scale carbon sequestration estimation.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 of funds authorized by section 102 for fiscal years 2001 through 2002.

7 USC 5935 note.

SEC. 316. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

(a) **INFORMATION DEVELOPMENT.**—The Administrator shall—

(1) consult with the Secretary of Agriculture to determine data product types that are of use to farmers which can be remotely sensed from air or space;

(2) consider useful commercial data products related to agriculture as identified by the focused research program between the National Aeronautics and Space Administration's Stennis Space Center and the Department of Agriculture; and

(3) examine other data sources, including commercial sources, LightSAR, RADARSAT I, and RADARSAT II, which can provide domestic and international agricultural information relating to crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and other related subjects.

(b) **PLAN.**—After performing the activities described in subsection (a) the Administrator shall, in consultation with the Secretary of Agriculture, develop a plan to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

Deadline.

Deadline.

(c) **IMPLEMENTATION.**—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator shall implement the plan.

42 USC 2451 note.

SEC. 317. 100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE.

(a) **EDUCATIONAL INITIATIVE.**—In recognition of the 100th anniversary of the first powered flight, the Administrator, in coordination with the Secretary of Education, shall develop and provide for the distribution, for use in the 2001-2002 academic year and thereafter, of age-appropriate educational materials, for use at the kindergarten, elementary, and secondary levels, on the

history of flight, the contribution of flight to global development in the 20th century, the practical benefits of aeronautics and space flight to society, the scientific and mathematical principles used in flight, and any other related topics the Administrator considers appropriate. The Administrator shall integrate into the educational materials plans for the development and flight of the Mars plane.

(b) **REPORT TO CONGRESS.**—Not later than December 1, 2000, the Administrator shall transmit a report to the Congress on activities undertaken pursuant to this section.

Deadline.

SEC. 318. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of \$50,000 or more made with funds authorized by this Act, the Administrator shall make available through the Internet home page of the National Aeronautics and Space Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 319. SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.

42 USC 2473
note.

(a) **PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In providing financial assistance under this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 320. ANTI-DRUG MESSAGE ON INTERNET SITES.

21 USC 801 note.

Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on Internet sites controlled by the National Aeronautics and Space Administration.

Deadline.

SEC. 321. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

42 USC 2473
note.

(a) **DEFINITIONS.**—In this section:

(1) **EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.**—The term “educationally useful Federal equipment” means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) **SCHOOL.**—The term “school” means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) **SENSE OF THE CONGRESS.**—

(1) **IN GENERAL.**—It is the sense of the Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

Deadline.

(2) **REPORTS.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to Congress a report describing any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 322. SPACE ADVERTISING.

(a) **DEFINITION.**—Section 70102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (16) as paragraphs (9) through (17), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) ‘obtrusive space advertising’ means advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device.”.

(b) **PROHIBITION.**—Chapter 701 of title 49, United States Code, is amended by inserting after section 70109 the following new section:

“§ 70109a. Space advertising

“(a) **LICENSING.**—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary may not, for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising—

“(1) issue or transfer a license under this chapter; or

“(2) waive the license requirements of this chapter.

“(b) **LAUNCHING.**—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising.

“(c) **COMMERCIAL SPACE ADVERTISING.**—Nothing in this section shall apply to nonobtrusive commercial space advertising, including advertising on—

“(1) commercial space transportation vehicles;

“(2) space infrastructure payloads;

“(3) space launch facilities; and

“(4) launch support facilities.”.

(c) **NEGOTIATION WITH FOREIGN LAUNCHING NATIONS.**—(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching one or more agreements that prohibit the use of outer space for obtrusive space advertising purposes.

(2) It is the sense of the Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

(3) As used in this subsection, the term “foreign launching nation” means a nation—

(A) that launches, or procures the launching of, a payload into outer space; or

(B) from the territory or facility of which a payload is launched into outer space.

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 701 is amended by inserting after the item relating to section 70109 the following:

“70109a. Space advertising.”.

49 USC 70109a
note.

SEC. 323. AERONAUTICAL RESEARCH.**(a) FLIGHT RESEARCH STUDY.—**

(1) **IN GENERAL.**—Within 6 months after the date of the enactment of this Act, the Administrator shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the results of an engineering study of the modifications necessary for the more effective use of the WB-57 flight research plan. Deadline.

(2) **CONTENTS OF STUDY.**—The engineering study provided by the Administrator under paragraph (1) shall address at least the following issues:

(A) Replacement of autopilot.

(B) Replacement of landing gear or improved brake system.

(C) Upgrade of avionics.

(D) Upgrade of engines for higher flight regimes.

(E) Installation of winglets on aircraft wings.

(F) Research benefits to be derived from modifications of plane.

(G) Associated costs of each of the modifications.

(b) AIRCRAFT ICING RESEARCH PLAN.—

(1) **IN GENERAL.**—Within 90 days after the date of the enactment of this Act, the Administrator shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives for aircraft icing research to be conducted over the 5-year period commencing on October 1, 2000. Deadline.

(2) **CONTENTS OF THE PLAN.**—The aircraft icing research plan submitted by the Administrator under paragraph (1) shall include at least the following items:

(A) Research goals and objectives.

(B) Funding levels for each of the 5 fiscal years.

(C) Anticipated extent and nature of involvement in the research program by agencies, organizations, and companies, both domestic and foreign, other than the National Aeronautics and Space Administration.

(D) Anticipated resource requirements and locations of aircraft icing tunnel research and flight research for each of the 5 fiscal years.

SEC. 324. INSURANCE, INDEMNIFICATION, AND CROSS-WAIVERS.

(a) **TECHNICAL AMENDMENT.**—Title III of the National Aeronautics and Space Act of 1958 is amended—

(1) by redesignating sections 309 through 311 as sections 310 through 312, respectively; and 42 USC 2459, 2459b, 2459c.

(2) by inserting “SEC. 309.” before “(a) IN GENERAL.—” in the undesignated section added by section 435 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000. 42 USC 2458c.

42 USC 2458c. (b) AMENDMENTS.—Section 309 of the National Aeronautics and Space Act of 1958 (as so designated by subsection (a)(2) of this section) is amended—

(1) in subsection (c)(1), by striking “departments, agencies, and related entities” and inserting “departments, agencies, and instrumentalities”;

(2) in subsection (c)(2), by adding at the end the following new subparagraph:

“(D) WILLFUL MISCONDUCT.—A reciprocal waiver under paragraph (1) may not relieve the United States, the developer, the cooperating party, or the related entities of the developer or cooperating party, of liability for damage or loss resulting from willful misconduct.”; and

(3) by adding at the end the following new subsection: “(f) TERMINATION.—

“(1) IN GENERAL.—The provisions of this section shall terminate on December 31, 2002, except that the Administrator may extend the termination date to a date not later than September 30, 2005, if the Administrator determines that such extension is in the interests of the United States.

“(2) EFFECT OF TERMINATION ON AGREEMENT.—The termination of this section shall not terminate or otherwise affect any cross-waiver agreement, insurance agreement, indemnification agreement, or other agreement entered into under this section, except as may be provided in that agreement.”.

42 USC 2473d.

SEC. 325. USE OF ABANDONED, UNDERUTILIZED, AND EXCESS BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the National Aeronautics and Space Administration, the Administrator shall consider whether those requirements could be met by the use of one of the following:

(1) Abandoned or underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration usage at a reasonable cost, as determined by the Administrator.

(2) Any military installation that is closed or being closed, or any facility at such an installation.

(3) Any other facility or part of a facility that the Administrator determines to be—

(A) owned or leased by the United States for the use of another agency of the Federal Government; and

(B) considered by the head of the agency involved—
(i) to be excess to the needs of that agency; or
(ii) to be underutilized by that agency.

(b) DEFINITION.—For the purposes of this section, the term “depressed communities” means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 1654 (S. 342):

HOUSE REPORTS: Nos. 106–145 (Comm. on Science) and 106–843 (Comm. of Conference).

SENATE REPORTS: No. 106–77 accompanying S. 342 (Comm. on Commerce, Science and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): May 19, considered and passed House.

Nov. 5, considered and passed Senate, amended.

Vol. 146 (2000): Sept. 14, House agreed to conference report.

Oct. 13, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 30, Presidential statement.



Public Law 106–392
106th Congress

An Act

Oct. 30, 2000
[H.R. 2348]

To authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to authorize and provide funding for the Bureau of Reclamation to continue the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins in order to accomplish the objectives of these programs within a currently established time schedule.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term “Recovery Implementation Programs” means the intergovernmental programs established pursuant to the 1988 Cooperative Agreement to implement the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River dated September 29, 1987, and the 1992 Cooperative Agreement to implement the San Juan River Recovery Implementation Program dated October 21, 1992, and as they may be amended by the parties thereto.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Upper Division States” means the States of Colorado, New Mexico, Utah, and Wyoming.

(4) The term “Colorado River Storage Project” or “storage project” means those dams, reservoirs, power plants, and other appurtenant project facilities and features authorized by and constructed in accordance with the Colorado River Storage Project Act (43 U.S.C. 620 et seq.).

(5) The term “capital projects” means planning, design, permitting or other compliance, pre-construction activities, construction, construction management, and replacement of facilities, and the acquisition of interests in land or water, as necessary to carry out the Recovery Implementation Programs.

(6) The term “facilities” includes facilities for the genetic conservation or propagation of the endangered fishes, those for the restoration of floodplain habitat or fish passage, those for control or supply of instream flows, and those for the removal or translocation of nonnative fishes.

(7) The term “interests in land and water” includes, but is not limited to, long-term leases and easements, and long-term enforcement, or other agreements protecting instream flows.

(8) The term “base funding” means funding for operation and maintenance of capital projects, implementation of recovery actions other than capital projects, monitoring and research to evaluate the need for or effectiveness of any recovery action, and program management, as necessary to carry out the Recovery Implementation Programs. Base funding also includes annual funding provided under the terms of the 1988 Cooperative Agreement and the 1992 Cooperative Agreement.

(9) The term “recovery actions other than capital projects” includes short-term leases and agreements for interests in land, water, and facilities; the reintroduction or augmentation of endangered fish stocks; and the removal, translocation, or other control of nonnative fishes.

(10) The term “depletion charge” means a one-time contribution in dollars per acre-foot to be paid to the United States Fish and Wildlife Service based on the average annual new depletion by each project.

SEC. 3. AUTHORIZATION TO FUND RECOVERY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL PARTICIPATION IN CAPITAL PROJECTS.—(1) There is hereby authorized to be appropriated to the Secretary, \$46,000,000 to undertake capital projects to carry out the purposes of this Act. Such funds shall be considered a nonreimbursable Federal expenditure.

(2) The authority of the Secretary, acting through the Bureau of Reclamation, under this or any other provision of law to implement capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin shall expire in fiscal year 2005 unless reauthorized by an Act of Congress.

(3) The authority of the Secretary to implement the capital projects for the San Juan River Basin Recovery Implementation Program shall expire in fiscal year 2007 unless reauthorized by an Act of Congress.

Expiration date.

(b) COST OF CAPITAL PROJECTS.—The total costs of the capital projects undertaken for the Recovery Implementation Programs receiving assistance under this Act shall not exceed \$100,000,000 of which—

(1) costs shall not exceed \$82,000,000 for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin through fiscal year 2005; and

(2) costs shall not exceed \$18,000,000 for the San Juan River Recovery Implementation Program through fiscal year 2007.

The amounts set forth in this subsection shall be adjusted by the Secretary for inflation in each fiscal year beginning after the enactment of this Act.

(c) NON-FEDERAL CONTRIBUTIONS TO CAPITAL PROJECTS.—(1) The Secretary, acting through the Bureau of Reclamation, may accept contributed funds from the Upper Division States, or political subdivisions or organizations with the Upper Division States, pursuant to agreements that provide for the contributions to be used

for capital projects costs. Such non-Federal contributions shall not exceed \$17,000,000.

(2) In addition to the contribution described in paragraph (1), the Secretary of Energy, acting through the Western Area Power Administration, and the Secretary of the Interior, acting through the Bureau of Reclamation, may utilize power revenues collected pursuant to the Colorado River Storage Project Act to carry out the purposes of this subsection. Such funds shall be treated as reimbursable costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act. This additional contribution shall not exceed \$17,000,000. Such funds shall be considered a non-Federal contribution for the purposes of this Act. The funding authorized by this paragraph over any 2-fiscal-year period shall be made available in amounts equal to the contributions for the same 2-fiscal-year period made by the Upper Division States pursuant to paragraph (1).

(3) The additional funding provided pursuant to paragraph (2) may be provided through loans from the Colorado Water Conservation Board Construction Fund (37-60-121 C.R.S.) to the Western Area Power Administration in lieu of funds which would otherwise be collected from power revenues and used for storage project repayments. The Western Area Power Administration is authorized to repay such loan or loans from power revenues collected beginning in fiscal year 2012, subject to an agreement between the Colorado Water Conservation Board, the Western Area Power Administration, and the Bureau of Reclamation. The agreement and any future loan contracts that may be entered into by the Colorado Water Conservation Board, the Western Area Power Administration, and the Bureau of Reclamation shall be negotiated in consultation with Salt Lake City Area Integrated Projects Firm Power Contractors. The agreement and loan contracts shall include provisions designed to minimize impacts on electrical power rates and shall ensure that loan repayment to the Colorado Water Conservation Board, including principal and interest, is completed no later than September 30, 2057. The Western Area Power Administration is authorized to include in power rates such sums as are necessary to carry out this paragraph and paragraph (2).

(4) All contributions made pursuant to this subsection shall be in addition to the cost of replacement power purchased due to modifying the operation of the Colorado River Storage Project and the capital cost of water from Woford Mountain Reservoir in Colorado. Such costs shall be considered as non-Federal contributions, not to exceed \$20,000,000.

(d) BASE FUNDING.—(1) Beginning in the first fiscal year commencing after the date of the enactment of this Act, the Secretary may utilize power revenues collected pursuant to the Colorado River Storage Project Act for the annual base funding contributions to the Recovery Implementation Programs by the Bureau of Reclamation. Such funding shall be treated as nonreimbursable and as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act.

(2) For the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin, the contributions to base funding referred to in paragraph (1) shall not exceed \$4,000,000 per year. For the San Juan River Recovery Implementation Program, such contributions shall not exceed \$2,000,000 per

Contracts.
Deadline.

Effective date.

year. The Secretary shall adjust such amounts for inflation in fiscal years commencing after the enactment of this Act. The utilization of power revenues for annual base funding shall cease after the fiscal year 2011, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring. No later than the end of fiscal year 2008, the Secretary shall submit a report on the utilization of power revenues for base funding to the appropriate Committees of the United States Senate and the House of Representatives. The Secretary shall also make a recommendation in such report regarding the need for continued base funding after fiscal year 2011 that may be required to fulfill the goals of the Recovery Implementation Programs. Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs.

Deadline.
Reports.

(3) The Western Area Power Administration and the Bureau of Reclamation shall maintain sufficient revenues in the Colorado River Basin Fund to meet their obligation to provide base funding in accordance with paragraph (2). If the Western Area Power Administration and the Bureau of Reclamation determine that the funds in the Colorado River Basin Fund will not be sufficient to meet the obligations of section 5(c)(1) of the Colorado River Storage Project Act for a 3-year period, the Western Area Power Administration and the Bureau of Reclamation shall request appropriations to meet base funding obligations.

(e) **AUTHORITY TO RETAIN APPROPRIATED FUNDS.**—At the end of each fiscal year any unexpended appropriated funds for capital projects under this Act shall be retained for use in future fiscal years. Unexpended funds under this Act that are carried over shall continue to be used to implement the capital projects needed for the Recovery Implementation Programs.

(f) **ADDITIONAL AUTHORITY.**—The Secretary may enter into agreements and contracts with Federal and non-Federal entities, acquire and transfer interests in land, water, and facilities, and accept or give grants in order to carry out the purposes of this Act.

(g) **INDIAN TRUST ASSETS.**—The Congress finds that much of the potential water development in the San Juan River Basin and in the Duchesne River Basin (a subbasin of the Green River in the Upper Colorado River Basin) is for the benefit of Indian tribes and most of the federally designated critical habitat for the endangered fish species in the San Juan River Basin is on Indian trust lands, and 2½ miles of critical habitat on the Duchesne River is on Indian Trust Land. Nothing in this Act shall be construed to restrict the Secretary, acting through the Bureau of Reclamation and the Bureau of Indian Affairs, from funding activities or capital projects in accordance with the Federal Government's Indian trust responsibility.

(h) **TERMINATION OF AUTHORITY.**—All authorities provided by this section for the respective Recovery Implementation Program shall terminate upon expiration of the current time period for the respective Cooperative Agreement referenced in section 2(1) unless, at least 1 year prior to such expiration, the time period for the respective Cooperative Agreement is extended to conform with this Act.

SEC. 4. EFFECT ON RECLAMATION LAW.

Specifically with regard to the acreage limitation provisions of Federal reclamation law, any action taken pursuant to or in furtherance of this title will not—

(1) be considered in determining whether a district as defined in section 202(2) of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) has discharged its obligation to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(2) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of its construction obligations; or

(3) serve as the basis for increasing the construction repayment obligation of the district and thereby extending the period during which the acreage limitation provisions will apply.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 2348 (S. 2239):

HOUSE REPORTS: No. 106-791 (Comm. on Resources).

SENATE REPORTS: No. 106-403 accompanying S. 2239 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–393
106th Congress

An Act

To restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

Oct. 30, 2000
[H.R. 2389]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Secure Rural Schools and Community Self-Determination Act of 2000”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Secure Rural
Schools and
Community Self-
Determination
Act of 2000.
16 USC 500 note.

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Conforming amendment.

**TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING
FEDERAL LANDS**

- Sec. 101. Determination of full payment amount for eligible States and counties.
- Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
- Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

- Sec. 201. Definitions.
- Sec. 202. General limitation on use of project funds.
- Sec. 203. Submission of project proposals.
- Sec. 204. Evaluation and approval of projects by Secretary concerned.
- Sec. 205. Resource advisory committees.
- Sec. 206. Use of project funds.
- Sec. 207. Availability of project funds.
- Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

- Sec. 301. Definitions.
- Sec. 302. Use of county funds.
- Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Authorization of appropriations.
- Sec. 402. Treatment of funds and revenues.
- Sec. 403. Regulations.
- Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

- Sec. 501. Short title.
- Sec. 502. Findings.

Sec. 503. Amendment of the Mineral Leasing Act.

TITLE VI—COMMUNITY FOREST RESTORATION

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Purposes.

Sec. 604. Definitions.

Sec. 605. Establishment of program.

Sec. 606. Selection process.

Sec. 607. Monitoring and evaluation.

Sec. 608. Report.

Sec. 609. Authorization of appropriations.

16 USC 500 note.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands

has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stabilize payments to counties to provide funding for schools and roads that supplements other available funds.

(2) To make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species.

(3) To improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

16 USC 500 note.

In this Act:

(1) FEDERAL LANDS.—The term “Federal lands” means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable

Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010-1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(2) **ELIGIBILITY PERIOD.**—The term “eligibility period” means fiscal year 1986 through fiscal year 1999.

(3) **ELIGIBLE COUNTY.**—The term “eligible county” means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State’s 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) **ELIGIBLE STATE.**—The term “eligible State” means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) **FULL PAYMENT AMOUNT.**—The term “full payment amount” means the amount calculated for each eligible State and eligible county under section 101.

(6) **25-PERCENT PAYMENT.**—The term “25-percent payment” means the payment to States required by the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) **50-PERCENT PAYMENT.**—The term “50-percent payment” means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

(8) **SAFETY NET PAYMENTS.**—The term “safety net payments” means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by inserting after “(16 U.S.C. 500)” the following: “or the Secure Rural Schools and Community Self-Determination Act of 2000”.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

16 USC 500 note.

(a) CALCULATION REQUIRED.—

(1) **ELIGIBLE STATES.**—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) **BUREAU OF LAND MANAGEMENT COUNTIES.**—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) **ANNUAL ADJUSTMENT.**—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

Bureau of Labor
Statistics,
publication.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

16 USC 500 note.

(a) **PAYMENT AMOUNTS.**—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) **ELECTION; SUBMISSION OF RESULTS.**—The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) **DURATION OF ELECTION.**—A county election to receive the 25-percent payment shall be effective for two fiscal years. When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(3) **SOURCE OF PAYMENT AMOUNTS.**—The payment to an eligible State under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities

by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended as required by the laws referred to in paragraph (1).

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENTS.—If an eligible county elects to receive its share of the full payment amount, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under this section in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to section 101(b) in the case of each eligible county to which less than \$100,000 is distributed for any fiscal year pursuant to

Notification.
Deadline.

subsection (c)(1), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

(e) **TIME FOR PAYMENT.**—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

16 USC 500 note.

(a) **PAYMENT.**—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937 (43 U.S.C. 1181f), or the Act of May 24, 1939 (43 U.S.C. 1181f-1) as appropriate; or

(2) the full payment amount in place of the 50-percent payment.

(b) **ELECTION TO RECEIVE FULL PAYMENT AMOUNT.**—

(1) **ELECTION; DURATION.**—The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) **SOURCE OF PAYMENT AMOUNTS.**—The payment to an eligible county under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) **EXPENDITURE RULES FOR ELIGIBLE COUNTIES.**—

(1) **ALLOCATIONS.**—

(A) **USE OF PORTION IN SAME MANNER AS 50-PERCENT PAYMENTS.**—Of the funds to be paid to an eligible county pursuant to subsection (a)(2), not less than 80 percent, but not more than 85 percent, of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended.

(B) **ELECTION AS TO USE OF BALANCE.**—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) **DISTRIBUTION OF FUNDS.**—

(A) **TREATMENT OF TITLE II FUNDS.**—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and

shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

Notification.
Deadline.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (a)(2) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(d) TIME FOR PAYMENT.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

16 USC 500 note. **SEC. 201. DEFINITIONS.**

In this title:

(1) PARTICIPATING COUNTY.—The term “participating county” means an eligible county that elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) PROJECT FUNDS.—The term “project funds” means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term “resource advisory committee” means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term “resource management plan” means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal lands described in section 3(1)(A); and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal lands described in section 3(1)(B).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

16 USC 500 note.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

16 USC 500 note.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) **PROJECTS FUNDED USING PROJECT FUNDS.**—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

Deadline.

(2) **PROJECTS FUNDED USING OTHER FUNDS.**—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) **JOINT PROJECTS.**—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or

exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) **AUTHORIZED PROJECTS.**—Projects proposed under subsection (a) shall be consistent with section 2(b).

16 USC 500 note. **SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.**

(a) **CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.**—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) **ENVIRONMENTAL REVIEWS.**—

(1) **PAYMENT OF REVIEW COSTS.**—

(A) **REQUEST FOR PAYMENT BY COUNTY.**—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) **EFFECT OF REFUSAL TO PAY.**—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) **DECISIONS OF SECRETARY CONCERNED.**—

(1) **REJECTION OF PROJECTS.**—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law,

a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

Deadline.
Notification.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

Federal Register,
publication.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIAL CONTRACTING PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable material using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable material are implemented using separate contracts:

(i) For fiscal year 2001, 15 percent.

(ii) For fiscal year 2002, 25 percent.

(iii) For fiscal year 2003, 25 percent.

(iv) For fiscal year 2004, 50 percent.

(v) For fiscal year 2005, 50 percent.

(vi) For fiscal year 2006, 50 percent.

(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project

involving the sale of merchantable material shall be made by the Secretary concerned after the approval of the project under this title.

(D) ASSISTANCE.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal lands to assist in the administration of projects conducted under the pilot program. The total amount obligated under this subparagraph may not exceed \$1,000,000 for any fiscal year during which the pilot program is in effect.

Deadline.

(E) REVIEW AND REPORT.—Not later than September 30, 2003, the Comptroller General shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Resources of the House of Representatives a report assessing the pilot program. The Secretary concerned shall submit to such committees an annual report describing the results of the pilot program.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

(1) to road maintenance, decommissioning, or obliteration;

or

(2) to restoration of streams and watersheds.

16 USC 500 note.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

Deadline.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) five persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) five persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) five persons who—

(i) hold State elected office or their designee;

- (ii) hold county or local elected office;
- (iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;
- (iv) are school officials or teachers; or
- (v) represent the affected public at large.

(3) **BALANCED REPRESENTATION.**—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) **GEOGRAPHIC DISTRIBUTION.**—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) **CHAIRPERSON.**—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) **APPROVAL PROCEDURES.**—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) **OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.**—

(1) **STAFF ASSISTANCE.**—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) **MEETINGS.**—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) **RECORDS.**—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

16 USC 500 note. **SEC. 206. USE OF PROJECT FUNDS.**

(a) **AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.**—

(1) **AGREEMENT BETWEEN PARTIES.**—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

16 USC 500 note.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

Deadline.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the

preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to that project to the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the funds involved.

16 USC 500 note.

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

16 USC 500 note.

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term “participating county” means an eligible county that elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) COUNTY FUNDS.—The term “county funds” means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

16 USC 500 note.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION ON COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title. A project under this title shall be approved by the participating county only following a 45-day public comment period, at the beginning of which the county shall—

(1) publish a description of the proposed project in the publications of local record; and

(2) send the proposed project to the appropriate resource advisory committee established under section 205, if one exists for the county.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff’s department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) **FOREST RELATED EDUCATIONAL OPPORTUNITIES.**—A county may use these funds to establish and conduct forest-related after school programs.

(5) **FIRE PREVENTION AND COUNTY PLANNING.**—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) **COMMUNITY FORESTRY.**—A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 303. TERMINATION OF AUTHORITY.

16 USC 500 note.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

16 USC 500 note.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

16 USC 500 note.

(a) **RELATION TO OTHER APPROPRIATIONS.**—Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) **DEPOSIT OF REVENUES AND OTHER FUNDS.**—All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

16 USC 500 note.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

Mineral Revenue
Payments
Clarification Act
of 2000.
30 USC 181 note.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

SEC. 501. SHORT TITLE.

This title may be cited as the “Mineral Revenue Payments Clarification Act of 2000”.

30 USC 191 note.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues “50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws * * *”.

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that “the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions”.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)) is amended to read as follows:

“(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.”.

TITLE VI—COMMUNITY FOREST RESTORATION

Community
Forest
Restoration Act.

SEC. 601. SHORT TITLE.

This title may be cited as the “Community Forest Restoration Act”.

SEC. 602. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico’s forests.

New Mexico.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 604. DEFINITIONS.

As used in this title—

(1) the term “Secretary” means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term “stakeholder” includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 605. ESTABLISHMENT OF PROGRAM.

(a) **FOREST RESTORATION PROGRAM.**—The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the “Collaborative Forest Restoration Program”). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed 80 percent of the total cost. The 20-percent matching may be in the form of cash or in-kind contribution.

(b) **ELIGIBILITY REQUIREMENTS.**—To be eligible to receive funding under this title, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multiparty assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this title, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed 4 years in length;

(8) not exceed a total annual cost of \$150,000, with the Federal portion not exceeding \$120,000 annually, nor exceed a total cost of \$450,000 for the project, with the Federal portion of the total cost not exceeding \$360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this title. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this title to pay for their travel and per diem expenses to attend the workshop.

SEC. 606. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 605, the effect on long-term management, and seek to use a consensus-based decisionmaking process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 607. MONITORING AND EVALUATION.

The Secretary shall establish a multiparty monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short- and long-term ecological effects of the restoration treatments, if any, for a minimum of 15 years.

SEC. 608. REPORT.

Deadline.

No later than 5 years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects

funded pursuant to this title are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$5,000,000 annually to carry out this title.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 2389:

HOUSE REPORTS: No. 106–392, Pt. 1 (Comm. on Agriculture).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 3, considered and passed House.

Vol. 146 (2000): Oct. 6, considered and passed Senate, amended.
Oct. 10, House concurred in Senate amendment.



Public Law 106–394
106th Congress

An Act

To amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

Oct. 30, 2000
[H.R. 2842]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Employees Health Benefits Children’s Equity Act of 2000”.

Federal
Employees
Health Benefits
Children’s Equity
Act of 2000.
5 USC 8901 note.

SEC. 2. HEALTH INSURANCE COVERAGE FOR CHILDREN.

Section 8905 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) An unenrolled employee who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may enroll for self and family coverage in a health benefits plan under this chapter. If such employee fails to enroll for self and family coverage in a health benefits plan that provides full benefits and services in the location in which the child resides, and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall enroll the employee in a self and family enrollment in the option which provides the lower level of coverage under the Service Benefit Plan.

“(2) An employee who is enrolled as an individual in a health benefits plan under this chapter and who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may change to a self and family enrollment in the same or another health benefits plan under this chapter. If such employee fails to change to a self and family enrollment and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall change the enrollment of the employee to a self and family enrollment in the plan in which the employee is enrolled if that plan provides full benefits and services in the location where the child resides. If the plan in which the employee is enrolled does not provide full benefits and services in the location in which the child resides, or, if the employee fails to change to a self and family enrollment in a plan that provides full benefits and services in the location where the child resides, the employing agency shall change the

coverage of the employee to a self and family enrollment in the option which provides the lower level of coverage under the Service Benefits Plan.

“(3) The employee may not discontinue the self and family enrollment in a plan that provides full benefits and services in the location in which the child resides for so long as the court or administrative order remains in effect and the child continues to meet the requirements of section 8901(5), unless the employee provides documentation showing that such coverage has been provided through other health insurance.”.

SEC. 3. ANNUITY SUPPLEMENT.

(a) **IN GENERAL.**—Section 8421a(b) of title 5, United States Code, is amended by adding at the end the following:

“(5) Notwithstanding paragraphs (1) through (4), the reduction required by subsection (a) shall be effective with respect to the annuity supplement payable for each month in the 12-month period beginning on the first day of the seventh month after the end of the calendar year in which the excess earnings were earned.”.

Applicability.
5 USC 8421a
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to reductions required to be made in calendar years beginning after the date of the enactment of this Act.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 2842 (S. 1688):

HOUSE REPORTS: No. 106-779 (Comm. on Government Reform).

SENATE REPORTS: No. 106-492 accompanying S. 1688 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–395
106th Congress

An Act

To amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

Oct. 30, 2000

[H.R. 2883]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Child Citizenship
Act of 2000.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Citizenship Act of 2000”.

**TITLE I—CITIZENSHIP FOR CERTAIN
CHILDREN BORN OUTSIDE THE
UNITED STATES**

**SEC. 101. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR CERTAIN
CHILDREN BORN OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

“CHILDREN BORN OUTSIDE THE UNITED STATES AND RESIDING PERMANENTLY IN THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED

“SEC. 320. (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

“(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.

“(2) The child is under the age of eighteen years.

“(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

“(b) Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).”.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 320 and inserting the following:

“Sec. 320. Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired.”.

SEC. 102. ACQUISITION OF CERTIFICATE OF CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

“CHILDREN BORN AND RESIDING OUTSIDE THE UNITED STATES;
CONDITIONS FOR ACQUIRING CERTIFICATE OF CITIZENSHIP

“SEC. 322. (a) A parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320. The Attorney General shall issue a certificate of citizenship to such parent upon proof, to the satisfaction of the Attorney General, that the following conditions have been fulfilled:

“(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

“(2) The United States citizen parent—

“(A) has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years; or

“(B) has a citizen parent who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

“(3) The child is under the age of eighteen years.

“(4) The child is residing outside of the United States in the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

“(b) Upon approval of the application (which may be filed from abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

“(c) Subsections (a) and (b) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).”.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 322 and inserting the following:

“Sec. 322. Children born and residing outside the United States; conditions for acquiring certificate of citizenship.”.

SEC. 103. CONFORMING AMENDMENT.

(a) IN GENERAL.—Section 321 of the Immigration and Nationality Act (8 U.S.C. 1432) is repealed.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 321.

SEC. 104. EFFECTIVE DATE.

Applicability.

The amendments made by this title shall take effect 120 days after the date of the enactment of this Act and shall apply to individuals who satisfy the requirements of section 320 or 322 of the Immigration and Nationality Act, as in effect on such effective date.

8 USC 1431 note.

TITLE II—PROTECTIONS FOR CERTAIN ALIENS VOTING BASED ON REASON- ABLE BELIEF OF CITIZENSHIP

**SEC. 201. PROTECTIONS FROM FINDING OF BAD MORAL CHARACTER,
REMOVAL FROM THE UNITED STATES, AND CRIMINAL
PENALTIES.**

(a) PROTECTION FROM BEING CONSIDERED NOT OF GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by adding at the end the following:

“In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph

Applicability.

(1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546) and shall apply to individuals having an application for a benefit under the Immigration and Nationality Act pending on or after September 30, 1996.

8 USC 1101 note.

(b) PROTECTION FROM BEING CONSIDERED INADMISSIBLE.—

(1) UNLAWFUL VOTING.—Section 212(a)(10)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(D)) is amended to read as follows:

“(D) UNLAWFUL VOTERS.—

“(i) IN GENERAL.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is inadmissible.

“(ii) EXCEPTION.—In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen

(whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such violation.”.

(2) FALSELY CLAIMING CITIZENSHIP.—Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended to read as follows:

“(ii) FALSELY CLAIMING CITIZENSHIP.—

“(I) IN GENERAL.—Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

“(II) EXCEPTION.—In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.”.

8 USC 1182 note.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-638) and shall apply to voting occurring before, on, or after September 30, 1996. The amendment made by paragraph (2) shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-637) and shall apply to representations made on or after September 30, 1996. Such amendments shall apply to individuals in proceedings under the Immigration and Nationality Act on or after September 30, 1996.

Applicability.

(c) PROTECTION FROM BEING CONSIDERED DEPORTABLE.—

(1) UNLAWFUL VOTING.—Section 237(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(6)) is amended to read as follows:

“(6) UNLAWFUL VOTERS.—

“(A) IN GENERAL.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.

“(B) EXCEPTION.—In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the

United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such violation.”.

(2) FALSELY CLAIMING CITIZENSHIP.—Section 237(a)(3)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(D)) is amended to read as follows:

“(D) FALSELY CLAIMING CITIZENSHIP.—

“(i) IN GENERAL.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any Federal or State law is deportable.

“(ii) EXCEPTION.—In the case of an alien making a representation described in clause (i), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such representation.”.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-638) and shall apply to voting occurring before, on, or after September 30, 1996. The amendment made by paragraph (2) shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-637) and shall apply to representations made on or after September 30, 1996. Such amendments shall apply to individuals in proceedings under the Immigration and Nationality Act on or after September 30, 1996.

8 USC 1227 note.

(d) PROTECTION FROM CRIMINAL PENALTIES.—

(1) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Section 611 of title 18, United States Code, is amended by adding at the end the following:

“(c) Subsection (a) does not apply to an alien if—

“(1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization);

“(2) the alien permanently resided in the United States prior to attaining the age of 16; and

“(3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.”.

(2) CRIMINAL PENALTY FOR FALSE CLAIM TO CITIZENSHIP.—Section 1015 of title 18, United States Code, is amended by adding at the end the following:

“Subsection (f) does not apply to an alien if each natural parent of the alien (or, in the case of an adopted alien, each adoptive

Applicability.

parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making the false statement or claim that he or she was a citizen of the United States.”.

18 USC 611 note.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 216 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-572).

Applicability.

The amendment made by paragraph (2) shall be effective as if included in the enactment of section 215 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-572). The amendments made by paragraphs (1) and (2) shall apply to an alien prosecuted on or after September 30, 1996, except in the case of an alien whose criminal proceeding (including judicial review thereof) has been finally concluded before the date of the enactment of this Act.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 2883:

HOUSE REPORTS: No. 106-852 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 12, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 30, Presidential statement.



Public Law 106–396
106th Congress

An Act

To amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

Oct. 30, 2000
[H.R. 3767]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Visa Waiver Permanent Program Act”.

Visa Waiver
Permanent
Program Act.
8 USC 1101 note.

**TITLE I—PERMANENT PROGRAM
AUTHORIZATION**

SEC. 101. ELIMINATION OF PILOT PROGRAM STATUS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) in the section heading, by striking “PILOT”;

(2) in subsection (a)—

(A) in the subsection heading, by striking “PILOT”;

(B) in the matter preceding paragraph (1), by striking “pilot” both places it appears;

(C) in paragraph (1), by striking “pilot program period (as defined in subsection (e))” and inserting “program”; and

(D) in paragraph (2), in the paragraph heading, by striking “PILOT”;

(3) in subsection (b), in the matter preceding paragraph (1), by striking “pilot”;

(4) in subsection (c)—

(A) in the subsection heading, by striking “PILOT”;

(B) in paragraph (1), by striking “pilot”;

(C) in paragraph (2)—

(i) by striking “subsection (g)” and inserting “subsection (f)”; and

(ii) by striking “pilot”; and

(D) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “(within the pilot program period)”;

(ii) in subparagraph (A), in the matter preceding clause (i), by striking “pilot” both places it appears; and

(iii) in subparagraph (B), by striking “pilot”;

- (5) in subsection (e)(1)—
 - (A) in the matter preceding subparagraph (A), by striking “pilot”; and
 - (B) in subparagraph (B), by striking “pilot”;
- (6) by striking subsection (f) and redesignating subsection (g) as subsection (f); and
- (7) in subsection (f) (as so redesignated)—
 - (A) in paragraph (1)(A) by striking “pilot”;
 - (B) in paragraph (1)(C), by striking “pilot”;
 - (C) in paragraph (2)(A), by striking “pilot” both places it appears;
 - (D) in paragraph (3), by striking “pilot”; and
 - (E) in paragraph (4)(A), by striking “pilot”.
- (b) CONFORMING AMENDMENTS.—
 - (1) DOCUMENTATION REQUIREMENTS.—Clause (iv) of section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(iv)) is amended—
 - (A) in the clause heading, by striking “PILOT”; and
 - (B) by striking “pilot”.
 - (2) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act is amended, in the item relating to section 217, by striking “pilot”.

TITLE II—PROGRAM IMPROVEMENTS

SEC. 201. EXTENSION OF RECIPROCAL PRIVILEGES.

Section 217(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(2)(A)) is amended by inserting “, either on its own or in conjunction with one or more other countries that are described in subparagraph (B) and that have established with it a common area for immigration admissions,” after “to extend”).

SEC. 202. MACHINE READABLE PASSPORT PROGRAM.

(a) REQUIREMENT ON ALIEN.—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)) is amended—

- (1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and
- (2) by inserting after paragraph (2) the following:

“(3) MACHINE READABLE PASSPORT.—On and after October 1, 2007, the alien at the time of application for admission is in possession of a valid unexpired machine-readable passport that satisfies the internationally accepted standard for machine readability.”

(b) REQUIREMENT ON COUNTRY.—Section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B)) is amended to read as follows:

“(B) MACHINE READABLE PASSPORT PROGRAM.—

“(i) IN GENERAL.—Subject to clause (ii), the government of the country certifies that it issues to its citizens machine-readable passports that satisfy the internationally accepted standard for machine readability.

“(ii) DEADLINE FOR COMPLIANCE FOR CERTAIN COUNTRIES.—In the case of a country designated as a program country under this subsection prior to May 1, 2000, as a condition on the continuation of that designation, the country—

“(I) shall certify, not later than October 1, 2000, that it has a program to issue machine-readable passports to its citizens not later than October 1, 2003; and

“(II) shall satisfy the requirement of clause (i) not later than October 1, 2003.”.

SEC. 203. DENIAL OF PROGRAM WAIVER BASED ON GROUND OF INADMISSIBILITY.

(a) **IN GENERAL.**—Section 217(a) of the Immigration and Nationality Act (8 U.S.C. 1187(a)), as amended by section 202, is further amended by adding at the end the following:

“(9) **AUTOMATED SYSTEM CHECK.**—The identity of the alien has been checked using an automated electronic database containing information about the inadmissibility of aliens to uncover any grounds on which the alien may be inadmissible to the United States, and no such ground has been found.”.

(b) **VISA APPLICATION SOLE METHOD TO DISPUTE DENIALS OF WAIVER BASED ON GROUND OF INADMISSIBILITY.**—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 101(a)(6) of this Act, is further amended by adding at the end the following:

“(g) **VISA APPLICATION SOLE METHOD TO DISPUTE DENIAL OF WAIVER BASED ON A GROUND OF INADMISSIBILITY.**—In the case of an alien denied a waiver under the program by reason of a ground of inadmissibility described in section 212(a) that is discovered at the time of the alien’s application for the waiver or through the use of an automated electronic database required under subsection (a)(9), the alien may apply for a visa at an appropriate consular office outside the United States. There shall be no other means of administrative or judicial review of such a denial, and no court or person otherwise shall have jurisdiction to consider any claim attacking the validity of such a denial.”.

SEC. 204. EVALUATION OF EFFECT OF COUNTRY’S PARTICIPATION ON LAW ENFORCEMENT AND SECURITY.

(a) **INITIAL DESIGNATION.**—Section 217(c)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(C)) is amended to read as follows:

“(C) **LAW ENFORCEMENT AND SECURITY INTERESTS.**—The Attorney General, in consultation with the Secretary of State—

“(i) evaluates the effect that the country’s designation would have on the law enforcement and security interests of the United States (including the interest in enforcement of the immigration laws of the United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);

“(ii) determines that such interests would not be compromised by the designation of the country; and

“(iii) submits a written report to the Committee on the Judiciary and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign

Reports.

Relations of the Senate regarding the country's qualification for designation that includes an explanation of such determination."

(b) CONTINUATION OF DESIGNATION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

"(5) WRITTEN REPORTS ON CONTINUING QUALIFICATION; DESIGNATION TERMINATIONS.—

"(A) PERIODIC EVALUATIONS.—

"(i) IN GENERAL.—The Attorney General, in consultation with the Secretary of State, periodically (but not less than once every 5 years)—

"(I) shall evaluate the effect of each program country's continued designation on the law enforcement and security interests of the United States (including the interest in enforcement of the immigration laws of the United States and the existence and effectiveness of its agreements and procedures for extraditing to the United States individuals, including its own nationals, who commit crimes that violate United States law);

"(II) shall determine, based upon the evaluation in subclause (I), whether any such designation ought to be continued or terminated under subsection (d); and

"(III) shall submit a written report to the Committee on the Judiciary and the Committee on International Relations of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate regarding the continuation or termination of the country's designation that includes an explanation of such determination and the effects described in subclause (I).

"(ii) EFFECTIVE DATE.—A termination of the designation of a country under this subparagraph shall take effect on the date determined by the Attorney General, in consultation with the Secretary of State.

"(iii) REDESIGNATION.—In the case of a termination under this subparagraph, the Attorney General shall redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General, in consultation with the Secretary of State, determines that all causes of the termination have been eliminated.

"(B) EMERGENCY TERMINATION.—

"(i) IN GENERAL.—In the case of a program country in which an emergency occurs that the Attorney General, in consultation with the Secretary of State, determines threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States), the Attorney General shall immediately terminate the designation of the country as a program country.

"(ii) DEFINITION.—For purposes of clause (i), the term 'emergency' means—

“(I) the overthrow of a democratically elected government;

“(II) war (including undeclared war, civil war, or other military activity) on the territory of the program country;

“(III) a severe breakdown in law and order affecting a significant portion of the program country’s territory;

“(IV) a severe economic collapse in the program country; or

“(V) any other extraordinary event in the program country that threatens the law enforcement or security interests of the United States (including the interest in enforcement of the immigration laws of the United States) and where the country’s participation in the program could contribute to that threat.

“(iii) REDESIGNATION.—The Attorney General may redesignate the country as a program country, without regard to subsection (f) or paragraph (2) or (3), when the Attorney General, in consultation with the Secretary of State, determines that—

“(I) at least 6 months have elapsed since the effective date of the termination;

“(II) the emergency that caused the termination has ended; and

“(III) the average number of refusals of nonimmigrant visitor visas for nationals of that country during the period of termination under this subparagraph was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during such period.

“(C) TREATMENT OF NATIONALS AFTER TERMINATION.—
For purposes of this paragraph—

“(i) nationals of a country whose designation is terminated under subparagraph (A) or (B) shall remain eligible for a waiver under subsection (a) until the effective date of such termination; and

“(ii) a waiver under this section that is provided to such a national for a period described in subsection (a)(1) shall not, by such termination, be deemed to have been rescinded or otherwise rendered invalid, if the waiver is granted prior to such termination.”.

SEC. 205. USE OF INFORMATION TECHNOLOGY SYSTEMS.

(a) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by section 203(b), is further amended by adding at the end the following:

“(h) USE OF INFORMATION TECHNOLOGY SYSTEMS.—

“(1) AUTOMATED ENTRY-EXIT CONTROL SYSTEM.—

“(A) SYSTEM.—Not later than October 1, 2001, the Attorney General shall develop and implement a fully automated entry and exit control system that will collect a record of arrival and departure for every alien who arrives and departs by sea or air at a port of entry into the United States and is provided a waiver under the program.

Deadline.

Deadlines.

“(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

“(i) DATA COLLECTION BY CARRIERS.—Not later than October 1, 2001, the records of arrival and departure described in subparagraph (A) shall be based, to the maximum extent practicable, on passenger data collected and electronically transmitted to the automated entry and exit control system by each carrier that has an agreement under subsection (a)(4).

“(ii) DATA PROVISION BY CARRIERS.—Not later than October 1, 2002, no waiver may be provided under this section to an alien arriving by sea or air at a port of entry into the United States on a carrier unless the carrier is electronically transmitting to the automated entry and exit control system passenger data determined by the Attorney General to be sufficient to permit the Attorney General to carry out this paragraph.

“(iii) CALCULATION.—The system shall contain sufficient data to permit the Attorney General to calculate, for each program country and each fiscal year, the portion of nationals of that country who are described in subparagraph (A) and for whom no record of departure exists, expressed as a percentage of the total number of such nationals who are so described.

“(C) REPORTING.—

“(i) PERCENTAGE OF NATIONALS LACKING DEPARTURE RECORD.—As part of the annual report required to be submitted under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the Attorney General shall include a section containing the calculation described in subparagraph (B)(iii) for each program country for the previous fiscal year, together with an analysis of that information.

Deadline.

“(ii) SYSTEM EFFECTIVENESS.—Not later than December 31, 2004, the Attorney General shall submit a written report to the Committee on the Judiciary of the United States House of Representatives and of the Senate containing the following:

“(I) The conclusions of the Attorney General regarding the effectiveness of the automated entry and exit control system to be developed and implemented under this paragraph.

“(II) The recommendations of the Attorney General regarding the use of the calculation described in subparagraph (B)(iii) as a basis for evaluating whether to terminate or continue the designation of a country as a program country. The report required by this clause may be combined with the annual report required to be submitted on that date under section 110(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

“(2) AUTOMATED DATA SHARING SYSTEM.—

“(A) SYSTEM.—The Attorney General and the Secretary of State shall develop and implement an automated data sharing system that will permit them to share data in

electronic form from their respective records systems regarding the admissibility of aliens who are nationals of a program country.

“(B) REQUIREMENTS.—The system under subparagraph (A) shall satisfy the following requirements:

“(i) SUPPLYING INFORMATION TO IMMIGRATION OFFICERS CONDUCTING INSPECTIONS AT PORTS OF ENTRY.—

Not later than October 1, 2002, the system shall enable immigration officers conducting inspections at ports of entry under section 235 to obtain from the system, with respect to aliens seeking a waiver under the program—

Deadline.

“(I) any photograph of the alien that may be contained in the records of the Department of State or the Service; and

“(II) information on whether the alien has ever been determined to be ineligible to receive a visa or ineligible to be admitted to the United States.

“(ii) SUPPLYING PHOTOGRAPHS OF INADMISSIBLE ALIENS.—The system shall permit the Attorney General electronically to obtain any photograph contained in the records of the Secretary of State pertaining to an alien who is a national of a program country and has been determined to be ineligible to receive a visa.

“(iii) MAINTAINING RECORDS ON APPLICATIONS FOR ADMISSION.—The system shall maintain, for a minimum of 10 years, information about each application for admission made by an alien seeking a waiver under the program, including the following:

“(I) The name or Service identification number of each immigration officer conducting the inspection of the alien at the port of entry.

“(II) Any information described in clause (i) that is obtained from the system by any such officer.

“(III) The results of the application.”.

(b) CONFORMING AMENDMENT.—Section 217(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(e)(1)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following:

“(D) to collect, provide, and share passenger data as required under subsection (h)(1)(B).”.

SEC. 206. CONDITIONS FOR VISA REFUSAL ELIGIBILITY.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by section 204(b) of this Act, is further amended by adding at the end the following:

“(6) COMPUTATION OF VISA REFUSAL RATES.—For purposes of determining the eligibility of a country to be designated as a program country, the calculation of visa refusal rates shall not include any visa refusals which incorporate any procedures based on, or are otherwise based on, race, sex, or disability, unless otherwise specifically authorized by law or regulation. No court shall have jurisdiction under this paragraph to review any visa refusal, the denial of admission to the

United States of any alien by the Attorney General, the Secretary's computation of the visa refusal rate, or the designation or nondesignation of any country.”.

SEC. 207. VISA WAIVER INFORMATION.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), as amended by sections 204(b) and 206 of this Act, is further amended by adding at the end the following:

“(7) VISA WAIVER INFORMATION.—

“(A) IN GENERAL.—In refusing the application of nationals of a program country for United States visas, or the applications of nationals of a country seeking entry into the visa waiver program, a consular officer shall not knowingly or intentionally classify the refusal of the visa under a category that is not included in the calculation of the visa refusal rate only so that the percentage of that country's visa refusals is less than the percentage limitation applicable to qualification for participation in the visa waiver program.

“(B) REPORTING REQUIREMENT.—On May 1 of each year, for each country under consideration for inclusion in the visa waiver program, the Secretary of State shall provide to the appropriate congressional committees—

“(i) the total number of nationals of that country that applied for United States visas in that country during the previous calendar year;

“(ii) the total number of such nationals who received United States visas during the previous calendar year;

“(iii) the total number of such nationals who were refused United States visas during the previous calendar year;

“(iv) the total number of such nationals who were refused United States visas during the previous calendar year under each provision of this Act under which the visas were refused; and

“(v) the number of such nationals that were refused under section 214(b) as a percentage of the visas that were issued to such nationals.

Deadline.

“(C) CERTIFICATION.—Not later than May 1 of each year, the United States chief of mission, acting or permanent, to each country under consideration for inclusion in the visa waiver program shall certify to the appropriate congressional committees that the information described in subparagraph (B) is accurate and provide a copy of that certification to those committees.

“(D) CONSIDERATION OF COUNTRIES IN THE VISA WAIVER PROGRAM.—Upon notification to the Attorney General that a country is under consideration for inclusion in the visa waiver program, the Secretary of State shall provide all of the information described in subparagraph (B) to the Attorney General.

“(E) DEFINITION.—In this paragraph, the term ‘appropriate congressional committees’ means the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and

the Committee on International Relations of the House of Representatives.”.

TITLE III—IMMIGRATION STATUS OF ALIEN EMPLOYEES OF INTELSAT AFTER PRIVATIZATION

47 USC 763 note.

SEC. 301. MAINTENANCE OF NONIMMIGRANT AND SPECIAL IMMIGRANT STATUS NOTWITHSTANDING INTELSAT PRIVATIZATION.

(a) OFFICERS AND EMPLOYEES.—

(1) **AFTER PRIVATIZATION.**—In the case of an alien who, during the 6-month period ending on the day before the date of privatization, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but only during the period in which the alien is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(2) **PRECURSORY EMPLOYMENT WITH SUCCESSOR BEFORE PRIVATIZATION COMPLETION.**—In the case of an alien who commences service as an officer or employee of a successor or separated entity of INTELSAT before the date of privatization, but after the date of the enactment of the ORBIT Act (Public Law 106-180; 114 Stat. 48) and in anticipation of privatization, if the alien, during the 6-month period ending on the day before such commencement date, was continuously an officer or employee of INTELSAT, and pursuant to such position continuously maintained, during such period, the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)), the alien shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the alien is an officer or employee of any successor or separated entity of INTELSAT.

(b) IMMEDIATE FAMILY MEMBERS.—

(1) ALIENS MAINTAINING STATUS.—

(A) **AFTER PRIVATIZATION.**—An alien who, on the day before the date of privatization, was a member of the immediate family of an alien described in subsection (a)(1), and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after the date of privatization, but, only during the period in which the alien described in subsection (a)(1) is an officer or employee of INTELSAT or any successor or separated entity of INTELSAT.

(B) **AFTER PRECURSORY EMPLOYMENT.**—An alien who, on the day before a commencement date described in subsection (a)(2), was a member of the immediate family of

the commencing alien, and had the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on such day, shall be considered as maintaining such nonimmigrant status on and after such commencement date, but only during the period in which the commencing alien is an officer or employee of any successor or separated entity of INTELSAT.

(2) **ALIENS CHANGING STATUS.**—In the case of an alien who is a member of the immediate family of an alien described in paragraph (1) or (2) of subsection (a), the alien may be granted and may maintain status as a nonimmigrant described in section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(G)(iv)) on the same terms as an alien described in subparagraph (A) or (B), respectively, of paragraph (1).

(c) **SPECIAL IMMIGRANTS.**—For purposes of section 101(a)(27)(I) (8 U.S.C. 1101(a)(27)(I)) of the Immigration and Nationality Act, the term “international organization” includes INTELSAT or any successor or separated entity of INTELSAT.

SEC. 302. TREATMENT OF EMPLOYMENT FOR PURPOSES OF OBTAINING IMMIGRANT STATUS AS A MULTINATIONAL EXECUTIVE OR MANAGER.

(a) **IN GENERAL.**—Notwithstanding section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), in the case of an alien described in subsection (b)—

(1) any services performed by the alien in the United States as an officer or employee of INTELSAT or any successor or separated entity of INTELSAT, and in a capacity that is managerial or executive, shall be considered employment outside the United States by an employer described in section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)), if the alien has the status of a lawful nonimmigrant described in section 101(a)(15)(G)(iv) of such Act (8 U.S.C. 1101(a)(15)(G)(iv)) during such period of service; and

(2) the alien shall be considered as seeking to enter the United States in order to continue to render services to the same employer.

(b) **ALIENS DESCRIBED.**—An alien described in this subsection is an alien—

(1) whose nonimmigrant status is maintained pursuant to section 301(a); and

(2) who seeks adjustment of status after the date of privatization to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) based on section 203(b)(1)(C) of such Act (8 U.S.C. 1153(b)(1)(C)) during the period in which the alien is—

(A) an officer or employee of INTELSAT or any successor or separated entity of INTELSAT; and

(B) rendering services as such an officer or employee in a capacity that is managerial or executive.

SEC. 303. DEFINITIONS.

For purposes of this title—

(1) the terms “INTELSAT”, “separated entity”, and “successor entity” shall have the meaning given such terms in the ORBIT Act (Public Law 106–180; 114 Stat. 48);

(2) the term “date of privatization” means the date on which all or substantially all of the then existing assets of INTELSAT are legally transferred to one or more stock corporations or other similar commercial entities; and

(3) all other terms shall have the meaning given such terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AMENDMENT TO SECTION 214 OF THE IMMIGRATION AND NATIONALITY ACT.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding the following new paragraph:

“(10) An amended H–1B petition shall not be required where the petitioning employer is involved in a corporate restructuring, including but not limited to a merger, acquisition, or consolidation, where a new corporate entity succeeds to the interests and obligations of the original petitioning employer and where the terms and conditions of employment remain the same but for the identity of the petitioner.”.

SEC. 402. THE IMMIGRANT INVESTOR PILOT PROGRAM.

(a) **EXTENSION OF PROGRAM.**—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking “seven years” and inserting “ten years”.

(b) **DETERMINATIONS OF JOB CREATION.**—Section 610(c) of such Act is amended by inserting “, improved regional productivity, job creation, or increased domestic capital investment” after “increased exports”.

SEC. 403. PARTICIPATION OF BUSINESS AIRCRAFT IN THE VISA WAIVER PROGRAM.

(a) **ENTRY OF BUSINESS AIRCRAFT.**—Section 217(a)(5) of the Immigration and Nationality Act (as redesignated by this Act) is amended by striking all after “carrier” and inserting the following: “, including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations which has entered into an agreement with the Attorney General pursuant to subsection (e). The Attorney General is authorized to require a carrier conducting operations under part 135 of title 14, Code of Federal Regulations, or a domestic corporation conducting operations under part 91 of that title, to give suitable and proper bond, in such reasonable amount and containing such conditions as the Attorney General may deem sufficient to ensure compliance with the indemnification requirements of this section, as a term of such an agreement.”.

8 USC 1187.

(b) **ROUND-TRIP TICKET.**—Section 217(a)(8) of the Immigration and Nationality Act (as redesignated by this Act) is amended by

inserting “or the alien is arriving at the port of entry on an aircraft operated under part 135 of title 14, Code of Federal Regulations, or a noncommercial aircraft that is owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations” after “regulations”.

(c) **AUTOMATED SYSTEM CHECK.**—Section 217(a) (8 U.S.C. 1187(a)) of the Immigration and Nationality Act is amended by adding at the end the following: “Operators of aircraft under part 135 of title 14, Code of Federal Regulations, or operators of noncommercial aircraft that are owned or operated by a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, carrying any alien passenger who will apply for admission under this section shall furnish such information as the Attorney General by regulation shall prescribe as necessary for the identification of any alien passenger being transported and for the enforcement of the immigration laws. Such information shall be electronically transmitted not less than one hour prior to arrival at the port of entry for purposes of checking for inadmissibility using the automated electronic database.”.

(d) **CARRIER AGREEMENT REQUIREMENTS TO INCLUDE BUSINESS AIRCRAFT.**—

(1) **IN GENERAL.**—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended—

(A) by striking “carrier” each place it appears and inserting “carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title”; and

(B) in paragraph (2), by striking “carrier’s failure” and inserting “failure by a carrier (including any carrier conducting operations under part 135 of title 14, Code of Federal Regulations) or a domestic corporation conducting operations under part 91 of that title”.

(2) **BUSINESS AIRCRAFT REQUIREMENTS.**—Section 217(e) (8 U.S.C. 1187(e)) of the Immigration and Nationality Act is amended by adding at the end the following new paragraph:

“(3) **BUSINESS AIRCRAFT REQUIREMENTS.**—

“(A) **IN GENERAL.**—For purposes of this section, a domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations that owns or operates a noncommercial aircraft is a corporation that is organized under the laws of any of the States of the United States or the District of Columbia and is accredited by or a member of a national organization that sets business aviation standards. The Attorney General shall prescribe by regulation the provision of such information as the Attorney General deems necessary to identify the domestic corporation, its officers, employees, shareholders, its place of business, and its business activities.

“(B) **COLLECTIONS.**—In addition to any other fee authorized by law, the Attorney General is authorized to charge and collect, on a periodic basis, an amount from each domestic corporation conducting operations under part 91 of title 14, Code of Federal Regulations, for non-immigrant visa waiver admissions on noncommercial aircraft owned or operated by such domestic corporation equal

to the total amount of fees assessed for issuance of non-immigrant visa waiver arrival/departure forms at land border ports of entry. All fees collected under this paragraph shall be deposited into the Immigration User Fee Account established under section 286(h).”.

(e) **REPORT REQUIRED.**—Not later than two years after the date of the enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate assessing the effectiveness of the program implemented under the amendments made by this section for simplifying the admission of business travelers from visa waiver program countries and compliance with the Immigration and Nationality Act by such travelers under that program.

Deadline.
8 USC 1187 note.

SEC. 404. MORE EFFICIENT COLLECTION OF INFORMATION FEE.

Section 641(e) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208) is amended—

8 USC 1372.

(1) in paragraph (1)—

(A) by striking “an approved institution of higher education and a designated exchange visitor program” and inserting “the Attorney General”;

(B) by striking “the time—” and inserting the following: “a time prior to the alien being classified under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.”; and

(C) by striking subparagraphs (A) and (B);

(2) by amending paragraph (2) to read as follows:

“(2) **REMITTANCE.**—The fees collected under paragraph (1) shall be remitted by the alien pursuant to a schedule established by the Attorney General for immediate deposit and availability as described under section 286(m) of the Immigration and Nationality Act.”;

(3) in paragraph (3)—

(A) by striking “has” the first place it appears and inserting “seeks”; and

(B) by striking “has” the second place it appears and inserting “seeks to”;

(4) in paragraph (4)—

(A) by inserting before the period at the end of the second sentence of subparagraph (A) the following: “, except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$40”; and

(B) by adding at the end of subparagraph (B) the following new sentence: “Such expenses include, but are not necessarily limited to, those incurred by the Secretary of State in connection with the program under subsection (a).”; and

(5) by adding at the end the following new paragraphs:

“(5) **PROOF OF PAYMENT.**—The alien shall present proof of payment of the fee before the granting of—

“(A) a visa under section 222 of the Immigration and Nationality Act or, in the case of an alien who is exempt from the visa requirement described in section 212(d)(4)

of the Immigration and Nationality Act, admission to the United States; or

“(B) change of nonimmigrant classification under section 248 of the Immigration and Nationality Act to a classification described in paragraph (3).

“(6) IMPLEMENTATION.—The provisions of section 553 of title 5, United States Code (relating to rule-making) shall not apply to the extent the Attorney General determines necessary to ensure the expeditious, initial implementation of this section.”.

SEC. 405. NEW TIME-FRAME FOR IMPLEMENTATION OF DATA COLLECTION PROGRAM.

8 USC 1372.
Deadline.

Section 641(g)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended to read as follows:

“(1) EXPANSION OF PROGRAM.—Not later than 12 months after the submission of the report required by subsection (f), the Attorney General, in consultation with the Secretary of State and the Secretary of Education, shall commence expansion of the program to cover the nationals of all countries.”.

SEC. 406. TECHNICAL AMENDMENTS.

Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended—

(1) in subsection (h)(2)(A), by striking “Director of the United States Information Agency” and inserting “Secretary of State”; and

(2) in subsection (d)(1), by inserting “institutions of higher education or exchange visitor programs” after “by”.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 3767 (S. 2367):

HOUSE REPORTS: No. 106–564 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 11, considered and passed House.

Sept. 28, Oct. 3, considered and passed Senate, amended.

Oct. 10, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 30, Presidential statement.



Public Law 106–397
106th Congress

An Act

To establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

Oct. 30, 2000
[H.R. 3995]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “District of Columbia Receivership Accountability Act of 2000”.

District of
Columbia
Receivership
Accountability
Act of 2000.

SEC. 2. SPECIAL RULES APPLICABLE TO RECEIVERS WITH RESPONSIBILITIES OVER DISTRICT OF COLUMBIA GOVERNMENT.

(a) **IN GENERAL.**—Each District of Columbia receiver shall be subject to the requirements described in section 3.

(b) **DISTRICT OF COLUMBIA RECEIVER DEFINED.**—In this Act, a “District of Columbia receiver” is any receiver or other official who is first appointed by the United States District Court for the District of Columbia or the Superior Court of the District of Columbia during 1995 or any succeeding year to administer any department, agency, or office of the government of the District of Columbia.

SEC. 3. REQUIREMENTS DESCRIBED.

(a) **PROMOTING FINANCIAL STABILITY AND MANAGEMENT EFFICIENCY.**—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall carry out the administration of such department, agency, or office through practices which promote the financial stability and management efficiency of the government of the District of Columbia.

(b) **COST CONTROL.**—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall ensure that the costs incurred in the administration of such department, agency, or office (including personnel costs of the receiver) are consistent with applicable regional and national standards.

(c) **USE OF PRACTICES TO PROMOTE EFFICIENT AND COST-EFFECTIVE ADMINISTRATION.**—Each District of Columbia receiver who is responsible for the administration of a department, agency, or office of the government of the District of Columbia shall carry out the administration of such department, agency, or office through the application of generally accepted accounting principles and generally accepted fiscal management practices.

(d) **PREPARATION AND SUBMISSION OF BUDGET.**—

(1) CONSULTATION WITH MAYOR AND CHIEF FINANCIAL OFFICER.—In preparing the annual budget for a fiscal year for the department, agency, or office of the government of the District of Columbia administered by the receiver, each District of Columbia receiver shall consult with the Mayor and Chief Financial Officer of the District of Columbia.

(2) SUBMISSION OF ESTIMATES.—After the consultation required under paragraph (1), the receiver shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, the receiver's estimates of the expenditures and appropriations necessary for the maintenance and operation of the department, agency, or office for the year.

(3) TREATMENT BY MAYOR AND COUNCIL.—The estimates submitted under paragraph (2) shall be forwarded by the Mayor to the Council for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act, the Council may comment or make recommendations concerning such estimates but shall have no authority under such Act to revise such estimates.

(4) EXCEPTIONS.—This subsection shall not apply with respect to—

(A) any department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver for which, under the terms of the receiver's appointment by the court involved, the Mayor and the Council may revise the annual budget; or

(B) the District of Columbia Housing Authority receiver appointed during 1995.

Applicability.

(5) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

(e) ANNUAL FISCAL, MANAGEMENT, AND PROGRAM AUDIT.—

(1) IN GENERAL.—An annual fiscal, management, and program audit of each department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver shall be conducted by an independent auditor selected jointly by the receiver involved (or the receiver's designee) and the Mayor (or the Mayor's designee), and each District of Columbia receiver shall provide the auditor with such information and assistance as the auditor may require to conduct such audit.

(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to—

(A) any department, agency, or office of the government of the District of Columbia administered by a District of Columbia receiver for which, under the terms of the receiver's appointment by the court involved, audits are conducted by an auditor selected jointly by the parties to the action under which the receiver was appointed; or

(B) the District of Columbia Housing Authority receiver appointed during 1995.

(f) PROCUREMENT.—

(1) IN GENERAL.—In carrying out procurement on behalf of the department, agency, or office of the government of the

District of Columbia administered by the receiver, each District of Columbia receiver—

(A) shall obtain full and open competition through the use of competitive procedures; and

(B) shall use the competitive procedure or combination of competitive procedures which is best suited under the circumstances of the procurement.

(2) EXCEPTIONS.—

(A) ALTERNATIVE METHODS FOR CERTAIN PROCUREMENT.—Notwithstanding paragraph (1), a District of Columbia receiver may use alternative methods to carry out procurement if—

(i) the amount involved is nominal;

(ii) the public exigencies require the immediate delivery of the articles or performance of the service involved;

(iii) the receiver certifies that only one source of supply is available; or

(iv) the services involved are required to be performed by the contractor in person and are of a technical and professional nature or are performed under the receiver's supervision and paid for on a time basis.

(B) HOUSING AUTHORITY.—Paragraph (1) shall not apply with respect to the District of Columbia Housing Authority receiver appointed during 1995.

SEC. 4. CLARIFICATION OF APPLICABILITY OF ANTI-DEFICIENCY ACT.

Nothing in subchapter III of chapter 13 of title 31, United States Code, may be construed to waive the application of the provisions of such subchapter which apply to officers or employees of the District of Columbia government to any District of Columbia receiver.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 3995:

HOUSE REPORTS: No. 106-663 (Comm. on Government Reform).

SENATE REPORTS: No. 106-493 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 12, considered and passed House.

Oct. 12, considered and passed Senate.



***Public Law 106–398**
106th Congress

An Act

Oct. 30, 2000
 [H.R. 4205]

To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Incorporation by
 reference.

SECTION 1. ENACTMENT OF FISCAL YEAR 2001 NATIONAL DEFENSE AUTHORIZATION ACT.

The provisions of H.R. 5408 of the 106th Congress, as introduced on October 6, 2000, are hereby enacted into law.

1 USC 112 note.

SEC. 2. PUBLICATION OF ACT.

In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval an appendix setting forth the text of the bill referred to in section 1.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 4205 (S. 2549) (S. 2550):

HOUSE REPORTS: Nos. 106–616 (Comm. on Armed Services) and 106–945 (Comm. of Conference).

SENATE REPORTS: No. 106–292 accompanying S. 2549 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 17, 18 considered and passed House.

July 13, considered and passed Senate, amended.

Oct. 11, House agreed to conference report.

Oct. 12, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Oct. 30, Presidential statement.

***ENDNOTE:** The following appendix was added pursuant to the provisions of sections 1 and 2 of this Act.



APPENDIX—H.R. 5408

SECTION 1. SHORT TITLE; FINDINGS.

(a) **SHORT TITLE.**—This Act may be cited as the “Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Representative Floyd D. Spence of South Carolina was elected to the House of Representatives in 1970, for service in the 92d Congress, after serving in the South Carolina legislature for 10 years, and he has been reelected to each subsequent Congress.

(2) Representative Spence came to Congress as a distinguished veteran of service in the Armed Forces of the United States.

(3) Upon graduation from college in 1952, Representative Spence was commissioned as an ensign in the United States Naval Reserve. After entering active duty, he served with distinction aboard the USS CARTER HALL and the USS LSM–397 during the Korean War and later served as commanding officer of a Naval Reserve Surface Division and as group commander of all Naval Reserve units in Columbia, South Carolina. Representative Spence retired from the Naval Reserve in 1988 in the grade of captain, after 41 years of dedicated service.

(4) Upon election to the House of Representatives, Representative Spence became a member of the Committee on Armed Services of that body. During 30 years of service on that committee (4 years of which were served while the committee was known as the Committee on National Security), Representative Spence’s contributions to the national defense and security of the United States have been profound and long lasting.

(5) Representative Spence served as chairman of that committee while known as the Committee on National Security during the 104th and 105th Congresses and serves as chairman of that committee for the 106th Congress. In addition, Representative Spence served as the ranking minority member of the Committee on Armed Services during the 103d Congress.

(6) Dozens of awards from active duty and reserve military, veterans service, military retiree, and industry organizations and associations have recognized the distinguished character of Representative Spence’s service to the Nation.

(7) Representative Spence has been a leading figure in the debate over many of the most critical military readiness, health care, recruiting, and retention issues currently confronting the Nation’s military. His concern for the men and women in uniform has been unwavering, and his accomplishments in promoting and gaining support for those issues that preserve

the combat effectiveness, morale, and quality of life of the Nation's military personnel have been unparalleled.

(8) During his tenure as chairman of the Committee on National Security and the Committee on Armed Services of the House of Representatives, Representative Spence has—

(A) led efforts to identify and reverse the effect that declining resources and rising commitments have had on military quality of life for service members and their families, on combat readiness, and on equipment modernization, with a direct result of those diligent efforts and of his willingness to be an outspoken proponent for America's military being that Congress has added nearly \$50,000,000,000 to the President's defense budgets over the past 5 years;

(B) been a leading proponent of the need to expeditiously develop and field a national missile defense to protect American citizens and forward deployed military forces from growing ballistic missile threats;

(C) advocated reversing the growing disparity between actual military capability and the requirements associated with the National Military Strategy; and

(D) led efforts in Congress to reform Department of Defense acquisition and management headquarters and infrastructure and business practices.

(9) This Act is the 30th annual authorization bill for the Department of Defense for which Representative Spence has taken a major responsibility as a member of the Committee on Armed Services of the House of Representatives (including 4 years while that committee was known as the Committee on National Security).

(10) In light of the findings in the preceding paragraphs, it is altogether fitting and proper that this Act be named in honor of Representative Floyd D. Spence of South Carolina, as provided in subsection (a).

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Defense Health Program.

SUBTITLE B—ARMY PROGRAMS

Sec. 111. Multiyear procurement authority.

Sec. 112. Increase in limitation on number of bunker defeat munitions that may be acquired.

Sec. 113. Reports and limitations relating to Army transformation.

SUBTITLE C—NAVY PROGRAMS

Sec. 121. CVNX–1 nuclear aircraft carrier program.

Sec. 122. Arleigh Burke class destroyer program.

Sec. 123. Virginia class submarine program.

Sec. 124. Limitation during fiscal year 2001 on changes in submarine force structure.

Sec. 125. ADC(X) ship program.

Sec. 126. Refueling and complex overhaul program of the U.S.S. Dwight D. Eisenhower.

Sec. 127. Analysis of certain shipbuilding programs.

Sec. 128. Helicopter support of FFG–7 frigates during fiscal year 2001.

Sec. 129. V–22 cockpit aircraft voice and flight data recorders.

SUBTITLE D—AIR FORCE PROGRAMS

Sec. 131. Annual report on B–2 bomber.

Sec. 132. Report on modernization of Air National Guard F–16A units.

SUBTITLE E—JOINT PROGRAMS

Sec. 141. Study of final assembly and checkout alternatives for the Joint Strike Fighter program.

SUBTITLE F—CHEMICAL DEMILITARIZATION

Sec. 151. Pueblo Chemical Depot chemical agent and munitions destruction technologies.

Sec. 152. Report on assessment of need for Federal economic assistance for communities impacted by chemical demilitarization activities.

Sec. 153. Prohibition against disposal of non-stockpile chemical warfare material at Anniston chemical stockpile disposal facility.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Sec. 211. Management of Space-Based Infrared System—Low.

Sec. 212. Joint Strike Fighter program.

Sec. 213. Fiscal year 2002 joint field experiment.

Sec. 214. Nuclear aircraft carrier design and production modeling.

Sec. 215. DD–21 class destroyer program.

Sec. 216. Limitation on Russian American Observation Satellites program.

Sec. 217. Joint biological defense program.

Sec. 218. Report on biological warfare defense vaccine research and development programs.

Sec. 219. Cost limitations applicable to F–22 aircraft program.

Sec. 220. Unmanned advanced capability combat aircraft and ground combat vehicles.

Sec. 221. Global Hawk high altitude endurance unmanned aerial vehicle.

Sec. 222. Army space control technology development.

SUBTITLE C—BALLISTIC MISSILE DEFENSE

Sec. 231. Funding for fiscal year 2001.

Sec. 232. Reports on ballistic missile threat posed by North Korea.

Sec. 233. Plan to modify ballistic missile defense architecture.

Sec. 234. Management of Airborne Laser program.

SUBTITLE D—HIGH ENERGY LASER PROGRAMS

Sec. 241. Funding.

Sec. 242. Implementation of High Energy Laser Master Plan.

Sec. 243. Designation of senior official for high energy laser programs.

Sec. 244. Site for Joint Technology Office.

- Sec. 245. High energy laser infrastructure improvements.
- Sec. 246. Cooperative programs and activities.
- Sec. 247. Technology plan.
- Sec. 248. Annual report.
- Sec. 249. Definition.
- Sec. 250. Review of defense-wide directed energy programs.

SUBTITLE E—OTHER MATTERS

- Sec. 251. Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept.
- Sec. 252. Air Force science and technology planning.
- Sec. 253. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.
- Sec. 254. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Joint warfighting capabilities assessment teams.

SUBTITLE B—ENVIRONMENTAL PROVISIONS

- Sec. 311. Establishment of additional environmental restoration account and use of accounts for operation and monitoring of environmental remedies.
- Sec. 312. Certain environmental restoration activities.
- Sec. 313. Annual reports under Strategic Environmental Research and Development Program.
- Sec. 314. Payment of fines and penalties for environmental compliance at Fort Wainwright, Alaska.
- Sec. 315. Payment of fines or penalties imposed for environmental compliance violations at other Department of Defense facilities.
- Sec. 316. Reimbursement for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.
- Sec. 317. Necessity of military low-level flight training to protect national security and enhance military readiness.
- Sec. 318. Ship disposal project.
- Sec. 319. Defense Environmental Security Corporate Information Management Program.
- Sec. 320. Report on Plasma Energy Pyrolysis System.
- Sec. 321. Sense of Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

SUBTITLE C—COMMISSARIES AND NONAPPROPRIATED FUND INSTRUMENTALITIES

- Sec. 331. Use of appropriated funds to cover operating expenses of commissary stores.
- Sec. 332. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
- Sec. 333. Use of surcharges for construction and improvement of commissary stores.
- Sec. 334. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
- Sec. 335. Use of most economical distribution method for distilled spirits.
- Sec. 336. Report on effects of availability of slot machines on United States military installations overseas.

SUBTITLE D—DEPARTMENT OF DEFENSE INDUSTRIAL FACILITIES

- Sec. 341. Designation of Centers of Industrial and Technical Excellence and public-private partnerships to increase utilization of such centers.
- Sec. 342. Unutilized and underutilized plant-capacity costs of United States arsenals.
- Sec. 343. Arsenal support program initiative.
- Sec. 344. Codification and improvement of armament retooling and manufacturing support programs.

SUBTITLE E—PERFORMANCE OF FUNCTIONS BY PRIVATE-SECTOR SOURCES

- Sec. 351. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.

- Sec. 352. Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and Army ammunition plants.
- Sec. 353. Consolidation, restructuring, or reengineering of Department of Defense organizations, functions, or activities.
- Sec. 354. Monitoring of savings resulting from workforce reductions as part of conversion of functions to performance by private sector or other strategic sourcing initiatives.
- Sec. 355. Performance of emergency response functions at chemical weapons storage installations.
- Sec. 356. Suspension of reorganization or relocation of Naval Audit Service.

SUBTITLE F—DEFENSE DEPENDENTS EDUCATION

- Sec. 361. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
- Sec. 362. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 363. Impact aid for children with severe disabilities.
- Sec. 364. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.

SUBTITLE G—MILITARY READINESS ISSUES

- Sec. 371. Measuring cannibalization of parts, supplies, and equipment under readiness reporting system.
- Sec. 372. Reporting requirements regarding transfers from high-priority readiness appropriations.
- Sec. 373. Effects of worldwide contingency operations on readiness of military aircraft and equipment.
- Sec. 374. Identification of requirements to reduce backlog in maintenance and repair of defense facilities.
- Sec. 375. New methodology for preparing budget requests to satisfy Army readiness requirements.
- Sec. 376. Review of AH–64 aircraft program.
- Sec. 377. Report on Air Force spare and repair parts program for C–5 aircraft.

SUBTITLE H—OTHER MATTERS

- Sec. 381. Annual report on public sale of certain military equipment identified on United States Munitions List.
- Sec. 382. Resale of armor-piercing ammunition disposed of by the Army.
- Sec. 383. Reimbursement by civil air carriers for support provided at Johnston Atoll.
- Sec. 384. Travel by Reserves on military aircraft.
- Sec. 385. Overseas airlift service on Civil Reserve Air Fleet aircraft.
- Sec. 386. Additions to plan for ensuring visibility over all in-transit end items and secondary items.
- Sec. 387. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
- Sec. 388. Extension of authority to sell certain aircraft for use in wildfire suppression.
- Sec. 389. Damage to aviation facilities caused by alkali silica reactivity.
- Sec. 390. Demonstration project to increase reserve component internet access and services in rural communities.
- Sec. 391. Additional conditions on implementation of Defense Joint Accounting System.
- Sec. 392. Defense Travel System.
- Sec. 393. Review of Department of Defense costs of maintaining historical properties.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.
- Sec. 403. Adjustment to end strength flexibility authority.

SUBTITLE B—RESERVE FORCES

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.
- Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

SUBTITLE C—OTHER MATTERS RELATING TO PERSONNEL STRENGTHS

- Sec. 421. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
- Sec. 422. Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands.
- Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.
- Sec. 424. Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades.

SUBTITLE D—AUTHORIZATION OF APPROPRIATIONS

- Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY

- Sec. 501. Eligibility of Army and Air Force Reserve colonels and brigadier generals for position vacancy promotions.
- Sec. 502. Flexibility in establishing promotion zones for Coast Guard Reserve officers.
- Sec. 503. Time for release of reports of officer promotion selection boards.
- Sec. 504. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
- Sec. 505. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned.
- Sec. 506. Technical corrections relating to retired grade of reserve commissioned officers.
- Sec. 507. Grade of chiefs of reserve components and directors of National Guard components.
- Sec. 508. Revision to rules for entitlement to separation pay for regular and reserve officers.

SUBTITLE B—RESERVE COMPONENT PERSONNEL POLICY

- Sec. 521. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
- Sec. 522. Termination of application requirement for consideration of officers for continuation on the reserve active-status list.
- Sec. 523. Authority to retain Air Force Reserve officers in all medical specialties until specified age.
- Sec. 524. Authority for provision of legal services to reserve component members following release from active duty.
- Sec. 525. Extension of involuntary civil service retirement date for certain reserve technicians.

SUBTITLE C—EDUCATION AND TRAINING

- Sec. 531. Eligibility of children of Reserves for Presidential appointment to service academies.
- Sec. 532. Selection of foreign students to receive instruction at service academies.
- Sec. 533. Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program.
- Sec. 534. Review of allocation of Junior Reserve Officers Training Corps units among the services.
- Sec. 535. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

SUBTITLE D—DECORATIONS, AWARDS, AND COMMENDATIONS

- Sec. 541. Limitation on award of Bronze Star to members in receipt of imminent danger pay.
- Sec. 542. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
- Sec. 543. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 544. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941.

- Sec. 545. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel.
- Sec. 546. Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941.
- Sec. 547. Commendation of citizens of Remy, France, for World War II actions.
- Sec. 548. Authority for award of the Medal of Honor to William H. Pitsenbarger for valor during the Vietnam War.

SUBTITLE E—MILITARY JUSTICE AND LEGAL ASSISTANCE MATTERS

- Sec. 551. Recognition by States of military testamentary instruments.
- Sec. 552. Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports.
- Sec. 553. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.
- Sec. 554. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.
- Sec. 555. Requirement for verbatim record in certain special court-martial cases.
- Sec. 556. Commemoration of the 50th anniversary of the Uniform Code of Military Justice.

SUBTITLE F—MATTERS RELATING TO RECRUITING

- Sec. 561. Army recruiting pilot programs.
- Sec. 562. Enhancement of recruitment market research and advertising programs.
- Sec. 563. Access to secondary schools for military recruiting purposes.
- Sec. 564. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.

SUBTITLE G—OTHER MATTERS

- Sec. 571. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
- Sec. 572. Voluntary separation incentive.
- Sec. 573. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.
- Sec. 574. Management and per diem requirements for members subject to lengthy or numerous deployments.
- Sec. 575. Pay in lieu of allowance for funeral honors duty.
- Sec. 576. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
- Sec. 577. National Guard Challenge Program.
- Sec. 578. Study of use of civilian contractor pilots for operational support missions.
- Sec. 579. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—PAY AND ALLOWANCES

- Sec. 601. Increase in basic pay for fiscal year 2001.
- Sec. 602. Additional restructuring of basic pay rates for enlisted members.
- Sec. 603. Revised method for calculation of basic allowance for subsistence.
- Sec. 604. Family subsistence supplemental allowance for low-income members of the Armed Forces.
- Sec. 605. Basic allowance for housing.
- Sec. 606. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.
- Sec. 607. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
- Sec. 608. Eligibility of members in grade E–4 to receive basic allowance for housing while on sea duty.
- Sec. 609. Personal money allowance for senior enlisted members of the Armed Forces.
- Sec. 610. Increased uniform allowances for officers.
- Sec. 611. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.
- Sec. 612. Increase in monthly subsistence allowance for members of precommissioning programs.

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

- Sec. 621. Extension of certain bonuses and special pay authorities for reserve forces.

- Sec. 622. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 623. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 624. Revision of enlistment bonus authority.
- Sec. 625. Consistency of authorities for special pay for reserve medical and dental officers.
- Sec. 626. Elimination of required congressional notification before implementation of certain special pay authority.
- Sec. 627. Special pay for physician assistants of the Coast Guard.
- Sec. 628. Authorization of special pay and accession bonus for pharmacy officers.
- Sec. 629. Correction of references to Air Force veterinarians.
- Sec. 630. Career sea pay.
- Sec. 631. Increased maximum rate of special duty assignment pay.
- Sec. 632. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.
- Sec. 633. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
- Sec. 634. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES

- Sec. 641. Advance payments for temporary lodging of members and dependents.
- Sec. 642. Additional transportation allowance regarding baggage and household effects.
- Sec. 643. Incentive for shipping and storing household goods in less than average weights.
- Sec. 644. Equitable dislocation allowances for junior enlisted members.
- Sec. 645. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
- Sec. 646. Expansion of funded student travel for dependents.

SUBTITLE D—RETIREMENT AND SURVIVOR BENEFIT MATTERS

- Sec. 651. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.
- Sec. 652. Increase in maximum number of Reserve retirement points that may be credited in any year.
- Sec. 653. Retirement from active reserve service after regular retirement.
- Sec. 654. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.
- Sec. 655. Reserve component Survivor Benefit Plan spousal consent requirement.
- Sec. 656. Sense of Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older.
- Sec. 657. Revision to special compensation authority to repeal exclusion of uniformed services retirees in receipt of disability retired pay.

SUBTITLE E—OTHER MATTERS

- Sec. 661. Participation in Thrift Savings Plan.
- Sec. 662. Determinations of income eligibility for special supplemental food program.
- Sec. 663. Billeting services for reserve members traveling for inactive-duty training.
- Sec. 664. Settlement of claims for payments for unused accrued leave and for retired pay.
- Sec. 665. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.
- Sec. 666. Authority for extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
- Sec. 667. Back pay for members of the Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II.
- Sec. 668. Sense of Congress concerning funding for reserve components.

TITLE VII—HEALTH CARE PROVISIONS

SUBTITLE A—HEALTH CARE SERVICES

- Sec. 701. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
- Sec. 702. Chiropractic health care for members on active duty.
- Sec. 703. School-required physical examinations for certain minor dependents.
- Sec. 704. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.

- Sec. 705. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
- Sec. 706. Medical and dental care for Medal of Honor recipients.

SUBTITLE B—SENIOR HEALTH CARE

- Sec. 711. Implementation of TRICARE senior pharmacy program.
- Sec. 712. Conditions for eligibility for CHAMPUS and TRICARE upon the attainment of age 65; expansion and modification of medicare subvention project.
- Sec. 713. Accrual funding for health care for medicare-eligible retirees and dependents.

SUBTITLE C—TRICARE PROGRAM

- Sec. 721. Improvement of access to health care under the TRICARE program.
- Sec. 722. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
- Sec. 723. Modernization of TRICARE business practices and increase of use of military treatment facilities.
- Sec. 724. Extension of TRICARE managed care support contracts.
- Sec. 725. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.
- Sec. 726. Voluntary termination of enrollment in TRICARE retiree dental program.
- Sec. 727. Claims processing improvements.
- Sec. 728. Prior authorizations for certain referrals and nonavailability-of-health-care statements.

SUBTITLE D—DEMONSTRATION PROJECTS

- Sec. 731. Demonstration project for expanded access to mental health counselors.
- Sec. 732. Teleradiology demonstration project.
- Sec. 733. Health care management demonstration program.

SUBTITLE E—JOINT INITIATIVES WITH DEPARTMENT OF VETERANS AFFAIRS

- Sec. 741. VA-DOD sharing agreements for health services.
- Sec. 742. Processes for patient safety in military and veterans health care systems.
- Sec. 743. Cooperation in developing pharmaceutical identification technology.

SUBTITLE F—OTHER MATTERS

- Sec. 751. Management of anthrax vaccine immunization program.
- Sec. 752. Elimination of copayments for immediate family.
- Sec. 753. Medical informatics.
- Sec. 754. Patient care reporting and management system.
- Sec. 755. Augmentation of Army Medical Department by detailing Reserve officers of the Public Health Service.
- Sec. 756. Privacy of Department of Defense medical records.
- Sec. 757. Authority to establish special locality-based reimbursement rates; reports.
- Sec. 758. Reimbursement for certain travel expenses.
- Sec. 759. Reduction of cap on payments.
- Sec. 760. Training in health care management and administration.
- Sec. 761. Studies on feasibility of sharing biomedical research facility.
- Sec. 762. Study on comparability of coverage for physical, speech, and occupational therapies.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SUBTITLE A—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS

- Sec. 801. Department of Defense acquisition pilot programs.
- Sec. 802. Multiyear services contracts.
- Sec. 803. Clarification and extension of authority to carry out certain prototype projects.
- Sec. 804. Clarification of authority of Comptroller General to review records of participants in certain prototype projects.
- Sec. 805. Extension of time period of limitation on procurement of ball bearings and roller bearings.
- Sec. 806. Reporting requirements relating to multiyear contracts.
- Sec. 807. Eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program.
- Sec. 808. Qualifications required for employment and assignment in contracting positions.

- Sec. 809. Revision of authority for solutions-based contracting pilot program.
- Sec. 810. Procurement notice of contracting opportunities through electronic means.

SUBTITLE B—INFORMATION TECHNOLOGY

- Sec. 811. Acquisition and management of information technology.
- Sec. 812. Tracking and management of information technology purchases.
- Sec. 813. Appropriate use of requirements regarding experience and education of contractor personnel in the procurement of information technology services.
- Sec. 814. Navy-Marine Corps Intranet.
- Sec. 815. Sense of Congress regarding information technology systems for Guard and Reserve components.

SUBTITLE C—OTHER ACQUISITION-RELATED MATTERS

- Sec. 821. Improvements in procurements of services.
- Sec. 822. Financial analysis of use of dual rates for quantifying overhead costs at Army ammunition plants.
- Sec. 823. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.
- Sec. 824. Extension of waiver period for live-fire survivability testing for MH–47E and MH–60K helicopter modification programs.
- Sec. 825. Compliance with existing law regarding purchases of equipment and products.
- Sec. 826. Requirement to disregard certain agreements in awarding contracts for the purchase of firearms or ammunition.

SUBTITLE D—STUDIES AND REPORTS

- Sec. 831. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
- Sec. 832. Study of policies and procedures for transfer of commercial activities.
- Sec. 833. Study and report on practice of contract bundling in military construction contracts.
- Sec. 834. Requirement to conduct study on contract bundling.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SUBTITLE A—DUTIES AND FUNCTIONS OF DEPARTMENT OF DEFENSE OFFICERS

- Sec. 901. Overall supervision of Department of Defense activities for combating terrorism.
- Sec. 902. Change of title of certain positions in the Headquarters, Marine Corps.
- Sec. 903. Clarification of scope of Inspector General authorities under military whistleblower law.
- Sec. 904. Policy to ensure conduct of science and technology programs so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.
- Sec. 905. Additional components of Chairman of the Joint Chiefs of Staff annual report on combatant command requirements.

SUBTITLE B—DEPARTMENT OF DEFENSE ORGANIZATIONS

- Sec. 911. Western Hemisphere Institute for Security Cooperation.
- Sec. 912. Department of Defense regional centers for security studies.
- Sec. 913. Change in name of Armed Forces Staff College to Joint Forces Staff College.
- Sec. 914. Special authority for administration of Navy Fisher Houses.
- Sec. 915. Supervisory control of Armed Forces Retirement Home board by Secretary of Defense.
- Sec. 916. Semiannual report on Joint Requirements Oversight Council reform initiative.
- Sec. 917. Comptroller General review of operations of Defense Logistics Agency.
- Sec. 918. Comptroller General review of operations of Defense Information Systems Agency.

SUBTITLE C—INFORMATION SECURITY

- Sec. 921. Institute for Defense Computer Security and Information Protection.
- Sec. 922. Information security scholarship program.

SUBTITLE D—REPORTS

- Sec. 931. Date of submittal of reports on shortfalls in equipment procurement and military construction for the reserve components in future-years defense programs.

- Sec. 932. Report on number of personnel assigned to legislative liaison functions.
- Sec. 933. Joint report on establishment of national collaborative information analysis capability.
- Sec. 934. Network centric warfare.
- Sec. 935. Report on Air Force Institute of Technology.

SUBTITLE E—OTHER MATTERS

- Sec. 941. Flexibility in implementation of limitation on major Department of Defense headquarters activities personnel.
- Sec. 942. Consolidation of certain Navy gift funds.
- Sec. 943. Temporary authority to dispose of a gift previously accepted for the Naval Academy.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
- Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2001.
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.
- Sec. 1006. Requirement for prompt payment of contract vouchers.
- Sec. 1007. Plan for prompt recording of obligations of funds for contractual transactions.
- Sec. 1008. Electronic submission and processing of claims for contract payments.
- Sec. 1009. Administrative offsets for overpayment of transportation costs.
- Sec. 1010. Interest penalties for late payment of interim payments due under Government service contracts.

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

- Sec. 1011. Revisions to national defense features program.
- Sec. 1012. Sense of Congress on the naming of the CVN–77 aircraft carrier.
- Sec. 1013. Authority to transfer naval vessels to certain foreign countries.
- Sec. 1014. Authority to consent to retransfer of alternative former naval vessel by Government of Greece.

SUBTITLE C—COUNTER-DRUG ACTIVITIES

- Sec. 1021. Extension of authority to provide support for counter-drug activities of Colombia.
- Sec. 1022. Report on Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1023. Recommendations on expansion of support for counter-drug activities.
- Sec. 1024. Review of riverine counter-drug program.
- Sec. 1025. Report on tethered aerostat radar system.
- Sec. 1026. Sense of Congress regarding use of Armed Forces for counter-drug and counter-terrorism activities.

SUBTITLE D—COUNTERTERRORISM AND DOMESTIC PREPAREDNESS

- Sec. 1031. Preparedness of military installation first responders for incidents involving weapons of mass destruction.
- Sec. 1032. Additional weapons of mass destruction civil support teams.
- Sec. 1033. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
- Sec. 1034. Report on the status of domestic preparedness against the threat of biological terrorism.
- Sec. 1035. Report on strategy, policies, and programs to combat domestic terrorism.

SUBTITLE E—STRATEGIC FORCES

- Sec. 1041. Revised nuclear posture review.
- Sec. 1042. Plan for the long-term sustainment and modernization of United States strategic nuclear forces.
- Sec. 1043. Modification of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1044. Report on the defeat of hardened and deeply buried targets.
- Sec. 1045. Sense of Congress on the maintenance of the strategic nuclear triad.

SUBTITLE F—MISCELLANEOUS REPORTING REQUIREMENTS

- Sec. 1051. Management review of working-capital fund activities.

- Sec. 1052. Report on submarine rescue support vessels.
- Sec. 1053. Report on Federal Government progress in developing information assurance strategies.
- Sec. 1054. Department of Defense process for decisionmaking in cases of false claims.

SUBTITLE G—GOVERNMENT INFORMATION SECURITY REFORM

- Sec. 1061. Coordination of Federal information policy.
- Sec. 1062. Responsibilities of certain agencies.
- Sec. 1063. Relationship of Defense Information Assurance Program to Government-wide information security program.
- Sec. 1064. Technical and conforming amendments.
- Sec. 1065. Effective date.

SUBTITLE H—SECURITY MATTERS

- Sec. 1071. Limitation on granting of security clearances.
- Sec. 1072. Process for prioritizing background investigations for security clearances for Department of Defense personnel and defense contractor personnel.
- Sec. 1073. Authority to withhold certain sensitive information from public disclosure.
- Sec. 1074. Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure.
- Sec. 1075. Expenditures for declassification activities.
- Sec. 1076. Enhanced access to criminal history record information for national security and other purposes.
- Sec. 1077. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 1078. Coordination of nuclear weapons secrecy policies and consideration of health of workers at former Department of Defense nuclear facilities.

SUBTITLE I—OTHER MATTERS

- Sec. 1081. Funds for administrative expenses under Defense Export Loan Guarantee program.
- Sec. 1082. Transit pass program for Department of Defense personnel in poor air quality areas.
- Sec. 1083. Transfer of Vietnam era TA-4 aircraft to nonprofit foundation.
- Sec. 1084. Transfer of 19th century cannon to museum.
- Sec. 1085. Fees for providing historical information to the public.
- Sec. 1086. Grants to American Red Cross for Armed Forces emergency services.
- Sec. 1087. Technical and clerical amendments.
- Sec. 1088. Maximum size of parcel post packages transported overseas for Armed Forces post offices.
- Sec. 1089. Sense of Congress regarding tax treatment of members receiving special pay for duty subject to hostile fire or imminent danger.
- Sec. 1090. Organization and management of Civil Air Patrol.
- Sec. 1091. Additional duties for Commission to Assess United States National Security Space Management and Organization.
- Sec. 1092. Commission on the Future of the United States Aerospace Industry.
- Sec. 1093. Drug addiction treatment.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SUBTITLE A—CIVILIAN PERSONNEL MANAGEMENT GENERALLY

- Sec. 1101. Employment and compensation of employees for temporary organizations established by law or Executive order.
- Sec. 1102. Assistive technology accommodations program.
- Sec. 1103. Extension of authority for voluntary separations in reductions in force.
- Sec. 1104. Electronic maintenance of performance appraisal systems.
- Sec. 1105. Study on civilian personnel services.

SUBTITLE B—DEMONSTRATION AND PILOT PROGRAMS

- Sec. 1111. Pilot program for reengineering the equal employment opportunity complaint process.
- Sec. 1112. Work safety demonstration program.
- Sec. 1113. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.
- Sec. 1114. Clarification of personnel management authority under personnel demonstration project.

SUBTITLE C—EDUCATIONAL ASSISTANCE

- Sec. 1121. Restructuring the restriction on degree training.
- Sec. 1122. Student loan repayment programs.

Sec. 1123. Extension of authority for tuition reimbursement and training for civilian employees in the defense acquisition workforce.

SUBTITLE D—OTHER BENEFITS

Sec. 1131. Additional special pay for foreign language proficiency beneficial for United States national security interests.

Sec. 1132. Approval authority for cash awards in excess of \$10,000.

Sec. 1133. Leave for crews of certain vessels.

Sec. 1134. Life insurance for emergency essential Department of Defense employees.

SUBTITLE E—INTELLIGENCE CIVILIAN PERSONNEL

Sec. 1141. Expansion of defense civilian intelligence personnel system positions.

Sec. 1142. Increase in number of positions authorized for the Defense Intelligence Senior Executive Service.

SUBTITLE F—VOLUNTARY SEPARATION INCENTIVE PAY AND EARLY RETIREMENT
AUTHORITY

Sec. 1151. Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.

Sec. 1152. Department of Defense employee voluntary early retirement authority.

Sec. 1153. Limitations.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SUBTITLE A—MATTERS RELATED TO ARMS CONTROL

Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

Sec. 1202. Support of consultations on Arab and Israeli arms control and regional security issues.

Sec. 1203. Furnishing of nuclear test monitoring equipment to foreign governments.

Sec. 1204. Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern.

SUBTITLE B—MATTERS RELATING TO THE BALKANS

Sec. 1211. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.

Sec. 1212. Situation in the Balkans.

Sec. 1213. Semiannual report on Kosovo peacekeeping.

SUBTITLE C—NORTH ATLANTIC TREATY ORGANIZATION AND UNITED STATES FORCES
IN EUROPE

Sec. 1221. NATO fair burdensharing.

Sec. 1222. Repeal of restriction preventing cooperative airlift support through acquisition and cross-servicing agreements.

Sec. 1223. GAO study on the benefits and costs of United States military engagement in Europe.

SUBTITLE D—OTHER MATTERS

Sec. 1231. Joint data exchange center with Russian Federation on early warning systems and notification of ballistic missile launches.

Sec. 1232. Report on sharing and exchange of ballistic missile launch early warning data.

Sec. 1233. Annual report of Communist Chinese military companies operating in the United States.

Sec. 1234. Adjustment of composite theoretical performance levels of high performance computers.

Sec. 1235. Increased authority to provide health care services as humanitarian and civic assistance.

Sec. 1236. Sense of Congress regarding the use of children as soldiers.

Sec. 1237. Sense of Congress regarding undersea rescue and recovery.

Sec. 1238. United States-China Security Review Commission.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE
FORMER SOVIET UNION

Sec. 1301. Specification of cooperative threat reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.

Sec. 1304. Limitations on use of funds for fissile material storage facility.

Sec. 1305. Limitation on use of funds to support warhead dismantlement processing.

- Sec. 1306. Agreement on nuclear weapons storage sites.
- Sec. 1307. Limitation on use of funds for construction of fossil fuel energy plants; report.
- Sec. 1308. Reports on activities and assistance under cooperative threat reduction programs.
- Sec. 1309. Russian chemical weapons elimination.
- Sec. 1310. Limitation on use of funds for elimination of weapons grade plutonium program.
- Sec. 1311. Report on audits of Cooperative Threat Reduction programs.

TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK

- Sec. 1401. Establishment of commission.
- Sec. 1402. Duties of commission.
- Sec. 1403. Reports.
- Sec. 1404. Powers.
- Sec. 1405. Commission procedures.
- Sec. 1406. Personnel matters.
- Sec. 1407. Miscellaneous administrative provisions.
- Sec. 1408. Funding.
- Sec. 1409. Termination of the commission.

TITLE XV—NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO

- Sec. 1501. Assistance for economic growth on Vieques.
- Sec. 1502. Conveyance of Naval Ammunition Support Detachment, Vieques Island.
- Sec. 1503. Determination regarding continuation of Navy training.
- Sec. 1504. Actions if training is approved.
- Sec. 1505. Requirements if training is not approved or mandate for referendum is violated.
- Sec. 1506. Certain properties exempt from conveyance or transfer.
- Sec. 1507. Moratorium on improvements at Fort Buchanan.
- Sec. 1508. Transfer and management of Conservation Zones.

TITLE XVI—GI BILL EDUCATIONAL ASSISTANCE AND VETERANS CLAIMS ASSISTANCE

SUBTITLE A—VETERANS EDUCATION BENEFITS

- Sec. 1601. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
- Sec. 1602. Modification of authority to pay tuition for off-duty training and education.

SUBTITLE B—VETERANS CLAIMS ASSISTANCE

- Sec. 1611. Clarification of Department of Veterans Affairs duty to assist.

TITLE XVII—ASSISTANCE TO FIREFIGHTERS

- Sec. 1701. Firefighter assistance.
- Sec. 1702. Volunteer fire assistance program.
- Sec. 1703. Burn research.
- Sec. 1704. Study and demonstration projects regarding cases of hepatitis C among certain emergency response employees.
- Sec. 1705. Report on progress on spectrum sharing.
- Sec. 1706. Sale or donation of excess defense property to assist firefighting agencies.
- Sec. 1707. Identification of defense technologies suitable for use, or conversion for use, in providing fire and emergency medical services.

TITLE XVIII—IMPACT AID

- Sec. 1801. Short title.
- Sec. 1802. Purpose.
- Sec. 1803. Payments relating to Federal acquisition of real property.
- Sec. 1804. Payments for eligible federally connected children.
- Sec. 1805. Maximum amount of basic support payments.
- Sec. 1806. Basic support payments for heavily impacted local educational agencies.
- Sec. 1807. Basic support payments for local educational agencies affected by removal of Federal property.
- Sec. 1808. Additional payments for local educational agencies with high concentrations of children with severe disabilities.
- Sec. 1809. Application for payments under sections 8002 and 8003.
- Sec. 1810. Payments for sudden and substantial increases in attendance of military dependents.
- Sec. 1811. Construction.

Sec. 1812. State consideration of payments in providing State aid.
Sec. 1813. Federal administration.
Sec. 1814. Administrative hearings and judicial review.
Sec. 1815. Forgiveness of overpayments.
Sec. 1816. Definitions.
Sec. 1817. Authorization of appropriations.
Sec. 1818. Effective date.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2000 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 1999 projects.
Sec. 2107. Modification of authority to carry out fiscal year 1998 project.
Sec. 2108. Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 1990 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authority to contribute to construction of airport tower, Cheyenne Airport, Cheyenne, Wyoming.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

Sec. 2801. Joint use military construction projects.
Sec. 2802. Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing.
Sec. 2803. Revision of space limitations for military family housing.

- Sec. 2804. Modification of lease authority for high-cost military family housing.
- Sec. 2805. Provision of utilities and services under alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Extension of alternative authority for acquisition and improvement of military housing.
- Sec. 2807. Expansion of definition of armory to include readiness centers.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

- Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.
- Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
- Sec. 2813. Conveyance authority regarding utility systems of military departments.
- Sec. 2814. Permanent conveyance authority to improve property management.

SUBTITLE C—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2821. Scope of agreements to transfer property to redevelopment authorities without consideration under the base closure laws.

SUBTITLE D—LAND CONVEYANCES

PART I—ARMY CONVEYANCES

- Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.
- Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
- Sec. 2833. Land conveyance, Charles Melvin Price Support Center, Illinois.
- Sec. 2834. Land conveyance, Fort Riley, Kansas.
- Sec. 2835. Land conveyance, Fort Polk, Louisiana.
- Sec. 2836. Land conveyance, Army Reserve Center, Winona, Minnesota.
- Sec. 2837. Land conveyance, Fort Dix, New Jersey.
- Sec. 2838. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
- Sec. 2839. Land exchange, Army Reserve Local Training Center, Chattanooga, Tennessee.
- Sec. 2840. Land exchange, Fort Hood, Texas.
- Sec. 2841. Land conveyance, Fort Pickett, Virginia.
- Sec. 2842. Land conveyance, Fort Lawton, Washington.
- Sec. 2843. Land conveyance, Vancouver Barracks, Washington.

PART II—NAVY CONVEYANCES

- Sec. 2846. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
- Sec. 2847. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.
- Sec. 2848. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.
- Sec. 2849. Land exchange, Marine Corps Recruit Depot, San Diego, California.
- Sec. 2850. Lease of property, Naval Air Station, Pensacola, Florida.
- Sec. 2851. Land conveyance, Naval Reserve Center, Tampa, Florida.
- Sec. 2852. Modification of land conveyance, Defense Fuel Supply Point, Casco Bay, Maine.
- Sec. 2853. Land conveyance, Naval Computer and Telecommunications Station, Cutler, Maine.
- Sec. 2854. Modification of land conveyance authority, former Naval Training Center, Bainbridge, Cecil County, Maryland.
- Sec. 2855. Land conveyance, Marine Corps Base, Camp Lejeune, North Carolina.
- Sec. 2856. Land exchange, Naval Air Reserve Center, Columbus, Ohio.
- Sec. 2857. Land conveyance, Naval Station, Bremerton, Washington.

PART III—AIR FORCE CONVEYANCES

- Sec. 2861. Land conveyance, Los Angeles Air Force Base, California.
- Sec. 2862. Land conveyance, Point Arena Air Force Station, California.
- Sec. 2863. Land conveyance, Lowry Air Force Base, Colorado.
- Sec. 2864. Land conveyance, Wright-Patterson Air Force Base, Ohio.
- Sec. 2865. Modification of land conveyance, Ellsworth Air Force Base, South Dakota.
- Sec. 2866. Land conveyance, Mukilteo Tank Farm, Everett, Washington.

PART IV—OTHER CONVEYANCES

- Sec. 2871. Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas.
- Sec. 2872. Land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia.

SUBTITLE E—OTHER MATTERS

- Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.

- Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2883. Acceptance and use of gifts for construction of third building at United States Air Force Museum, Wright-Patterson Air Force Base, Ohio.
- Sec. 2884. Development of Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia.
- Sec. 2885. Activities relating to greenbelt at Fallon Naval Air Station, Nevada.
- Sec. 2886. Establishment of World War II memorial on Guam.
- Sec. 2887. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
- Sec. 2888. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
- Sec. 2889. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former Member of the House of Representatives.
- Sec. 2890. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.
- Sec. 2891. Sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense environmental management privatization.
- Sec. 3105. Defense nuclear waste disposal.

SUBTITLE B—RECURRING GENERAL PROVISIONS

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfers of defense environmental management funds.

SUBTITLE C—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

- Sec. 3131. Funding for termination costs of River Protection Project, Richland, Washington.
- Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
- Sec. 3133. Reprogramming of funds available for infrastructure upgrades or maintenance in certain accounts of the National Nuclear Security Administration.
- Sec. 3134. Adjustment of composite theoretical performance levels for post-shipment verification reports on advanced supercomputer sales to certain foreign nations.
- Sec. 3135. Modification of counterintelligence polygraph program.
- Sec. 3136. Employee incentives for employees at closure project facilities.
- Sec. 3137. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3138. Limitation on use of certain funds pending certification of compliance with Formerly Utilized Sites Remedial Action Program funding prohibition.
- Sec. 3139. Conceptual design for Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.
- Sec. 3140. Report on National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California.
- Sec. 3141. River Protection Project, Richland, Washington.
- Sec. 3142. Report on tank waste remediation system, Hanford Reservation, Richland, Washington.

SUBTITLE D—MATTERS RELATING TO MANAGEMENT OF NATIONAL NUCLEAR SECURITY
ADMINISTRATION

- Sec. 3151. Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy.
- Sec. 3152. Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council.
- Sec. 3153. Organization plan for field offices of the National Nuclear Security Administration.
- Sec. 3154. Required contents of future-years nuclear security program.
- Sec. 3155. Future-years nuclear security program for fiscal year 2001.
- Sec. 3156. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants.
- Sec. 3157. Prohibition on individuals engaging in concurrent service or duties within National Nuclear Security Administration and outside that Administration but within Department of Energy.
- Sec. 3158. Annual plan for obligation of funds of the National Nuclear Security Administration.
- Sec. 3159. Authority to reorganize National Nuclear Security Administration.

SUBTITLE E—NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT

- Sec. 3161. Technology Infrastructure Pilot Program.
- Sec. 3162. Report on small business participation in National Nuclear Security Administration activities.
- Sec. 3163. Study and report related to improving mission effectiveness, partnerships, and technology transfer at national security laboratories and nuclear weapons production facilities.
- Sec. 3164. Report on effectiveness of National Nuclear Security Administration technology development partnerships with non-Federal entities.
- Sec. 3165. Definitions.

SUBTITLE F—MATTERS RELATING TO DEFENSE NUCLEAR NONPROLIFERATION

- Sec. 3171. Annual report on status of nuclear materials protection, control, and accounting program.
- Sec. 3172. Nuclear Cities Initiative.
- Sec. 3173. Department of Energy nonproliferation monitoring.
- Sec. 3174. Sense of Congress on the need for coordination of nonproliferation programs.
- Sec. 3175. Limitation on use of funds for International Nuclear Safety Program.

SUBTITLE G—OTHER MATTERS

- Sec. 3191. Extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3192. Biennial report containing update on nuclear test readiness postures.
- Sec. 3193. Frequency of reports on inadvertent releases of Restricted Data and Formerly Restricted Data.
- Sec. 3194. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.
- Sec. 3195. Authority to provide certificate of commendation to Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.
- Sec. 3196. Cooperative research and development agreements for government-owned, contractor-operated laboratories.
- Sec. 3197. Office of Arctic Energy.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.
- Sec. 3302. Increased receipts under prior disposal authority.
- Sec. 3303. Disposal of titanium.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Minimum price of petroleum sold from certain naval petroleum reserves.
- Sec. 3402. Repeal of authority to contract for cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1.
- Sec. 3403. Disposal of Oil Shale Reserve Numbered 2.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for fiscal year 2001.

Sec. 3502. Scrapping of National Defense Reserve Fleet vessels.
Sec. 3503. Authority to convey National Defense Reserve Fleet vessel, Glacier.
Sec. 3504. Maritime intermodal research.
Sec. 3505. Maritime research and technology development.
Sec. 3506. Reporting of administered and oversight funds.

TITLE XXXVI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM

Sec. 3601. Short title.
Sec. 3602. Findings; sense of Congress.

SUBTITLE A—ESTABLISHMENT OF COMPENSATION PROGRAM AND COMPENSATION
FUND

Sec. 3611. Establishment of Energy Employees Occupational Illness Compensation Program.
Sec. 3612. Establishment of Energy Employees Occupational Illness Compensation Fund.
Sec. 3613. Legislative proposal.
Sec. 3614. Authorization of appropriations.

SUBTITLE B—PROGRAM ADMINISTRATION

Sec. 3621. Definitions for program administration.
Sec. 3622. Expansion of list of beryllium vendors.
Sec. 3623. Exposure in the performance of duty.
Sec. 3624. Advisory Board on Radiation and Worker Health.
Sec. 3625. Responsibilities of Secretary of Health and Human Services.
Sec. 3626. Designation of additional members of Special Exposure Cohort.
Sec. 3627. Separate treatment of chronic silicosis.
Sec. 3628. Compensation and benefits to be provided.
Sec. 3629. Medical benefits.
Sec. 3630. Separate treatment of certain uranium employees.
Sec. 3631. Assistance for claimants and potential claimants.

SUBTITLE C—TREATMENT, COORDINATION, AND FORFEITURE OF COMPENSATION AND
BENEFITS

Sec. 3641. Offset for certain payments.
Sec. 3642. Subrogation of the United States.
Sec. 3643. Payment in full settlement of claims.
Sec. 3644. Exclusivity of remedy against the United States and against contractors and subcontractors.
Sec. 3645. Election of remedy for beryllium employees and atomic weapons employees.
Sec. 3646. Certification of treatment of payments under other laws.
Sec. 3647. Claims not assignable or transferable; choice of remedies.
Sec. 3648. Attorney fees.
Sec. 3649. Certain claims not affected by awards of damages.
Sec. 3650. Forfeiture of benefits by convicted felons.
Sec. 3651. Coordination with other Federal radiation compensation laws.

SUBTITLE D—ASSISTANCE IN STATE WORKERS' COMPENSATION PROCEEDINGS

Sec. 3661. Agreements with States.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term “congressional defense committees” means—

- (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE I—PROCUREMENT

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.

- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense Health Program.

SUBTITLE B—ARMY PROGRAMS

- Sec. 111. Multiyear procurement authority.
- Sec. 112. Increase in limitation on number of bunker defeat munitions that may be acquired.
- Sec. 113. Reports and limitations relating to Army transformation.

SUBTITLE C—NAVY PROGRAMS

- Sec. 121. CVNX–1 nuclear aircraft carrier program.
- Sec. 122. Arleigh Burke class destroyer program.
- Sec. 123. Virginia class submarine program.
- Sec. 124. Limitation during fiscal year 2001 on changes in submarine force structure.
- Sec. 125. ADC(X) ship program.
- Sec. 126. Refueling and complex overhaul program of the U.S.S. Dwight D. Eisenhower.
- Sec. 127. Analysis of certain shipbuilding programs.
- Sec. 128. Helicopter support of FFG–7 frigates during fiscal year 2001.
- Sec. 129. V–22 cockpit aircraft voice and flight data recorders.

SUBTITLE D—AIR FORCE PROGRAMS

- Sec. 131. Annual report on B–2 bomber.
- Sec. 132. Report on modernization of Air National Guard F–16A units.

SUBTITLE E—JOINT PROGRAMS

- Sec. 141. Study of final assembly and checkout alternatives for the Joint Strike Fighter program.

SUBTITLE F—CHEMICAL DEMILITARIZATION

- Sec. 151. Pueblo Chemical Depot chemical agent and munitions destruction technologies.
- Sec. 152. Report on assessment of need for Federal economic assistance for communities impacted by chemical demilitarization activities.
- Sec. 153. Prohibition against disposal of non-stockpile chemical warfare material at Anniston chemical stockpile disposal facility.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

- (1) For aircraft, \$1,550,012,000.
- (2) For missiles, \$1,320,681,000.
- (3) For weapons and tracked combat vehicles, \$2,436,324,000.
- (4) For ammunition, \$1,179,916,000.
- (5) For other procurement, \$4,235,719,000.
- (6) For chemical agents and munitions destruction, \$980,100,000, for—
 - (A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
 - (B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, \$8,394,338,000.

(2) For weapons, including missiles and torpedoes, \$1,443,600,000.

(3) For shipbuilding and conversion, \$12,826,919,000.

(4) For other procurement, \$3,380,680,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Marine Corps in the amount of \$1,212,768,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$487,749,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Air Force as follows:

(1) For aircraft, \$9,923,868,000.

(2) For missiles, \$2,863,778,000.

(3) For ammunition, \$646,808,000.

(4) For other procurement, \$7,711,647,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

(a) AMOUNT AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2001 for Defense-wide procurement in the amount of \$2,278,408,000.

(b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of the funds authorized to be appropriated in subsection (a), \$74,530,000 shall be available for the National Missile Defense program.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Inspector General of the Department of Defense in the amount of \$3,300,000.

SEC. 106. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of \$290,006,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.

(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Beginning with the fiscal year 2001 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of M2A3 Bradley fighting vehicles.

(2) The Secretary of the Army may execute a contract authorized by paragraph (1) only after—

(A) there is a successful completion of a M2A3 Bradley initial operational test and evaluation (IOT&E); and

(B) the Secretary certifies in writing to the congressional defense committees that the vehicle met all required test parameters.

(b) UTILITY HELICOPTERS.—Beginning with the fiscal year 2002 program year, the Secretary of the Army may, in accordance with

section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of UH-60 Blackhawk utility helicopters and, acting as executive agent for the Department of the Navy, CH-60 Knighthawk utility helicopters.

SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNKER DEFEAT MUNITIONS THAT MAY BE ACQUIRED.

Section 116(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2682) is amended by striking “6,000” and inserting “8,500”.

SEC. 113. REPORTS AND LIMITATIONS RELATING TO ARMY TRANSFORMATION.

(a) SECRETARY OF THE ARMY REPORT ON OBJECTIVE FORCE DEVELOPMENT PROCESS.—The Secretary of the Army shall submit to the congressional defense committees a report on the process for developing the objective force in the transformation of the Army. The report shall include the following:

(1) The operational environments envisioned for the objective force.

(2) The threat assumptions on which research and development efforts for transformation of the Army into the objective force are based.

(3) The potential operational and organizational concepts for the objective force.

(4) The operational requirements anticipated for the operational requirements document of the objective force.

(5) The anticipated schedule of Army transformation activities through fiscal year 2012, together with—

(A) the projected funding requirements through that fiscal year for research and development activities and procurement activities related to transition to the objective force; and

(B) a summary of the anticipated investments of the Defense Advanced Research Projects Agency in programs designed to lead to the fielding of future combat systems for the objective force.

(6) A proposed plan for the comparison referred to in subsection (c).

If any of the information required by paragraphs (1) through (5) is not available at the time the report is submitted, the Secretary shall include in the report the anticipated schedule for the availability of that information.

(b) SECRETARY OF DEFENSE REPORT ON OBJECTIVE FORCE DEVELOPMENT PROCESS.—Not later than March 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the process for developing the objective force in the transformation of the Army. The report shall include the following:

(1) The joint warfighting requirements that will be supported by the fielding of the objective force, together with a description of the adjustments that are planned to be made in the war plans of the commanders of the unified combatant commands in relation to the fielding of the objective force.

(2) The changes in lift requirements that may result from the establishment and fielding of the combat brigades of the objective force.

(3) The evaluation process that will be used to support decisionmaking on the course of the Army transformation, including a description of the operational evaluations and experimentation that will be used to validate the operational requirements for the operational requirements document of the objective force.

If any of the information required by paragraphs (1) through (3) is not available at the time the report is submitted, the Secretary shall include in the report the anticipated schedule for the availability of that information.

(c) COSTS AND EFFECTIVENESS OF MEDIUM ARMORED COMBAT VEHICLES FOR THE INTERIM BRIGADE COMBAT TEAMS.—(1) The Secretary of the Army shall develop a plan for comparing—

(A) the costs and operational effectiveness of the infantry carrier variant of the interim armored vehicles selected for the infantry battalions of the interim brigade combat teams; and

(B) the costs and operational effectiveness of the troop-carrying medium armored vehicles currently in the Army inventory for the use of infantry battalions.

(2) The Secretary of the Army may not carry out the comparison described in paragraph (1) until the Director of Operational Test and Evaluation of the Department of Defense approves the plan for that comparison developed under that paragraph.

(d) LIMITATION PENDING RECEIPT OF SECRETARY OF THE ARMY REPORT.—Not more than 80 percent of the amount appropriated for fiscal year 2001 for the procurement of armored vehicles in the family of new medium armored vehicles may be obligated until—

(1) the Secretary of the Army submits to the congressional defense committees the report required under subsection (a); and

(2) a period of 30 days has elapsed from the date of the submittal of such report.

(e) LIMITATION PENDING COMPARISON AND CERTIFICATION.—No funds appropriated or otherwise made available to the Department of the Army for any fiscal year may be obligated for acquisition of medium armored combat vehicles to equip a third interim brigade combat team until—

(1) the plan for a comparison of costs and operational effectiveness developed under subsection (c)(1), as approved under subsection (c)(2), is carried out;

(2) the Secretary of Defense submits to the congressional defense committees, after the completion of the comparison referred to in paragraph (1), a certification that—

(A) the Secretary approves of the obligation of funds for that purpose; and

(B) the force structure resulting from the acquisition and subsequent operational capability of interim brigade combat teams will not diminish the combat power of the Army; and

(3) a period of 30 days has elapsed from the date of the certification under paragraph (2).

(f) DEFINITIONS.—In this section:

(1) The term “transformation”, with respect to the Army, means the actions being undertaken to transform the Army, as it is constituted in terms of organization, equipment, and doctrine in 2000, into the objective force.

(2) The term “objective force” means the Army that has the organizational structure, the most advanced equipment that early twenty-first century science and technology can provide, and the appropriate doctrine to ensure that the Army is responsive, deployable, agile, versatile, lethal, survivable, and sustainable for the full spectrum of the operations anticipated to be required of the Army during the early years of the twenty-first century following 2010.

(3) The term “interim brigade combat team” means an Army brigade that is designated by the Secretary of the Army as a brigade combat team and is reorganized and equipped with currently available equipment in a configuration that effectuates an evolutionary advancement toward transformation of the Army to the objective force.

Subtitle C—Navy Programs

SEC. 121. CVNX-1 NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) AUTHORIZATION OF SHIP.—The Secretary of the Navy is authorized to procure the aircraft carrier to be designated CVNX-1.

(b) ADVANCE PROCUREMENT AND CONSTRUCTION.—The Secretary may enter into one or more contracts for the advance procurement and advance construction of components for the ship authorized under subsection (a).

(c) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amounts authorized to be appropriated under section 102(a)(3) for fiscal year 2001, \$21,869,000 is available for the advance procurement and advance construction of components (including nuclear components) for the CVNX-1 aircraft carrier program.

SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) ECONOMICAL MULTIYEAR PROCUREMENT OF PREVIOUSLY AUTHORIZED VESSELS AND ONE ADDITIONAL VESSEL.—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122(a) of Public Law 106–65 (113 Stat. 534), is further amended by striking “a total of 18 Arleigh Burke class destroyers” in the first sentence and all that follows through the period at the end of that sentence and inserting “Arleigh Burke class destroyers in accordance with this subsection and subsection (a)(4) at procurement rates not in excess of three ships in each of the fiscal years beginning after September 30, 1998, and before October 1, 2005. The authority under the preceding sentence is subject to the availability of appropriations for such destroyers.”.

(2) The heading for such subsection is amended by striking “18”.

(b) ECONOMICAL RATE OF PROCUREMENT.—It is the sense of Congress that, for the procurement of the Arleigh Burke class destroyers to be procured after fiscal year 2001 under multiyear contracts authorized under section 122(b) of Public Law 104–201, as amended by subsection (a)—

(1) the Secretary of the Navy should—

(A) achieve the most economical rate of procurement; and

(B) enter into such contracts for advance procurement as may be necessary to achieve that rate of procurement;

(2) the most economical rate of procurement would be achieved by procuring three of those vessels in each of fiscal years 2002 and 2003 and procuring another vessel in fiscal year 2004; and

(3) the Secretary has the authority under section 122(b) of Public Law 104-201 (110 Stat. 2446) and subsections (b) and (c) of section 122 of Public Law 106-65 (113 Stat. 534) to provide for procurement at the most economical rate, as described in paragraph (2).

(c) **UPDATE OF 1993 REPORT ON DDG-51 CLASS SHIPS.**—(1) The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than November 1, 2000, a report that updates the information provided in the report of the Secretary of the Navy entitled the “Arleigh Burke (DDG-51) Class Industrial Base Study of 1993”. The Secretary shall transmit a copy of the updated report to the Comptroller General not later than the date on which the Secretary submits the report to the committees.

(2) The Comptroller General shall review the updated report submitted under paragraph (1) and, not later than December 1, 2000, submit to the Committees on Armed Services of the Senate and House of Representatives the Comptroller General’s comments on the updated report.

SEC. 123. VIRGINIA CLASS SUBMARINE PROGRAM.

(a) **AMOUNTS AUTHORIZED FROM SCN ACCOUNT.**—Of the amounts authorized to be appropriated by section 102(a)(3) for fiscal year 2001, \$1,706,234,000 is available for the Virginia class submarine program.

(b) **CONTRACT AUTHORITY.**—(1) The Secretary of the Navy is authorized to enter into a contract for the procurement of up to five Virginia class submarines, including the procurement of material in economic order quantities when cost savings are achievable, during fiscal years 2003 through 2006. The submarines authorized under the preceding sentence are in addition to the submarines authorized under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1648).

(2) A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(c) **SHIPBUILDER TEAMING.**—Paragraphs (2)(A), (3), and (4) of section 121(b) of Public Law 105-85 apply to the procurement of submarines under this section.

(d) **LIMITATION OF LIABILITY.**—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total of the amounts appropriated for the Virginia class submarine program that remain available for the program.

(e) **REPORT REQUIREMENT.**—At that same time that the President submits the budget for fiscal year 2002 to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the Navy’s fleet of fast attack submarines. The report shall include the following:

(1) A plan for maintaining at least 55 fast attack submarines in commissioned service through 2015, including, by 2015, 18 Virginia class submarines.

(2) Two assessments of the potential savings that would be achieved under the Virginia class submarine program if the production rate for that program were at least two submarines each fiscal year, as follows:

(A) An assessment if that were the production rate beginning in fiscal year 2004.

(B) An assessment if that were the production rate beginning in fiscal year 2006.

(3) An analysis of the advantages and disadvantages of various contracting strategies for the Virginia class submarine program, including one or more multiyear procurement strategies and one or more strategies for block buy with economic order quantity.

SEC. 124. LIMITATION DURING FISCAL YEAR 2001 ON CHANGES IN SUBMARINE FORCE STRUCTURE.

(a) **LIMITATION ON RETIREMENT OF SUBMARINES.**—During fiscal year 2001, the Secretary of the Navy may not retire from the active force structure of the Navy any Los Angeles class nuclear-powered attack submarine or any Ohio class nuclear-powered ballistic missile submarine unless the Secretary of the Navy certifies to Congress in writing that he cannot assure the continued safe and militarily effective operation of that submarine.

(b) **REPORT.**—Not later than April 15, 2001, the President shall submit to Congress a report on the required force structure for nuclear-powered submarines, including attack submarines (SSNs), ballistic missile submarines (SSBNs), and cruise missile submarines (SSGNs), to support the national military strategy through 2020. The report shall include a detailed discussion of the acquisition strategy and fleet maintenance requirements to achieve and maintain that force structure through—

(1) the procurement of new construction submarines;

(2) the refueling of Los Angeles class attack submarines (SSNs) to achieve the maximum amount of operational useful service; and

(3) the conversion of Ohio class submarines that are no longer required for the strategic deterrence mission from their current ballistic missile (SSBN) configuration to a cruise-missile (SSGN) configuration.

SEC. 125. ADC(X) SHIP PROGRAM.

The Secretary of the Navy may procure the construction of all ADC(X) class ships in one shipyard if the Secretary determines that it is more cost effective to do so than to procure the construction of such ships from more than one shipyard.

SEC. 126. REFUELING AND COMPLEX OVERHAUL PROGRAM OF THE U.S.S. DWIGHT D. EISENHOWER.

(a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT.**—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2001, \$698,441,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Dwight D. Eisenhower (CVN-69) during fiscal year 2001. The amount made available in the preceding sentence is the first increment in the

incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) **CONTRACT AUTHORITY.**—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2001 for the nuclear refueling and complex overhaul of the U.S.S. Dwight D. Eisenhower.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2001 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 127. ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.

(a) **ALTERNATIVE FUNDING ANALYSIS.**—The Secretary of the Navy shall conduct an analysis on the potential benefits and risks associated with alternative funding mechanisms for the procurement of various classes of naval vessels and other naval capabilities beginning in fiscal year 2002.

(b) **ALTERNATIVE FUNDING MECHANISMS.**—For purposes of this section, the term “alternative funding mechanism” means any of the following:

- (1) The use of multiyear procurement.
- (2) The use of advance procurement for block buys of materials in economic order quantities.
- (3) The use of advance procurement and advance construction required in the number of years appropriate to minimize the cost of ship construction.
- (4) The use of advance procurement and advance construction apportioned roughly evenly across some number of fiscal years.
- (5) The use of resources from the National Defense Sealift Fund to budget for auxiliary ships and strategic lift ships.
- (6) The use of the resources from the National Defense Sealift Fund to provide advance payments for national defense features to establish an active Ready Reserve Force.

(c) **REPORT.**—The Secretary shall submit to the congressional defense committees a report providing the results of the analysis under subsection (a). The report shall be submitted concurrently with the submission of the President’s budget for fiscal year 2002, but in no event later than February 5, 2001. The report shall include the following:

- (1) A detailed description of the funding mechanisms considered.
- (2) The potential savings or costs associated with each such funding mechanism.
- (3) The year-to-year effect of each such funding mechanism on production stability of other shipbuilding programs funded within the Shipbuilding and Conversion, Navy, account, given the current acquisition plan of the Navy through fiscal year 2010.
- (4) The variables and constants used in the analysis which should include economic, industrial base, and budget realities.
- (5) A description and discussion of any statutory or regulatory restrictions that would preclude the use of any of the funding mechanisms considered.

SEC. 128. HELICOPTER SUPPORT OF FFG–7 FRIGATES DURING FISCAL YEAR 2001.

During fiscal year 2001, the Secretary of the Navy shall operate one squadron of six SH–2G helicopters to provide organic helicopter assets for operational support of missions that are to be carried out by FFG–7 Flight I and Flight II frigates during that fiscal year.

SEC. 129. V–22 COCKPIT AIRCRAFT VOICE AND FLIGHT DATA RECORDERS.

The Secretary of Defense shall require that all V–22 Osprey aircraft be equipped with a state-of-the-art cockpit voice recorder and a state-of-the-art flight data recorder each of which meets, at a minimum, the standards for such devices recommended by the National Transportation Safety Board.

Subtitle D—Air Force Programs

SEC. 131. ANNUAL REPORT ON B–2 BOMBER.

(a) IN GENERAL.—(1) Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2282. B–2 bomber: annual report

“Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the B–2 bomber aircraft. Each such report shall include the following:

“(1) Identification of the average full-mission capable rate of B–2 aircraft for the preceding fiscal year and the Secretary’s overall assessment of the implications of that full-mission capable rate on mission accomplishment for the B–2 aircraft, together with the Secretary’s determination as to whether that rate is adequate for the accomplishment of each of the missions assigned to the B–2 aircraft as of the date of the assessment.

“(2) An assessment of the technical capabilities of the B–2 aircraft and whether these capabilities are adequate to accomplish each of the missions assigned to that aircraft as of the date of the assessment.

“(3) Identification of all ongoing and planned development of technologies to enhance the capabilities of that aircraft.

“(4) Identification and assessment of additional technologies that would make that aircraft more capable or survivable against known and evolving threats.

“(5) A fiscally phased program for each technology identified in paragraphs (3) and (4) for the budget year and the future-years defense program, based on the following three funding situations:

“(A) The President’s current budget.

“(B) The President’s current budget and the current Department of Defense unfunded priority list.

“(C) The maximum executable funding for the B–2 aircraft given the requirement to maintain enough operationally ready aircraft to accomplish missions assigned to the B–2 aircraft.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2282. B–2 bomber: annual report.”.

(b) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is repealed.

SEC. 132. REPORT ON MODERNIZATION OF AIR NATIONAL GUARD F-16A UNITS.

The Secretary of the Air Force shall, not later than February 1, 2001, submit to Congress a plan to modernize and upgrade the combat capabilities of those Air National Guard units that, as of the date of the enactment of this Act, are assigned F–16A aircraft so that those units can be deployed as part of Air Expeditionary Forces.

Subtitle E—Joint Programs

SEC. 141. STUDY OF FINAL ASSEMBLY AND CHECKOUT ALTERNATIVES FOR THE JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the award of a contract for engineering and manufacturing development for the Joint Strike Fighter aircraft program, the Secretary of Defense shall submit to Congress a report providing the results of a study of final assembly and checkout alternatives for that aircraft.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) Examination of alternative final assembly and checkout strategies for the program, including—

(A) final assembly and checkout of all aircraft under the program at one location;

(B) final assembly and checkout at dual locations; and

(C) final assembly and checkout at multiple locations.

(2) Identification of each Government and industry facility that is a potential location for such final assembly and checkout.

(3) Identification of the anticipated costs of final assembly and checkout at each facility identified pursuant to paragraph (2), based upon a reasonable profile for the annual procurement of that aircraft once it enters production.

(4) A comparison of the anticipated costs of carrying out such final assembly and checkout at each such location.

(c) COST COMPARISON.—In identifying costs under subsection (b)(3) and carrying out the cost comparisons required by subsection (b)(4), the Secretary shall include consideration of each of the following factors:

(1) State tax credits.

(2) State and local incentives.

(3) Skilled resident workforce.

(4) Supplier and technical support bases.

(5) Available stealth production facilities.

(6) Environmental standards.

Subtitle F—Chemical Demilitarization

SEC. 151. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES.

(a) **LIMITATION.**—In determining the technologies to be used for the destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, whether under the assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note), the Assembled Chemical Weapons Assessment, or any other assessment, the Secretary of Defense may consider only the following technologies:

(1) Incineration.

(2) Any technologies demonstrated under the Assembled Chemical Weapons Assessment on or before May 1, 2000.

(b) **ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.**—As used in subsection (a), the term “Assembled Chemical Weapons Assessment” means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

SEC. 152. REPORT ON ASSESSMENT OF NEED FOR FEDERAL ECONOMIC ASSISTANCE FOR COMMUNITIES IMPACTED BY CHEMICAL DEMILITARIZATION ACTIVITIES.

(a) **REPORT REQUIRED.**—Not later than April 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the impact of the Department of Defense chemical agents and munitions destruction program on the communities in the vicinity of the chemical weapons stockpile storage sites and associated chemical agent demilitarization activities at the following facilities:

- (1) Anniston Chemical Activity, Alabama.
- (2) Blue Grass Chemical Activity, Kentucky.
- (3) Deseret Chemical Depot, Utah.
- (4) Edgewood Chemical Activity, Maryland.
- (5) Newport Chemical Activity, Indiana.
- (6) Pine Bluff Chemical Activity, Arkansas.
- (7) Pueblo Chemical Activity, Colorado.
- (8) Umatilla Chemical Depot, Oregon.

(b) **RECOMMENDATION.**—The Secretary shall include in the report a recommendation regarding whether Federal economic assistance for any or all of those communities to assist in meeting the impact of that program is needed and appropriate. If the Secretary’s recommendation is that such economic assistance is needed and appropriate for any or all of such communities, the Secretary shall include in the report criteria for determining the amount of such economic assistance.

(c) **MATTERS TO BE CONSIDERED IN ASSESSING IMPACT.**—In assessing the impact of the program referred to in subsection (a) for purposes of preparing the report required by that subsection and the recommendation required by subsection (b), the Secretary shall consider the following:

- (1) The impact that any change in population as a result of chemical agent demilitarization activities would have on the community.

(2) The possible temporary nature of such a change in population and the long-range financial impact of such a change in population on the permanent residents of the community.

(3) The initial capitalization required for the services, facilities, or infrastructure to support any increase in population.

(4) The operating costs for sustaining or upgrading the services, facilities, or infrastructure to support any increase in population.

(5) The costs incurred by local government entities for improvements to emergency evacuation routes required by the chemical demilitarization activities.

(6) Such other factors as the Secretary considers appropriate.

SEC. 153. PROHIBITION AGAINST DISPOSAL OF NON-STOCKPILE CHEMICAL WARFARE MATERIAL AT ANNISTON CHEMICAL STOCKPILE DISPOSAL FACILITY.

No funds authorized to be made available under this or any other Act may be used to facilitate the disposal using the chemical stockpile disposal facility at Anniston, Alabama, of any non-stockpile chemical warfare material that is not stored (as of the date of the enactment of this Act) at the Anniston Army Depot.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Sec. 211. Management of Space-Based Infrared System—Low.

Sec. 212. Joint Strike Fighter program.

Sec. 213. Fiscal year 2002 joint field experiment.

Sec. 214. Nuclear aircraft carrier design and production modeling.

Sec. 215. DD–21 class destroyer program.

Sec. 216. Limitation on Russian American Observation Satellites program.

Sec. 217. Joint biological defense program.

Sec. 218. Report on biological warfare defense vaccine research and development programs.

Sec. 219. Cost limitations applicable to F–22 aircraft program.

Sec. 220. Unmanned advanced capability combat aircraft and ground combat vehicles.

Sec. 221. Global Hawk high altitude endurance unmanned aerial vehicle.

Sec. 222. Army space control technology development.

SUBTITLE C—BALLISTIC MISSILE DEFENSE

Sec. 231. Funding for fiscal year 2001.

Sec. 232. Reports on ballistic missile threat posed by North Korea.

Sec. 233. Plan to modify ballistic missile defense architecture.

Sec. 234. Management of Airborne Laser program.

SUBTITLE D—HIGH ENERGY LASER PROGRAMS

Sec. 241. Funding.

Sec. 242. Implementation of High Energy Laser Master Plan.

Sec. 243. Designation of senior official for high energy laser programs.

Sec. 244. Site for Joint Technology Office.

Sec. 245. High energy laser infrastructure improvements.

Sec. 246. Cooperative programs and activities.

Sec. 247. Technology plan.

Sec. 248. Annual report.

Sec. 249. Definition.

Sec. 250. Review of Defense-wide directed energy programs.

SUBTITLE E—OTHER MATTERS

Sec. 251. Reports on mobile offshore base concept and potential use for certain purposes of technologies associated with that concept.

Sec. 252. Air Force science and technology planning.

Sec. 253. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.

Sec. 254. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, \$5,568,482,000.

(2) For the Navy, \$8,715,335,000.

(3) For the Air Force, \$13,779,144,000.

(4) For Defense-wide activities, \$10,873,712,000, of which \$192,060,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2001.—Of the amounts authorized to be appropriated by section 201, \$4,557,188,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term “basic research and applied research” means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MANAGEMENT OF SPACE-BASED INFRARED SYSTEM—LOW.

Not later than October 1, 2001, the Secretary of Defense shall direct that the Director of the Ballistic Missile Defense Organization shall have authority for program management for the ballistic missile defense program known on the date of the enactment of this Act as the Space-Based Infrared System—Low.

SEC. 212. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than December 15, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Joint Strike Fighter aircraft program describing the criteria for exit of the program from the demonstration and validation phase, and entry of the program into the engineering and manufacturing development phase, of the acquisition process.

(b) CERTIFICATION.—The Joint Strike Fighter program may not be approved for entry into the engineering and manufacturing development phase of the acquisition process until the Secretary of Defense certifies to the congressional defense committees that—

(1) the exit criteria established in the report submitted under subsection (a) have been accomplished;

(2) the technological maturity of key technologies for the program is sufficient to warrant entry of the program into the engineering and manufacturing development phase; and

(3) the short take-off, vertical-landing aircraft variant selected for engineering and manufacturing development has successfully flown at least 20 hours.

(c) TRANSFERS WITHIN THE JOINT STRIKE FIGHTER NAVY AND AIR FORCE ACCOUNTS.—(1) The Secretary of Defense may, subject to established congressional notification and reprogramming procedures, transfer within the Joint Strike Fighter program the following amounts:

(A) Of the funds authorized to be appropriated for PE 64800N, up to \$100,000,000 to PE 63800N.

(B) Of the funds authorized to be appropriated for PE 64800F, up to \$100,000,000 to PE 63800F.

(2) The transfer authority authorized in paragraph (1) is in addition to the transfer authority provided in section 1001.

SEC. 213. FISCAL YEAR 2002 JOINT FIELD EXPERIMENT.

(a) REQUIREMENTS.—The Secretary of Defense shall carry out a joint field experiment in fiscal year 2002. The Secretary shall ensure that the planning for the joint field experiment is carried out in fiscal year 2001.

(b) PURPOSE.—The purpose of the joint field experiment is to explore critical war fighting challenges at the operational level of war that will confront United States joint military forces after 2010.

(c) PARTICIPATING FORCES.—(1) The joint field experiment shall involve elements of the Army, Navy, Marine Corps, and Air Force, and shall include special operations forces.

(2) The forces designated to participate in the joint field experiment shall exemplify the concepts for organization, equipment, and doctrine that are conceived for the forces after 2010 under Joint Vision 2010 and Joint Vision 2020 (issued by the Joint Chiefs of Staff) and the current vision statements of the Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force, including the following concepts:

(A) Army medium weight brigades.

(B) Navy Forward-From-The-Sea.

(C) Air Force expeditionary aerospace forces.

(d) REPORT.—Not later than March 1, 2001, the Secretary shall submit to the congressional defense committees a report on the concept plan for the joint field experiment required under subsection (a). The report shall include the following:

(1) The objectives of the experiment.

(2) The forces participating in the experiment.

(3) The schedule and location of the experiment.

(4) For each joint command, defense agency, and service component participating in the experiment, an identification of—

(A) the funding required for the experiment by that command, agency, or component; and

(B) any shortfall in the budget request for the Department of Defense for fiscal year 2002 for that funding for that command, agency, or component.

SEC. 214. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRODUCTION MODELING.

(a) **ASSESSMENT REQUIRED.**—The Secretary of the Navy shall conduct an assessment of the cost-effectiveness of—

- (1) converting design data for the Nimitz-class aircraft carrier from non-electronic to electronic form; and
- (2) developing an electronic, three-dimensional design product model for the CVNX class aircraft carrier.

(b) **CONDUCT OF THE ASSESSMENT.**—The Secretary of the Navy shall carry out the assessment in a manner that ensures the participation of the nuclear aircraft carrier shipbuilding industry.

(c) **REPORT.**—The Secretary of the Navy shall submit a report to the congressional defense committees on the assessment. The report shall include the results of the assessment and plans and funding requirements for developing the model specified in subsection (a)(2). The report shall be submitted with the submission of the budget request for the Department of Defense for fiscal year 2002.

(d) **FUNDING.**—Of the amount authorized to be appropriated under section 201(2) for research, development, test, and evaluation for the Navy, \$8,000,000 shall be available to initiate the conversion and development of nuclear aircraft carrier design data into an electronic, three-dimensional product model.

SEC. 215. DD-21 CLASS DESTROYER PROGRAM.

(a) **AUTHORITY.**—The Secretary of the Navy is authorized to pursue a technology insertion approach for the construction of the DD-21 destroyer that is based on the assumption of the following schedule:

(1) Award of a contract for advance procurement for construction of components for the DD-21 destroyer during fiscal year 2004.

(2) Delivery of the completed ship during fiscal year 2009.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there are compelling reasons for starting the program for constructing the DD-21 destroyer during fiscal year 2004 with available procurement funds and continuing with sequential construction of DD-21 class destroyers during the ensuing fiscal years until 32 DD-21 class destroyers have been constructed; and

(2) the Secretary of the Navy, in providing for the acquisition of DD-21 class destroyers, should consider that—

(A) the Marine Corps needs the surface fire-support capabilities of the DD-21 class destroyers as soon as possible in order to mitigate the inadequacies of the surface fire-support capabilities that are currently available;

(B) the Navy and Marine Corps need to resolve whether there is a requirement for surface fire-support missile weapon systems to be easily sustainable by means of replenishment while under way;

(C) the technology insertion approach has been successful for other ship construction programs and is being pursued for the CVNX aircraft carrier program and the Virginia class submarine program;

(D) the establishment of a stable configuration for the first 10 DD–21 class destroyers should enable the construction of those ships with the greatest capabilities at the lowest cost; and

(E) action to acquire DD–21 class destroyers should be taken as soon as possible in order to realize fully the cost savings that can be derived from the construction and operation of DD–21 class destroyers, including—

(i) savings in construction costs that would result from achievement of the Navy’s target per-ship cost of \$750,000,000 by the fifth ship constructed in each construction yard;

(ii) savings that would result from the estimated reduction of the crews of destroyers by 200 or more personnel for each ship; and

(iii) savings that would result from a reduction in the operating costs for destroyers by an estimated 70 percent.

(c) NAVY PLAN FOR USE OF TECHNOLOGY INSERTION APPROACH FOR CONSTRUCTION OF THE DD–21 SHIP.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than April 18, 2001, a plan for pursuing a technology insertion approach for the construction of the DD–21 destroyer as authorized under subsection (a). The plan shall include estimates of the resources necessary to carry out the plan.

(d) REPORT ON ACQUISITION AND MAINTENANCE PLAN FOR DD–21 CLASS SHIPS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than April 18, 2001, a report on the Navy’s plan for the acquisition and maintenance of DD–21 class destroyers. The report shall include a discussion of each of the following matters:

(1) The technical feasibility of contracting for, and commencing construction of, the first destroyer in that class during fiscal year 2004 and achieving delivery of the completed ship during fiscal year 2009.

(2) An analysis of alternative contracting strategies for the construction of the first 10 destroyers in that class, including one or more multiyear procurement strategies and one or more strategies for block buy in economic order quantity.

(3) A comparison of the effects on the destroyer industrial base and on costs to other Navy shipbuilding programs of the following two options:

(A) Commencing construction of the first destroyer in that class during fiscal year 2004, with delivery of the completed ship during fiscal year 2009, and delaying commencement of construction of the next destroyer in that class until fiscal year 2006.

(B) Commencing construction of the first destroyer in that class during fiscal year 2005 (rather than fiscal year 2004), with advance procurement during fiscal year 2004 and delivery of the completed ship during fiscal year 2010, and delaying commencement of construction of the next destroyer in that class until fiscal year 2007 (rather than fiscal year 2006).

(4) The effects on the fleet maintenance strategies of Navy fleet commanders, on commercial maintenance facilities in fleet concentration areas, and on the administration of funds in compliance with section 2466 of title 10, United States Code, of awarding to a contractor for the construction of a destroyer in that class all maintenance workloads for destroyers in that class that are below depot-level maintenance and above ship-level maintenance.

SEC. 216. LIMITATION ON RUSSIAN AMERICAN OBSERVATION SATELLITES PROGRAM.

None of the funds authorized to be appropriated under section 201(4) for the Russian American Observation Satellites program may be obligated or expended until 30 days after the Secretary of Defense submits to Congress a report explaining how the Secretary plans to protect United States advanced military technology that may be associated with the Russian American Observation Satellites program.

SEC. 217. JOINT BIOLOGICAL DEFENSE PROGRAM.

(a) **LIMITATION.**—Subject to subsection (c), funds authorized to be appropriated by this Act may not be obligated for the procurement of a vaccine for the biological agent anthrax until the Secretary of Defense has submitted to the congressional defense committees each of the following:

(1) A written notification that the Food and Drug Administration has approved the current manufacturer for production of the vaccine.

(2) A report on the contingencies associated with continuing to rely on the current manufacturer to supply the vaccine.

(b) **CONTENT OF REPORT.**—The report required under subsection (a)(2) shall include each of the following:

(1) Recommended strategies to mitigate the risk to the Department of Defense of losing the current manufacturer as a source of anthrax vaccine, together with a discussion of the criteria to be applied in determining whether to carry out any of the strategies and which strategy to carry out.

(2) Recommended strategies to ensure that the Department of Defense can procure, from one or more sources other than the current manufacturer, an anthrax vaccine approved by the Food and Drug Administration that meets the requirements of the Department if—

(A) the Food and Drug Administration does not approve the release of the anthrax vaccine available from the current manufacturer; or

(B) the current manufacturer terminates the production of anthrax vaccine permanently.

(3) A five-year budget to support each strategy recommended under paragraph (1) or (2).

(c) **PERMISSIBLE OBLIGATIONS.**—(1) This section does not limit the obligation of funds for any of the following purposes:

(A) The support of any action that is necessary for the current manufacturer to comply with standards of the Food and Drug Administration (including those purposes necessary to obtain or maintain a biological license application) applicable to anthrax vaccine.

(B) Establishing an additional source (other than or in conjunction with the current manufacturer) for the production of anthrax vaccine.

(C) Any action that the Secretary determines necessary to ensure production of anthrax vaccine for meeting an urgent and immediate national defense requirement.

(2) Not later than seven days after the total amount of the funds obligated (or obligated and expended) for purposes specified in paragraph (1) exceeds \$5,000,000, the Secretary shall submit to Congress a notification that the total obligations exceed that amount, together with a written justification for the obligation of funds in excess of that amount.

(d) **CURRENT MANUFACTURER.**—In this section, the term “current manufacturer” means the manufacturing source from which the Department of Defense is procuring anthrax vaccine as of the date of the enactment of this Act.

SEC. 218. REPORT ON BIOLOGICAL WARFARE DEFENSE VACCINE RESEARCH AND DEVELOPMENT PROGRAMS.

(a) **REPORT REQUIRED.**—Not later than February 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition of biological warfare defense vaccines for the Department of Defense.

(b) **CONTENTS.**—The report shall include the following:

(1) The Secretary’s evaluation of the implications of reliance on the commercial sector to meet the requirements of the Department of Defense for biological warfare defense vaccines.

(2) A design for a government-owned, contractor-operated facility for the production of biological warfare defense vaccines that meets the requirements of the Department for such vaccines, and the assumptions on which that design is based.

(3) A preliminary cost estimate of, and schedule for, establishing and bringing into operation such a facility, and the estimated annual cost of operating such a facility thereafter.

(4) A determination, developed in consultation with the Surgeon General, of the utility of such a facility to support the production of vaccines for the civilian sector, and a discussion of the effects that the use of such a facility for that purpose might have on—

(A) the production of vaccines for the Armed Forces;
and

(B) the annual cost of operating such a facility.

(5) An analysis of the effects that international requirements for vaccines, and the production of vaccines in response to those requirements, might have on—

(A) the production of vaccines for the Armed Forces;
and

(B) the annual cost of operating such a facility.

(c) **BIOLOGICAL WARFARE DEFENSE VACCINE DEFINED.**—In this section, the term “biological warfare defense vaccine” means a vaccine useful for the immunization of military personnel to protect against biological agents on the Validated Threat List issued by the Joint Chiefs of Staff, whether such vaccine is in production or is being developed.

SEC. 219. COST LIMITATIONS APPLICABLE TO F-22 AIRCRAFT PROGRAM.

(a) FLEXIBILITY IN ENGINEERING AND MANUFACTURING DEVELOPMENT COST CAP.—Section 217(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660) is amended by adding at the end the following new paragraph:

“(3) With respect to the limitation in subsection (a), an increase by an amount that does not exceed 1½ percent of the total amount of that limitation (taking into account the increases and decreases, if any, under paragraphs (1) and (2)) if the Director of Operational Test and Evaluation, after consulting with the Under Secretary of Defense for Acquisition, Technology, and Logistics, determines that the increase is necessary in order to ensure adequate testing.”.

(b) REESTABLISHMENT OF SEPARATE ENGINEERING AND MANUFACTURING DEVELOPMENT COST CAP AND PRODUCTION COST CAP.—The provisions of subsections (a) and (b) of section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660) shall continue to apply with respect to amounts obligated and expended for engineering and manufacturing development, and for production, respectively, for the F-22 aircraft program without regard to any provision of law establishing a single limitation on amounts obligated and expended for engineering and manufacturing development and for production for that program.

SEC. 220. UNMANNED ADVANCED CAPABILITY COMBAT AIRCRAFT AND GROUND COMBAT VEHICLES.

(a) GOAL.—It shall be a goal of the Armed Forces to achieve the fielding of unmanned, remotely controlled technology such that—

(1) by 2010, one-third of the aircraft in the operational deep strike force aircraft fleet are unmanned; and

(2) by 2015, one-third of the operational ground combat vehicles are unmanned.

(b) REPORT ON UNMANNED ADVANCED CAPABILITY COMBAT AIRCRAFT AND GROUND COMBAT VEHICLES.—(1) Not later than January 31, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the programs to demonstrate unmanned advanced capability combat aircraft and ground combat vehicles undertaken jointly between the Director of the Defense Advanced Research Projects Agency and any of the following:

(A) The Secretary of the Army.

(B) The Secretary of the Navy.

(C) The Secretary of the Air Force.

(2) The report shall include, for each program referred to in paragraph (1), the following:

(A) A schedule for the demonstration to be carried out under that program.

(B) An identification of the funding required for fiscal year 2002 and for the future-years defense program to carry out that program and for the demonstration to be carried out under that program.

(C) In the case of the program relating to the Army, the plan for modification of the existing memorandum of agreement

with the Defense Advanced Research Projects Agency for demonstration and development of the Future Combat System to reflect an increase in unmanned, remotely controlled enabling technologies.

(3) The report shall also include, for each Secretary referred to in paragraphs (1)(A), (1)(B), and (1)(C), a description and assessment of the acquisition strategy for unmanned advanced capability combat aircraft and ground combat vehicles planned by that Secretary, which shall include a detailed estimate of all research and development, procurement, operation, support, ownership, and other costs required to carry out such strategy through the year 2030, and—

(A) in the case of the acquisition strategy relating to the Army, the transition from the planned acquisition strategy for the Future Combat System to an acquisition strategy capable of meeting the goal specified in subsection (a)(2);

(B) in the case of the acquisition strategy relating to the Navy—

(i) the plan to implement a program that examines the ongoing Air Force unmanned combat air vehicle program and identifies an approach to develop a Navy unmanned combat air vehicle program that has the goal of developing an aircraft that is suitable for aircraft carrier use and has maximum commonality with the aircraft under the Air Force program; and

(ii) an analysis of alternatives between the operational deep strike force aircraft fleet and that fleet together with an additional 10 to 20 unmanned advanced capability combat aircraft that are suitable for aircraft carrier use and capable of penetrating fully operational enemy air defense systems; and

(C) in the case of the acquisition strategy relating to the Air Force—

(i) the schedule for evaluation of demonstration results for the ongoing unmanned combat air vehicle program and the earliest possible transition of that program into engineering and manufacturing development and procurement; and

(ii) an analysis of alternatives between the currently planned deep strike force aircraft fleet and the operational deep strike force aircraft fleet that could be acquired by fiscal year 2010 to meet the goal specified in subsection (a)(1).

(c) FUNDS.—Of the amount authorized to be appropriated for Defense-wide activities under section 201(4) for the Defense Advanced Research Projects Agency, \$100,000,000 shall be available only to carry out the programs referred to in subsection (b)(1).

(d) DEFINITIONS.—For purposes of this section:

(1) An aircraft or ground combat vehicle has “unmanned advanced capability” if it is an autonomous, semi-autonomous, or remotely controlled system that can be deployed, re-tasked, recovered, and re-deployed.

(2) The term “currently planned deep strike force aircraft fleet” means the early entry, deep strike aircraft fleet (composed of F–117 stealth aircraft and B–2 stealth aircraft) that is currently planned for fiscal year 2010.

(3) The term “operational deep strike force aircraft fleet” means the currently planned deep strike force aircraft fleet, together with at least 30 unmanned advanced capability combat aircraft that are capable of penetrating fully operational enemy air defense systems.

(4) The term “operational ground combat vehicles” means ground combat vehicles acquired through the Future Combat System acquisition program of the Army to equip the future objective force, as outlined in the vision statement of the Chief of Staff of the Army.

SEC. 221. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UNMANNED AERIAL VEHICLE.

(a) **CONCEPT DEMONSTRATION REQUIRED.**—The Secretary of Defense shall require and coordinate a concept demonstration of the Global Hawk high altitude endurance unmanned aerial vehicle.

(b) **PURPOSE OF DEMONSTRATION.**—The purpose of the concept demonstration is to demonstrate the capability of the Global Hawk high altitude endurance unmanned aerial vehicle to operate in an airborne surveillance mode, using available, non-developmental technology.

(c) **TIME FOR DEMONSTRATION.**—The Secretary shall initiate the demonstration not later than March 1, 2001.

(d) **PARTICIPATION BY CINCS.**—The Secretary shall require the commander of the United States Joint Forces Command and the commander of the United States Southern Command jointly to provide guidance for the demonstration and otherwise to participate in the demonstration.

(e) **SCENARIO FOR DEMONSTRATION.**—The demonstration shall be conducted in a counter-drug surveillance scenario that is designed to replicate factual conditions typically encountered in the performance of the counter-drug surveillance mission of the commander of the United States Southern Command within that commander’s area of responsibility.

(f) **REPORT.**—Not later than 45 days after the demonstration is completed, the Secretary shall submit to Congress a report on the results of the demonstration. The report shall include the following:

(1) The Secretary’s assessment of the technical feasibility of using the Global Hawk high altitude endurance unmanned aerial vehicle for airborne air surveillance.

(2) A discussion of the operational concept for the use of the vehicle for that purpose.

(g) **FUNDING.**—Of the funds authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, \$18,000,000 shall be available for the concept demonstration required by subsection (a), including initiation of concurrent development for an improved surveillance radar.

SEC. 222. ARMY SPACE CONTROL TECHNOLOGY DEVELOPMENT.

Of the funds authorized to be appropriated under section 201(1) for Army space control technology, \$3,000,000 shall be available for the kinetic energy anti-satellite technology program.

Subtitle C—Ballistic Missile Defense

SEC. 231. FUNDING FOR FISCAL YEAR 2001.

Of the funds authorized to be appropriated in section 201(4), \$1,875,238,000 shall be available for the National Missile Defense program.

SEC. 232. REPORTS ON BALLISTIC MISSILE THREAT POSED BY NORTH KOREA.

(a) **REPORT ON BALLISTIC MISSILE THREAT.**—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress, in classified and unclassified form, a report on the North Korean ballistic missile threat to the United States. The report shall include the following:

(1) An assessment of the current North Korean missile threat to the United States.

(2) An assessment of whether the United States is capable of defeating the North Korean long-range missile threat to the United States as of the date of the report.

(3) An assessment of when the United States will be capable of defeating the North Korean missile threat to the United States.

(4) An assessment of the potential for proliferation of North Korean missile technologies to other states and whether such proliferation will accelerate the development of additional long-range ballistic missile threats to the United States.

(b) **REPORT ON REDUCING VULNERABILITY.**—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report providing the following:

(1) Any additional steps the President intends to take to reduce the period of time during which the Nation is vulnerable to the North Korean long-range ballistic missile threat.

(2) The technical and programmatic viability of testing any other missile defense systems against targets with flight characteristics similar to the North Korean long-range missile threat, and plans to do so if such tests are considered to be a viable alternative.

(c) **DEFINITION.**—For purposes of this section, the term “United States”, when used in a geographic sense, means the 50 States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

SEC. 233. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE ARCHITECTURE.

(a) **PLAN.**—The Director of the Ballistic Missile Defense Organization shall develop a plan to adapt ballistic missile defense systems and architectures to counter potential threats to the United States, United States forces deployed outside the United States, and other United States national security interests that are posed by longer range medium-range ballistic missiles and intermediate-range ballistic missiles.

(b) **USE OF SPACE-BASED SENSORS INCLUDED.**—The plan shall include—

(1) potential use of space-based sensors, including the Space-Based Infrared System (SBIRS) Low and Space-Based

Infrared System (SBIRS) High, Navy theater missile defense assets, upgrades of land-based theater missile defenses, the airborne laser, and other assets available in the European theater; and

(2) a schedule for ground and flight testing against the identified threats.

(c) REPORT.—The Secretary of Defense shall assess the plan and, not later than February 15, 2001, shall submit to the congressional defense committees a report on the results of the assessment.

SEC. 234. MANAGEMENT OF AIRBORNE LASER PROGRAM.

(a) OVERSIGHT OF FUNDING, SCHEDULE, AND TECHNICAL REQUIREMENTS.—With respect to the program known as of the date of the enactment of this Act as the “Airborne Laser” program, the Secretary of Defense shall require that the Secretary of the Air Force obtain the concurrence of the Director of the Ballistic Missile Defense Organization before the Secretary—

(1) makes any change to the funding plan or schedule for that program that would delay to a date later than September 30, 2003, the first test of the airborne laser that is intended to destroy a ballistic missile in flight;

(2) makes any change to the funding plan for that program in the future-years defense program that would delay the initial operational capability of the airborne laser; and

(3) makes any change to the technical requirements of the airborne laser that would significantly reduce its ballistic missile defense capabilities.

(b) REPORT.—Not later than February 15, 2001, the Director of the Ballistic Missile Defense Organization shall submit to the congressional defense committees a report, to be prepared in coordination with the Secretary of the Air Force, on the role of the airborne laser in the family of systems missile defense architecture developed by the Director of the Ballistic Missile Defense Organization and the Director of the Joint Theater Air and Missile Defense Organization. The report shall be submitted in unclassified and, if necessary, classified form. The report shall include the following:

(1) An assessment by the Secretary of the Air Force and the Director of the Ballistic Missile Defense Organization of the funding plan for that program required to achieve the schedule identified in paragraphs (1) and (2) of subsection (a).

(2) Potential future airborne laser roles in that architecture.

(3) An assessment of the effect of deployment of the airborne laser on requirements for theater ballistic missile defense systems.

(4) An assessment of the cost effectiveness of the airborne laser compared to other ballistic missile defense systems.

(5) An assessment of the relative significance of the airborne laser in the family of systems missile defense architecture.

Subtitle D—High Energy Laser Programs

SEC. 241. FUNDING.

(a) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4), \$30,000,000 is authorized for high energy laser development.

(2) Funds available under this subsection are available to supplement the high energy laser programs of the military departments and Defense Agencies, as determined by the official designated under section 243.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should establish funding for high energy laser programs within the science and technology programs of each of the military departments and the Ballistic Missile Defense Organization; and

(2) the Secretary of Defense should establish a goal that basic, applied, and advanced research in high energy laser technology should constitute at least 4.5 percent of the total science and technology budget of the Department of Defense by fiscal year 2004.

SEC. 242. IMPLEMENTATION OF HIGH ENERGY LASER MASTER PLAN.

The Secretary of Defense shall implement the management and organizational structure specified in the Department of Defense High Energy Laser Master Plan of March 24, 2000.

SEC. 243. DESIGNATION OF SENIOR OFFICIAL FOR HIGH ENERGY LASER PROGRAMS.

(a) DESIGNATION.—The Secretary of Defense shall designate a single senior civilian official in the Office of the Secretary of Defense (in this subtitle referred to as the “designated official”) to chair the High Energy Laser Technology Council called for in the master plan referred to in section 242 and to carry out responsibilities for the programs for which funds are provided under this subtitle. The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics for matters concerning the responsibilities specified in subsection (b).

(b) RESPONSIBILITIES.—The primary responsibilities of the designated official shall include the following:

(1) Establishment of priorities for the high energy laser programs of the military departments and the Defense Agencies.

(2) Coordination of high energy laser programs among the military departments and the Defense Agencies.

(3) Identification of promising high energy laser technologies for which funding should be a high priority for the Department of Defense and establishment of priority for funding among those technologies.

(4) Preparation, in coordination with the Secretaries of the military departments and the Directors of the Defense Agencies, of a detailed technology plan to develop and mature high energy laser technologies.

(5) Planning and programming appropriate to rapid evolution of high energy laser technology.

(6) Ensuring that high energy laser programs of each military department and the Defense Agencies are initiated and

managed effectively and are complementary with programs managed by the other military departments and Defense Agencies and by the Office of the Secretary of Defense.

(7) Ensuring that the high energy laser programs of the military departments and the Defense Agencies comply with the requirements specified in subsection (c).

(c) COORDINATION AND FUNDING BALANCE.—In carrying out the responsibilities specified in subsection (b), the designated official shall ensure that—

(1) high energy laser programs of each military department and of the Defense Agencies are consistent with the priorities identified in the designated official's planning and programming activities;

(2) funding provided by the Office of the Secretary of Defense for high energy laser research and development complements high energy laser programs for which funds are provided by the military departments and the Defense Agencies;

(3) programs, projects, and activities to be carried out by the recipients of such funds are selected on the basis of appropriate competitive procedures or Department of Defense peer review process;

(4) beginning with fiscal year 2002, funding from the Office of the Secretary of Defense in applied research and advanced technology development program elements is not applied to technology efforts in support of high energy laser programs that are not funded by a military department or the Defense Agencies; and

(5) funding from the Office of the Secretary of Defense to complement an applied research or advanced technology development high energy laser program for which funds are provided by one of the military departments or the Defense Agencies do not exceed the amount provided by the military department or the Defense Agencies for that program.

SEC. 244. SITE FOR JOINT TECHNOLOGY OFFICE.

(a) DEADLINE FOR SELECTION OF SITE.—The Secretary of Defense shall locate the Joint Technology Office called for in the High Energy Laser Master Plan referred to in section 242 at a location determined appropriate by the Secretary not later than 30 days after the date of the enactment of this Act.

(b) CONSIDERATION OF SITE.—In determining the location of the Joint Technology Office, the Secretary shall, in consultation with the Deputy Under Secretary of Defense for Science and Technology, assess—

(1) cost;

(2) accessibility between the Office and the Armed Forces and senior Department of Defense leaders; and

(3) the advantages and disadvantages of locating the Office at a site at which occurs a substantial proportion of the directed energy research, development, test, and evaluation activities of the Department of Defense.

SEC. 245. HIGH ENERGY LASER INFRASTRUCTURE IMPROVEMENTS.

(a) ENHANCEMENT OF INDUSTRIAL BASE.—The Secretary of Defense shall consider, evaluate, and undertake to the extent appropriate initiatives, including investment initiatives, to enhance the industrial base to support military applications of high energy laser technologies and systems.

(b) **ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.**—The Secretary of Defense shall consider modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to high energy laser weapons.

SEC. 246. COOPERATIVE PROGRAMS AND ACTIVITIES.

(a) **MEMORANDUM OF AGREEMENT WITH NNSA.**—(1) The Secretary of Defense and the Administrator for Nuclear Security of the Department of Energy shall enter into a memorandum of agreement to conduct joint research and development on military applications of high energy lasers.

(2) The projects pursued under the memorandum of agreement—

(A) shall be of mutual benefit to the national security programs of the Department of Defense and the National Nuclear Security Administration of the Department of Energy;

(B) shall be prioritized jointly by officials designated to do so by the Secretary of Defense and the Administrator; and

(C) shall be consistent with the technology plan prepared pursuant to section 243(b)(4) and the requirements identified in section 243(c).

(3) The costs of each project pursued under the memorandum of agreement shall be shared equally by the Department of Defense and the National Nuclear Security Administration.

(4) The memorandum of agreement shall provide for appropriate peer review of projects pursued under the memorandum of agreement.

(b) **EVALUATION OF OTHER COOPERATIVE PROGRAMS AND ACTIVITIES.**—The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to high energy laser technologies, systems, and weapons.

SEC. 247. TECHNOLOGY PLAN.

The designated official shall submit to the congressional defense committees by February 15, 2001, the technology plan prepared pursuant to section 243(b)(4). The report shall be submitted in unclassified and, if necessary, classified form.

SEC. 248. ANNUAL REPORT.

Not later than February 15 of 2001, 2002, and 2003, the Secretary of Defense shall submit to the congressional defense committees a report on the high energy laser programs of the Department of Defense. Each report shall include an assessment of the following:

(1) The adequacy of the management structure of the Department of Defense for the high energy laser programs.

(2) The funding available for the high energy laser programs.

(3) The technical progress achieved for the high energy laser programs.

(4) The extent to which goals and objectives of the high energy laser technology plan have been met.

SEC. 249. DEFINITION.

For purposes of this subtitle, the term “high energy laser” means a laser that has average power in excess of one kilowatt and that has potential weapons applications.

SEC. 250. REVIEW OF DEFENSE-WIDE DIRECTED ENERGY PROGRAMS.

(a) **EVALUATION.**—The Secretary of Defense, in consultation with the Deputy Under Secretary of Defense for Science and Technology, shall evaluate expansion of the High Energy Laser management structure specified in section 242 for possible inclusion in that management structure of science and technology programs in related areas, including the following:

- (1) High power microwave technologies.
- (2) Low energy and nonlethal laser technologies.
- (3) Other directed energy technologies.

(b) **CONSIDERATION OF PRIOR STUDY.**—The evaluation under subsection (a) shall take into consideration the July 1999 Department of Defense study on streamlining and coordinating science and technology and research, development, test, and evaluation within the Department of Defense.

(c) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the findings of the evaluation under subsection (a). The report shall be submitted not later than March 15, 2001.

Subtitle E—Other Matters

SEC. 251. REPORTS ON MOBILE OFFSHORE BASE CONCEPT AND POTENTIAL USE FOR CERTAIN PURPOSES OF TECHNOLOGIES ASSOCIATED WITH THAT CONCEPT.

(a) **REPORT ON MERITS OF MOBILE OFFSHORE BASE CONCEPT.**—Not later than March 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the mobile offshore base concept. The report shall include the following:

- (1) A cost-benefit analysis of the mobile offshore base, using operational concepts that would support the National Military Strategy.
- (2) A recommendation regarding whether to proceed with the mobile offshore base as a program and, if so—
 - (A) a statement regarding which of the Armed Forces is to be designated to have the lead responsibility for the program; and
 - (B) a schedule for the program.

(b) **REPORT ON POTENTIAL USE FOR CERTAIN PURPOSES OF ASSOCIATED TECHNOLOGIES.**—Not later than March 1, 2001, the Secretary of the Navy shall submit to the congressional defense committees a report on the potential use of technologies associated with the mobile offshore base concept. The report shall include an assessment of the potential application and feasibility of using existing technologies, including those technologies associated with the mobile offshore base concept, to a sea-based landing platform for support of naval aviation training.

SEC. 252. AIR FORCE SCIENCE AND TECHNOLOGY PLANNING.

(a) **REQUIREMENT FOR REVIEW.**—The Secretary of the Air Force shall conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs. The

Secretary shall complete the review not later than one year after the date of the enactment of this Act.

(b) MATTERS TO BE REVIEWED.—The review shall include the following:

(1) An assessment of the budgetary resources that are being used for fiscal year 2001 for addressing the long-term challenges and the short-term objectives of the Air Force science and technology programs.

(2) The budgetary resources that are necessary to address those challenges and objectives adequately.

(3) A course of action for each projected or ongoing Air Force science and technology program that does not address either the long-term challenges or the short-term objectives.

(4) The matters required under subsection (c)(5) and (d)(6).

(c) LONG-TERM CHALLENGES.—(1) The Secretary of the Air Force shall establish an integrated product team to identify high-risk, high-payoff challenges that will provide a long-term focus and motivation for the Air Force science and technology programs over the next 20 to 50 years following the enactment of this Act. The integrated product team shall include representatives of the Office of Scientific Research and personnel from the Air Force Research Laboratory.

(2) The team shall solicit views from the entire Air Force science and technology community on the matters under consideration by the team.

(3) The team—

(A) shall select for consideration science and technology challenges that involve—

(i) compelling requirements of the Air Force;

(ii) high-risk, high-payoff areas of exploration; and

(iii) very difficult, but probably achievable, results; and

(B) should not select a linear extension of any ongoing Air Force science and technology program for consideration as a science and technology challenge under subparagraph (A).

(4) The Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering shall designate a technical coordinator and a management coordinator for each science and technology challenge identified pursuant to this subsection. Each technical coordinator shall have sufficient expertise in fields related to the challenge to be able to identify other experts in such fields and to affirm the credibility of the challenge. The coordinator for a science and technology challenge shall conduct workshops within the relevant scientific and technological community to obtain suggestions for possible approaches to addressing the challenge and to identify ongoing work that addresses the challenge, deficiencies in current work relating to the challenge, and promising areas of research.

(5) In carrying out subsection (a), the Secretary of the Air Force shall review the science and technology challenges identified pursuant to this subsection and, for each such challenge, at a minimum—

(A) consider the results of the workshops conducted pursuant to paragraph (4); and

(B) identify any work not currently funded by the Air Force that should be performed to meet the challenge.

(d) SHORT-TERM OBJECTIVES.—(1) The Secretary of the Air Force shall establish a task force to identify short-term technological

objectives of the Air Force science and technology programs. The task force shall be chaired by the Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering and shall include representatives of the Chief of Staff of the Air Force and the specified combatant commands of the Air Force.

(2) The task force shall solicit views from the entire Air Force requirements community, user community, and acquisition community.

(3) The task force shall select for consideration short-term objectives that involve—

(A) compelling requirements of the Air Force;

(B) support in the user community; and

(C) likely attainment of the desired benefits within a five-year period.

(4) The Deputy Assistant Secretary of the Air Force for Science, Technology, and Engineering shall establish an integrated product team for each short-term objective identified pursuant to this subsection. Each integrated product team shall include representatives of the requirements community, the user community, and the science and technology community with relevant expertise.

(5) The integrated product team for a short-term objective shall be responsible for—

(A) identifying, defining, and prioritizing the enabling capabilities that are necessary for achieving the objective;

(B) identifying deficiencies in the enabling capabilities that must be addressed if the short-term objective is to be achieved; and

(C) working with the Air Force science and technology community to identify science and technology projects and programs that should be undertaken to eliminate each deficiency in an enabling capability.

(6) In carrying out subsection (a), the Secretary of the Air Force shall review the short-term science and technology objectives identified pursuant to this subsection and, for each such objective, at a minimum—

(A) consider the work of the integrated product team conducted pursuant to paragraph (5); and

(B) identify the science and technology work of the Air Force that should be undertaken to eliminate each deficiency in enabling capabilities that is identified by the integrated product team pursuant to subparagraph (B) of that paragraph.

(e) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary of the Air Force completes the review required by subsection (a), the Comptroller General shall submit to Congress a report on the results of the review. The report shall include the Comptroller General's assessment regarding the extent to which the review was conducted in compliance with the requirements of this section.

(2) Immediately upon completing the review required by subsection (a), the Secretary of Defense shall notify the Comptroller General of the completion of the review. For the purposes of paragraph (1), the date of the notification shall be considered the date of the completion of the review.

SEC. 253. ENHANCEMENT OF AUTHORITIES REGARDING EDUCATION PARTNERSHIPS FOR PURPOSES OF ENCOURAGING SCIENTIFIC STUDY.

(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—Subsection (b) of section 2194 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “, and is encouraged to provide,” after “may provide”;

(2) in paragraph (1), by inserting before the semicolon the following: “for any purpose and duration in support of such agreement that the director considers appropriate”; and

(3) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any provision of law or regulation relating to transfers of surplus property, transferring to the institution any computer equipment, or other scientific equipment, that is—

“(A) commonly used by educational institutions;

“(B) surplus to the needs of the defense laboratory;

and

“(C) determined by the director to be appropriate for support of such agreement.”.

(b) DEFENSE LABORATORY DEFINED.—Subsection (e) of that section is amended to read as follows:

“(e) In this section:

“(1) The term ‘defense laboratory’ means any laboratory, product center, test center, depot, training and educational organization, or operational command under the jurisdiction of the Department of Defense.

“(2) The term ‘local educational agency’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).”.

SEC. 254. RECOGNITION OF THOSE INDIVIDUALS INSTRUMENTAL TO NAVAL RESEARCH EFFORTS DURING THE PERIOD FROM BEFORE WORLD WAR II THROUGH THE END OF THE COLD WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) The contributions of the Nation’s scientific community and of science research to the victory of the United States and its allies in World War II resulted in the understanding that science and technology are of critical importance to the future security of the Nation.

(2) Academic institutions and oceanographers provided vital support to the Navy and the Marine Corps during World War II.

(3) Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps.

(4) The Office of Naval Research of the Department of the Navy, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation.

(5) These partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation.

(b) CONGRESSIONAL RECOGNITION AND APPRECIATION.—
Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships and, in particular, on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Joint warfighting capabilities assessment teams.

SUBTITLE B—ENVIRONMENTAL PROVISIONS

- Sec. 311. Establishment of additional environmental restoration account and use of accounts for operation and monitoring of environmental remedies.
- Sec. 312. Certain environmental restoration activities.
- Sec. 313. Annual reports under Strategic Environmental Research and Development Program.
- Sec. 314. Payment of fines and penalties for environmental compliance at Fort Wainwright, Alaska.
- Sec. 315. Payment of fines or penalties imposed for environmental compliance violations at other Department of Defense facilities.
- Sec. 316. Reimbursement for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.
- Sec. 317. Necessity of military low-level flight training to protect national security and enhance military readiness.
- Sec. 318. Ship disposal project.
- Sec. 319. Defense Environmental Security Corporate Information Management Program.

- Sec. 320. Report on Plasma Energy Pyrolysis System.
- Sec. 321. Sense of Congress regarding environmental restoration of former defense manufacturing site, Santa Clarita, California.

SUBTITLE C—COMMISSARIES AND NONAPPROPRIATED FUND INSTRUMENTALITIES

- Sec. 331. Use of appropriated funds to cover operating expenses of commissary stores.
- Sec. 332. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
- Sec. 333. Use of surcharges for construction and improvement of commissary stores.
- Sec. 334. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
- Sec. 335. Use of most economical distribution method for distilled spirits.
- Sec. 336. Report on effects of availability of slot machines on United States military installations overseas.

SUBTITLE D—DEPARTMENT OF DEFENSE INDUSTRIAL FACILITIES

- Sec. 341. Designation of Centers of Industrial and Technical Excellence and public-private partnerships to increase utilization of such centers.
- Sec. 342. Unutilized and underutilized plant-capacity costs of United States arsenals.
- Sec. 343. Arsenal support program initiative.
- Sec. 344. Codification and improvement of armament retooling and manufacturing support programs.

SUBTITLE E—PERFORMANCE OF FUNCTIONS BY PRIVATE-SECTOR SOURCES

- Sec. 351. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
- Sec. 352. Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and Army ammunition plants.
- Sec. 353. Consolidation, restructuring, or reengineering of Department of Defense organizations, functions, or activities.
- Sec. 354. Monitoring of savings resulting from workforce reductions as part of conversion of functions to performance by private sector or other strategic sourcing initiatives.
- Sec. 355. Performance of emergency response functions at chemical weapons storage installations.
- Sec. 356. Suspension of reorganization or relocation of Naval Audit Service.

SUBTITLE F—DEFENSE DEPENDENTS EDUCATION

- Sec. 361. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
- Sec. 362. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 363. Impact aid for children with severe disabilities.
- Sec. 364. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.

SUBTITLE G—MILITARY READINESS ISSUES

- Sec. 371. Measuring cannibalization of parts, supplies, and equipment under readiness reporting system.
- Sec. 372. Reporting requirements regarding transfers from high-priority readiness appropriations.
- Sec. 373. Effects of worldwide contingency operations on readiness of military aircraft and equipment.
- Sec. 374. Identification of requirements to reduce backlog in maintenance and repair of defense facilities.
- Sec. 375. New methodology for preparing budget requests to satisfy Army readiness requirements.
- Sec. 376. Review of AH–64 aircraft program.
- Sec. 377. Report on Air Force spare and repair parts program for C–5 aircraft.

SUBTITLE H—OTHER MATTERS

- Sec. 381. Annual report on public sale of certain military equipment identified on United States Munitions List.
- Sec. 382. Resale of armor-piercing ammunition disposed of by the Army.
- Sec. 383. Reimbursement by civil air carriers for support provided at Johnston Atoll.

- Sec. 384. Travel by Reserves on military aircraft.
- Sec. 385. Overseas airlift service on Civil Reserve Air Fleet aircraft.
- Sec. 386. Additions to plan for ensuring visibility over all in-transit end items and secondary items.
- Sec. 387. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.
- Sec. 388. Extension of authority to sell certain aircraft for use in wildfire suppression.
- Sec. 389. Damage to aviation facilities caused by alkali silica reactivity.
- Sec. 390. Demonstration project to increase reserve component internet access and services in rural communities.
- Sec. 391. Additional conditions on implementation of Defense Joint Accounting System.
- Sec. 392. Report on Defense Travel System.
- Sec. 393. Review of Department of Defense costs of maintaining historical properties.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$19,280,381,000.
- (2) For the Navy, \$23,766,610,000.
- (3) For the Marine Corps, \$2,826,291,000.
- (4) For the Air Force, \$22,395,221,000.
- (5) For Defense-wide activities, \$11,740,569,000.
- (6) For the Army Reserve, \$1,561,418,000.
- (7) For the Naval Reserve, \$978,946,000.
- (8) For the Marine Corps Reserve, \$144,159,000.
- (9) For the Air Force Reserve, \$1,903,859,000.
- (10) For the Army National Guard, \$3,233,835,000.
- (11) For the Air National Guard, \$3,468,375,000.
- (12) For the Defense Inspector General, \$144,245,000.
- (13) For the United States Court of Appeals for the Armed Forces, \$8,574,000.
- (14) For Environmental Restoration, Army, \$389,932,000.
- (15) For Environmental Restoration, Navy, \$294,038,000.
- (16) For Environmental Restoration, Air Force, \$376,300,000.
- (17) For Environmental Restoration, Defense-wide, \$21,412,000.
- (18) For Environmental Restoration, Formerly Used Defense Sites, \$231,499,000.
- (19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$55,900,000.
- (20) For Drug Interdiction and Counter-drug Activities, Defense-wide, \$869,000,000.
- (21) For the Kaho’olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, \$25,000,000.
- (22) For Defense Health Program, \$11,480,123,000.
- (23) For Cooperative Threat Reduction programs, \$443,400,000.
- (24) For Overseas Contingency Operations Transfer Fund, \$4,100,577,000.

(25) For Quality of Life Enhancements, Defense-wide, \$10,500,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- (1) For the Defense Working Capital Funds, \$916,276,000.
- (2) For the National Defense Sealift Fund, \$388,158,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2001 from the Armed Forces Retirement Home Trust Fund the sum of \$69,832,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than \$150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2001 in amounts as follows:

- (1) For the Army, \$50,000,000.
- (2) For the Navy, \$50,000,000.
- (3) For the Air Force, \$50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. JOINT WARFIGHTING CAPABILITIES ASSESSMENT TEAMS.

Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities for the Joint Staff, \$4,000,000 is available only for the improvement of the performance of analyses by the joint warfighting capabilities assessment teams of the Joint Requirements Oversight Council.

Subtitle B—Environmental Provisions

SEC. 311. ESTABLISHMENT OF ADDITIONAL ENVIRONMENTAL RESTORATION ACCOUNT AND USE OF ACCOUNTS FOR OPERATION AND MONITORING OF ENVIRONMENTAL REMEDIES.

(a) ACCOUNT FOR FORMERLY USED DEFENSE SITES.—Subsection (a) of section 2703 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) An account to be known as the ‘Environmental Restoration Account, Formerly Used Defense Sites’.”.

(b) OPERATION AND MONITORING OF ENVIRONMENTAL REMEDIES.—Such section is further amended by adding at the end the following new subsection:

“(f) SOLE SOURCE OF FUNDS FOR OPERATION AND MONITORING OF ENVIRONMENTAL REMEDIES.—(1) The sole source of funds for all phases of an environmental remedy at a site under the jurisdiction of the Department of Defense or a formerly used defense site shall be the applicable environmental restoration account established under subsection (a).

“(2) In this subsection, the term ‘environmental remedy’ has the meaning given the term ‘remedy’ in section 101 of CERCLA (42 U.S.C. 9601).”.

SEC. 312. CERTAIN ENVIRONMENTAL RESTORATION ACTIVITIES.

Subsection (b) of section 2703 of title 10, United States Code, is amended to read as follows:

“(b) OBLIGATION OF AUTHORIZED AMOUNTS.—(1) Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only—

“(A) to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law; and

“(B) to pay for the costs of permanently relocating a facility because of a release or threatened release of hazardous substances, pollutants, or contaminants from—

“(i) real property on which the facility is located and that is currently under the jurisdiction of the Secretary of Defense or the Secretary of a military department; or

“(ii) real property on which the facility is located and that was under the jurisdiction of the Secretary of Defense or the Secretary of a military department at the time of the actions leading to the release or threatened release.

“(2) The authority provided by paragraph (1)(B) expires September 30, 2003. The Secretary of Defense or the Secretary of a military department may not pay the costs of permanently relocating a facility under such paragraph unless the Secretary—

“(A) determines that permanent relocation—

“(i) is the most cost effective method of responding to the release or threatened release of hazardous substances, pollutants, or contaminants from the real property on which the facility is located;

“(ii) has the approval of relevant regulatory agencies; and

“(iii) is supported by the affected community; and

“(B) submits to Congress written notice of the determination before undertaking the permanent relocation of the facility, including a description of the response action taken or to be taken in connection with the permanent relocation and a statement of the costs incurred or to be incurred in connection with the permanent relocation.

“(3) If relocation costs are to be paid under paragraph (1)(B) with respect to a facility located on real property described in clause (ii) of such paragraph, the Secretary of Defense or the Secretary of the military department concerned may use only fund transfer mechanisms otherwise available to the Secretary.

“(4) Funds authorized for deposit in an account under subsection (a) shall remain available until expended. Not more than 5 percent of the funds deposited in an account under subsection (a) for a fiscal year may be used to pay relocation costs under paragraph (1)(B).”.

SEC. 313. ANNUAL REPORTS UNDER STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) **REPEAL OF REQUIREMENT FOR ANNUAL REPORT FROM SCIENTIFIC ADVISORY BOARD.**—Section 2904 of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(b) **INCLUSION OF ACTIONS OF BOARD IN ANNUAL REPORTS OF COUNCIL.**—Section 2902(d)(3) of such title is amended by adding at the end the following new subparagraph:

“(D) A summary of the actions of the Strategic Environmental Research and Development Program Scientific Advisory Board during the year preceding the year in which the report is submitted and any recommendations, including recommendations on program direction and legislation, that the Advisory Board considers appropriate regarding the program.”.

SEC. 314. PAYMENT OF FINES AND PENALTIES FOR ENVIRONMENTAL COMPLIANCE AT FORT WAINWRIGHT, ALASKA.

The Secretary of Defense, or the Secretary of the Army, may pay, as part of a settlement of liability, a fine or penalty of not more than \$2,000,000 for matters addressed in the Notice of Violation issued on March 5, 1999, by the Administrator of the Environmental Protection Agency to Fort Wainwright, Alaska.

SEC. 315. PAYMENT OF FINES OR PENALTIES IMPOSED FOR ENVIRONMENTAL COMPLIANCE VIOLATIONS AT OTHER DEPARTMENT OF DEFENSE FACILITIES.

(a) **ARMY VIOLATIONS.**—Using amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, the Secretary of the Army may pay the following amounts in connection with environmental compliance violations at the following locations:

(1) \$993,000 for a supplemental environmental project to implement an installation-wide hazardous substance management system at Walter Reed Army Medical Center, Washington, District of Columbia, in satisfaction of a fine imposed by Environmental Protection Agency Region 3 under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) \$377,250 for a supplemental environmental project to install new parts washers at Fort Campbell, Kentucky, in satisfaction of a fine imposed by Environmental Protection Agency Region 4 under the Solid Waste Disposal Act.

(3) \$20,701 for a supplemental environmental project to upgrade the wastewater treatment plant at Fort Gordon, Georgia, in satisfaction of a fine imposed by the State of Georgia under the Solid Waste Disposal Act.

(4) \$78,500 for supplemental environmental projects to reduce the generation of hazardous waste at Pueblo Chemical Depot, Colorado, in satisfaction of a fine imposed by the State of Colorado under the Solid Waste Disposal Act.

(5) \$20,000 for a supplemental environmental project to repair cracks in floors of igloos used to store munitions hazardous waste at Deseret Chemical Depot, Utah, in satisfaction of a fine imposed by the State of Utah under the Solid Waste Disposal Act.

(6) \$7,975 for payment to the Texas Natural Resource Conservation Commission of a cash penalty for permit violations assessed with respect to Fort Sam Houston, Texas, under the Solid Waste Disposal Act.

(b) NAVY VIOLATIONS.—Using amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, the Secretary of the Navy may pay the following amounts in connection with environmental compliance violations at the following locations:

(1) \$108,800 for payment to the West Virginia Division of Environmental Protection of a cash penalty with respect to Allegany Ballistics Laboratory, West Virginia, under the Solid Waste Disposal Act.

(2) \$5,000 for payment to Environmental Protection Agency Region 6 of a cash penalty with respect to Naval Air Station, Corpus Christi, Texas, under the Clean Air Act (42 U.S.C. 7401).

(3) \$1,650 for payment to Environmental Protection Agency Region 3 of a cash penalty with respect to Marine Corps Combat Development Command, Quantico, Virginia, under the Clean Air Act.

SEC. 316. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY.—The Secretary of Defense may pay, using funds described in subsection (b), not more than \$98,210 to the Former Nansemond Ordnance Depot Site Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for costs incurred by the agency in overseeing a time critical removal action under CERCLA being performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia, pursuant to an Interagency Agreement entered into by the Department of the Army and the Environmental Protection Agency on January 3, 2000.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Formerly Used Defense Sites, established by paragraph (5) of section 2703(a) of title 10, United States Code, as added by section 311(a) of this Act.

(c) DEFINITIONS.—In this section:

(1) The term “CERCLA” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) The term “Defense Environmental Restoration Program” means the program of environmental restoration carried out under chapter 160 of title 10, United States Code.

SEC. 317. NECESSITY OF MILITARY LOW-LEVEL FLIGHT TRAINING TO PROTECT NATIONAL SECURITY AND ENHANCE MILITARY READINESS.

Nothing in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such law shall require the Secretary of Defense or the Secretary of a military department to prepare a programmatic, nation-wide environmental impact statement for low-level flight training as a precondition to the use by the Armed Forces of an airspace for the performance of low-level training flights.

SEC. 318. SHIP DISPOSAL PROJECT.

(a) CONTINUATION OF PROJECT; PURPOSE.—During fiscal year 2001, the Secretary of the Navy shall continue to carry out the ship disposal project within the United States to permit the Secretary to assemble appropriate data on the cost of scrapping naval vessels.

(b) USE OF COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures to award all task orders under the primary contracts under the ship disposal project.

(c) REPORT.—Not later than December 31, 2000, the Secretary shall submit to the congressional defense committees a report on the ship disposal project. The report shall contain the following:

(1) A description of the competitive procedures used for the solicitation and award of all task orders under the project.

(2) A description of the task orders awarded under the project.

(3) An assessment of the results of the project as of the date of the report, including the performance of contractors under the project.

(4) The proposed strategy of the Navy for future procurement of ship scrapping activities.

SEC. 319. DEFENSE ENVIRONMENTAL SECURITY CORPORATE INFORMATION MANAGEMENT PROGRAM.

(a) MANAGEMENT AND OVERSIGHT OF PROGRAM.—The Chief Information Officer of the Department of Defense shall ensure that management and oversight of the Defense Environmental Security Corporate Information Management Program is consistent with the requirements of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106), section 2223 of title 10, United States Code, Department of Defense Directives 5000.1, 5000.2-R, and 5137.1, and all other laws, directives, regulations, and management controls applicable to investment in information technology and related services.

(b) PROGRAM REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Environmental Security Corporate Information Management Program.

(c) MISSION.—The report shall include a mission statement and strategic objectives for the Defense Environmental Security Corporate Information Management Program, including the recommendations of the Secretary for the future mission and objectives of the Program.

(d) PERSONNEL, ORGANIZATION, AND OVERSIGHT.—The report shall include—

(1) the personnel requirements and organizational structure of the Defense Environmental Security Corporate Information Management Program to carry out the mission statement; and

(2) a discussion of—

(A) the means by which the Program will ensure program accountability, including accountability for all past, current, and future activities funded under the Program; and

(B) the role of the Chief Information Officer of the Department of Defense in ensuring program accountability as required by subsection (a).

(e) PROGRAM ACTIVITIES.—The report shall include a discussion of the means by which the Defense Environmental Security Corporate Information Management Program will address or provide—

(1) information access procedures that keep pace with current and evolving requirements for information access;

(2) data standardization and systems integration;

(3) product failures and cost-effective results;

(4) user confidence and utilization; and

(5) program continuity.

SEC. 320. REPORT ON PLASMA ENERGY PYROLYSIS SYSTEM.

(a) REPORT REQUIRED.—Not later than February 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the Plasma Energy Pyrolysis System.

(b) REPORT ELEMENTS.—The report on the Plasma Energy Pyrolysis System shall include the following:

(1) An analysis of available information and data on the fixed-transportable unit demonstration phase of the System and on the mobile unit demonstration phase of the System.

(2) Recommendations regarding future applications for each phase of the System described in paragraph (1).

(3) A statement of the projected funding for such future applications.

SEC. 321. SENSE OF CONGRESS REGARDING ENVIRONMENTAL RESTORATION OF FORMER DEFENSE MANUFACTURING SITE, SANTA CLARITA, CALIFORNIA.

It is the sense of the Congress that—

(1) there exists a 1,000-acre former defense manufacturing site in Santa Clarita, California (known as the “Santa Clarita site”), that could be environmentally restored to serve a future role in the community, and every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use for the benefit of the community; and

(2) the experience gained from environmental restoration at the Santa Clarita site by private and public sector partnerships has the potential to benefit not only the community of Santa Clarita, but all sites in need of environmental restoration.

Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. USE OF APPROPRIATED FUNDS TO COVER OPERATING EXPENSES OF COMMISSARY STORES.

(a) IN GENERAL.—(1) Section 2484 of title 10, United States Code, is amended to read as follows:

“§ 2484. Commissary stores: use of appropriated funds to cover operating expenses

“(a) OPERATION OF AGENCY AND SYSTEM.—Except as otherwise provided in this title, the operation of the Defense Commissary Agency and the defense commissary system may be funded using such amounts as are appropriated for such purpose.

“(b) OPERATING EXPENSES OF COMMISSARY STORES.—Appropriated funds may be used to cover the expenses of operating commissary stores and central product processing facilities of the defense commissary system. For purposes of this subsection, operating expenses include the following:

“(1) Salaries and wages of employees of the United States, host nations, and contractors supporting commissary store operations.

“(2) Utilities.

“(3) Communications.

“(4) Operating supplies and services.

“(5) Second destination transportation costs within or outside the United States.

“(6) Any cost associated with above-store-level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology costs.”.

(2) The table of sections at the beginning of chapter 147 of such title is amended by striking the item relating to section 2484 and inserting the following new item:

“2484. Commissary stores: use of appropriated funds to cover operating expenses.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.

SEC. 332. ADJUSTMENT OF SALES PRICES OF COMMISSARY STORE GOODS AND SERVICES TO COVER CERTAIN EXPENSES.

(a) ADJUSTMENT REQUIRED.—Section 2486 of title 10, United States Code, is amended—

(1) in subsection (c), by striking “section 2484(b) or” and inserting “subsection (d) or section”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “sections 2484 and” and inserting “section”; and

(B) by adding at the end the following new paragraph:

“(3) The sales price of merchandise and services sold in, at, or by commissary stores shall be adjusted to cover the following:

“(A) The cost of first destination commercial transportation of the merchandise in the United States to the place of sale.

“(B) The actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of commissary stores.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2001.

SEC. 333. USE OF SURCHARGES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORES.

(a) **EXPANSION OF AUTHORIZED USES.**—Subsection (b) of section 2685 of title 10, United States Code, is amended to read as follows:

“(b) **USE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.**—(1) The Secretary of Defense may use the proceeds from the adjustments or surcharges authorized by subsection (a) only—

“(A) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

“(B) to cover environmental evaluation and construction costs related to activities described in paragraph (1), including costs for surveys, administration, overhead, planning, and design.

“(2) In paragraph (1), the term ‘physical infrastructure’ includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.”.

(b) **AUTHORITY OF SECRETARY OF DEFENSE.**—Such section is further amended—

(1) in subsection (a), by striking “Secretary of a military department, under regulations established by him and approved by the Secretary of Defense,” and inserting “Secretary of Defense”;

(2) in subsection (c)—

(A) by striking “Secretary of a military department, with the approval of the Secretary of Defense and” and inserting “Secretary of Defense, with the approval of”; and

(B) by striking “Secretary of the military department determines” and inserting “Secretary determines”; and

(3) in subsection (d)(1), by striking “Secretary of a military department” and inserting “Secretary of Defense”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 334. INCLUSION OF MAGAZINES AND OTHER PERIODICALS AS AN AUTHORIZED COMMISSARY MERCHANDISE CATEGORY.

(a) **ADDITIONAL AUTHORIZED CATEGORY.**—Subsection (b) of section 2486 of title 10, United States Code, is amended—

(1) by redesignating paragraph (11) as paragraph (12); and

(2) by inserting after paragraph (10) the following new paragraph:

“(11) Magazines and other periodicals.”.

(b) **CONFORMING AMENDMENTS.**—Subsection (f) of such section is amended—

(1) by striking “(1)” before “Notwithstanding”;

(2) by striking “items in the merchandise categories specified in paragraph (2)” and inserting “tobacco products”; and

(3) by striking paragraph (2).

SEC. 335. USE OF MOST ECONOMICAL DISTRIBUTION METHOD FOR DISTILLED SPIRITS.

Section 2488(c) of title 10, United States Code, is amended—

- (1) by striking paragraph (2); and
- (2) by redesignating paragraph (3) as paragraph (2).

SEC. 336. REPORT ON EFFECTS OF AVAILABILITY OF SLOT MACHINES ON UNITED STATES MILITARY INSTALLATIONS OVERSEAS.

(a) **REPORT REQUIRED.**—Not later than March 31, 2001, the Secretary of Defense shall submit to Congress a report evaluating the effect that the ready availability of slot machines as a morale, welfare, and recreation activity on United States military installations outside of the United States has on members of the Armed Forces, their dependents, and other persons who use such slot machines, the morale of military communities overseas, and the personal financial stability of members of the Armed Forces.

(b) **MATTERS TO BE INCLUDED.**—The Secretary shall include in the report—

(1) an estimate of the number of persons who used such slot machines during the preceding two years and, of such persons, the percentage who were enlisted members (shown both in the aggregate and by pay grade), officers (shown both in the aggregate and by pay grade), Department of Defense civilians, other United States persons, and foreign nationals;

(2) to the extent feasible, information with respect to military personnel referred to in paragraph (1) showing the number (as a percentage and by pay grade) who have—

(A) sought financial services counseling at least partially due to the use of such slot machines;

(B) qualified for Government financial assistance at least partially due to the use of such slot machines; or

(C) had a personal check returned for insufficient funds or received any other nonpayment notification from a creditor at least partially due to the use of such slot machines; and

(3) to the extent feasible, information with respect to the average amount expended by each category of persons referred to in paragraph (1) in using such slot machines per visit, to be shown by pay grade in the case of military personnel.

Subtitle D—Department of Defense Industrial Facilities

SEC. 341. DESIGNATION OF CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE AND PUBLIC-PRIVATE PARTNERSHIPS TO INCREASE UTILIZATION OF SUCH CENTERS.

(a) **DESIGNATION METHOD.**—Subsection (a) of section 2474 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The Secretary of Defense” and inserting “The Secretary concerned, or the Secretary of Defense in the case of a Defense Agency,”; and

(B) by striking “of the activity” and inserting “of the designee”;

(2) in paragraph (2)—

(A) by inserting “of Defense” after “The Secretary”; and

(B) by striking “depot-level activities” and inserting “Centers of Industrial and Technical Excellence”; and
(3) in paragraph (3)—

(A) by striking “depot-level operations” and inserting “operations at Centers of Industrial and Technical Excellence”;

(B) by striking “depot-level activities” and inserting “the Centers”; and

(C) by striking “such activities” and inserting “the Centers”.

(b) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection (b) of such section is amended to read as follows:

“(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To achieve one or more objectives set forth in paragraph (2), the Secretary designating a Center of Industrial and Technical Excellence under subsection (a) may authorize and encourage the head of the Center to enter into public-private cooperative arrangements (in this section referred to as a ‘public-private partnership’) to provide for any of the following:

“(A) For employees of the Center, private industry, or other entities outside the Department of Defense to perform (under contract, subcontract, or otherwise) work related to the core competencies of the Center, including any depot-level maintenance and repair work that involves one or more core competencies of the Center.

“(B) For private industry or other entities outside the Department of Defense to use, for any period of time determined to be consistent with the needs of the Department of Defense, any facilities or equipment of the Center that are not fully utilized for a military department’s own production or maintenance requirements.

“(2) The objectives for exercising the authority provided in paragraph (1) are as follows:

“(A) To maximize the utilization of the capacity of a Center of Industrial and Technical Excellence.

“(B) To reduce or eliminate the cost of ownership of a Center by the Department of Defense in such areas of responsibility as operations and maintenance and environmental remediation.

“(C) To reduce the cost of products of the Department of Defense produced or maintained at a Center.

“(D) To leverage private sector investment in—

“(i) such efforts as plant and equipment recapitalization for a Center; and

“(ii) the promotion of the undertaking of commercial business ventures at a Center.

“(E) To foster cooperation between the armed forces and private industry.

“(3) If the Secretary concerned, or the Secretary of Defense in the case of a Defense Agency, authorizes the use of public-private partnerships under this subsection, the Secretary shall submit to Congress a report evaluating the need for loan guarantee authority, similar to the ARMS Initiative loan guarantee program under section 4555 of this title, to facilitate the establishment

of public-private partnerships and the achievement of the objectives set forth in paragraph (2).”.

(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) PRIVATE SECTOR USE OF EXCESS CAPACITY.—Any facilities or equipment of a Center of Industrial and Technical Excellence made available to private industry may be used to perform maintenance or to produce goods in order to make more efficient and economical use of Government-owned industrial plants and encourage the creation and preservation of jobs to ensure the availability of a workforce with the necessary manufacturing and maintenance skills to meet the needs of the armed forces.”.

(d) CREDITING OF AMOUNTS FOR PERFORMANCE.—Subsection (d) of such section, as redesignated by subsection (c)(2), is amended by adding at the end the following new sentences: “Consideration in the form of rental payments or (notwithstanding section 3302(b) of title 31) in other forms may be accepted for a use of property accountable under a contract performed pursuant to this section. Notwithstanding section 2667(d) of this title, revenues generated pursuant to this section shall be available for facility operations, maintenance, and environmental restoration at the Center where the leased property is located.”.

(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRIVATE-SECTOR PARTNERS.—Such section is further amended by adding at the end the following new subsections:

“(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRIVATE-SECTOR PARTNERS.—Equipment or facilities of a Center of Industrial and Technical Excellence may be made available for use by a private-sector entity under this section only if—

“(1) the use of the equipment or facilities will not have a significant adverse effect on the readiness of the armed forces, as determined by the Secretary concerned or, in the case of a Center in a Defense Agency, by the Secretary of Defense; and

“(2) the private-sector entity agrees—

“(A) to reimburse the Department of Defense for the direct and indirect costs (including any rental costs) that are attributable to the entity’s use of the equipment or facilities, as determined by that Secretary; and

“(B) to hold harmless and indemnify the United States from—

“(i) any claim for damages or injury to any person or property arising out of the use of the equipment or facilities, except in a case of willful conduct or gross negligence; and

“(ii) any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary concerned or the Secretary of Defense to suspend or terminate that use of equipment or facilities during a war or national emergency.

“(f) CONSTRUCTION OF PROVISION.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law,

from the performance of work at a Center of Industrial and Technical Excellence by Department of Defense personnel to performance by a contractor.”.

(f) USE OF WORKING CAPITAL-FUNDED FACILITIES.—Section 2208(j)(1) of title 10, United States Code, is amended—

(1) by striking “contract; and” at the end of subparagraph (A) and all that follows through “(B) the solicitation” and inserting “contract, and the solicitation”;

(2) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new subparagraph:
“(B) the Secretary would advance the objectives set forth in section 2474(b)(2) of this title by authorizing the facility to do so.”.

(g) REPEAL OF GENERAL AUTHORITY TO LEASE EXCESS DEPOT-LEVEL EQUIPMENT AND FACILITIES TO OUTSIDE TENANTS.—(1) Section 2471 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2471.

SEC. 342. UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) TREATMENT OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS.—Chapter 433 of title 10, United States Code, is amended by inserting after section 4540 the following new section:

“§ 4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs

“(a) ESTIMATE OF COSTS.—The Secretary of the Army shall include in the budget justification documents submitted to Congress in support of the President’s budget for a fiscal year submitted under section 1105 of title 31 an estimate of the funds to be required in that fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals.

“(b) USE OF FUNDS.—Funds appropriated to the Secretary of the Army for a fiscal year to cover unutilized and underutilized plant-capacity costs at Army arsenals shall be used in such fiscal year only for such costs.

“(c) TREATMENT OF COSTS.—(1) The Secretary of the Army shall not include unutilized and underutilized plant-capacity costs when evaluating the bid of an Army arsenal for purposes of the arsenal’s contracting to provide a good or service to a Government agency.

“(2) When an Army arsenal is serving as a subcontractor to a private-sector entity with respect to a good or service to be provided to a Government agency, the cost charged by the arsenal shall not include unutilized and underutilized plant-capacity costs that are funded by a direct appropriation.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Army arsenal’ means a Government-owned, Government-operated defense plant of the Department of the Army that manufactures weapons, weapon components, or both.

“(2) The term ‘unutilized and underutilized plant-capacity costs’ means the costs associated with operating and maintaining the facilities and equipment of an Army arsenal that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities

and equipment are not used or are used only 20 percent or less of available work days.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4540 the following new item:

“4541. Army arsenals: treatment of unutilized or underutilized plant-capacity costs.”.

SEC. 343. ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) DEMONSTRATION PROGRAM REQUIRED.—To help maintain the viability of the Army manufacturing arsenals and the unique capabilities of these arsenals to support the national security interests of the United States, the Secretary of the Army shall carry out a demonstration program under this section during fiscal years 2001 and 2002 at each manufacturing arsenal of the Department of the Army.

(b) PURPOSES OF DEMONSTRATION PROGRAM.—The purposes of the demonstration program are as follows:

(1) To provide for the utilization of the existing skilled workforce at the Army manufacturing arsenals by commercial firms.

(2) To provide for the reemployment and retraining of skilled workers who, as a result of declining workload and reduced Army spending on arsenal production requirements at these Army arsenals, are idled or underemployed.

(3) To encourage commercial firms, to the maximum extent practicable, to use these Army arsenals for commercial purposes.

(4) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use these Army arsenals for those purposes.

(5) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(6) To demonstrate innovative business practices, to support Department of Defense acquisition reform, and to serve as both a model and a laboratory for future defense conversion initiatives of the Department of Defense.

(7) To the maximum extent practicable, to allow the operation of these Army arsenals to be rapidly responsive to the forces of free market competition.

(8) To reduce or eliminate the cost of Government ownership of these Army arsenals, including the costs of operations and maintenance, the costs of environmental remediation, and other costs.

(9) To reduce the cost of products of the Department of Defense produced at these Army arsenals.

(10) To leverage private investment at these Army arsenals through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the demonstration program for the following activities:

(A) Recapitalization of plant and equipment.

(B) Environmental remediation.

(C) Promotion of commercial business ventures.

(D) Other activities approved by the Secretary of the Army.

(11) To foster cooperation between the Department of the Army, property managers, commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in these Army arsenals.

(c) CONTRACT AUTHORITY.—(1) In the case of each Army manufacturing arsenal, the Secretary of the Army may enter into contracts with commercial firms to authorize the contractors, consistent with section 4543 of title 10, United States Code—

(A) to use the arsenal, or a portion of the arsenal, and the skilled workforce at the arsenal to manufacture weapons, weapon components, or related products consistent with the purposes of the program; and

(B) to enter into subcontracts for the commercial use of the arsenal consistent with such purposes.

(2) A contract under paragraph (1) shall require the contractor to contribute toward the operation and maintenance of the Army manufacturing arsenal covered by the contract.

(3) In the event an Army manufacturing arsenal is converted to contractor operation, the Secretary may enter into a contract with the contractor to authorize the contractor, consistent with section 4543 of title 10, United States Code—

(A) to use the facility during the period of the program in a manner consistent with the purposes of the program; and

(B) to enter into subcontracts for the commercial use of the facility consistent with such purposes.

(d) LOAN GUARANTEES.—(1) Subject to paragraph (2), the Secretary of the Army may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity at an Army manufacturing arsenal under this section.

(2) Loan guarantees under this subsection may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

(3) The Secretary of the Army may enter into agreements with the Administrator of the Small Business Administration or the Administrator of the Farmers Home Administration, the Administrator of the Rural Development Administration, or the head of other appropriate agencies of the Department of Agriculture, under which such Administrators may, under this subsection—

(A) process applications for loan guarantees;

(B) guarantee repayment of loans; and

(C) provide any other services to the Secretary of the Army to administer this subsection.

(4) An Administrator referred to in paragraph (3) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the Administrator administers. To the extent practicable, each Administrator shall use the same procedures for processing loan guarantee applications under this subsection as the Administrator uses for processing loan guarantee applications under other loan guarantee programs that the Administrator administers.

(e) **LOAN LIMITS.**—The maximum amount of loan principal guaranteed during a fiscal year under subsection (d) may not exceed—

- (1) \$20,000,000, with respect to any single borrower; and
- (2) \$320,000,000 with respect to all borrowers.

(f) **TRANSFER OF FUNDS.**—The Secretary of the Army may transfer to an Administrator providing services under subsection (d), and the Administrator may accept, such funds as may be necessary to administer loan guarantees under such subsection.

(g) **REPORTING REQUIREMENTS.**—(1) Not later than July 1 of each year in which a guarantee issued under subsection (d) is in effect, the Secretary of the Army shall submit to Congress a report specifying the amounts of loans guaranteed under such subsection during the preceding calendar year. No report is required after fiscal year 2002.

(2) Not later than July 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the implementation of the demonstration program. The report shall contain a comprehensive review of contracting at the Army manufacturing arsenals covered by the program and such recommendations as the Secretary considers appropriate regarding changes to the program.

SEC. 344. CODIFICATION AND IMPROVEMENT OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT PROGRAMS.

(a) **IN GENERAL.**—(1) Part IV of subtitle B of title 10, United States Code, is amended by inserting after chapter 433 the following new chapter:

“CHAPTER 434—ARMAMENTS INDUSTRIAL BASE

“Sec.

“4551. Definitions.

“4552. Policy.

“4553. Armament Retooling and Manufacturing Support Initiative.

“4554. Property management contracts and leases.

“4555. ARMS Initiative loan guarantee program.

“§ 4551. Definitions

“In this chapter:

“(1) The term ‘ARMS Initiative’ means the Armament Retooling and Manufacturing Support Initiative authorized by this chapter.

“(2) The term ‘eligible facility’ means a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is in an active, inactive, layaway, or caretaker status.

“(3) The term ‘property manager’ includes any person or entity managing an eligible facility made available under the ARMS Initiative through a property management contract.

“(4) The term ‘property management contract’ includes facility use contracts, site management contracts, leases, and other agreements entered into under the authority of this chapter.

“(5) The term ‘Secretary’ means the Secretary of the Army.

“§ 4552. Policy

“It is the policy of the United States—

“(1) to encourage, to the maximum extent practicable, commercial firms to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army;

“(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

“(3) to increase the manufacture of products inside the United States;

“(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of eligible facilities for commercial purposes;

“(5) to provide, as appropriate, small businesses (including socially and economically disadvantaged small business concerns and new small businesses) with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

“(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

“(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

“(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the national technology and industrial base within the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the armed forces; and

“(9) to encourage facility use contracting where feasible.

“§ 4553. Armament Retooling and Manufacturing Support Initiative

“(a) **AUTHORITY FOR INITIATIVE.**—The Secretary may carry out a program to be known as the ‘Armament Retooling and Manufacturing Support Initiative’.

“(b) **PURPOSES.**—The purposes of the ARMS Initiative are as follows:

“(1) To encourage commercial firms, to the maximum extent practicable, to use eligible facilities for commercial purposes.

“(2) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use eligible facilities for those purposes.

“(3) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

“(4) To demonstrate innovative business practices, to support Department of Defense acquisition reform, and to serve as both a model and a laboratory for future defense conversion initiatives of the Department of Defense.

“(5) To the maximum extent practicable, to allow the operation of eligible facilities to be rapidly responsive to the forces of free market competition.

“(6) To reduce or eliminate the cost of Government ownership of eligible facilities, including the costs of operations and maintenance, the costs of environmental remediation, and other costs.

“(7) To reduce the cost of products of the Department of Defense produced at eligible facilities.

“(8) To leverage private investment at eligible facilities through long-term facility use contracts, property management contracts, leases, or other agreements that support and advance the policies and purposes of this chapter, for the following activities:

“(A) Recapitalization of plant and equipment.

“(B) Environmental remediation.

“(C) Promotion of commercial business ventures.

“(D) Other activities approved by the Secretary.

“(9) To foster cooperation between the Department of the Army, property managers, commercial interests, and State and local agencies in the implementation of sustainable development strategies and investment in eligible facilities made available for purposes of the ARMS Initiative.

“(10) To reduce or eliminate the cost of asset disposal that would be incurred if property at an eligible facility was declared excess to the needs of the Department of the Army.

“(c) AVAILABILITY OF FACILITIES.—The Secretary may make any eligible facility available for the purposes of the ARMS Initiative.

“(d) CONSIDERATION FOR LEASES.—Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), shall not apply to uses of property or facilities in accordance with the ARMS Initiative.

“(e) PROGRAM SUPPORT.—(1) Funds appropriated for purposes of the ARMS Initiative may be used for administrative support and management.

“(2) A full annual accounting of such expenses for each fiscal year shall be provided to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives not later than March 30 of the following fiscal year.

“§ 4554. Property management contracts and leases

“(a) IN GENERAL.—In the case of each eligible facility that is made available for the ARMS Initiative, the Secretary—

“(1) shall make full use of facility use contracts, leases, and other such commercial contractual instruments as may be appropriate;

“(2) shall evaluate, on the basis of efficiency, cost, emergency mobilization requirements, and the goals and purposes of the ARMS Initiative, the procurement of services from the property manager, including maintenance, operation, modification, infrastructure, environmental restoration and remediation, and disposal of ammunition manufacturing assets, and other services; and

“(3) may, in carrying out paragraphs (1) and (2)—

“(A) enter into contracts, and provide for subcontracts, for terms up to 25 years, as the Secretary considers appropriate and consistent with the needs of the Department of the Army and the goals and purposes of the ARMS Initiative; and

“(B) use procedures that are authorized to be used under section 2304(c)(5) of this title when the contractor or subcontractor is a source specified in law.

“(b) CONSIDERATION FOR USE.—(1) To the extent provided in a contract entered into under this section for the use of property at an eligible facility that is accountable under the contract, the Secretary may accept consideration for such use that is, in whole or in part, in a form other than—

“(A) rental payments; or

“(B) revenue generated at the facility.

“(2) Forms of consideration acceptable under paragraph (1) for a use of an eligible facility or any property at an eligible facility include the following:

“(A) The improvement, maintenance, protection, repair, and restoration of the facility, the property, or any property within the boundaries of the installation where the facility is located.

“(B) Reductions in overhead costs.

“(C) Reductions in product cost.

“(3) The authority under paragraph (1) may be exercised without regard to section 3302(b) of title 31 and any other provision of law.

“§ 4555. ARMS Initiative loan guarantee program

“(a) PROGRAM AUTHORIZED.—Subject to subsection (b), the Secretary may carry out a loan guarantee program to encourage commercial firms to use eligible facilities under this chapter. Under any such program, the Secretary may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity to use an eligible facility under this chapter.

“(b) ADVANCED BUDGET AUTHORITY.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

“(c) PROGRAM ADMINISTRATION.—(1) The Secretary may enter into an agreement with any of the officials named in paragraph (2) under which that official may, for the purposes of this section—

“(A) process applications for loan guarantees;

“(B) guarantee repayment of loans; and

“(C) provide any other services to the Secretary to administer the loan guarantee program.

“(2) The officials referred to in paragraph (1) are as follows:

“(A) The Administrator of the Small Business Administration.

“(B) The head of any appropriate agency in the Department of Agriculture, including—

“(i) the Administrator of the Farmers Home Administration; and

“(ii) the Administrator of the Rural Development Administration.

“(3) Each official authorized to do so under an agreement entered into under paragraph (1) may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the official administers.

“(4) To the extent practicable, each official processing loan guarantee applications under this section pursuant to an agreement entered into under paragraph (1) shall use the same processing procedures as the official uses for processing loan guarantee applications under other loan guarantee programs that the official administers.

“(d) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed—

“(1) \$20,000,000, with respect to any single borrower; and

“(2) \$320,000,000 with respect to all borrowers.

“(e) TRANSFER OF FUNDS.—The Secretary may transfer to an official providing services under subsection (c), and that official may accept, such funds as may be necessary to administer the loan guarantee program under this section.”

(2) The tables of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 433 the following new item:

“434. Armaments Industrial Base 4551”.

(b) IMPLEMENTATION REPORT.—Not later than July 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the procedures and controls implemented to carry out section 4554 of title 10, United States Code, as added by subsection (a).

(c) RELATIONSHIP TO NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE.—(1) Subchapter IV of chapter 148 of title 10, United States Code, is amended—

(A) by redesignating section 2525 as section 2521; and

(B) by adding at the end the following new section:

“§ 2522. Armament retooling and manufacturing

“The Secretary of the Army is authorized by chapter 434 of this title to carry out programs for the support of armaments retooling and manufacturing in the national defense industrial and technology base.”

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 2525 and inserting the following new items:

“2521. Manufacturing Technology Program.

“2522. Armament retooling and manufacturing.”

(d) REPEAL OF SUPERSEDED LAW.—The Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is repealed.

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 351. INCLUSION OF ADDITIONAL INFORMATION IN REPORTS TO CONGRESS REQUIRED BEFORE CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CON- TRACTOR PERFORMANCE.

(a) INFORMATION REQUIRED BEFORE COMMENCEMENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D) of section 2461 of title 10, United States Code, is amended by inserting before the period

the following: “, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the analysis”.

(b) INFORMATION REQUIRED IN NOTIFICATION OF DECISION.—Subsection (c)(1) of such section is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (F), (H), and (I), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

“(A) The date when the analysis of that commercial or industrial type function for possible change to performance by the private sector was commenced.”;

(3) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:

“(D) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced, the number of such employees whose employment was terminated or otherwise affected in implementing the most efficient organization of the function, and the number of such employees whose employment would be terminated or otherwise affected by changing to performance of the function by the private sector.

“(E) The Secretary’s certification that the factors considered in the examinations performed under subsection (b)(3), and in the making of the decision to change performance, did not include any predetermined personnel constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.”; and

(4) by inserting after subparagraph (F), as so redesignated, the following new subparagraph:

“(G) A statement of the potential economic effect of the change on each affected local community, as determined in the examination under subsection (b)(3)(B)(ii).”.

SEC. 352. EFFECTS OF OUTSOURCING ON OVERHEAD COSTS OF CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE AND ARMY AMMUNITION PLANTS.

Section 2461(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) If the commercial or industrial type function to be changed to performance by the private sector is performed at a Center of Industrial and Technical Excellence designated under section 2474(a) of this title or an Army ammunition plant—

“(A) the report required by this subsection shall also include a description of the effect that the performance and administration of the resulting contract will have on the overhead costs of the center or ammunition plant, as the case may be; and

“(B) notwithstanding paragraph (3), the change of the function to contractor performance may not begin until at least 60 days after the submission of the report.”.

SEC. 353. CONSOLIDATION, RESTRUCTURING, OR REENGINEERING OF DEPARTMENT OF DEFENSE ORGANIZATIONS, FUNCTIONS, OR ACTIVITIES.

(a) IN GENERAL.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2475. Consolidation, restructuring, or reengineering of organizations, functions, or activities: notification requirements

“(a) REQUIREMENT TO SUBMIT PLAN ANNUALLY.—Concurrently with the submission of the President’s annual budget request under section 1105 of title 31, the Secretary of Defense shall submit to Congress each Strategic Sourcing Plan of Action for the Department of Defense (as identified in the Department of Defense Interim Guidance dated February 29, 2000, or any successor Department of Defense guidance or directive), for the following year.

“(b) NOTIFICATION OF DECISION TO EXECUTE PLAN.—If a decision is made to consolidate, restructure, or reengineer an organization, function, or activity of the Department of Defense pursuant to a Strategic Sourcing Plan of Action described in subsection (a), and such consolidation, restructuring, or reengineering would result in a manpower reduction affecting 50 or more personnel of the Department of Defense (including military and civilian personnel)—

“(1) the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing that decision, including—

“(A) a projection of the savings that will be realized as a result of the consolidation, restructuring, or reengineering, compared with the cost incurred by the Department of Defense to perform the function or to operate the organization or activity prior to such proposed consolidation, restructuring, or reengineering;

“(B) a description of all missions, duties, or military requirements that will be affected as a result of the decision to consolidate, restructure, or reengineer the organization, function, or activity that was analyzed;

“(C) the Secretary’s certification that the consolidation, restructuring, or reengineering will not result in any diminution of military readiness;

“(D) a schedule for performing the consolidation, restructuring, or reengineering; and

“(E) the Secretary’s certification that the entire analysis for the consolidation, restructuring, or reengineering is available for examination; and

“(2) the head of the Defense Agency or the Secretary of the military department concerned may not implement the plan until 30 days after the date that the agency head or Secretary submits notification to the Committees on Armed Services of the Senate and House of Representatives of the intent to carry out such plan.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2475. Consolidation, restructuring, or reengineering of organizations, functions, or activities: notification requirements.”.

SEC. 354. MONITORING OF SAVINGS RESULTING FROM WORKFORCE REDUCTIONS AS PART OF CONVERSION OF FUNCTIONS TO PERFORMANCE BY PRIVATE SECTOR OR OTHER STRATEGIC SOURCING INITIATIVES.

(a) REQUIREMENT FOR A MONITORING SYSTEM.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2461 the following new section:

“§ 2461a. Development of system for monitoring cost savings resulting from workforce reductions

“(a) **WORKFORCE REVIEW DEFINED.**—In this section, the term ‘workforce review’, with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy), the Strategic Sourcing Program Plan of Action (or any successor Department of Defense guidance or directive), or any other authority to determine whether the function—

“(1) should be performed by a workforce composed of Department of Defense civilian employees or by a private sector workforce; or

“(2) should be reorganized or otherwise reengineered to improve the efficiency or effectiveness of the performance of the function, with a resulting decrease in the number of Department of Defense civilian employees performing the function.

“(b) **SYSTEM FOR MONITORING PERFORMANCE.**—(1) The Secretary of Defense shall establish a system for monitoring the performance, including the cost of performance, of each function of the Department of Defense that, after the date of the enactment of this section, is the subject of a workforce review.

“(2) The monitoring system shall be designed to compare the following:

“(A) The costs to perform a function before the workforce review to the costs actually incurred to perform the function after implementing the conversion, reorganization, or reengineering actions recommended by the workforce review.

“(B) The anticipated savings to the actual savings, if any, resulting from conversion, reorganization, or reengineering actions undertaken in response to the workforce review.

“(3) The monitoring of a function shall continue under this section for at least five years after the conversion, reorganization, or reengineering of the function.

“(c) **WAIVER FOR CERTAIN WORKFORCE REVIEWS.**—Subsection (b) shall not apply to a workforce review that would result in a manpower reduction affecting fewer than 50 Department of Defense civilian employees.

“(d) **ANNUAL REPORT.**—Not later than February 1 of each fiscal year, the Secretary of Defense shall submit to Congress a report on the results of the monitoring performed under the system established under subsection (b). For each function subject to monitoring during the previous fiscal year, the report shall indicate the following:

“(1) The cost of the workforce review.

“(2) The cost of performing the function before the workforce review compared to the costs incurred after implementing the conversion, reorganization, or reengineering actions recommended by the workforce review.

“(3) The actual savings derived from the implementation of the recommendations of the workforce review, if any, compared to the anticipated savings that were to result from the conversion, reorganization, or reengineering actions.

“(e) **CONSIDERATION IN PREPARATION OF FUTURE-YEARS DEFENSE PROGRAM.**—In preparing the future-years defense program under section 221 of this title, the Secretary of Defense shall, for the fiscal years covered by the program, estimate and take

into account the costs to be incurred and the savings to be derived from the performance of functions by workforces selected in workforce reviews. The Secretary shall consider the results of the monitoring under this section in making the estimates.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2461 the following new item:

“2461a. Development of system for monitoring cost savings resulting from workforce reductions.”.

SEC. 355. PERFORMANCE OF EMERGENCY RESPONSE FUNCTIONS AT CHEMICAL WEAPONS STORAGE INSTALLATIONS.

(a) RESTRICTION ON CONVERSION.—The Secretary of the Army may not convert to contractor performance the emergency response functions of any chemical weapons storage installation that, as of the date of the enactment of this Act, are performed for that installation by employees of the United States until the certification required by subsection (c) has been submitted in accordance with that subsection.

(b) COVERED INSTALLATIONS.—For the purposes of this section, a chemical weapons storage installation is any installation of the Department of Defense on which lethal chemical agents or munitions are stored.

(c) CERTIFICATION REQUIREMENT.—The Secretary of the Army shall certify in writing to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that, to ensure that there will be no lapse of capability to perform the chemical weapon emergency response mission at a chemical weapons storage installation during any transition to contractor performance of those functions at the installation, the plan for conversion of the performance of those functions—

(1) is consistent with the recommendation contained in General Accounting Office Report NSIAD-00-88, entitled “DoD Competitive Sourcing”, dated March 2000;

(2) provides for a transition to contractor performance of emergency response functions which ensures an adequate transfer of the relevant knowledge and expertise regarding chemical weapon emergency response to the contractor personnel; and

(3) complies with section 2465 of title 10, United States Code.

SEC. 356. SUSPENSION OF REORGANIZATION OR RELOCATION OF NAVAL AUDIT SERVICE.

(a) SUSPENSION.—During the period specified in subsection (b), the Secretary of the Navy may not commence or continue any consolidation, involuntary transfer, buy-out, or other reduction in force of the workforce of auditors and administrative support personnel of the Naval Audit Service if the consolidation, involuntary transfer, buy-out, or other reduction in force is associated with the reorganization or relocation of the performance of the auditing functions of the Naval Audit Service.

(b) DURATION.—Subsection (a) applies during the period beginning on the date of the enactment of this Act and ending 180 days after the date on which the Secretary submits to the congressional defense committees a report that sets forth in detail the Navy’s plans and justification for the reorganization or relocation

of the performance of the auditing functions of the Naval Audit Service, as the case may be.

Subtitle F—Defense Dependents Education

SEC. 361. ELIGIBILITY OF DEPENDENTS OF AMERICAN RED CROSS EMPLOYEES FOR ENROLLMENT IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN PUERTO RICO.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) AMERICAN RED CROSS EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) The Secretary may authorize the dependent of an American Red Cross employee described in paragraph (2) to enroll in an education program provided by the Secretary pursuant to subsection (a) in Puerto Rico if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.

“(2) An employee referred to in paragraph (1) is an American Red Cross employee who—

“(A) resides in Puerto Rico; and

“(B) performs, on a full-time basis, emergency services on behalf of members of the armed forces.

“(3) In determining the dependency status of any person for the purposes of paragraph (1), the Secretary shall apply the same definitions as apply to the determination of such status with respect to Federal employees in the administration of this section.

“(4) Subsection (g) shall apply with respect to determining the reimbursement rates for educational services provided pursuant to this subsection. Amounts received as reimbursement for such educational services shall be treated in the same manner as amounts received under subsection (g).”.

SEC. 362. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2001.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2001, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2001 of—

(1) that agency’s eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term “educational agencies assistance” means assistance authorized under section 386(b) of the National

Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 363. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

(a) **PAYMENTS.**—Subject to subsection (f), the Secretary of Defense shall make a payment for fiscal years after fiscal year 2001, to each local educational agency eligible to receive a payment for a child described in subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)) that serves two or more such children with severe disabilities, for costs incurred in providing a free appropriate public education to each such child.

(b) **PAYMENT AMOUNT.**—The amount of the payment under subsection (a) to a local educational agency for a fiscal year for each child referred to in such subsection with a severe disability shall be—

(1) the payment made on behalf of the child with a severe disability that is in excess of the average per pupil expenditure in the State in which the local educational agency is located; less

(2) the sum of the funds received by the local educational agency—

(A) from the State in which the child resides to defray the educational and related services for such child;

(B) under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to defray the educational and related services for such child; and

(C) from any other source to defray the costs of providing educational and related services to the child which are received due to the presence of a severe disabling condition of such child.

(c) **EXCLUSIONS.**—No payment shall be made under subsection (a) on behalf of a child with a severe disability whose individual cost of educational and related services does not exceed—

(1) five times the national or State average per pupil expenditure (whichever is lower), for a child who is provided educational and related services under a program that is located outside the boundaries of the school district of the local educational agency that pays for the free appropriate public education of the student; or

(2) three times the State average per pupil expenditure, for a child who is provided educational and related services under a program offered by the local educational agency, or within the boundaries of the school district served by the local educational agency.

(d) **RATABLE REDUCTION.**—If the amount available for a fiscal year for payments under subsection (a) is insufficient to pay the full amount all local educational agencies are eligible to receive under such subsection, the Secretary of Defense shall ratably reduce the amounts of the payments made under such subsection to all local educational agencies by an equal percentage.

(e) **REPORT.**—Each local educational agency desiring a payment under subsection (a) shall report to the Secretary of Defense—

(1) the number of severely disabled children for which a payment may be made under this section; and

(2) a breakdown of the average cost, by placement (inside or outside the boundaries of the school district of the local educational agency), of providing education and related services to such children.

(f) **PAYMENTS SUBJECT TO APPROPRIATION.**—Payments shall be made for any period in a fiscal year under this section only to the extent that funds are appropriated specifically for making such payments for that fiscal year.

(g) **LOCAL EDUCATIONAL AGENCY DEFINED.**—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 364. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **REPAIR AND RENOVATION ASSISTANCE.**—(1) During fiscal year 2001, the Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

(A) an impacted school facility that is used by significant numbers of military dependent students; or

(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed \$2,500,000 during fiscal year 2001.

(b) **MAINTENANCE ASSISTANCE.**—(1) During fiscal year 2001, the Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed \$250,000 during fiscal year 2001.

(c) **DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

(A) one or more federally impacted school facilities; and

(B) satisfies at least one of the following eligibility requirements:

(i) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such

agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

(ii) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

(iii) The State education system and the local educational agency are one and the same.

(2) A local educational agency is also an eligible local educational agency under this section if the local educational agency has a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under subsection (a) may only be used to repair and renovate that specific facility.

(d) NOTIFICATION OF ELIGIBILITY.—Not later than April 30, 2001, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible to apply for a grant under subsection (a), subsection (b), or both subsections.

(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for fiscal year 2001.

(f) GRANT CONSIDERATIONS.—In determining which eligible local educational agencies will receive a grant under this section, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

(2) There is an increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

(4) The repair or renovation of facilities is needed to address any of the following conditions:

(A) The condition of the facility poses a threat to the safety and well-being of students.

(B) The requirements of the Americans with Disabilities Act of 1990.

(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

(7) The age of facility to be repaired or renovated.

(g) DEFINITIONS.—In this section:

(1) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(2) IMPACTED SCHOOL FACILITY.—The term “impacted school facility” means a facility of a local educational agency—

(A) that is used to provide elementary or secondary education at or near a military installation; and

(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

(3) MILITARY DEPENDENT STUDENTS.—The term “military dependent students” means students who are dependents of members of the armed forces or Department of Defense civilian employees.

(4) MILITARY INSTALLATION.—The term “military installation” has the meaning given that term in section 2687(e) of title 10, United States Code.

(h) FUNDING SOURCE.—The amount authorized to be appropriated under section 301(25) for Quality of Life Enhancements, Defense-Wide, shall be available to the Secretary of Defense to make grants under this section.

Subtitle G—Military Readiness Issues

SEC. 371. MEASURING CANNIBALIZATION OF PARTS, SUPPLIES, AND EQUIPMENT UNDER READINESS REPORTING SYSTEM.

Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.”.

SEC. 372. REPORTING REQUIREMENTS REGARDING TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

(a) CONTINUATION OF REPORTING REQUIREMENTS.—Section 483 of title 10, United States Code, is amended by striking subsection (e).

(b) LEVEL OF DETAIL.—Subsection (c)(2) of such section is amended by inserting before the period the following: “, including identification of the sources from which funds were transferred into that activity and identification of the recipients of the funds transferred out of that activity”.

(c) ADDITIONAL COVERED BUDGET ACTIVITIES.—Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:

“(G) Combat Enhancement Forces.

“(H) Combat Communications.”.

SEC. 373. EFFECTS OF WORLDWIDE CONTINGENCY OPERATIONS ON READINESS OF MILITARY AIRCRAFT AND EQUIPMENT.

(a) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the effects of worldwide contingency operations on—

(1) the readiness of aircraft and ground equipment of the Armed Forces; and

(2) the capability of the Armed Forces to maintain a high level of equipment readiness and to manage a high operating tempo for the aircraft and ground equipment.

(b) **EFFECTS ON AIRCRAFT.**—With respect to aircraft, the assessment contained in the report shall address the following effects:

(1) The effects of the contingency operations carried out during fiscal years 1995 through 2000 on the aircraft of each of the Armed Forces in each category of aircraft, as follows:

(A) Combat tactical aircraft.

(B) Strategic aircraft.

(C) Combat support aircraft.

(D) Combat service support aircraft.

(2) The types of adverse effects on the aircraft of each of the Armed Forces in each category of aircraft specified in paragraph (1) resulting from contingency operations, as follows:

(A) Patrolling in no-fly zones over Iraq in Operation Northern Watch and Operation Southern Watch and over the Balkans in Operation Allied Force.

(B) Air operations in the North Atlantic Treaty Organization air war against Serbia in Operation Sky Anvil, Operation Noble Anvil, and Operation Allied Force.

(C) Air operations in Operation Shining Hope in Kosovo.

(D) All other activities within the general context of worldwide contingency operations.

(3) Any other effects that the Secretary of Defense considers appropriate in carrying out subsection (a).

(c) **EFFECTS ON GROUND EQUIPMENT.**—With respect to ground equipment, the assessment contained in the report shall address the following effects:

(1) The effects of the contingency operations carried out during fiscal years 1995 through 2000 on the ground equipment of each of the Armed Forces.

(2) Any other effects that the Secretary of Defense considers appropriate in carrying out subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) The term “Armed Forces” means the Army, Navy, Marine Corps, and Air Force.

(2) The term “contingency operation” has the meaning given the term in section 101(a)(13) of title 10, United States Code.

SEC. 374. IDENTIFICATION OF REQUIREMENTS TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.

(a) **REPORT TO ADDRESS MAINTENANCE AND REPAIR BACKLOG.**—Not later than March 15, 2001, the Secretary of Defense shall submit to Congress a report identifying a list of requirements to reduce the backlog in maintenance and repair needs of facilities and infrastructure under the jurisdiction of the Department of Defense or a military department.

(b) **ELEMENTS OF REPORT.**—At a minimum, the report shall include or address the following:

(1) The extent of the work necessary to repair and revitalize facilities and infrastructure, or to demolish and replace unusable facilities, carried as backlog by the Secretary of Defense or the Secretary of a military department.

(2) Measurable goals, over specified time frames, for addressing all of the identified requirements.

(3) Expected funding for each military department and Defense Agency to address the identified requirements during the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

(4) The cost of the current backlog in maintenance and repair for each military department and Defense Agency, which shall be determined using the standard costs to standard facility categories in the Department of Defense Facilities Cost Factors Handbook, shown both in the aggregate and individually for each major military installation.

(5) The total number of square feet of building space of each military department and Defense Agency to be demolished or proposed for demolition, shown both in the aggregate and individually for each major military installation.

(6) The initiatives underway to identify facility and infrastructure requirements at military installations to accommodate new and developing weapons systems and to prepare installations to accommodate these systems.

(c) **ANNUAL UPDATES.**—The Secretary of Defense shall update the report required under subsection (a) annually. The annual updates shall be submitted to Congress at or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code.

SEC. 375. NEW METHODOLOGY FOR PREPARING BUDGET REQUESTS TO SATISFY ARMY READINESS REQUIREMENTS.

(a) **REQUIREMENT FOR NEW METHODOLOGY.**—The Secretary of the Army shall develop a new methodology for preparing budget requests for operation and maintenance for the Army that can be used to ensure that the budget requests for operation and maintenance for future fiscal years more accurately reflect the Army's requirements than did the budget requests submitted to Congress for fiscal year 2001 and preceding fiscal years.

(b) **SENSE OF CONGRESS REGARDING NEW METHODOLOGY.**—It is the sense of Congress that—

(1) the methodology required by subsection (a) should provide for the determination of the budget levels to request for operation and maintenance for the Army to be based on—

(A) the level of training that must be conducted in order for the Army to execute successfully the full range of missions called for in the national defense strategy delineated pursuant to section 118 of title 10, United States Code, at a low-to-moderate level of risk;

(B) the cost of conducting training at the level of training described in subparagraph (A); and

(C) the costs of all other Army operations, including the cost of meeting infrastructure requirements; and

(2) the Secretary of the Army should use the new methodology in the preparation of the budget requests for operation and maintenance for the Army for fiscal years after fiscal year 2001.

SEC. 376. REVIEW OF AH-64 AIRCRAFT PROGRAM.

(a) **REQUIREMENT FOR REVIEW.**—The Comptroller General shall conduct a review of the Army's AH-64 aircraft program to determine—

(1) whether obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured;

(2) whether there is insufficient sustaining system technical support;

(3) whether technical data packages and manuals are obsolete;

(4) whether there are unfunded requirements for airframe and component upgrades; and

(5) if one or more of the conditions described in the preceding paragraphs exist, whether the readiness of the aircraft is impaired by the conditions.

(b) **REPORT.**—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

SEC. 377. REPORT ON AIR FORCE SPARE AND REPAIR PARTS PROGRAM FOR C-5 AIRCRAFT.

(a) **FINDINGS.**—Congress makes the following findings:

(1) There exists a significant shortfall in the Nation's current strategic airlift requirement, even though strategic airlift remains critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out of C-141 aircraft and their replacement with C-17 aircraft and from lower than optimal reliability rates for the C-5 aircraft.

(3) One of the primary causes of these reliability rates for C-5 aircraft, and especially for operational unit aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C-5 fleet.

(4) Not Mission Capable for Supply rates for C-5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, for example, an average of 7 to 9 C-5 aircraft were not available during that period because of a lack of parts.

(5) Average rates of cannibalization of C-5 aircraft per 100 sorties of such aircraft have also increased during that period and are well above the Air Mobility Command standard. In any given month, this means devoting additional manhours to cannibalization of C-5 aircraft. At Dover Air Force Base, for example, an average of 800 to 1,000 additional manhours were required for cannibalization of C-5 aircraft during that period. Cannibalization is often required for aircraft that transit through a base such as Dover Air Force Base, as well as those that are based there.

(6) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the repair and maintenance process, and also demoralize overworked maintenance crews.

(7) The C–5 aircraft remains an absolutely critical asset in air mobility and airlifting heavy equipment and personnel to both military contingencies and humanitarian relief efforts around the world.

(8) Despite increased funding for spare and repair parts and other efforts by the Air Force to mitigate the parts shortage problem, Congress continues to receive reports of significant cannibalization to airworthy C–5 aircraft and parts backlogs.

(b) REPORT REQUIRED.—Not later than January 1, 2001, and September 30, 2001, the Secretary of the Air Force shall submit to Congress a report on the overall status of the spare and repair parts program of the Air Force for the C–5 aircraft.

(c) ELEMENTS OF REPORT.—Each report shall include the following:

(1) A statement of the funds currently allocated to the acquisition of spare and repair parts for the C–5 aircraft and the adequacy of such funds to meet current and future repair and maintenance requirements for that aircraft.

(2) A description of current efforts to address shortfalls in the availability of spare and repair parts for the C–5 aircraft, including an assessment of potential short-term and long-term effects of such efforts.

(3) An assessment of the effects of such parts shortfalls on readiness and reliability ratings for the C–5 aircraft.

(4) A description of rates at which spare and repair parts for one C–5 aircraft are taken from another C–5 aircraft (known as parts cannibalization) and the manhours devoted to part cannibalization of such aircraft.

(5) An assessment of the effects of parts shortfalls and parts cannibalization with respect to C–5 aircraft on readiness and retention.

Subtitle H—Other Matters

SEC. 381. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN MILITARY EQUIPMENT IDENTIFIED ON UNITED STATES MUNITIONS LIST.

(a) ANNUAL REPORT REQUIRED.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2582. Military equipment identified on United States munitions list: annual report of public sales

“(a) REPORT REQUIRED.—The Secretary of Defense shall prepare an annual report identifying each public sale conducted by a military department or Defense Agency of military items that are—

“(1) identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and

“(2) assigned a demilitarization code of ‘B’ or its equivalent.

“(b) ELEMENTS OF REPORT.—(1) A report under this section shall cover all public sales described in subsection (a) that were conducted during the preceding fiscal year.

“(2) The report shall specify the following for each sale:

“(A) The date of the sale.

“(B) The military department or Defense Agency conducting the sale.

“(C) The manner in which the sale was conducted.

“(D) The military items described in subsection (a) that were sold or offered for sale.

“(E) The purchaser of each item.

“(F) The stated end-use of each item sold.

“(c) SUBMISSION OF REPORT.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate the report required by this section for the preceding fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2582. Military equipment identified on United States munitions list: annual report of public sales.”.

SEC. 382. RESALE OF ARMOR-PIERCING AMMUNITION DISPOSED OF BY THE ARMY.

(a) RESTRICTION.—(1) Chapter 443 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4688. Armor-piercing ammunition and components: condition on disposal

“(a) LIMITATION ON RESALE OR OTHER TRANSFER.—Except as provided in subsection (b), whenever the Secretary of the Army carries out a disposal (by sale or otherwise) of armor-piercing ammunition, or a component of armor-piercing ammunition, the Secretary shall require as a condition of the disposal that the recipient agree in writing not to sell or otherwise transfer any of the ammunition (reconditioned or otherwise), or any armor-piercing component of that ammunition, to any purchaser in the United States other than a law enforcement or other governmental agency.

“(b) EXCEPTION.—Subsection (a) does not apply to a transfer of a component of armor-piercing ammunition solely for the purpose of metal reclamation by means of a destructive process such as melting, crushing, or shredding.

“(c) SPECIAL RULE FOR NON-ARMOR-PIERCING COMPONENTS.—A component of the armor-piercing ammunition that is not itself armor-piercing and is not subjected to metal reclamation as described in subsection (b) may not be used as a component in the production of new or remanufactured armor-piercing ammunition other than for sale to a law enforcement or other governmental agency or for a government-to-government sale or commercial export to a foreign government under the Arms Export Control Act (22 U.S.C. 2751).

“(d) DEFINITION.—In this section, the term ‘armor-piercing ammunition’ means a center-fire cartridge the military designation of which includes the term ‘armor penetrator’ or ‘armor-piercing’, including a center-fire cartridge designated as armor-piercing incendiary (API) or armor-piercing incendiary-tracer (API-T).”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4688. Armor-piercing ammunition and components: condition on disposal.”.

(b) APPLICABILITY.—Section 4688 of title 10, United States Code, as added by subsection (a), shall apply with respect to any

disposal of ammunition or components referred to in that section after the date of the enactment of this Act.

SEC. 383. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR SUPPORT PROVIDED AT JOHNSTON ATOLL.

(a) IN GENERAL.—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9783. Johnston Atoll: reimbursement for support provided to civil air carriers

“(a) AUTHORITY OF THE SECRETARY.—The Secretary of the Air Force may, under regulations prescribed by the Secretary, require payment by a civil air carrier for support provided by the United States to the carrier at Johnston Atoll that is either—

“(1) requested by the civil air carrier; or

“(2) determined under the regulations as being necessary to accommodate the civil air carrier’s use of Johnston Atoll.

“(b) AMOUNT OF CHARGES.—Any amount charged an air carrier under subsection (a) for support shall be equal to the total amount of the actual costs to the United States of providing the support. The amount charged may not include any amount for an item of support that does not satisfy a condition described in paragraph (1) or (2) of subsection (a).

“(c) RELATIONSHIP TO LANDING FEES.—No landing fee shall be charged an air carrier for a landing of an aircraft of the air carrier at Johnston Atoll if the air carrier is charged under subsection (a) for support provided to the air carrier.

“(d) DISPOSITION OF PAYMENTS.—(1) Amounts collected from an air carrier under this section shall be credited to appropriations available for the fiscal year in which collected, as follows:

“(A) For support provided by the Air Force, to appropriations available for the Air Force for operation and maintenance.

“(B) For support provided by the Army, to appropriations available for the Army for chemical demilitarization.

“(2) Amounts credited to an appropriation under paragraph (1) shall be merged with funds in that appropriation and shall be available, without further appropriation, for the purposes and period for which the appropriation is available.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘civil air carrier’ means an air carrier (as defined in section 40101(a)(2) of title 49) that is issued a certificate of public convenience and necessity under section 41102 of such title.

“(2) The term ‘support’ includes fuel, fire rescue, use of facilities, improvements necessary to accommodate use by civil air carriers, police, safety, housing, food, air traffic control, suspension of military operations on the island (including operations at the Johnston Atoll Chemical Agent Demilitarization System), repairs, and any other construction, services, or supplies.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9783. Johnston Atoll: reimbursement for support provided to civil air carriers.”.

SEC. 384. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS.—Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

“(a) A member of a reserve component traveling for annual training duty or inactive-duty training (including a place other than the place of the member’s unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on aircraft of the armed forces between the member’s home and the place of the annual training duty or inactive-duty training.”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 18505. Reserves traveling for annual training duty or inactive-duty training: space-required travel on military aircraft”.

(2) The table of sections at the beginning of chapter 1805 of such title is amended by striking the item relating to section 18505 and inserting the following new item:

“18505. Reserves traveling for annual training duty or inactive-duty training: space-required travel on military aircraft.”.

SEC. 385. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE AIR FLEET AIRCRAFT.

(a) IN GENERAL.—Section 41106 of title 49, United States Code, is amended—

- (1) in subsection (a)(1), by striking “of at least 31 days”;
- (2) by redesignating subsection (b) as subsection (d); and
- (3) by inserting after subsection (a) the following new subsections:

“(b) TRANSPORTATION BETWEEN THE UNITED STATES AND FOREIGN LOCATIONS.—Except as provided in subsection (d), the transportation of passengers or property by transport category aircraft between a place in the United States and a place outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier referred to in subsection (a).

“(c) TRANSPORTATION BETWEEN FOREIGN LOCATIONS.—The transportation of passengers or property by transport category aircraft between two places outside the United States obtained by the Secretary of Defense or the Secretary of a military department through a contract for airlift service shall be provided by an air carrier that has aircraft in the civil reserve air fleet whenever transportation by such an air carrier is reasonably available.”.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is further amended by striking “GENERAL.—(1) Except as provided in subsection (b) of this section,” and inserting “INTERSTATE TRANSPORTATION.—(1) Except as provided in subsection (d) of this section,”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 386. ADDITIONS TO PLAN FOR ENSURING VISIBILITY OVER ALL IN-TRANSIT END ITEMS AND SECONDARY ITEMS.

(a) **REQUIRED ADDITIONS.**—Subsection (d) of section 349 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1981; 10 U.S.C. 2458 note) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, including specific actions to address underlying weaknesses in the controls over items being shipped”; and

(2) by adding at the end the following new paragraph:
“(5) The key management elements for monitoring, and for measuring the progress achieved in, the implementation of the plan, including—

“(A) the assignment of oversight responsibility for each action identified pursuant to paragraph (1);

“(B) a description of the resources required for oversight; and

“(C) an estimate of the annual cost of oversight.”.

(b) **CONFORMING AMENDMENTS.**—(1) Subsection (a) of such section is amended by striking “Not later than” and all that follows through “Congress” and inserting “The Secretary of Defense shall prescribe and carry out”.

(2) Such section is further amended by adding at the end the following new subsection:

“(f) **SUBMISSIONS TO CONGRESS.**—The Secretary shall submit to Congress any revisions made to the plan that are required by any law enacted after October 17, 1998. The revisions so made shall be submitted not later than 180 days after the date of the enactment of the law requiring the revisions.”.

(3) Subsection (e)(1) of such section is amended by striking “submits the plan” and inserting “submits the initial plan”.

SEC. 387. REAUTHORIZATION OF PILOT PROGRAM FOR ACCEPTANCE AND USE OF LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) **REAUTHORIZATION.**—Section 377 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1993; 10 U.S.C. 113 note) is amended—

(1) in subsection (a)—

(A) by striking “during fiscal years 1999 and 2000”; and

(B) by striking the second sentence; and

(2) by adding at the end the following new subsection:

“(e) **DURATION OF PILOT PROGRAM.**—The pilot program under this section may not be carried out after September 30, 2010.”.

(b) **FEES COLLECTED.**—Subsection (b) of such section is amended to read as follows:

“(b) **LANDING FEE DEFINED.**—In this section, the term ‘landing fee’ means any fee that is established under or in accordance with regulations of the military department concerned (whether prescribed in a fee schedule or imposed under a joint-use agreement) to recover costs incurred for use by civil aircraft of an airfield of the military department in the United States or in a territory or possession of the United States.”.

(c) **USE OF PROCEEDS.**—Subsection (c) of such section is amended by striking “Amounts received for a fiscal year in payment

of landing fees imposed under the pilot program for use of a military airfield” and inserting “Amounts received in payment of landing fees for use of a military airfield in a fiscal year of the pilot program”.

(d) REPORT.—Subsection (d) of such section is amended—

(1) by striking “March 31, 2000,” and inserting “March 31, 2003,”; and

(2) by striking “December 31, 1999” and inserting “December 31, 2002”.

SEC. 388. EXTENSION OF AUTHORITY TO SELL CERTAIN AIRCRAFT FOR USE IN WILDFIRE SUPPRESSION.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104-307; 10 U.S.C. 2576 note) is amended—

(1) in subsection (a)(1), by striking “September 30, 2000” and inserting “September 30, 2005”;

(2) in subsection (d)(1)—

(A) by striking “the date of the enactment of this Act” and inserting “October 14, 1996”; and

(B) by adding at the end the following: “The regulations prescribed under this paragraph shall be effective until the end of the period specified in subsection (a)(1).”; and

(3) in subsection (f), by striking “March 31, 2000” and inserting “March 31, 2005”.

SEC. 389. DAMAGE TO AVIATION FACILITIES CAUSED BY ALKALI SILICA REACTIVITY.

(a) ASSESSMENT OF DAMAGE AND PREVENTION AND MITIGATION TECHNOLOGY.—The Secretary of Defense shall require the Secretaries of the military departments to assess—

(1) the damage caused to aviation facilities of the Armed Forces by alkali silica reactivity; and

(2) the availability of technologies capable of preventing, treating, or mitigating alkali silica reactivity in hardened concrete structures and pavements.

(b) EVALUATION OF TECHNOLOGIES.—(1) Taking into consideration the assessment under subsection (a), the Secretary of each military department may conduct a demonstration project at a location selected by the Secretary concerned to test and evaluate the effectiveness of technologies intended to prevent, treat, or mitigate alkali silica reactivity in hardened concrete structures and pavements.

(2) The Secretary of Defense shall ensure that the locations selected for the demonstration projects represent the diverse operating environments of the Armed Forces.

(c) NEW CONSTRUCTION.—The Secretary of Defense shall develop specific guidelines for appropriate testing and use of lithium salts to prevent alkali silica reactivity in new construction of the Department of Defense.

(d) COMPLETION OF ASSESSMENT AND DEMONSTRATION.—The assessment conducted under subsection (a) and the demonstration projects, if any, conducted under subsection (b) shall be completed not later than September 30, 2006.

(e) DELEGATION OF AUTHORITY.—The authority to conduct the assessment under subsection (a) may be delegated only to the Chief of Engineers of the Army, the Commander of the Naval Facilities Engineering Command, and the Civil Engineer of the Air Force.

(f) **LIMITATION ON EXPENDITURES.**—The Secretary of Defense and the Secretaries of the military departments may not expend more than a total of \$5,000,000 to conduct both the assessment under subsection (a) and all of the demonstration projects under subsection (b).

SEC. 390. DEMONSTRATION PROJECT TO INCREASE RESERVE COMPONENT INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) **AUTHORIZATION AND PURPOSE OF PROJECT.**—The Secretary of the Army, acting through the Chief of the National Guard Bureau, may carry out a demonstration project in rural communities that are unserved or underserved by the telecommunications medium known as the Internet to provide or increase Internet access and services to units and members of the National Guard and other reserve components located in these communities.

(b) **PROJECT ELEMENTS.**—In carrying out the demonstration project, the Secretary may—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) **REPORT.**—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities conducted under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

SEC. 391. ADDITIONAL CONDITIONS ON IMPLEMENTATION OF DEFENSE JOINT ACCOUNTING SYSTEM.

(a) **REPORT ON DEPLOYMENT OF SYSTEM.**—The proposed Defense Joint Accounting System is not prohibited, but the Secretary of Defense may not grant a Milestone III decision for the system unless and until the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report—

(1) explaining the reasons for the withdrawal of the Department of the Air Force from the proposed Defense Joint Accounting System and the effect of the withdrawal on the development of the system;

(2) explaining the reasons why the Department of the Navy is not required to participate in the system;

(3) identifying business process reengineering initiatives reviewed, considered, or undertaken by the Department of the Air Force and the Department of the Navy before the decisions were made to exclude the Department of the Navy from the system and to allow the Department of the Air Force to withdraw from the system; and

(4) containing an analysis, prepared with the participation of the Secretaries of the military departments, of alternatives to the system to determine whether the system warrants deployment.

(b) **CERTIFICATION.**—If the Secretary of Defense determines that the proposed Defense Joint Accounting System warrants a Milestone III decision, the Secretary shall submit to the Committee on Armed

Services of the Senate and the Committee on Armed Services of the House of Representatives a certification that the system will meet—

- (1) the required functionality for users of the system;
- (2) Department of Defense acquisition standards;
- (3) the applicable requirements for Milestones I, II, and III; and
- (4) the applicable requirements of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106).

SEC. 392. REPORT ON DEFENSE TRAVEL SYSTEM.

(a) **REQUIREMENT FOR REPORT.**—Not later than November 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the Defense Travel System.

(b) **CONTENT OF REPORT.**—The report shall include the following:

- (1) A detailed discussion of the development, testing, and fielding of the system, including the performance requirements, the evaluation criteria, the funding that has been provided for the development, testing, and fielding of the system, and the funding that is projected to be required for completing the development, testing, and fielding of the system.
- (2) The schedule for the testing of the system, including the initial operational test and evaluation and the final operational testing and evaluation, together with the results of the testing.
- (3) The cost savings expected to result from the deployment of the system and from the completed implementation of the system, together with a discussion of how the savings are estimated and the expected schedule for the realization of the savings.
- (4) An analysis of the costs and benefits of fielding the front-end software for the system throughout all 18 geographical areas selected for the original fielding of the system.

SEC. 393. REVIEW OF DEPARTMENT OF DEFENSE COSTS OF MAINTAINING HISTORICAL PROPERTIES.

(a) **REQUIREMENT FOR REVIEW.**—The Comptroller General shall conduct a review of the annual costs incurred by the Department of Defense to comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) **REPORT.**—Not later than February 28, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review. The report shall contain the following:

- (1) For each military department and Defense Agency and for the Department of Defense in the aggregate, the cost for fiscal year 2000 and the projected costs for the ensuing 10 fiscal years to comply with the requirements of the National Historic Preservation Act.
- (2) Of the costs referred to in paragraph (1), the portion of such costs related to maintenance of those properties that qualified as historic properties under the National Historic Preservation Act when such Act was originally enacted in 1966.
- (3) The accounts used for paying the costs of complying with the requirements of the National Historic Preservation Act.

(4) For each military department and Defense Agency, the identity of all properties that must be maintained in order to comply with the requirements of the National Historic Preservation Act.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.
- Sec. 403. Adjustment to end strength flexibility authority.

SUBTITLE B—RESERVE FORCES

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.
- Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

SUBTITLE C—OTHER MATTERS RELATING TO PERSONNEL STRENGTHS

- Sec. 421. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
- Sec. 422. Exclusion from active component end strengths of certain reserve component members on active duty in support of the combatant commands.
- Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.
- Sec. 424. Authority for temporary increases in number of reserve component personnel serving on active duty or full-time national guard duty in certain grades.

SUBTITLE D—AUTHORIZATION OF APPROPRIATIONS

- Sec. 431. Authorization of appropriations for military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:

- (1) The Army, 480,000.
- (2) The Navy, 372,642.
- (3) The Marine Corps, 172,600.
- (4) The Air Force, 357,000.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

- (1) in paragraph (2), by striking “371,781” and inserting “372,000”;
- (2) in paragraph (3), by striking “172,148” and inserting “172,600”; and
- (3) in paragraph (4), by striking “360,877” and inserting “357,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.

SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY AUTHORITY.

Section 691(e) of title 10, United States Code, is amended by inserting “or greater than” after “identical to”.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:

- (1) The Army National Guard of the United States, 350,526.
- (2) The Army Reserve, 205,300.
- (3) The Naval Reserve, 88,900.
- (4) The Marine Corps Reserve, 39,558.
- (5) The Air National Guard of the United States, 108,022.
- (6) The Air Force Reserve, 74,358.
- (7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2001, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 22,974.
- (2) The Army Reserve, 13,106.
- (3) The Naval Reserve, 14,649.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 11,170.
- (6) The Air Force Reserve, 1,336.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2001 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 23,128.
- (2) For the Army Reserve, 5,921.

(3) For the Air National Guard of the United States, 22,247.

(4) For the Air Force Reserve, 9,785.

SEC. 414. FISCAL YEAR 2001 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

(a) **LIMITATION.**—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2001, may not exceed the following:

(1) For the Army Reserve, 1,195.

(2) For the Army National Guard of the United States, 1,600.

(3) For the Air Force Reserve, 10.

(4) For the Air National Guard of the United States, 326.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

(c) **POSTPONEMENT OF PERMANENT LIMITATION.**—Section 10217(c)(2) of title 10, United States Code, is amended by striking “October 1, 2001” and inserting “October 1, 2002”.

SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) **OFFICERS.**—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,316	1,071	948	140
Lieutenant Colonel or Commander	1,759	520	852	90
Colonel or Navy Captain	529	188	317	30”.

(b) **SENIOR ENLISTED MEMBERS.**—The table in section 12012(a) of such title is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E–9	764	202	502	20
E–8	2,821	429	1,117	94”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2000.

(d) **REPORT.**—(1) Not later than March 31, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on management of the grade structure for reserve-component officers who are subject to section 12011 of title 10, United States Code, and on the grade structure of enlisted members who are subject to section 12012 of that title. The Secretary of Defense shall include in the report recommendations for a permanent solution for managing the grade structures for those officers and enlisted members without requirement for frequent statutory adjustments to the limitations in those sections.

(2) In developing recommendations for the report under paragraph (1), the Secretary shall consider the following areas:

(A) The grade structure authorized for field-grade officers in the active-duty forces and the reasons why the grade structure for field-grade reserve officers on active duty in support of the reserves is different.

(B) The grade structure authorized for senior enlisted members in the active-duty forces and the reasons why the grade structure for senior enlisted reserve members on active duty in support of the reserves is different.

(C) The need for independent grade limits for each reserve component under sections 12011 and 12012 of title 10, United States Code.

(D) The advantages and disadvantage of replacing management by the current grade tables in those sections with management through a system based on the grade authorized for the position occupied by the member.

(E) The current mix within each reserve component, for each controlled grade, of (i) traditional reservists, (ii) military technicians, (iii) regular component members, and (iv) reserve members on active duty in support of the reserves, and how that mix, for each component, would shift over time under the Secretary's recommended solution as specified in paragraph (1).

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. AUTHORITY FOR SECRETARY OF DEFENSE TO SUSPEND CERTAIN PERSONNEL STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) SENIOR ENLISTED MEMBERS ON ACTIVE DUTY.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.”.

(b) FIELD GRADE RESERVE COMPONENT OFFICERS.—Section 12011 of such title is amended by adding at the end the following new subsection:

“(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.”.

(c) SENIOR ENLISTED MEMBER IN RESERVE COMPONENTS.—Section 12012 of such title is amended by adding at the end the following new subsection:

“(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.”.

SEC. 422. EXCLUSION FROM ACTIVE COMPONENT END STRENGTHS OF CERTAIN RESERVE COMPONENT MEMBERS ON ACTIVE DUTY IN SUPPORT OF THE COMBATANT COMMANDS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(9) Members of reserve components (not described in paragraph (8)) on active duty for more than 180 days but less than 271 days to perform special work in support of the combatant commands, except that—

“(A) general and flag officers may not be excluded under this paragraph; and

“(B) the number of members of any of the armed forces excluded under this paragraph may not exceed the number equal to 0.2 percent of the end strength authorized for active-duty personnel of that armed force under subsection (a)(1)(A).”.

SEC. 423. EXCLUSION OF ARMY AND AIR FORCE MEDICAL AND DENTAL OFFICERS FROM LIMITATION ON STRENGTHS OF RESERVE COMMISSIONED OFFICERS IN GRADES BELOW BRIGADIER GENERAL.

Section 12005(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Medical officers and dental officers shall not be counted for the purposes of this subsection.”.

SEC. 424. AUTHORITY FOR TEMPORARY INCREASES IN NUMBER OF RESERVE COMPONENT PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES.

(a) **FIELD GRADE OFFICERS.**—Section 12011 of title 10, United States Code, as amended by section 421(b), is amended by adding at the end the following new subsection:

“(d) Upon increasing under subsection (c)(2) of section 115 of this title the end strength that is authorized under subsection (a)(1)(B) of that section for a fiscal year for active-duty personnel and full-time National Guard duty personnel of an armed force who are to be paid from funds appropriated for reserve personnel, the Secretary of Defense may increase for that fiscal year the limitation that is set forth in subsection (a) of this section for the number of officers of that armed force serving in any grade if the Secretary determines that such action is in the national interest. The percent of the increase may not exceed the percent by which the Secretary increases that end strength.”.

(b) **SENIOR ENLISTED PERSONNEL.**—Section 12012 of such title, as amended by section 421(c), is amended by adding at the end the following new subsection:

“(d) Upon increasing under subsection (c)(2) of section 115 of this title the end strength that is authorized under subsection (a)(1)(B) of that section for a fiscal year for active-duty personnel and full-time National Guard duty personnel of an armed force who are to be paid from funds appropriated for reserve personnel, the Secretary of Defense may increase for that fiscal year the limitation that is set forth in subsection (a) of this section for the number of enlisted members of that armed force serving in any grade if the Secretary determines that such action is in the

national interest. The percent of the increase may not exceed the percent by which the Secretary increases that end strength.”.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2001 a total of \$75,801,666,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2001.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY

- Sec. 501. Eligibility of Army and Air Force Reserve colonels and brigadier generals for position vacancy promotions.
- Sec. 502. Flexibility in establishing promotion zones for Coast Guard Reserve officers.
- Sec. 503. Time for release of reports of officer promotion selection boards.
- Sec. 504. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
- Sec. 505. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by Secretary concerned.
- Sec. 506. Technical corrections relating to retired grade of reserve commissioned officers.
- Sec. 507. Grade of chiefs of reserve components and directors of National Guard components.
- Sec. 508. Revision to rules for entitlement to separation pay for regular and reserve officers.

SUBTITLE B—RESERVE COMPONENT PERSONNEL POLICY

- Sec. 521. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
- Sec. 522. Termination of application requirement for consideration of officers for continuation on the reserve active-status list.
- Sec. 523. Authority to retain Air Force Reserve officers in all medical specialties until specified age.
- Sec. 524. Authority for provision of legal services to reserve component members following release from active duty.
- Sec. 525. Extension of involuntary civil service retirement date for certain reserve technicians.

SUBTITLE C—EDUCATION AND TRAINING

- Sec. 531. Eligibility of children of Reserves for Presidential appointment to service academies.
- Sec. 532. Selection of foreign students to receive instruction at service academies.
- Sec. 533. Revision of college tuition assistance program for members of Marine Corps Platoon Leaders Class program.
- Sec. 534. Review of allocation of Junior Reserve Officers Training Corps units among the services.
- Sec. 535. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.

SUBTITLE D—DECORATIONS, AWARDS, AND COMMENDATIONS

- Sec. 541. Limitation on award of Bronze Star to members in receipt of imminent danger pay.

- Sec. 542. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.
- Sec. 543. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 544. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. Arizona who died in the Japanese attack on Pearl Harbor on December 7, 1941.
- Sec. 545. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of the crew of that vessel.
- Sec. 546. Posthumous advancement on retired list of Rear Admiral Husband E. Kimmel and Major General Walter C. Short, senior officers in command in Hawaii on December 7, 1941.
- Sec. 547. Commendation of citizens of Remy, France, for World War II actions.
- Sec. 548. Authority for award of the Medal of Honor to William H. Pitsenbarger for valor during the Vietnam War.

SUBTITLE E—MILITARY JUSTICE AND LEGAL ASSISTANCE MATTERS

- Sec. 551. Recognition by States of military testamentary instruments.
- Sec. 552. Policy concerning rights of individuals whose names have been entered into Department of Defense official criminal investigative reports.
- Sec. 553. Limitation on Secretarial authority to grant clemency for military prisoners serving sentence of confinement for life without eligibility for parole.
- Sec. 554. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.
- Sec. 555. Requirement for verbatim record in certain special court-martial cases.
- Sec. 556. Commemoration of the 50th anniversary of the Uniform Code of Military Justice.

SUBTITLE F—MATTERS RELATING TO RECRUITING

- Sec. 561. Army recruiting pilot programs.
- Sec. 562. Enhancement of recruitment market research and advertising programs.
- Sec. 563. Access to secondary schools for military recruiting purposes.
- Sec. 564. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.

SUBTITLE G—OTHER MATTERS

- Sec. 571. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
- Sec. 572. Voluntary separation incentive.
- Sec. 573. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.
- Sec. 574. Management and per diem requirements for members subject to lengthy or numerous deployments.
- Sec. 575. Pay in lieu of allowance for funeral honors duty.
- Sec. 576. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.
- Sec. 577. National Guard Challenge Program.
- Sec. 578. Study of use of civilian contractor pilots for operational support missions.
- Sec. 579. Reimbursement for expenses incurred by members in connection with cancellation of leave on short notice.

Subtitle A—Officer Personnel Policy

SEC. 501. ELIGIBILITY OF ARMY AND AIR FORCE RESERVE COLONELS AND BRIGADIER GENERALS FOR POSITION VACANCY PROMOTIONS.

Section 14315(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after “(A) is assigned to the duties of a general officer of the next higher reserve grade in the Army Reserve” the following: “or is recommended for such an assignment under regulations prescribed by the Secretary of the Army”; and

(2) in paragraph (2), by inserting after “(A) is assigned to the duties of a general officer of the next higher reserve

grade” the following: “or is recommended for such an assignment under regulations prescribed by the Secretary of the Air Force”.

SEC. 502. FLEXIBILITY IN ESTABLISHING PROMOTION ZONES FOR COAST GUARD RESERVE OFFICERS.

(a) COAST GUARD RESERVE OFFICER PROMOTION SYSTEM BASED ON DOD ROPMA SYSTEM.—Section 729(d) of title 14, United States Code, is amended to read as follows:

“(d)(1) Before convening a selection board to recommend Reserve officers for promotion, the Secretary shall establish a promotion zone for officers serving in each grade to be considered by the board. The Secretary shall determine the number of officers in the promotion zone for officers serving in any grade from among officers who are eligible for promotion in that grade.

“(2)(A) Before convening a selection board to recommend Reserve officers for promotion to a grade (other than the grade of lieutenant (junior grade)), the Secretary shall determine the maximum number of officers in that grade that the board may recommend for promotion.

“(B) The Secretary shall make the determination under subparagraph (A) of the maximum number that may be recommended with a view to having in an active status a sufficient number of Reserve officers in each grade to meet the needs of the Coast Guard for Reserve officers in an active status.

“(C) In order to make the determination under subparagraph (B), the Secretary shall determine the following:

“(i) The number of positions needed to accomplish mission objectives that require officers in the grade to which the board will recommend officers for promotion.

“(ii) The estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted.

“(iii) The number of officers authorized by the Secretary to serve in an active status in the grade under consideration.

“(iv) Any statutory limitation on the number of officers in any grade authorized to be in an active status.

“(3)(A) The Secretary may, when the needs of the Coast Guard require, authorize the consideration of officers in a grade above lieutenant (junior grade) for promotion to the next higher grade from below the promotion zone.

“(B) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion, except that the Secretary may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary determines that the needs of the Coast Guard so require. If the maximum number determined under this subparagraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

“(C) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under paragraph (2).”.

(b) RUNNING MATE SYSTEM MADE OPTIONAL.—(1) Section 731 of such title is amended—

(A) by designating the text of such section as subsection (b);

(B) by inserting after the section heading the following:

“(a) AUTHORITY TO USE RUNNING MATE SYSTEM.—The Secretary may by regulation implement section 729(d)(1) of this title by requiring that the promotion zone for consideration of Reserve officers in an active status for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).”;

(C) in subsection (b), as designated by subparagraph (A), by striking “Subject to the eligibility requirements of this subchapter, a Reserve officer shall” and inserting the following: “CONSIDERATION FOR PROMOTION.—If promotion zones are determined as authorized under subsection (a), a Reserve officer shall, subject to the eligibility requirements of this subchapter,”; and

(D) by adding at the end the following:

“(c) CONSIDERATION OF OFFICERS BELOW THE ZONE.—If the Secretary authorizes the selection of officers for promotion from below the promotion zone in accordance with section 729(d)(3) of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system under this subchapter or otherwise as the Secretary determines to be appropriate to meet the needs of the Coast Guard.”.

(2)(A) The heading for such section is amended to read as follows:

“§ 731. Establishment of promotion zones under running mate system”.

(B) The item relating to such section in the table of sections at the beginning of chapter 21 of such title is amended to read as follows:

“731. Establishment of promotion zones under running mate system.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to selection boards convened under section 730 of title 14, United States Code, on or after the date of the enactment of this Act.

SEC. 503. TIME FOR RELEASE OF REPORTS OF OFFICER PROMOTION SELECTION BOARDS.

(a) ACTIVE-DUTY LIST OFFICER BOARDS.—Section 618(e) of title 10, United States Code, is amended to read as follows:

“(e)(1) The names of the officers recommended for promotion in the report of a selection board shall be disseminated to the armed force concerned as follows:

“(A) In the case of officers recommended for promotion to a grade below brigadier general or rear admiral (lower half), such names may be disseminated upon, or at any time after, the transmittal of the report to the President.

“(B) In the case of officers recommended for promotion to a grade above colonel or, in the case of the Navy, captain, such names may be disseminated upon, or at any time after, the approval of the report by the President.

“(C) In the case of officers whose names have not been sooner disseminated, such names shall be promptly disseminated upon confirmation by the Senate.

“(2) A list of names of officers disseminated under paragraph (1) may not include—

“(A) any name removed by the President from the report of the selection board containing that name, if dissemination is under the authority of subparagraph (B) of such paragraph; or

“(B) the name of any officer whose promotion the Senate failed to confirm, if dissemination is under the authority of subparagraph (C) of such paragraph.”.

(b) RESERVE ACTIVE-STATUS LIST OFFICER BOARDS.—The text of section 14112 of title 10, United States Code, is amended to read as follows:

“(a) TIME FOR DISSEMINATION.—The names of the officers recommended for promotion in the report of a selection board shall be disseminated to the armed force concerned as follows:

“(1) In the case of officers recommended for promotion to a grade below brigadier general or rear admiral (lower half), such names may be disseminated upon, or at any time after, the transmittal of the report to the President.

“(2) In the case of officers recommended for promotion to a grade above colonel or, in the case of the Navy, captain, such names may be disseminated upon, or at any time after, the approval of the report by the President.

“(3) In the case of officers whose names have not been sooner disseminated, such names shall be promptly disseminated—

“(A) upon confirmation of the promotion of the officers by the Senate (in the case of promotions required to be submitted to the Senate for confirmation); or

“(B) upon the approval of the report by the President (in the case of promotions not required to be submitted to the Senate for confirmation).

“(b) NAMES NOT DISSEMINATED.—A list of names of officers disseminated under subsection (a) may not include—

“(1) any name removed by the President from the report of the selection board containing that name, if dissemination is under the authority of paragraph (2) or (3)(B) of that subsection; or

“(2) the name of any officer whose promotion the Senate failed to confirm, if dissemination is under the authority of paragraph (3)(A) of that subsection.”.

SEC. 504. CLARIFICATION OF REQUIREMENTS FOR COMPOSITION OF ACTIVE-DUTY LIST SELECTION BOARDS WHEN RESERVE OFFICERS ARE UNDER CONSIDERATION.

(a) CLARIFICATION.—Section 612(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “who are on the active-duty list” in the second sentence; and

(B) by inserting after the second sentence the following new sentence: “Each member of a selection board (except as provided in paragraphs (2), (3), and (4)) shall be an officer on the active-duty list.”; and

(2) in paragraph (3)—

(A) by striking “of that armed force, with the exact number of reserve officers to be” and inserting “of that armed force on active duty (whether or not on the active-duty list). The actual number of reserve officers shall be”; and

(B) by striking “his discretion, except that” and inserting “the Secretary’s discretion. Notwithstanding the first sentence of this paragraph,”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to any selection board convened under section 611(a) of title 10, United States Code, on or after August 1, 1981.

SEC. 505. AUTHORITY TO ISSUE POSTHUMOUS COMMISSIONS IN THE CASE OF MEMBERS DYING BEFORE OFFICIAL RECOMMENDATION FOR APPOINTMENT OR PROMOTION IS APPROVED BY SECRETARY CONCERNED.

(a) **REPEAL OF LIMITATION TO DEATHS OCCURRING AFTER SECRETARIAL APPROVAL.**—Subsection (a)(3) of section 1521 of title 10, United States Code, is amended by striking “and the recommendation for whose appointment or promotion was approved by the Secretary concerned”.

(b) **EFFECTIVE DATE OF COMMISSION.**—Subsection (b) of such section is amended by striking “approval” both places it appears and inserting “official recommendation”.

SEC. 506. TECHNICAL CORRECTIONS RELATING TO RETIRED GRADE OF RESERVE COMMISSIONED OFFICERS.

(a) **ARMY.**—Section 3961(a) of title 10, United States Code, is amended by striking “or for nonregular service under chapter 1223 of this title”.

(b) **AIR FORCE.**—Section 8961(a) of title 10, United States Code, is amended by striking “or for nonregular service under chapter 1223 of this title”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to Reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion by a board convened under chapter 36 or 1403 of title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 1, 1996.

SEC. 507. GRADE OF CHIEFS OF RESERVE COMPONENTS AND DIRECTORS OF NATIONAL GUARD COMPONENTS.

(a) **CHIEF OF ARMY RESERVE.**—Subsections (b) and (c) of section 3038 of title 10, United States Code, are amended to read as follows:

“(b) **APPOINTMENT.**—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Army Reserve from general officers of the Army Reserve who have had at least 10 years of commissioned service in the Army Reserve.

“(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Army Reserve unless the officer—

“(A) is recommended by the Secretary of the Army; and

“(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process

established by the Chairman, to have significant joint duty experience.

“(3) An officer on active duty for service as the Chief of Army Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

“(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Army Reserve if the Secretary of the Army requests the waiver and, in the judgment of the Secretary of Defense—

“(A) the officer is qualified for service in the position;

and

“(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

“(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Army Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Army Reserve may be reappointed for one additional four-year period.

“(2) The Chief of Army Reserve, while so serving, holds the grade of lieutenant general.”

(b) CHIEF OF NAVAL RESERVE.—Subsections (b) and (c) of section 5143 of such title are amended to read as follows:

“(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Naval Reserve from flag officers of the Navy (as defined in section 5001(1)) who have had at least 10 years of commissioned service.

“(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Naval Reserve unless the officer—

“(A) is recommended by the Secretary of the Navy; and

“(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

“(3) An officer on active duty for service as the Chief of Naval Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

“(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Naval Reserve if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

“(A) the officer is qualified for service in the position;

and

“(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

“(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Naval Reserve is appointed for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. An officer serving as Chief of Naval Reserve may be reappointed for one additional term of up to four years.

“(2) The Chief of Naval Reserve, while so serving, holds the grade of vice admiral.”

(c) COMMANDER, MARINE FORCES RESERVE.—Subsections (b) and (c) of section 5144 of such title are amended to read as follows:

“(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine

Forces Reserve, from general officers of the Marine Corps (as defined in section 5001(2)) who have had at least 10 years of commissioned service.

“(2) The Secretary of Defense may not recommend an officer to the President for appointment as Commander, Marine Forces Reserve, unless the officer—

“(A) is recommended by the Secretary of the Navy; and

“(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

“(3) An officer on active duty for service as the Commander, Marine Forces Reserve, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

“(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Commander, Marine Forces Reserve, if the Secretary of the Navy requests the waiver and, in the judgment of the Secretary of Defense—

“(A) the officer is qualified for service in the position;

and

“(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

“(c) TERM; REAPPOINTMENT; GRADE.—(1) The Commander, Marine Forces Reserve, is appointed for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. An officer serving as Commander, Marine Forces Reserve, may be reappointed for one additional term of up to four years.

“(2) The Commander, Marine Forces Reserve, while so serving, holds the grade of lieutenant general.”

(d) CHIEF OF AIR FORCE RESERVE.—Subsections (b) and (c) of section 8038 of such title are amended to read as follows:

“(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from general officers of the Air Force Reserve who have had at least 10 years of commissioned service in the Air Force.

“(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Air Force Reserve unless the officer—

“(A) is recommended by the Secretary of the Air Force;

and

“(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

“(3) An officer on active duty for service as the Chief of Air Force Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

“(4) Until October 1, 2003, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Air Force Reserve if the Secretary of the Air Force requests the waiver and, in the judgment of the Secretary of Defense—

“(A) the officer is qualified for service in the position;

and

“(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

“(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Air Force Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Air Force Reserve may be reappointed for one additional four-year period.

“(2) The Chief of Air Force Reserve, while so serving, holds the grade of lieutenant general.”.

(e) DIRECTORS IN THE NATIONAL GUARD BUREAU.—Section 10506(a) of such title is amended—

(1) in subparagraphs (A) and (B) of paragraph (1), by striking “while so serving shall hold the grade of major general or, if appointed to that position in accordance with section 12505(a)(2) of this title, the grade of lieutenant general, and” and inserting “shall be appointed in accordance with paragraph (3), shall hold the grade of lieutenant general while so serving, and shall”; and

(2) by adding at the end the following new paragraph:

“(3)(A) The President, by and with the advice and consent of the Senate, shall appoint the Director, Army National Guard, from general officers of the Army National Guard of the United States and shall appoint the Director, Air National Guard, from general officers of the Air National Guard of the United States.

“(B) The Secretary of Defense may not recommend an officer to the President for appointment as Director, Army National Guard, or as Director, Air National Guard, unless the officer—

“(i) is recommended by the Secretary of the military department concerned; and

“(ii) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

“(C) An officer on active duty for service as the Director, Army National Guard, or the Director, Air National Guard, shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

“(D) Until October 1, 2003, the Secretary of Defense may waive clause (ii) of subparagraph (B) with respect to the appointment of an officer as Director, Army National Guard, or as Director, Air National Guard, if the Secretary of the military department concerned requests the waiver and, in the judgment of the Secretary of Defense—

“(i) the officer is qualified for service in the position; and

“(ii) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

“(E) The Director, Army National Guard, and the Director, Air National Guard, are appointed for a period of four years, but may be removed for cause at any time. An officer serving as either Director may be reappointed for one additional four-year period.”.

(f) REPEAL OF SUPERSEDED SECTION.—(1) Section 12505 of such title is repealed.

(2) The table of sections at the beginning of chapter 1213 is amended by striking the item relating to section 12505.

(g) CONFORMING INCREASE IN AUTHORIZED NUMBER OF O-9 POSITIONS.—Section 525(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking “Army, Air Force, or Marine Corps” in the first sentence and inserting “Army or Air Force”;

(B) by striking “15 percent” both places it appears and inserting “15.7 percent”;

(C) by striking “In the case of the Army and Air Force, of” at the beginning of the second sentence and inserting “Of”; and

(D) by inserting “of the Army or Air Force” in the second sentence after “general officers”; and

(2) in paragraph (2)—

(A) by inserting “(A)” after “(2)”;

(B) by striking “15 percent” both places it appears and inserting “15.7 percent”; and

(C) by adding at the end the following:

“(B) No appointment may be made in a grade above major general in the Marine Corps if that appointment would result in more than 16.2 percent of the general officers of the Marine Corps on active duty being in grades above major general.”.

(h) STUDY OF INCREASE IN GRADE FOR VICE CHIEF OF NATIONAL GUARD BUREAU.—(1) The Secretary of Defense shall conduct a study of the advisability of changing the grade authorized for the Vice Chief of the National Guard Bureau from major general to lieutenant general.

(2) As part of the study, the Chief of the National Guard Bureau shall submit to the Secretary of Defense an analysis of the functions and responsibilities of the Vice Chief of the National Guard Bureau and the Chief’s recommendation as to whether the grade for the Vice Chief should be changed from major general to lieutenant general.

(3) Not later than February 1, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study. The report shall include the following—

(A) the recommendation of the Chief of the National Guard Bureau and any other information provided by the Chief to the Secretary of Defense pursuant to paragraph (2);

(B) the conclusions resulting from the study; and

(C) the Secretary’s recommendations regarding whether the grade authorized for the Vice Chief of the National Guard Bureau should be changed to lieutenant general.

(i) IMPLEMENTATION.—(1) An appointment or reappointment, in the case of the incumbent in a reserve component chief position, shall be made to each of the reserve component chief positions not later than 12 months after the date of the enactment of this Act, in accordance with the amendments made by subsections (a) through (e).

(2) An officer serving in a reserve component chief position on the date of the enactment of this Act may be reappointed to that position under the amendments made by subsection (a) through (e), if eligible and otherwise qualified in accordance with those amendments. If such an officer is so reappointed, the appointment may be made for the remainder of the officer’s original term or for a full new term, as specified at the time of the appointment.

(3) An officer serving on the date of the enactment of this Act in a reserve component chief position may continue to serve in that position in accordance with the provisions of law in effect immediately before the amendments made by this section until a successor is appointed under paragraph (1) (or that officer is reappointed under paragraph (1)).

(4) The amendments made by subsection (g) shall be implemented so that each increase authorized by those amendments in the number of officers in the grades of lieutenant general and vice admiral is implemented on a case-by-case basis with an initial appointment made after the date of the enactment of this Act, as specified in paragraph (1), to a reserve component chief position.

(5) For purposes of this subsection, the term “reserve component chief position” means a position specified in section 3038, 5143, 5144, or 8038 of title 10, United States Code, or the position of Director, Army National Guard or Director, Air National Guard under section 10506(a)(1) of such title.

SEC. 508. REVISION TO RULES FOR ENTITLEMENT TO SEPARATION PAY FOR REGULAR AND RESERVE OFFICERS.

(a) **REGULAR OFFICERS.**—Subsection (a) of section 1174 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Notwithstanding paragraphs (1) and (2), an officer who is subject to discharge under any provision of chapter 36 of this title or under section 580 or 6383 of this title by reason of having twice failed of selection for promotion to the next higher grade is not entitled to separation pay under this section if that officer, after such second failure of selection for promotion, is selected for, and declines, continuation on active duty for a period that is equal to or more than the amount of service required to qualify the officer for retirement.”.

(b) **RESERVE OFFICERS.**—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(4) In the case of an officer who is subject to discharge or release from active duty under a law or regulation requiring that an officer who has failed of selection for promotion to the next higher grade for the second time be discharged or released from active duty and who, after such second failure of selection for promotion, is selected for, and declines, continuation on active duty—

“(A) if the period of time for which the officer was selected for continuation on active duty is less than the amount of service that would be required to qualify the officer for retirement, the officer’s discharge or release from active duty shall be considered to be involuntary for purposes of paragraph (1)(A); and

“(B) if the period of time for which the officer was selected for continuation on active duty is equal to or more than the amount of service that would be required to qualify the officer for retirement, the officer’s discharge or release from active duty shall not be considered to be involuntary for the purposes of paragraph (1)(A).”.

(c) **EFFECTIVE DATE.**—Paragraph (4) of section 1174(a) of title 10, United States Code, as added by subsection (a), and paragraph (4) of section 1174(c) of such title, as added by subsection (b), shall apply with respect to any offer of selective continuation on active duty that is declined on or after the date of the enactment of this Act.

Subtitle B—Reserve Component Personnel Policy

SEC. 521. EXEMPTION FROM ACTIVE-DUTY LIST FOR RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

Section 641(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

“(D) on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of three years or less;”.

SEC. 522. TERMINATION OF APPLICATION REQUIREMENT FOR CONSIDERATION OF OFFICERS FOR CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST.

Section 14701(a)(1) of title 10, United States Code, is amended by striking “Upon application, a reserve officer” and inserting “A reserve officer”.

SEC. 523. AUTHORITY TO RETAIN AIR FORCE RESERVE OFFICERS IN ALL MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

Section 14703(a)(3) of title 10, United States Code, is amended by striking “veterinary officer” and all that follows through the period and inserting “Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.”.

SEC. 524. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

(a) **LEGAL SERVICES.**—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) Members of reserve components not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense, that begins on the date of the release and is not less than twice the length of the period served on active duty under that call or order to active duty.”.

(b) **DEPENDENTS.**—Paragraph (5) of such section, as redesignated by subsection (a)(1), is amended by striking “and (3)” and inserting “(3), and (4)”.

(c) **IMPLEMENTING REGULATIONS.**—Regulations to implement the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 525. EXTENSION OF INVOLUNTARY CIVIL SERVICE RETIREMENT DATE FOR CERTAIN RESERVE TECHNICIANS.

(a) **MANDATORY RETIREMENT NOT APPLICABLE UNTIL AGE 60.**—Section 10218 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “and is age 60 or older at that time” after “unreduced annuity” in paragraph (2);

(B) by inserting “or is under age 60 at that time” after “unreduced annuity” in paragraph (3)(A); and

(C) by inserting “and becoming 60 years of age” after “unreduced annuity” in paragraph (3)(B)(ii)(I); and

(2) in subsection (b)—

(A) by inserting “and is age 60 or older” after “unreduced annuity” in paragraph (1);

(B) by inserting “or is under age 60” after “unreduced annuity” in paragraph (2)(A); and

(C) by inserting “and becoming 60 years of age” after “unreduced annuity” in paragraph (2)(B)(ii)(I).

(b) **TRANSITION PROVISION.**—(1) An individual who before the date of the enactment of this Act was involuntarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsection (c) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation. The effective date of any such reinstatement is the date the employee resumes technician status.

(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the one-year period beginning on the date of the enactment of this Act.

Subtitle C—Education and Training

SEC. 531. ELIGIBILITY OF CHILDREN OF RESERVES FOR PRESIDENTIAL APPOINTMENT TO SERVICE ACADEMIES.

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4342(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “, other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”; and

(2) by inserting after subparagraph (B) the following:

“(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

“(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;”.

(b) **UNITED STATES NAVAL ACADEMY.**—Section 6954(b)(1) of such title is amended—

(1) in subparagraph (B), by striking “, other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”; and

(2) by inserting after subparagraph (B) the following:

“(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

“(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(b)(1) of such title is amended—

(1) in subparagraph (B), by striking “, other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”; and

(2) by inserting after subparagraph (B) the following:

“(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

“(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;”.

SEC. 532. SELECTION OF FOREIGN STUDENTS TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), the Secretary of the Army shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6957(a) of such title is amended by adding at the end the following new paragraph:

“(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), the Secretary of the Navy shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9344(a) of such title is amended by adding at the end the following new paragraph:

“(3) In selecting persons to receive instruction under this section from among applicants from the countries approved under paragraph (2), the Secretary of the Air Force shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.”.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to academic years that begin after October 1, 2000.

SEC. 533. REVISION OF COLLEGE TUITION ASSISTANCE PROGRAM FOR MEMBERS OF MARINE CORPS PLATOON LEADERS CLASS PROGRAM.

(a) ELIGIBILITY OF OFFICERS.—Section 16401 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “enlisted” in the matter preceding paragraph (1); and

(2) in subsection (b)(1)—

(A) by striking “an enlisted member” in the matter preceding subparagraph (A) and inserting “a member”; and

(B) by striking “an officer candidate in” in subparagraph (A) and inserting “a member of”.

(b) REPEAL OF AGE LIMITATIONS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(C) in subparagraph (C), as so redesignated, by striking “paragraph (3)” and inserting “paragraph (2)”;

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated, by striking “paragraph (1)(D)” and inserting “paragraph (1)(C)”.

(c) CANDIDATES FOR LAW DEGREES.—Subsection (a)(2) of such section is amended by striking “three” and inserting “four”.

(d) SANCTIONS; EXCEPTIONS.—Subsection (f) of such section is amended—

(1) in paragraph (1)—

(A) by striking “A member who” and inserting “An enlisted member who”;

(B) by inserting “and an officer who receives financial assistance under this section may be required to repay the full amount of financial assistance,” after “for more than four years,”; and

(C) by inserting “or, if already a commissioned officer in the Marine Corps, refuses to accept an assignment on active duty when offered” in subparagraph (A) after “when offered”; and

(2) by striking paragraph (2) and inserting the following:

“(2) The Secretary of the Navy may waive the requirements of paragraph (1) in the case of a person who—

“(A) becomes unqualified to serve on active duty as an officer due to a circumstance not within the control of the person;

“(B) is not physically qualified for appointment under section 532 of this title and later is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct; or

“(C) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class program due to a circumstance not within the control of the person.”.

(e) CLARIFICATION OF SERVICE EXCLUDED IN COMPUTATION OF CREDITABLE SERVICE AS A MARINE CORPS OFFICER.—(1) Section 205(f) of title 37, United States Code, is amended by striking “that the officer performed concurrently as a member” and inserting “that the officer performed concurrently as an enlisted member”.

(2) Such section is further amended by striking “section 12209” and inserting “section 12203”.

(f) AMENDMENTS OF HEADINGS.—(1) The heading of section 16401 of title 10, United States Code, is amended to read as follows:

“§ 16401. Marine Corps Platoon Leaders Class: college tuition assistance program”.

(2) The heading for subsection (a) of such section is amended by striking “FOR FINANCIAL ASSISTANCE PROGRAM”.

(g) CLERICAL AMENDMENT.—The item relating to such section in the table of chapters at the beginning of chapter 1611 of title 10, United States Code, is amended to read as follows:

“16401. Marine Corps Platoon Leaders Class: college tuition assistance program.”.

SEC. 534. REVIEW OF ALLOCATION OF JUNIOR RESERVE OFFICERS TRAINING CORPS UNITS AMONG THE SERVICES.

(a) REALLOCATION OF JROTC UNITS.—Not later than March 31, 2001, the Secretary of Defense shall—

(1) review the allocation among the military departments of the statutory maximum number of Junior Reserve Officers’ Training Corps (JROTC) units; and

(2) redistribute the allocation of those units planned (as of the date of the enactment of this Act) for fiscal years 2001 through 2006 so as to increase the number of units for a military department that proposes to more quickly eliminate the current waiting list for such units and to commit the necessary resources for that purpose.

(b) PROPOSAL FOR INCREASE IN STATUTORY MAXIMUM.—If, based on the review under subsection (a) and the redistribution of the allocation of JROTC units under that subsection, the Secretary determines that an increase in the statutory maximum number of such units is warranted, the Secretary shall include a proposal for such an increase in the budget proposal of the Department of Defense for fiscal year 2002.

SEC. 535. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL TO ENROLL CERTAIN DEFENSE INDUSTRY CIVILIANS IN SPECIFIED PROGRAMS RELATING TO DEFENSE PRODUCT DEVELOPMENT.

(a) IN GENERAL.—(1) Chapter 605 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7049. Defense industry civilians: admission to defense product development program

“(a) AUTHORITY FOR ADMISSION.—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a master’s degree in a curriculum related to defense product development. No more than 10 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title.

“(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long as that person remains employed by the same firm.

“(c) ANNUAL CERTIFICATION BY THE SECRETARY OF THE NAVY.—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to defense industry employees under this section during that year—

“(1) will further the military mission of the school;

“(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and

“(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

“(d) PROGRAM REQUIREMENTS.—The Secretary of the Navy shall ensure that—

“(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and

“(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.

“(e) TUITION.—The Superintendent of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.

“(f) STANDARDS OF CONDUCT.—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

“(g) USE OF FUNDS.—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7049. Defense industry civilians: admission to defense product development program.”.

(b) PROGRAM EVALUATION AND REPORT.—(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 of title 10, United States Code, as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:

(A) An assessment of whether the authority for instruction of nongovernment civilians at the school has resulted in a discernible benefit for the Government.

(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.

(C) A summary of the disposition and uses made of those funds.

(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.

(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—

(A) the results of the evaluation under paragraph (1);

(B) the Secretary's conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction at the Naval Postgraduate School as part of a program related to defense product development; and

(C) any proposals for legislative changes recommended by the Secretary.

(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

Subtitle D—Decorations, Awards, and Commendations

SEC. 541. LIMITATION ON AWARD OF BRONZE STAR TO MEMBERS IN RECEIPT OF IMMINENT DANGER PAY.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1133. Bronze Star: limitation to members receiving imminent danger pay

“The decoration known as the ‘Bronze Star’ may only be awarded to a member of the armed forces who is in receipt of special pay under section 310 of title 37 at the time of the events for which the decoration is to be awarded or who receives such pay as a result of those events.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1133. Bronze star: limitation to members receiving imminent danger pay.”

SEC. 542. CONSIDERATION OF PROPOSALS FOR POSTHUMOUS OR HONORARY PROMOTIONS OR APPOINTMENTS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES AND OTHER QUALIFIED PERSONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation

“(a) REVIEW BY SECRETARY CONCERNED.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified, that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the posthumous or honorary promotion or appointment and the other determinations necessary to comply with subsection (b).

“(b) NOTICE OF RESULTS OF REVIEW.—Upon making a determination under subsection (a) as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing of one of the following:

“(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.

“(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.

“(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.

“(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.

“(c) DEFINITION.—In this section, the term ‘Member of Congress’ means—

“(1) a Senator; or

“(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation.”.

SEC. 543. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) SILVER STAR.—Subsection (a) applies to the award of the Silver Star to Louis Rickler, of Rochester, New York, for gallantry in action from August 18 to November 18, 1918, while serving as a member of the Army.

(c) **DISTINGUISHED FLYING CROSS.**—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 5, 1999, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 544. ADDITION OF CERTAIN INFORMATION TO MARKERS ON GRAVES CONTAINING REMAINS OF CERTAIN UNKNOWNNS FROM THE U.S.S. ARIZONA WHO DIED IN THE JAPANESE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941.

(a) **INFORMATION TO BE PROVIDED SECRETARY OF VETERANS AFFAIRS.**—The Secretary of the Army shall provide to the Secretary of Veterans Affairs certain information, as specified in subsection (b), pertaining to the remains of certain unknown persons that are interred in the National Memorial Cemetery of the Pacific, Honolulu, Hawaii. The Secretary of Veterans Affairs shall add to the inscriptions on the markers on the graves containing those remains the information provided.

(b) **INFORMATION TO BE ADDED.**—The information to be added to grave markers under subsection (a)—

(1) shall be determined by the Secretary of the Army, based on a review of the information that, as of the date of the enactment of this Act, has been authenticated by the director of the Naval Historical Center, Washington, D.C., pertaining to the interment of remains of certain unknown casualties from the U.S.S. ARIZONA who died as a result of the Japanese attack on Pearl Harbor on December 7, 1941; and

(2) shall, at a minimum, indicate that the interred remains are from the U.S.S. ARIZONA.

(c) **LIMITATION OF SCOPE OF SECTION.**—This section does not impose any requirement on the Secretary of the Army to undertake a review of any information pertaining to the interred remains of any unknown person other than as provided in subsection (b).

SEC. 545. SENSE OF CONGRESS ON THE COURT-MARTIAL CONVICTION OF CAPTAIN CHARLES BUTLER McVAY, COMMANDER OF THE U.S.S. INDIANAPOLIS, AND ON THE COURAGEOUS SERVICE OF THE CREW OF THAT VESSEL.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Shortly after midnight on the morning of July 30, 1945, during the closing days of World War II, the United States Navy heavy cruiser U.S.S. Indianapolis (CA-35) was torpedoed and sunk by the Japanese submarine I-58 in what became the worst sea disaster in the history of the United States Navy.

(2) Although approximately 900 of the ship's crew of 1,196 survived the actual sinking, only 316 of those courageous sailors survived when rescued after four and a half days adrift in

the open sea, the remainder having perishing from battle wounds, drowning, predatory shark attacks, exposure to the elements, and lack of food and potable water.

(3) Rescue for the remaining 316 sailors came only when they were spotted by chance by Navy Lieutenant Wilbur C. Gwinn while flying a routine naval air patrol mission.

(4) After the end of World War II, the commanding officer of the U.S.S. Indianapolis, Captain Charles Butler McVay, III, who was rescued with the other survivors, was court-martialed for “suffering a vessel to be hazarded through negligence” by failing to zigzag (a naval tactic employed to help evade submarine attacks) and was convicted even though—

(A) the choice to zigzag was left to Captain McVay’s discretion in his orders; and

(B) Motchisura Hashimoto, the commander of the Japanese submarine that sank the U.S.S. Indianapolis, and Glynn R. Donaho, a United States Navy submarine commander highly decorated for his service during World War II, both testified at Captain McVay’s court-martial trial that the Japanese submarine could have sunk the U.S.S. Indianapolis whether or not it had been zigzagging, an assertion that has since been reaffirmed in a letter to the Chairman of the Committee on Armed Services of the Senate dated November 24, 1999.

(5) Although not argued by Captain McVay’s defense counsel in the court-martial trial, poor visibility on the night of the sinking (as attested in surviving crew members’ handwritten accounts recently discovered at the National Archives) justified Captain McVay’s choice not to zigzag as that choice was consistent with the applicable Navy directives in force in 1945, which stated that, “During thick weather and at night, except on very clear nights or during bright moonlight, vessels normally cease zig-zagging.”

(6) Before the U.S.S. Indianapolis sailed from Guam on what became her final voyage, Naval officials failed to provide Captain McVay with available support that was critical to the safety of the U.S.S. Indianapolis and her crew by—

(A) disapproving a request made by Captain McVay for a destroyer escort for the U.S.S. Indianapolis across the Philippine Sea as being “not necessary”;

(B) not informing Captain McVay that naval intelligence sources, through signal intelligence (the Japanese code having been broken earlier in World War II), had become aware that the Japanese submarine I-58 was operating in the area of the U.S.S. Indianapolis’ course (as disclosed in evidence presented in a hearing of the Committee on Armed Services of the Senate conducted September 14, 1999); and

(C) not informing Captain McVay of the sinking of the destroyer escort U.S.S. Underhill by a Japanese submarine within range of the course of the U.S.S. Indianapolis four days before the U.S.S. Indianapolis departed Guam for the Philippine Islands.

(7) Captain McVay’s court-martial initially was opposed by his immediate command superiors, Fleet Admiral Chester Nimitz (CINCPAC) and Vice Admiral Raymond Spruance of the 5th fleet, for whom the U.S.S. Indianapolis had served

as flagship, but, despite their recommendations, Secretary of the Navy James Forrestal ordered the court-martial, largely on the basis of the recommendation of Fleet Admiral Ernest King, Chief of Naval Operations.

(8) There is no explanation on the public record for the overruling by Secretary Forrestal of the recommendations made by Admirals Nimitz and Spruance.

(9) Captain McVay was the only commander of a United States Navy vessel lost in combat to enemy action during World War II who was subjected to a court-martial trial for such a loss, even though several hundred United States Navy ships were lost in combat to enemy action during World War II.

(10) The survivors of the U.S.S. Indianapolis overwhelmingly conclude that Captain McVay was not at fault in the loss of the U.S.S. Indianapolis and have dedicated their lives to vindicating their Captain McVay.

(11) Although promoted to the grade of rear admiral in accordance with then-applicable law upon retirement from the Navy in 1949, Captain McVay never recovered from the stigma of his post-war court-martial and in 1968, tragically, took his own life.

(12) Charles Butler McVay, III—

(A) was a graduate of the United States Naval Academy;

(B) was an exemplary career naval officer with an outstanding record (including participation in the amphibious invasions of North Africa, the assault on Iwo Jima, and the assault on Okinawa where the U.S.S. Indianapolis under his command survived a fierce kamikaze attack);

(C) was a recipient of the Silver Star earned for courage under fire during the Solomon Islands campaign; and

(D) with the crew of the U.S.S. Indianapolis, had so thoroughly demonstrated proficiency in naval warfare that the Navy entrusted him and the crew of the U.S.S. Indianapolis with transporting to the Pacific theater components necessary for assembling the atomic bombs that were exploded over Hiroshima and Nagasaki to end the war with Japan (delivery of such components to the island of Tinian having been accomplished on July 25, 1945).

(b) SENSE OF CONGRESS CONCERNING CHARLES BUTLER MCVAY, III.—With respect to the sinking of the U.S.S. Indianapolis (CA-35) on July 30, 1945, and the subsequent court-martial conviction of the ship's commanding officer, Captain Charles Butler McVay, III, arising from that sinking, it is the sense of Congress, based on the review of evidence by the Senate and the House of Representatives—

(1) that, in light of the remission by the Secretary of the Navy of the sentence of the court-martial and the restoration of Captain McVay to active duty by the Chief of Naval Operations, Fleet Admiral Chester Nimitz, the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. Indianapolis and the lives of the men who died as a result of the sinking of that vessel; and

(2) that, in light of the fact that certain exculpatory information was not available to the court-martial board and that Captain McVay's conviction resulted therefrom, Captain

McVay's military record should now reflect that he is exonerated for the loss of the U.S.S. Indianapolis and so many of her crew.

(c) UNIT CITATION FOR FINAL CREW OF U.S.S. INDIANAPOLIS.—The Secretary of the Navy should award a Navy Unit Commendation to the U.S.S. Indianapolis (CA-35) and her final crew.

SEC. 546. POSTHUMOUS ADVANCEMENT ON RETIRED LIST OF REAR ADMIRAL HUSBAND E. KIMMEL AND MAJOR GENERAL WALTER C. SHORT, SENIOR OFFICERS IN COMMAND IN HAWAII ON DECEMBER 7, 1941.

(a) FINDINGS.—Congress makes the following findings:

(1) The late Rear Admiral Husband E. Kimmel, while serving in the temporary grade of admiral, was the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, at the time of the Japanese attack on Pearl Harbor, Hawaii, on December 7, 1941, with an excellent and unassailable record throughout his career in the United States Navy before that date.

(2) The late Major General Walter C. Short, while serving in the temporary grade of lieutenant general, was the Commander of the United States Army Hawaiian Department, at the time of the Japanese attack on Pearl Harbor, Hawaii, on December 7, 1941, with an excellent and unassailable record throughout his career in the United States Army before that date.

(3) Numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communications as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6 to 7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent grades of rear admiral and major general, respectively.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report, maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry—

(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";

(B) criticized the higher command for not sharing with Admiral Kimmel “during the very critical period of November 26 to December 7, 1941, important information . . . regarding the Japanese situation”; and

(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—

(A) Lieutenant General Short had not been kept “fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war”;

(B) detailed information and intelligence about Japanese intentions and war plans were available in “abundance” but were not shared with the Lieutenant General Short’s Hawaii command; and

(C) Lieutenant General Short was not provided “on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this”.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral Kimmel and Major General Short were denied their requests to defend themselves through trial by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) On April 27, 1954, the Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(12) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that Major General Short “was unjustly held responsible for the Pearl Harbor disaster” and that “it would be equitable and just” to advance him to the rank of lieutenant general on the retired list.

(13) In October 1994, the Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral Kimmel and recommended that his case be reopened.

(14) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that “responsibility for the

Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared”.

(15) The Dorn Report found—

(A) that “Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war”;

(B) that “the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and followup at higher levels”; and

(C) that “together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered”.

(16) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short.

(17) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.

(18) Rear Admiral Kimmel and Major General Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime grades under that Act.

(19) This singular exclusion of those two officers from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General Walter Short died on September 23, 1949, and Rear Admiral Husband Kimmel died on May 14, 1968, without the honor of having been returned to their wartime grades as were their fellow commanders of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association,

and the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest war-time grades.

(b) **ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT ON RETIRED LISTS.**—(1) The President is requested—

(A) to advance the late Rear Admiral Husband E. Kimmel, United States Navy (retired), to the grade of admiral on the retired list of the Navy; and

(B) to advance the late Major General Walter C. Short, United States Army (retired), to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) **SENSE OF CONGRESS REGARDING THE PROFESSIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEUTENANT GENERAL SHORT.**—It is the sense of Congress—

(1) that the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally and, therefore, that the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by then Admiral Kimmel; and

(2) that the late Major General Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally and, therefore, that the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by then Lieutenant General Short.

SEC. 547. COMMENDATION OF CITIZENS OF REMY, FRANCE, FOR WORLD WAR II ACTIONS.

(a) **FINDINGS.**—The Congress finds the following:

(1) On August 2, 1944, a squadron of P-51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France.

(2) The resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including seven stained glass windows in the 13th century church.

(3) Despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers.

(4) On Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor.

(5) The surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy.

(6) To express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project “Windows for Remy”, to restore the church’s stained glass windows.

(b) **COMMENDATION AND RECOGNITION.**—The Congress commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944, and recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy’s 13th century church.

SEC. 548. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO WILLIAM H. PITSENBARGER FOR VALOR DURING THE VIETNAM WAR.

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the period of limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Air Force, the President may award the Medal of Honor under section 8741 of that title, posthumously, to William H. Pitsenbarger of Piqua, Ohio, for the acts of valor referred to in subsection (b).

(b) **ACTION DEFINED.**—The acts of valor referred to in subsection (a) are the actions of William H. Pitsenbarger on April 11, 1966, as an Air Force pararescue crew member, serving in the grade of Airman First Class at Cam My, Republic of Vietnam, with Detachment 6, 38th Aerospace Rescue and Recovery Helicopter Squadron, in support of the combat mission known as “Operations Abilene”.

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 551. RECOGNITION BY STATES OF MILITARY TESTAMENTARY INSTRUMENTS.

(a) **IN GENERAL.**—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044c the following new section:

“§ 1044d. Military testamentary instruments: requirement for recognition by States

“(a) **TESTAMENTARY INSTRUMENTS TO BE GIVEN LEGAL EFFECT.**—A military testamentary instrument—

“(1) is exempt from any requirement of form, formality, or recording before probate that is provided for testamentary instruments under the laws of a State; and

“(2) has the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the State in which it is presented for probate.

“(b) **MILITARY TESTAMENTARY INSTRUMENTS.**—For purposes of this section, a military testamentary instrument is an instrument that is prepared with testamentary intent in accordance with regulations prescribed under this section and that—

“(1) is executed in accordance with subsection (c) by (or on behalf of) a person, as a testator, who is eligible for military legal assistance;

“(2) makes a disposition of property of the testator; and

“(3) takes effect upon the death of the testator.

“(c) REQUIREMENTS FOR EXECUTION OF MILITARY TESTAMENTARY INSTRUMENTS.—An instrument is valid as a military testamentary instrument only if—

“(1) the instrument is executed by the testator (or, if the testator is unable to execute the instrument personally, the instrument is executed in the presence of, by the direction of, and on behalf of the testator);

“(2) the instrument is executed in the presence of a military legal assistance counsel acting as presiding attorney;

“(3) the instrument is executed in the presence of at least two disinterested witnesses (in addition to the presiding attorney), each of whom attests to witnessing the testator’s execution of the instrument by signing it; and

“(4) the instrument is executed in accordance with such additional requirements as may be provided in regulations prescribed under this section.

“(d) SELF-PROVING MILITARY TESTAMENTARY INSTRUMENTS.—

(1) If the document setting forth a military testamentary instrument meets the requirements of paragraph (2), then the signature of a person on the document as the testator, an attesting witness, a notary, or the presiding attorney, together with a written representation of the person’s status as such and the person’s military grade (if any) or other title, is prima facie evidence of the following:

“(A) That the signature is genuine.

“(B) That the signatory had the represented status and title at the time of the execution of the will.

“(C) That the signature was executed in compliance with the procedures required under the regulations prescribed under subsection (f).

“(2) A document setting forth a military testamentary instrument meets the requirements of this paragraph if it includes (or has attached to it), in a form and content required under the regulations prescribed under subsection (f), each of the following:

“(A) A certificate, executed by the testator, that includes the testator’s acknowledgment of the testamentary instrument.

“(B) An affidavit, executed by each witness signing the testamentary instrument, that attests to the circumstances under which the testamentary instrument was executed.

“(C) A notarization, including a certificate of any administration of an oath required under the regulations, that is signed by the notary or other official administering the oath.

“(e) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed under this section, each military testamentary instrument shall contain a statement that sets forth the provisions of subsection (a).

“(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a testamentary instrument that does not include a statement described in that paragraph.

“(f) REGULATIONS.—Regulations for the purposes of this section shall be prescribed jointly by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard

when it is not operating as a service in the Department of the Navy.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘person eligible for military legal assistance’ means a person who is eligible for legal assistance under section 1044 of this title.

“(2) The term ‘military legal assistance counsel’ means—
“(A) a judge advocate (as defined in section 801(13) of this title); or

“(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.

“(3) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044c the following new item:

“1044d. Military testamentary instruments: requirement for recognition by States.”.

SEC. 552. POLICY CONCERNING RIGHTS OF INDIVIDUALS WHOSE NAMES HAVE BEEN ENTERED INTO DEPARTMENT OF DEFENSE OFFICIAL CRIMINAL INVESTIGATIVE REPORTS.

(a) POLICY REQUIREMENT.—The Secretary of Defense shall establish a policy creating a uniform process within the Department of Defense that—

(1) affords any individual who, in connection with the investigation of a reported crime, is designated (by name or by any other identifying information) as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, an opportunity to obtain a review of that designation; and

(2) requires the expungement of the name and other identifying information of any such individual from such report or index in any case in which it is determined the entry of such identifying information on that individual was made contrary to Department of Defense requirements.

(b) EFFECTIVE DATE.—The policy required by subsection (a) shall be established not later than 120 days after the date of the enactment of this Act.

SEC. 553. LIMITATION ON SECRETARIAL AUTHORITY TO GRANT CLEMENCY FOR MILITARY PRISONERS SERVING SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.

(a) LIMITATION.—Section 874(a) of title 10, United States Code (article 74(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: “However, in the case of a sentence of confinement for life without eligibility for parole, after the sentence is ordered executed, the authority of the Secretary concerned under the preceding sentence (1) may not be delegated, and (2) may be exercised only after the service of a period of confinement of not less than 20 years.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to a sentence of confinement for life

without eligibility for parole that is adjudged for an offense committed before the date of the enactment of this Act.

SEC. 554. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS TO EXECUTE WARRANTS AND MAKE ARRESTS.

(a) DEPARTMENT OF THE ARMY.—(1) Chapter 373 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests

“(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

“(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.

“(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:

“4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.”.

(b) DEPARTMENT OF THE NAVY.—(1) Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7480. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests

“(a) AUTHORITY.—The Secretary of the Navy may authorize any Department of the Navy civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

“(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.

“(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7480. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.”.

(c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter 873 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests

“(a) AUTHORITY.—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

“(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.

“(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.”.

SEC. 555. REQUIREMENT FOR VERBATIM RECORD IN CERTAIN SPECIAL COURT-MARTIAL CASES.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after “bad-conduct discharge” the following: “, confinement for more than six months, or forfeiture of pay for more than six months”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special court-martial.

SEC. 556. COMMEMORATION OF THE 50TH ANNIVERSARY OF THE UNIFORM CODE OF MILITARY JUSTICE.

(a) FINDINGS.—Congress makes the following findings:

(1) The American military justice system predates the United States itself, having had a continuous existence since the enactment of the first American Articles of War by the Continental Congress in 1775.

(2) Pursuant to article I of the Constitution, which explicitly empowers Congress “To make Rules for the Government and Regulation of the land and naval Forces”, Congress enacted the Articles of War and an Act to Govern the Navy, which were revised on several occasions between the ratification of the Constitution and the end of World War II.

(3) Dissatisfaction with the administration of military justice during World War I and World War II (including dissatisfaction arising from separate systems of justice for the Army and for the Navy and Marine Corps) led both to significant statutory reforms in the Articles of War and to the convening of a committee, under Department of Defense auspices, to draft a single code of military justice applicable uniformly to all of the Armed Forces.

(4) The committee, chaired by Professor Edmund M. Morgan of Harvard Law School, made recommendations that formed the basis of bills introduced in Congress to establish such a uniform code of military justice.

(5) After lengthy hearings and debate on the congressional proposals, the Uniform Code of Military Justice was enacted into law on May 5, 1950, when President Harry S. Truman signed the legislation.

(6) President Truman then issued a revised Manual for Courts-Martial implementing the new code, and the code became effective on May 31, 1951.

(7) One of the greatest innovations of the Uniform Code of Military Justice (now codified as chapter 47 of title 10, United States Code) was the establishment of a civilian court of appeals within the military justice system. That court, the United States Court of Military Appeals (now the United States Court of Appeals for the Armed Forces), held its first session on July 25, 1951.

(8) Congress enacted major revisions of the Uniform Code of Military Justice in 1968 and 1983 and, in addition, has amended the code from time to time over the years as practice under the code indicated a need for updating the substance or procedure of the law of military justice.

(9) The evolution of the system of military justice under the Uniform Code of Military Justice may be traced in the decisions of the Courts of Criminal Appeals of each of the Armed Forces and the decisions of the United States Court of Appeals for the Armed Forces. These courts have produced a unique body of jurisprudence upon which commanders and judge advocates rely in the performance of their duties.

(10) It is altogether fitting that the 50th anniversary of the Uniform Code of Military Justice be duly commemorated.

(b) COMMEMORATION.—The Congress—

(1) requests the President to issue a proclamation commemorating the 50th anniversary of the Uniform Code of Military Justice; and

(2) calls upon the Department of Defense, the Armed Forces, and the United States Court of Appeals for the Armed Forces and interested organizations and members of the bar

and the public to commemorate the occasion of that anniversary with ceremonies and activities befitting its importance.

Subtitle F—Matters Relating to Recruiting

SEC. 561. ARMY RECRUITING PILOT PROGRAMS.

(a) REQUIREMENT FOR PROGRAMS.—The Secretary of the Army shall carry out pilot programs to test various recruiting approaches under this section for the following purposes:

(1) To assess the effectiveness of the recruiting approaches for creating enhanced opportunities for recruiters to make direct, personal contact with potential recruits.

(2) To improve the overall effectiveness and efficiency of Army recruiting activities.

(b) OUTREACH THROUGH MOTOR SPORTS.—(1) One of the pilot programs shall be a pilot program of public outreach that associates the Army with motor sports competitions to achieve the objectives set forth in paragraph (2).

(2) The events and activities undertaken under the pilot program shall be designed to provide opportunities for Army recruiters to make direct, personal contact with high school students to achieve the following objectives:

(A) To increase enlistments by students graduating from high school.

(B) To reduce attrition in the Delayed Entry Program of the Army by sustaining the personal commitment of students who have elected delayed entry into the Army under the program.

(3) Under the pilot program, the Secretary of the Army shall provide for the following:

(A) For Army recruiters or other Army personnel—

(i) to organize Army sponsored career day events in association with national motor sports competitions; and

(ii) to arrange for or encourage attendance at the competitions by high school students, teachers, guidance counselors, and administrators of high schools located near the competitions.

(B) For Army recruiters and other soldiers to attend national motor sports competitions—

(i) to display exhibits depicting the contemporary Army and career opportunities in the Army; and

(ii) to discuss those opportunities with potential recruits.

(C) For the Army to sponsor a motor sports racing team as part of an integrated program of recruitment and publicity for the Army.

(D) For the Army to sponsor motor sports competitions for high school students at which recruiters meet with potential recruits.

(E) For Army recruiters or other Army personnel to compile in an Internet accessible database the names, addresses, telephone numbers, and electronic mail addresses of persons who are identified as potential recruits through activities under the pilot program.

(F) Any other activities associated with motor sports competition that the Secretary determines appropriate for Army recruitment purposes.

(c) OUTREACH AT VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES.—(1) One of the pilot programs shall be a pilot program under which Army recruiters are assigned, as their primary responsibility, at postsecondary vocational institutions and community colleges for the purpose of recruiting students graduating from those institutions and colleges, recent graduates of those institutions and colleges, and students withdrawing from enrollments in those institutions and colleges.

(2) The Secretary of the Army shall select the institutions and colleges to be invited to participate in the pilot program.

(3) The conduct of the pilot program at an institution or college shall be subject to an agreement which the Secretary shall enter into with the governing body or authorized official of the institution or college, as the case may be.

(4) Under the pilot program, the Secretary shall provide for the following:

(A) For Army recruiters to be placed in postsecondary vocational institutions and community colleges to serve as a resource for guidance counselors and to recruit for the Army.

(B) For Army recruiters to recruit from among students and graduates described in paragraph (1).

(C) For the use of telemarketing, direct mail, interactive voice response systems, and Internet website capabilities to assist the recruiters in the postsecondary vocational institutions and community colleges.

(D) For any other activities that the Secretary determines appropriate for recruitment activities in postsecondary vocational institutions and community colleges.

(5) In this subsection, the term “postsecondary vocational institution” has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(d) CONTRACT RECRUITING INITIATIVES.—(1) One of the pilot programs shall be a program that expands in accordance with this subsection the scope of the Army’s contract recruiting initiatives that are ongoing as of the date of the enactment of this Act. Under the pilot program, the Secretary of the Army shall select at least 10 recruiting companies to apply the initiatives in efforts to recruit personnel for the Army.

(2) Under the pilot program, the Secretary shall provide for the following:

(A) For replacement of the Regular Army recruiters by contract recruiters in the 10 recruiting companies selected under paragraph (1).

(B) For operation of the 10 companies under the same rules and chain of command as the other Army recruiting companies.

(C) For use of the offices, facilities, and equipment of the 10 companies by the contract recruiters.

(D) For reversion to performance of the recruiting activities by Regular Army soldiers in the 10 companies upon termination of the pilot program.

(E) For any other uses of contractor personnel for Army recruiting activities that the Secretary determines appropriate.

(e) **DURATION OF PILOT PROGRAMS.**—The pilot programs required by this section shall be carried out during the period beginning on October 1, 2000, and, subject to subsection (f), ending on December 31, 2005.

(f) **AUTHORITY TO EXPAND OR EXTEND PILOT PROGRAMS.**—The Secretary may expand the scope of any of the pilot programs (under subsection (b)(3)(F), (c)(4)(D), (d)(2)(E), or otherwise) or extend the period for any of the pilot programs. Before doing so in the case of a pilot program, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notification of the expansion of the pilot program (together with the scope of the expansion) or the continuation of the pilot program (together with the period of the extension), as the case may be.

(g) **REPORTS.**—Not later than February 1, 2006, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a separate report on each of the pilot programs carried out under this section. The report on a pilot program shall include the following:

(1) The Secretary's assessment of the value of the actions taken in the administration of the pilot program for increasing the effectiveness and efficiency of Army recruiting.

(2) Any recommendations for legislation or other action that the Secretary considers appropriate to increase the effectiveness and efficiency of Army recruiting.

SEC. 562. ENHANCEMENT OF RECRUITMENT MARKET RESEARCH AND ADVERTISING PROGRAMS.

Section 503(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary of Defense shall act on a continuing basis to enhance the effectiveness of recruitment programs of the Department of Defense (including programs conducted jointly and programs conducted by the separate armed forces) through an aggressive program of advertising and market research targeted at prospective recruits for the armed forces and those who may influence prospective recruits. Subchapter I of chapter 35 of title 44 shall not apply to actions taken as part of that program.”.

SEC. 563. ACCESS TO SECONDARY SCHOOLS FOR MILITARY RECRUITING PURPOSES.

(a) **REQUIREMENT FOR ACCESS.**—Subsection (c) of section 503 of title 10, United States Code, is amended to read as follows:

“(c) **ACCESS TO SECONDARY SCHOOLS.**—(1) Each local educational agency shall (except as provided under paragraph (5)) provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.

“(2) If a local educational agency denies a request by the Department of Defense for recruiting access, the Secretary of Defense, in cooperation with the Secretary of the military department concerned, shall designate an officer in a grade not below the grade of colonel or, in the case of the Navy, captain, or a senior executive of that military department to meet with representatives of that local educational agency in person, at the offices of that agency,

for the purpose of arranging for recruiting access. The designated officer or senior executive shall seek to have that meeting within 120 days of the date of the denial of the request for recruiting access.

“(3) If, after a meeting under paragraph (2) with representatives of a local educational agency that has denied a request for recruiting access or (if the educational agency declines a request for the meeting) after the end of such 120-day period, the Secretary of Defense determines that the agency continues to deny recruiting access, the Secretary shall transmit to the chief executive of the State in which the agency is located a notification of the denial of recruiting access and a request for assistance in obtaining that access. The notification shall be transmitted within 60 days after the date of the determination. The Secretary shall provide to the Secretary of Education a copy of such notification and any other communication between the Secretary and that chief executive with respect to such access.

“(4) If a local educational agency continues to deny recruiting access one year after the date of the transmittal of a notification regarding that agency under paragraph (3), the Secretary—

“(A) shall determine whether the agency denies recruiting access to at least two of the armed forces (other than the Coast Guard when it is not operating as a service in the Navy); and

“(B) upon making an affirmative determination under subparagraph (A), shall transmit a notification of the denial of recruiting access to—

“(i) the specified congressional committees;

“(ii) the Senators of the State in which the local educational agency is located; and

“(iii) the member of the House of Representatives who represents the district in which the local educational agency is located.

“(5) The requirements of this subsection do not apply to—

“(A) a local educational agency with respect to access to secondary school students or access to directory information concerning such students for any period during which there is in effect a policy of that agency, established by majority vote of the governing body of the agency, to deny recruiting access to those students or to that directory information, respectively; or

“(B) a private secondary school which maintains a religious objection to service in the armed forces and which objection is verifiable through the corporate or other organizational documents or materials of that school.

“(6) In this subsection:

“(A) The term ‘local educational agency’ means—

“(i) a local educational agency, within the meaning of that term in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)); and

“(ii) a private secondary school.

“(B) The term ‘recruiting access’ means access requested as described in paragraph (1).

“(C) The term ‘senior executive’ has the meaning given that term in section 3132(a)(3) of title 5.

“(D) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

“(E) The term ‘specified congressional committees’ means the following:

“(i) The Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(ii) The Committee on Armed Services and the Committee on Education and the Workforce of the House of Representatives.

“(F) The term ‘member of the House of Representatives’ includes a Delegate or Resident Commissioner to Congress.”.

(b) DEFINITION OF DIRECTORY INFORMATION.—Such section is further amended—

(1) by striking paragraph (7) of subsection (b); and

(2) by adding at the end the following new subsection:

“(d) DIRECTORY INFORMATION DEFINED.—In this section, the term ‘directory information’ has the meaning given that term in subsection (a)(5)(A) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g).”.

(c) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “RECRUITING CAMPAIGNS.—” after “(a)”; and

(2) in subsection (b), by inserting “COMPILATION OF DIRECTORY INFORMATION.—” after “(b)”.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2002.

SEC. 564. PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities. The pilot program shall be conducted during a three-year period beginning not later than 180 days after the date of the enactment of this Act.

(b) CONDUCT OF PILOT PROGRAM THROUGH PARTICIPATION IN INTERACTIVE INTERNET SITE.—(1) The pilot program shall be conducted by means of participation by the Department of Defense in a qualifying interactive Internet site.

(2) For purposes of this section, a qualifying interactive Internet site is an Internet site in existence as of the date of the enactment of this Act that is designed to provide to employees of local educational agencies and institutions of higher education participating in the Internet site—

(A) systems for communicating;

(B) resources for individual professional development;

(C) resources to enhance individual on-the-job effectiveness;

and

(D) resources to improve organizational effectiveness.

(3) Participation in an Internet site by the Department of Defense for purposes of this section shall include—

(A) funding;

(B) assistance; and

(C) access by other Internet site participants to Department of Defense aptitude testing programs, career development information, and other resources, in addition to information on military recruiting and career opportunities.

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's findings and conclusions on the pilot program not later than 180 days after the end of the three-year program period.

Subtitle G—Other Matters

SEC. 571. EXTENSION TO END OF CALENDAR YEAR OF EXPIRATION DATE FOR CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.—Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended—

(1) in subsection (a), by striking “through fiscal year 1999” and inserting “during the active force drawdown period”; and

(2) in subsection (i), by striking “October 1, 2001” and inserting “December 31, 2001”.

(b) SSB AND VSI.—Sections 1174a(h)(1) and 1175(d)(3) of title 10, United States Code, are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370 of such title is amended by striking “September 30, 2001” in subsections (a)(2)(A) and (d)(5) and inserting “December 31, 2001”.

(e) MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(f) TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(h) TRANSITIONAL HEALTH BENEFITS.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(i) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended by striking “September 30, 2001” both places it appears and inserting “December 31, 2001”.

(j) TRANSITIONAL USE OF MILITARY HOUSING.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(k) CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(l) FORCE REDUCTION TRANSITION PERIOD DEFINED FOR CERTAIN GUARD AND RESERVE BENEFITS.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(m) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking “October 1, 2001” and inserting “the end of the force reduction period”.

(n) RETIRED PAY FOR NON-REGULAR SERVICE.—(1) Section 12731(f) of title 10, United States Code, is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(2) Section 12731a of such title is amended—

(A) in subsection (a)(1)(B), by striking “October 1, 2001” and inserting “the end of the period described in subsection (b)”;

(B) in subsection (b), by striking “October 1, 2001” and inserting “December 31, 2001”.

(o) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(p) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

SEC. 572. VOLUNTARY SEPARATION INCENTIVE.

(a) AUTHORITY FOR TERMINATION UPON ENTITLEMENT TO RETIRED PAY.—Section 1175(e)(3) of title 10, United States Code, is amended—

(1) inserting “(A)” after “(3)”;

(2) by adding at the end the following new subparagraph:

“(B) If a member is receiving simultaneous voluntary separation incentive payments and retired or retainer pay, the member may elect to terminate the receipt of voluntary separation incentive payments. Any such election is permanent and irrevocable. The rate of monthly recoupment from retired or retainer pay of voluntary separation incentive payments received after such an election shall be reduced by a percentage that is equal to a fraction with a denominator equal to the number of months that the voluntary separation incentive payments were scheduled to be paid and a numerator equal to the number of months that would not be paid as a result of the member’s decision to terminate the voluntary separation incentive.”.

(b) **EFFECTIVE DATE.**—Subparagraph (B) of section 1175(e)(3) of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions by members to terminate voluntary separation incentive payments under section 1175 of title 10, United States Code, to be effective after September 30, 2000.

SEC. 573. CONGRESSIONAL REVIEW PERIOD FOR ASSIGNMENT OF WOMEN TO DUTY ON SUBMARINES AND FOR ANY PROPOSED RECONFIGURATION OR DESIGN OF SUBMARINES TO ACCOMMODATE FEMALE CREW MEMBERS.

(a) **IN GENERAL.**—(1) Chapter 555 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines

“(a) No change in the Department of the Navy policy limiting service on submarines to males, as in effect on May 10, 2000, may take effect until—

“(1) the Secretary of Defense submits to Congress written notice of the proposed change; and

“(2) a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) expires following the date on which the notice is received.

“(b) No funds available to the Department of the Navy may be expended to reconfigure any existing submarine, or to design any new submarine, to accommodate female crew members until—

“(1) the Secretary of Defense submits to Congress written notice of the proposed reconfiguration or design; and

“(2) a period of 30 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) expires following the date on which the notice is received.

“(c) For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines.”

(b) **CONFORMING AMENDMENT.**—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is amended by inserting “or by section 6035 of title 10, United States Code” after “Except in a case covered by subsection (b)”.

SEC. 574. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) **APPROVING AUTHORITY FOR LENGTHY DEPLOYMENTS OF MEMBERS.**—Subsection (a) of section 991 of title 10, United States Code, is amended—

(1) by striking “unless an officer” in the second sentence of paragraph (1) and all that follows through the period at the end of that sentence and inserting a period and the following: “However, the member may be deployed, or continued

in a deployment, without regard to the preceding sentence if such deployment, or continued deployment, is approved—

“(A) in the case of a member who is assigned to a combatant command in a position under the operational control of the officer in that combatant command who is the service component commander for the members of that member’s armed force in that combatant command, by that officer; and

“(B) in the case of a member not assigned as described in subparagraph (A), by the service chief of that member’s armed force (or, if so designated by that service chief, by an officer of the same armed force on active duty who is in the grade of general or admiral or who is the personnel chief for that armed force).”; and

(2) by adding at the end the following new paragraph:

“(3) In paragraph (1)(B), the term ‘service chief’ means the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps.”.

(b) CLARIFICATION OF DEFINITION OF DEPLOYMENT.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “or homeport, as the case may be” before the period at the end;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

“(A) is not the member’s permanent training site; and

“(B) is—

“(i) at least 100 miles from the member’s permanent residence; or

“(ii) a lesser distance from the member’s permanent residence that, under the circumstances applicable to the member’s travel, is a distance that requires at least three hours of travel to traverse.”; and

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection—

(A) by striking “or” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(C) unavailable solely because of—

“(i) a hospitalization of the member at the member’s permanent duty station or homeport or in the immediate vicinity of the member’s permanent residence; or

“(ii) a disciplinary action taken against the member.”.

(c) ASSOCIATED PER DIEM ALLOWANCE.—Section 435 of title 37, United States Code (as added to that title effective October 1, 2001, by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 638)) is amended—

(1) in subsection (a), by striking “251 days or more out of the preceding 365 days” and inserting “401 or more days out of the preceding 730 days”; and

(2) in subsection (b), by striking “prescribed under paragraph (3)” and inserting “prescribed under paragraph (4)”.

(d) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.—Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code, during fiscal year 2001. The report shall include—

(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section that the Secretary considers appropriate.

(e) EFFECTIVE DATE.—If this Act is enacted before October 1, 2000, the amendments made by subsections (a) and (b) shall take effect on October 1, 2000, immediately after the amendment made by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 637) adding section 991 of title 10, United States Code, to such title.

SEC. 575. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HONORS DUTY.

(a) COMPENSATION AT RATE FOR INACTIVE-DUTY TRAINING.—(1) Section 115(b)(2) of title 32, United States Code, is amended to read as follows:

“(2) as directed by the Secretary concerned, either—

“(A) the allowance under section 435 of title 37; or

“(B) compensation under section 206 of title 37.”.

(2) Section 12503(b)(2) of title 10, United States Code, is amended to read as follows:

“(2) as directed by the Secretary concerned, either—

“(A) the allowance under section 435 of title 37; or

“(B) compensation under section 206 of title 37.”.

(b) CONFORMING REPEAL.—Section 435 of title 37, United States Code, is amended by striking subsection (c).

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to funeral honors duty performed on or after October 1, 2000.

SEC. 576. TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS.

(a) TEST PROGRAM REQUIRED.—(1) Beginning not later than June 1, 2001, the Secretary of Defense shall conduct a three-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be—

(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and

(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.

(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.

(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.

(b) OVERSIGHT PANEL.—The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include—

(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

(2) the Assistant Secretary of Defense for Reserve Affairs; and

(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.

(c) TEST PROGRAM OBJECTIVES.—The test program shall have the following objectives:

(1) To identify the range of peacetime roles and missions that are appropriate for reserve component intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.

(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.

(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure, and funding of reserve component intelligence units and personnel.

(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.

(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.

(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.

(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.

(d) REPORTS.—The Secretary of Defense shall submit to Congress—

(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and

(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004.

SEC. 577. NATIONAL GUARD CHALLENGE PROGRAM.

(a) **RESPONSIBILITY OF SECRETARY OF DEFENSE.**—Subsection (a) of section 509 of title 32, United States Code, is amended by striking “, acting through the Chief of the National Guard Bureau,”.

(b) **SOURCES OF FEDERAL SUPPORT.**—Subsection (b) of such section is amended—

(1) by inserting “(1)” before “The Secretary of Defense”;

(2) by striking “, except that Federal expenditures under the program may not exceed \$62,500,000 for any fiscal year”; and

(3) by adding at the end the following new paragraphs:

“(2) The Secretary shall carry out the National Guard Challenge Program using—

“(A) funds appropriated directly to the Secretary of Defense for the program, except that the amount of funds appropriated directly to the Secretary and expended for the program in a fiscal year may not exceed \$62,500,000; and

“(B) nondefense funds made available or transferred to the Secretary of Defense by other Federal agencies to support the program.

“(3) Federal funds made available or transferred to the Secretary of Defense under paragraph (2)(B) by other Federal agencies to support the National Guard Challenge Program may be expended for the program in excess of the fiscal year limitation specified in paragraph (2)(A).”.

(c) **REGULATIONS.**—Such section is further amended by adding at the end the following new subsection:

“(m) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:

“(1) The terms to be included in the program agreements required by subsection (c).

“(2) The qualifications for persons to participate in the program, as required by subsection (e).

“(3) The benefits authorized for program participants, as required by subsection (f).

“(4) The status of National Guard personnel assigned to duty in support of the program under subsection (g).

“(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).

“(6) The status of program participants, as described in subsection (i).

“(7) The procedures to be used by the Secretary when communicating with States about the program.”.

(d) **CONFORMING AMENDMENT.**—Section 2033 of title 10, United States Code, is amended by striking “appropriated for” and inserting “appropriated directly to the Secretary of Defense for”.

SEC. 578. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS FOR OPERATIONAL SUPPORT MISSIONS.

(a) **STUDY.**—The Secretary of Defense shall conduct a study to determine the feasibility and cost, as well as the advantages and disadvantages, of using civilian contractor personnel as pilots and other air crew members to fly nonmilitary Government aircraft (referred to as “operational support aircraft”) to perform non-combat

personnel transportation missions worldwide. In carrying out the study, the Secretary shall consider the views and recommendations of the Chairman of the Joint Chiefs and the other members of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—The study shall, at a minimum—

(1) determine whether use of civilian contractor personnel as pilots and other air crew members for such operational support missions would be a cost effective means of freeing for duty in units with combat and combat support missions those military pilots and other personnel who now perform such operational support missions; and

(2) the effect on retention of military pilots and other personnel if they are no longer required to fly operational support missions.

(c) SUBMISSION OF REPORT.—The Secretary shall submit a report containing the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than six months after the date of the enactment of this Act.

SEC. 579. REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH CANCELLATION OF LEAVE ON SHORT NOTICE.

(a) REIMBURSEMENT AUTHORIZED.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1053 the following new section:

“§ 1053a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

“(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when the leave is canceled in connection with the member’s participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish the criteria for the applicability of subsection (a).

“(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.”.

(b) EFFECTIVE DATE.—Section 1053a of title 10, United States Code, as added by subsection (a), shall apply with respect to any travel and related expenses incurred by a member in connection with leave canceled after the date of the enactment of this Act.

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 1052 of such title is amended to read as follows:

“§ 1052. Adoption expenses: reimbursement”.

(2) The heading of section 1053 of such title is amended to read as follows:

“§ 1053. Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement”.

(3) The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1052 and 1053 and inserting the following:

“1052. Adoption expenses: reimbursement.

“1053. Financial institution charges incurred because of Government error in direct deposit of pay: reimbursement.

“1053a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.”.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—PAY AND ALLOWANCES

- Sec. 601. Increase in basic pay for fiscal year 2001.
- Sec. 602. Additional restructuring of basic pay rates for enlisted members.
- Sec. 603. Revised method for calculation of basic allowance for subsistence.
- Sec. 604. Family subsistence supplemental allowance for low-income members of the Armed Forces.
- Sec. 605. Basic allowance for housing.
- Sec. 606. Additional amount available for fiscal year 2001 increase in basic allowance for housing inside the United States.
- Sec. 607. Equitable treatment of junior enlisted members in computation of basic allowance for housing.
- Sec. 608. Eligibility of members in grade E–4 to receive basic allowance for housing while on sea duty.
- Sec. 609. Personal money allowance for senior enlisted members of the Armed Forces.
- Sec. 610. Increased uniform allowances for officers.
- Sec. 611. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.
- Sec. 612. Increase in monthly subsistence allowance for members of precommissioning programs.

SUBTITLE B—BONUSES AND SPECIAL AND INCENTIVE PAYS

- Sec. 621. Extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 622. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 623. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 624. Revision of enlistment bonus authority.
- Sec. 625. Consistency of authorities for special pay for reserve medical and dental officers.
- Sec. 626. Elimination of required congressional notification before implementation of certain special pay authority.
- Sec. 627. Special pay for physician assistants of the Coast Guard.
- Sec. 628. Authorization of special pay and accession bonus for pharmacy officers.
- Sec. 629. Correction of references to Air Force veterinarians.
- Sec. 630. Career sea pay.
- Sec. 631. Increased maximum rate of special duty assignment pay.
- Sec. 632. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.
- Sec. 633. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.
- Sec. 634. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.

SUBTITLE C—TRAVEL AND TRANSPORTATION ALLOWANCES

- Sec. 641. Advance payments for temporary lodging of members and dependents.
- Sec. 642. Additional transportation allowance regarding baggage and household effects.

- Sec. 643. Incentive for shipping and storing household goods in less than average weights.
- Sec. 644. Equitable dislocation allowances for junior enlisted members.
- Sec. 645. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.
- Sec. 646. Expansion of funded student travel for dependents.

SUBTITLE D—RETIREMENT AND SURVIVOR BENEFIT MATTERS

- Sec. 651. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.
- Sec. 652. Increase in maximum number of Reserve retirement points that may be credited in any year.
- Sec. 653. Retirement from active reserve service after regular retirement.
- Sec. 654. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.
- Sec. 655. Reserve component Survivor Benefit Plan spousal consent requirement.
- Sec. 656. Sense of Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older.
- Sec. 657. Revision to special compensation authority to repeal exclusion of uniformed services retirees in receipt of disability retired pay.

SUBTITLE E—OTHER MATTERS

- Sec. 661. Participation in Thrift Savings Plan.
- Sec. 662. Determinations of income eligibility for special supplemental food program.
- Sec. 663. Billeting services for reserve members traveling for inactive-duty training.
- Sec. 664. Settlement of claims for payments for unused accrued leave and for retired pay.
- Sec. 665. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.
- Sec. 666. Authority for extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
- Sec. 667. Back pay for members of the Navy and Marine Corps selected for promotion while interned as prisoners of war during World War II.
- Sec. 668. Sense of Congress concerning funding for reserve components.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2001 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2001, the rates of monthly basic pay for members of the uniformed services are increased by 3.7 percent.

SEC. 602. ADDITIONAL RESTRUCTURING OF BASIC PAY RATES FOR ENLISTED MEMBERS.

(a) MINIMUM PAY INCREASES FOR MID-LEVEL ENLISTED GRADES.—(1) Subject to paragraph (2), effective on July 1, 2001, the rates of monthly basic pay for enlisted members of the Armed Forces in the pay grades E-7, E-6, and E-5 shall be as follows:

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-7	1,831.20	1,999.20	2,075.10	2,149.80	2,228.10
E-6	1,575.00	1,740.30	1,817.40	1,891.80	1,969.80
E-5	1,381.80	1,549.20	1,623.90	1,701.00	1,779.30
	Over 8	Over 10	Over 12	Over 14	Over 16
E-7	2,362.20	2,437.80	2,512.80	2,588.10	2,666.10
E-6	2,097.30	2,174.10	2,248.80	2,325.00	2,379.60
E-5	1,888.50	1,962.90	2,040.30	2,040.30	2,040.30
	Over 18	Over 20	Over 22	Over 24	Over 26
E-7	2,742.00	2,817.90	2,949.60	3,034.80	3,250.50
E-6	2,421.30	2,421.30	2,421.30	2,421.30	2,421.30
E-5	2,040.30	2,040.30	2,040.30	2,040.30	2,040.30

(2) The amounts specified in the table in paragraph (1) are subject to such revision as the Secretary of Defense and the Secretary of Transportation may prescribe under subsection (b)(1)(A).

(b) SECRETARIAL AUTHORITY TO FURTHER REVISE.—(1) To ensure the efficient and effective operation of the military pay system, the Secretary of Defense, and the Secretary of Transportation with regard to the Coast Guard, may—

(A) further increase any of the amounts specified in the table in subsection (a) for enlisted members of the Armed Forces in the pay grades E-7, E-6, and E-5; and

(B) increase any of the amounts specified for other enlisted members in the table under the heading “ENLISTED MEMBERS” in section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 648), as adjusted on January 1, 2001, pursuant to section 601(b) of this Act.

(2) The revisions in monthly basic pay made by the Secretary of Defense and the Secretary of Transportation under paragraph (1) shall take effect on July 1, 2001, but only if the Secretaries also comply with paragraph (3).

(3) If the Secretary of Defense or the Secretary of Transportation exercises the authority provided by paragraph (1), the Secretaries shall include, in the budget justification materials submitted to Congress in support of the President’s budget submitted under section 1105 of title 31, United States Code, for fiscal year 2002—

(A) a revised pay table for enlisted members of the Armed Forces to reflect the increases in monthly basic pay to take effect on July 1, 2001; and

(B) a description of the various increases made and the reasons therefor.

SEC. 603. REVISED METHOD FOR CALCULATION OF BASIC ALLOWANCE FOR SUBSISTENCE.

(a) ANNUAL REVISION OF RATE.—Subsection (b) of section 402 of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “The monthly rate” and inserting “Through December 31, 2001, the monthly rate”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) On and after January 1, 2002, the monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be equal to the sum of—

“(A) the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for the preceding year; plus

“(B) the product of the monthly rate under subparagraph (A) and the percentage increase in the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age over the preceding fiscal year, as determined by the Secretary of Agriculture each October 1.”.

(b) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by striking “established under subsection (b)(1)” and inserting “in effect under paragraph (1) or (2) of subsection (b)”.

(c) EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Effective October 1, 2001, subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 37 U.S.C. 402 note) are repealed.

SEC. 604. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.

(a) SUPPLEMENTAL ALLOWANCE REQUIRED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

“§ 402a. Supplemental subsistence allowance for low-income members with dependents

“(a) SUPPLEMENTAL ALLOWANCE REQUIRED.—(1) The Secretary concerned shall increase the basic allowance for subsistence to which a member of the armed forces described in subsection (b) is otherwise entitled under section 402 of this title by an amount (in this section referred to as the ‘supplemental subsistence allowance’) designed to remove the member’s household from eligibility for benefits under the food stamp program.

“(2) The supplemental subsistence allowance may not exceed \$500 per month. In establishing the amount of the supplemental subsistence allowance to be paid an eligible member under this paragraph, the Secretary shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

“(3) In the case of a member described in subsection (b) who establishes to the satisfaction of the Secretary concerned that the allotment of the member’s household under the food stamp program, calculated in the absence of the supplemental subsistence allowance, would exceed the amount established by the Secretary concerned under paragraph (2), the amount of the supplemental subsistence allowance for the member shall be equal to the lesser of the following:

“(A) The value of that allotment.

“(B) \$500.

“(b) MEMBERS ENTITLED TO ALLOWANCE.—(1) Subject to subsection (d), a member of the armed forces is entitled to receive the supplemental subsistence allowance if the Secretary concerned determines that the member’s income, together with the income of the rest of the member’s household (if any), is within the highest income standard of eligibility, as then in effect under section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and without regard to paragraph (1) of such section, for participation in the food stamp program.

“(2) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary—

“(A) shall not take into consideration the amount of the supplemental subsistence allowance payable under this section; but

“(B) shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.

“(c) APPLICATION FOR ALLOWANCE.—To request the supplemental subsistence allowance, a member shall submit an application to the Secretary concerned in such form and containing such information as the Secretary concerned may prescribe. A member applying for the supplemental subsistence allowance shall furnish such evidence regarding the member’s satisfaction of the eligibility criteria under subsection (b) as the Secretary concerned may require.

“(d) EFFECTIVE PERIOD.—The entitlement of a member to receive the supplemental subsistence allowance terminates upon the occurrence of any of the following events, even though the member continues to meet the eligibility criteria described in subsection (b):

“(1) Payment of the supplemental subsistence allowance for 12 consecutive months.

“(2) Promotion of the member to a higher grade.

“(3) Transfer of the member in a permanent change of station.

“(e) REAPPLICATION.—Upon the termination of the effective period of the supplemental subsistence allowance for a member, or in anticipation of the imminent termination of the allowance, a member may reapply for the allowance under subsection (c), and the Secretary concerned shall approve the application and resume payment of the allowance to the member, if the member continues to meet, or once again meets, the eligibility criteria described in subsection (b).

“(f) REPORTING REQUIREMENT.—Not later than March 1 of each year after 2001, the Secretary of Defense shall submit to Congress a report specifying the number of members of the armed forces who received, at any time during the preceding year, the supplemental subsistence allowance. In preparing the report, the Secretary of Defense shall consult with the Secretary of Transportation. No report is required under this subsection after March 1, 2006.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘Secretary concerned’ means—

“(A) the Secretary of Defense; and

“(B) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

“(2) The terms ‘allotment’ and ‘household’ have the meanings given those terms in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).

“(3) The term ‘food stamp program’ means the program established pursuant to section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013).

“(h) TERMINATION OF AUTHORITY.—No supplemental subsistence allowance may be provided under this section after September 30, 2006.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

“402a. Supplemental subsistence allowance for low-income members with dependents.”.

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

SEC. 605. BASIC ALLOWANCE FOR HOUSING.

(a) CALCULATION OF RATES.—Subsection (b) of section 403 of title 37, United States Code, is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2); and

(3) by inserting after the subsection heading the following:

“(1) The Secretary of Defense shall prescribe the rates of the basic allowance for housing that are applicable for the various military housing areas in the United States. The rates for an area shall be based on the costs of adequate housing determined for the area under paragraph (2).”.

(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR HOUSING ALLOWANCES.—Subsection (b) of such section is further amended—

(1) by striking paragraphs (3) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection may not be less than the product of—

“(A) the total amount authorized to be paid for such allowance for the preceding fiscal year; and

“(B) a fraction—

“(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and

“(ii) the denominator of which is the index of the national average monthly cost of housing for June of the second preceding fiscal year.”.

(c) LIMITATIONS ON REDUCTION IN MEMBER’S ALLOWANCE.—

(1) Paragraph (6) of such subsection is amended by striking “, changes in the national average monthly cost of housing.”.

(2) Paragraph (7) of such subsection is amended by striking “without dependents”.

(d) ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) If a member with dependents is assigned to duty in an area that is different from the area in which the member’s dependents reside, the member is entitled to a basic allowance for housing as provided in subsection (b) or (c), whichever applies to the member, subject to the following:

“(A) If the member’s assignment to duty in that area, or the circumstances of that assignment, require the member’s dependents to reside in a different area, as determined by the Secretary concerned, the amount of the basic allowance for housing for the member shall be based on the area in which the dependents reside or the member’s last duty station, whichever the Secretary concerned determines to be most equitable.

“(B) If the member’s assignment to duty in that area is under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment, the amount of the basic allowance for housing for the member shall be based on the member’s last duty station if the Secretary concerned determines that it would be inequitable to base the allowance on the cost of housing in the area to which the member is reassigned.”.

(e) EXTENSION OF TRANSITION PERIOD.—Section 603(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 37 U.S.C. 403 note) is amended by striking “six years” and inserting “eight years”.

(f) EFFECTIVE DATE; APPLICATION.—(1) The amendments made by this section shall take effect on October 1, 2000.

(2) In the case of the amendment made by subsection (c)(2), the amendment shall apply with respect to pay periods beginning on and after October 1, 2000, for a member of the uniformed services covered by the provision of law so amended regardless of the date on which the member was first reassigned to duty under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment.

(3) In the case of the amendment made by subsection (d), the amendment shall apply with respect to pay periods beginning on and after October 1, 2000, for a member of the uniformed services covered by the provision of law so amended regardless of the date on which the member was first assigned to duty in an area that is different from the area in which the member’s dependents reside.

SEC. 606. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2001 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, as amended by section 605(b), to be the total amount to be paid during fiscal year 2001 for the basic allowance for housing for military housing areas inside the United States, \$30,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

**SEC. 607. EQUITABLE TREATMENT OF JUNIOR ENLISTED MEMBERS
IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.**

(a) DETERMINATION OF COSTS OF ADEQUATE HOUSING.—Paragraph (2) of subsection (b) of section 403 of title 37, United States Code, as redesignated by section 605(a)(2), is amended by adding at the end the following new sentence: “After June 30, 2001, the Secretary may not differentiate between members with dependents in pay grades E-1 through E-4 in determining what constitutes adequate housing for members.”.

(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 605(b)(1), is amended by inserting after paragraph (4) the following new paragraph:

“(5) On and after July 1, 2001, the Secretary of Defense shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E-1 through E-4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E-1 through E-4 and shall be based on the following:

“(A) The average cost of a two-bedroom apartment in that military housing area.

“(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).”.

**SEC. 608. ELIGIBILITY OF MEMBERS IN GRADE E-4 TO RECEIVE BASIC
ALLOWANCE FOR HOUSING WHILE ON SEA DUTY.**

(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended—

(1) by striking “E-5” in the first sentence and inserting “E-4 or E-5”; and

(2) by striking “grade E-5” in the second sentence and inserting “grades E-4 and E-5”.

(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B) of such section is amended by striking “E-4” and inserting “E-3”.

**SEC. 609. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEM-
BERS OF THE ARMED FORCES.**

(a) AUTHORITY.—Section 414 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of \$2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, or the Master Chief Petty Officer of the Coast Guard.”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—” after “(a)”; and

(2) in subsection (b), by inserting “ALLOWANCE FOR CERTAIN NAVAL OFFICERS.—” after “(b)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 610. INCREASED UNIFORM ALLOWANCES FOR OFFICERS.

(a) INITIAL ALLOWANCE.—Section 415(a) of title 37, United States Code, is amended by striking “\$200” and inserting “\$400”.

(b) ADDITIONAL ALLOWANCE.—Section 416(a) of such title is amended by striking “\$100” and inserting “\$200”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

SEC. 611. CABINET-LEVEL AUTHORITY TO PRESCRIBE REQUIREMENTS AND ALLOWANCE FOR CLOTHING OF ENLISTED MEMBERS.

Section 418 of title 37, United States Code, is amended—

(1) in subsection (a), by striking “The President” and inserting “The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,”; and

(2) in subsection (b), by striking “the President” and inserting “the Secretary of Defense”.

SEC. 612. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR MEMBERS OF PRECOMMISSIONING PROGRAMS.

(a) PAY RATES FOR CADETS AND MIDSHIPMEN.—Section 203(c) of title 37, United States Code, is amended by striking “at the rate of \$600.00.” and inserting “at the monthly rate equal to 35 percent of the basic pay of a commissioned officer in the pay grade O-1 with less than two years of service.”.

(b) SUBSISTENCE ALLOWANCE RATES.—Subsection (a) of section 209 of such title is amended—

(1) by inserting “(1)” before “Except”;

(2) by striking “subsistence allowance of \$200 a month” and inserting “monthly subsistence allowance at a rate prescribed under paragraph (2)”;

(3) by striking “Subsistence” and inserting the following: “(3) A subsistence”; and

(4) by inserting after the first sentence the following:

“(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than \$250 per month, but may not exceed \$674 per month.”.

(c) CONFORMING AND STYLISTIC AMENDMENTS.—Section 209 of such title is further amended—

(1) in subsection (a), by inserting “SENIOR ROTC MEMBERS IN ADVANCED TRAINING.—” after “(a)”;

(2) in subsection (b)—

(A) by inserting “SENIOR ROTC MEMBERS APPOINTED IN RESERVES.—” after “(b)”;

(B) by striking “in the amount provided in subsection (a)” and inserting “at a rate prescribed under subsection (a)”;

(3) in subsection (c), by inserting “PAY WHILE ATTENDING TRAINING OR PRACTICE CRUISE.—” after “(c)” the first place it appears; and

(4) in subsection (d)—

(A) by inserting “MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAM.—” after “(d)”;

and

(B) by striking “the same rate as that prescribed by subsection (a),” and inserting “a monthly rate prescribed under subsection (a)”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect October 1, 2001.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 621. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking “January 1, 2001” and inserting “January 1, 2002”.

SEC. 622. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

SEC. 623. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2000,” and inserting “December 31, 2001,”.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(c) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(d) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

(e) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking “December 31, 2000” and inserting “December 31, 2001”.

SEC. 624. REVISION OF ENLISTMENT BONUS AUTHORITY.

(a) BONUS AUTHORIZED.—(1) Title 37, United States Code, is amended by inserting after section 308i the following new section:

“§ 309. Special pay: enlistment bonus

“(a) BONUS AUTHORIZED; BONUS AMOUNT.—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed \$20,000. The bonus may be paid in a single lump sum or in periodic installments.

“(b) REPAYMENT OF BONUS.—(1) A member of the armed forces who voluntarily, or because of the member’s misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member’s misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member’s enlistment is of the total enlistment period for which the bonus was paid.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

“(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

“(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

“(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2001.”.

(2) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308i the following new item:

“309. Special pay: enlistment bonus.”.

(b) REPEAL OF SUPERSEDED ENLISTMENT BONUS AUTHORITIES.—

(1) Sections 308a and 308f of title 37, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to such sections.

(c) **EFFECTIVE DATE.**—(1) The amendments made by subsection (a) shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.

(2) The amendments made by subsection (b) shall take effect on October 1, 2000. The repeal of sections 308a and 308f of title 37, United States Code, by such subsection shall not affect the validity or terms of any bonus provided under such sections for enlistments in the Armed Forces made before that date.

SEC. 625. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.

(a) **CONSISTENT DESCRIPTIONS OF ACTIVE DUTY.**—Section 302(h)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: “, including active duty in the form of annual training, active duty for training, and active duty for special work”.

(b) **RELATION TO OTHER SPECIAL PAY AUTHORITIES.**—Subsection (d) of section 302f of such title is amended to read as follows:

“(d) **SPECIAL RULE FOR RESERVE MEDICAL AND DENTAL OFFICERS.**—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.”.

SEC. 626. ELIMINATION OF REQUIRED CONGRESSIONAL NOTIFICATION BEFORE IMPLEMENTATION OF CERTAIN SPECIAL PAY AUTHORITY.

(a) **RETENTION SPECIAL PAY FOR OPTOMETRISTS.**—(1) Section 302a(b)(1) of title 37, United States Code, is amended by striking “an officer described in paragraph (2) may be paid” and inserting “the Secretary concerned may pay an officer described in paragraph (2) a”.

(2) Section 617 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 302a note) is amended by striking subsection (b).

(b) **SPECIAL PAY FOR OFFICERS IN NURSING SPECIALTIES.**—(1) Section 302e(b)(2)(A) of title 37, United States Code, is amended by striking “the Secretary” and inserting “the Secretary of the military department concerned”.

(2) Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 302e note) is amended by striking subsection (c).

SEC. 627. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF THE COAST GUARD.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting after “nurse,” the following: “an officer of the Coast Guard or Coast Guard Reserve designated as a physician assistant,”.

SEC. 628. AUTHORIZATION OF SPECIAL PAY AND ACCESSION BONUS FOR PHARMACY OFFICERS.

(a) **AUTHORIZATION OF SPECIAL PAY AND BONUS.**—Chapter 5 of title 37, United States Code, is amended by inserting after section 302h the following new sections:

“§ 302i. Special pay: pharmacy officers

“(a) **ARMY, NAVY, AND AIR FORCE PHARMACY OFFICERS.**—Under regulations prescribed pursuant to section 303a of this title, the Secretary of the military department concerned may, subject to subsection (c), pay special pay at the rates specified in subsection (d) to an officer who—

“(1) is a pharmacy officer in the Medical Service Corps of the Army or Navy or the Biomedical Sciences Corps of the Air Force; and

“(2) is on active duty under a call or order to active duty for a period of not less than one year.

“(b) **PUBLIC HEALTH SERVICE CORPS.**—Subject to subsection (c), the Secretary of Health and Human Services may pay special pay at the rates specified in subsection (d) to an officer who—

“(1) is an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a pharmacy officer; and

“(2) is on active duty under a call or order to active duty for a period of not less than one year.

“(c) **LIMITATION.**—Special pay may not be paid under this section to an officer serving in a pay grade above pay grade O–6.

“(d) **RATE OF SPECIAL PAY.**—The rate of special pay paid to an officer under subsection (a) or (b) is as follows:

“(1) \$3,000 per year, if the officer is undergoing pharmacy internship training or has less than 3 years of creditable service.

“(2) \$7,000 per year, if the officer has at least 3 but less than 6 years of creditable service and is not undergoing pharmacy internship training.

“(3) \$7,000 per year, if the officer has at least 6 but less than 8 years of creditable service.

“(4) \$12,000 per year, if the officer has at least 8 but less than 12 years of creditable service.

“(5) \$10,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

“(6) \$9,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

“(7) \$8,000 per year, if the officer has 18 or more years of creditable service.

“§ 302j. Special pay: accession bonus for pharmacy officers

“(a) **ACCESSION BONUS AUTHORIZED.**—A person who is a graduate of an accredited pharmacy school and who, during the period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2004, executes a written agreement described in subsection (c) to accept a commission as an officer of a uniformed service and remain on active duty for a period of not less than 4 years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

“(b) **LIMITATION ON AMOUNT OF BONUS.**—The amount of an accession bonus under subsection (a) may not exceed \$30,000.

“(c) **LIMITATION ON ELIGIBILITY FOR BONUS.**—A person may not be paid a bonus under subsection (a) if—

“(1) the person, in exchange for an agreement to accept an appointment as a warrant or commissioned officer, received financial assistance from the Department of Defense or the Department of Health and Human Services to pursue a course of study in pharmacy; or

“(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a pharmacist.

“(d) **AGREEMENT.**—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement shall be assigned to duty, for the period of obligated service covered by the agreement, as a pharmacy officer in the Medical Service Corps of the Army or Navy, a biomedical sciences officer in the Air Force designated as a pharmacy officer, or a pharmacy officer of the Public Health Service.

“(e) **REPAYMENT.**—(1) An officer who receives a payment under subsection (a) and who fails to become and remain licensed as a pharmacist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

“(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

“(3) An obligation to reimburse the United States under paragraph (1) or (2) is for all purposes a debt owed to the United States.

“(4) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.”.

(b) **ADMINISTRATION.**—Section 303a of title 37, United States Code, is amended by striking “302h” each place it appears and inserting “302j”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302h the following new items:

“302i. Special pay: pharmacy officers.

“302j. Special pay: accession bonus for pharmacy officers.”.

SEC. 629. CORRECTION OF REFERENCES TO AIR FORCE VETERINARIANS.

Section 303(a) of title 37, United States Code, is amended—

(1) in paragraph (1)(B), by striking “who is designated as a veterinary officer” and inserting “who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine”; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) of a reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who—

“(i) is designated as a veterinary officer; or

“(ii) is an officer in the Biomedical Sciences Corps of the Air Force and holds a degree in veterinary medicine; or”.

SEC. 630. CAREER SEA PAY.

(a) REFORM OF AUTHORITIES.—Section 305a of title 37, United States Code, is amended—

(1) in subsection (a), by striking “(a) Under regulations prescribed by the President, a member” and inserting “(a) AVAILABILITY OF SPECIAL PAY.—A member”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by striking subsections (b) and (c) and inserting the following new subsections:

“(b) RATES; MAXIMUM.—The Secretary concerned shall prescribe the monthly rates for special pay applicable to members of each armed force under the Secretary’s jurisdiction. No monthly rate may exceed \$750.

“(c) PREMIUM.—A member of a uniformed service entitled to career sea pay under this section who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed \$350.

“(d) REGULATIONS.—The Secretary concerned shall prescribe regulations for the administration of this section for the armed force or armed forces under the jurisdiction of the Secretary. The entitlements under this section shall be subject to the regulations.”.

(b) STYLISTIC AMENDMENT.—Subsection (e) of such section, as redesignated by subsection (a)(2), is amended by inserting before “(1)” in paragraph (1) the following: “DEFINITION OF SEA DUTY.—”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000, and shall apply with respect to months beginning on or after that date.

SEC. 631. INCREASED MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY.

Section 307(a) of title 37, United States Code, is amended—

(1) by striking “\$275” and inserting “\$600”; and

(2) by striking the second sentence.

SEC. 632. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when an enlisted member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs duty for which a member described in subsection (a) is entitled to special pay under such subsection, the member of the National Guard or reserve component is entitled

to an increase in compensation equal to $\frac{1}{30}$ of the monthly special duty assignment pay prescribed by the Secretary concerned for the performance of that same duty by members described in subsection (a).

“(2) A member of the National Guard or a reserve component entitled to an increase in compensation under paragraph (1) is entitled to the increase—

“(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

“(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

“(3) This subsection does not apply to a member of the National Guard or a reserve component who is entitled to basic pay under section 204 of this title.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 633. AUTHORIZATION OF RETENTION BONUS FOR MEMBERS OF THE ARMED FORCES QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 323. Special pay: retention incentives for members qualified in a critical military skill

“(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty and is qualified in a designated critical military skill may be paid a retention bonus as provided in this section if—

“(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least 1 year; or

“(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member’s enlistment for a period of at least 1 year.

“(b) DESIGNATION OF CRITICAL SKILLS.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

“(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.

“(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

“(d) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member’s enlistment, more than once to receive a bonus under

this section. However, a member may not receive a total of more than \$200,000 in payments under this section.

“(e) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

“(1) has completed more than 25 years of active duty;

or

“(2) will complete the member’s twenty-fifth year of active duty before the end of the period of active duty for which the bonus is being offered.

“(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

“(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section, the Secretary of Defense, and the Secretary of Transportation with respect to members of the Coast Guard when it is not operating as a service in the Navy, may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member from a debt arising under paragraph (2).

“(h) ANNUAL REPORT.—Not later than February 15 of each year, the Secretary of Defense and the Secretary of Transportation shall submit to Congress a report—

“(1) analyzing the effect, during the preceding fiscal year, of the provision of bonuses under this section on the retention of members qualified in the critical military skills for which the bonuses were offered; and

“(2) describing the intentions of the Secretary regarding the continued use of the bonus authority during the current and next fiscal years.

“(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2001, and no agreement under this section may be entered into after that date.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“323. Special pay: retention incentives for members qualified in a critical military skill.”.

(b) EFFECTIVE DATE.—Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

SEC. 634. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF THE PUBLIC HEALTH SERVICE CORPS TO SPECIAL PAYS AND BONUSES OF HEALTH PROFESSIONAL OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 303a of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Except as provided in paragraph (2) or as otherwise provided under a provision of this chapter, a commissioned officer in the Regular or Reserve Corps of the Public Health Service is entitled to special pay under a provision of this chapter in the same amounts, and under the same terms and conditions, as a commissioned officer of the armed forces is entitled to special pay under that provision.

“(2) A commissioned medical officer in the Regular or Reserve Corps of the Public Health Service (other than an officer serving in the Indian Health Service) may not receive additional special pay under section 302(a)(4) of this title for any period during which the officer is providing obligated service under the following provisions of law:

“(A) Section 338B of the Public Health Service Act (42 U.S.C. 2541-1).

“(B) Section 225(e) of the Public Health Service Act, as that section was in effect before October 1, 1977.

“(C) Section 752 of the Public Health Service Act, as that section was in effect between October 1, 1977, and August 13, 1981.”.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 208(a) of the Public Health Service Act (42 U.S.C. 210(a)) is amended—

(1) by striking paragraphs (2) and (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) For provisions relating to the receipt of special pay by commissioned officers of the Regular and Reserve Corps while on active duty, see section 303a(b) of title 37, United States Code.”.

Subtitle C—Travel and Transportation Allowances

SEC. 641. ADVANCE PAYMENTS FOR TEMPORARY LODGING OF MEMBERS AND DEPENDENTS.

(a) SUBSISTENCE EXPENSES.—Section 404a of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(2) by striking subsection (a) and inserting the following:

“(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—

(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which

the member and dependents occupy temporary quarters incident to that change of permanent station.

“(2) Paragraph (1) applies to the following:

“(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

“(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

“(C) In the case of an enlisted member who is reporting to the member’s first permanent duty station, the change from the member’s home of record or initial technical school to that first permanent duty station.

“(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary’s determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member’s dependents.

“(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

“(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

“(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

“(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).”.

(b) PER DIEM.—Section 405 of such title is amended to read as follows:

“§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

“(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

“(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary’s jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

“(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.”.

(c) **STYLISTIC AMENDMENTS.**—Section 404a of such title is further amended—

(1) in subsection (d), as redesignated by subsection (a), by striking “(d)” and inserting “(d) DAILY SUBSISTENCE RATES.—”; and

(2) in subsection (e), as redesignated by subsection (a), by striking “(e)” and inserting “(e) MAXIMUM DAILY PAYMENT.—”.

SEC. 642. ADDITIONAL TRANSPORTATION ALLOWANCE REGARDING BAGGAGE AND HOUSEHOLD EFFECTS.

(a) **PET QUARANTINE FEES.**—Section 406(a)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: “The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed \$275 per change of station, when the member incurs the fees incident to such change of station.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect October 1, 2000.

SEC. 643. INCENTIVE FOR SHIPPING AND STORING HOUSEHOLD GOODS IN LESS THAN AVERAGE WEIGHTS.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

“(G) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay a member a share (determined pursuant to such regulations) of the savings resulting to the United States when the total weights of the member’s baggage and household effects shipped and stored under subparagraph (A) are less than the average weights of the baggage and household effects that are shipped and stored, respectively, by other members in the same grade and with the same dependents status as the member in connection with changes of station that are comparable to the member’s change of station. The total savings shall be equal to the difference between the cost of shipping and cost of storing such average weights of baggage and household effects, respectively, and the corresponding costs associated with the weights of the member’s baggage and household effects. For the administration of this subparagraph, the Secretary of Defense shall annually determine the average weights of baggage and household effects shipped and stored in connection with a change of temporary or permanent station.”.

SEC. 644. EQUITABLE DISLOCATION ALLOWANCES FOR JUNIOR ENLISTED MEMBERS.

Section 407(c)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: “, except that the Secretary concerned may not differentiate between members with dependents in pay grades E-1 through E-5”.

SEC. 645. AUTHORITY TO REIMBURSE MILITARY RECRUITERS, SENIOR ROTC CADRE, AND MILITARY ENTRANCE PROCESSING PERSONNEL FOR CERTAIN PARKING EXPENSES.

(a) **REIMBURSEMENT AUTHORITY.**—Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

“§ 411i. Travel and transportation allowances: parking expenses

“(a) REIMBURSEMENT AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may reimburse eligible Department of Defense personnel for expenses incurred after October 1, 2001, for parking a privately owned vehicle at a place of duty described in subsection (b).

“(b) ELIGIBILITY.—A member of the Army, Navy, Air Force, or Marine Corps or an employee of the Department of Defense may be reimbursed under subsection (a) for parking expenses while—

“(1) assigned to duty as a recruiter for any of the armed forces;

“(2) assigned to duty at a military entrance processing facility of the armed forces; or

“(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers’ Training Corps is maintained.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411h the following new item:

“411i. Travel and transportation allowances: parking expenses.”.

SEC. 646. EXPANSION OF FUNDED STUDENT TRAVEL FOR DEPENDENTS.

Section 430 of title 37, United States Code, is amended—

(1) in subsections (a)(3) and (b)(1), by striking “for the purpose of obtaining a secondary or undergraduate college education” and inserting “for the purpose of obtaining a formal education”; and

(2) in subsection (f)—

(A) by striking “In this section, the term” and inserting the following:

“In this section:

“(1) The term”; and

(B) by adding at the end the following new subparagraph:

“(2) The term ‘formal education’ means the following:

“(A) A secondary education.

“(B) An undergraduate college education.

“(C) A graduate education pursued on a full-time basis at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(D) Vocational education pursued on a full-time basis at a post-secondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).”.

Subtitle D—Retirement and Survivor Benefit Matters

SEC. 651. EXCEPTION TO HIGH-36 MONTH RETIRED PAY COMPUTATION FOR MEMBERS RETIRED FOLLOWING A DISCIPLINARY REDUCTION IN GRADE.

Section 1407 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “The retired pay base” and inserting “Except as provided in subsection (f), the retired pay base”; and

(2) by adding at the end the following new subsection:

“(f) EXCEPTION FOR ENLISTED MEMBERS REDUCED IN GRADE AND OFFICERS WHO DO NOT SERVE SATISFACTORILY IN HIGHEST GRADE HELD.—

“(1) COMPUTATION BASED ON PRE-HIGH-THREE RULES.—In the case of a member or former member described in paragraph (2), the retired pay base or retainer pay base is determined under section 1406 of this title in the same manner as if the member or former member first became a member of a uniformed service before September 8, 1980.

“(2) AFFECTED MEMBERS.—A member or former member referred to in paragraph (1) is a member or former member who by reason of conduct occurring after the date of the enactment of this subsection—

“(A) in the case of a member retired in an enlisted grade or transferred to the Fleet Reserve or Fleet Marine Corps Reserve, was at any time reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or an administrative action, unless the member was subsequently promoted to a higher enlisted grade or appointed to a commissioned or warrant grade; and

“(B) in the case of an officer, is retired in a grade lower than the highest grade in which served by reason of denial of a determination or certification under section 1370 of this title that the officer served on active duty satisfactorily in that grade.

“(3) SPECIAL RULE FOR ENLISTED MEMBERS.—In the case of a member who retires within three years after having been reduced in grade as described in paragraph (2)(A), who retires in an enlisted grade that is lower than the grade from which reduced, and who would be subject to paragraph (1) but for a subsequent promotion to a higher enlisted grade or a subsequent appointment to a warrant or commissioned grade, the rates of basic pay used in the computation of the member’s high-36 average for the period of the member’s service in a grade higher than the grade in which retired shall be the rates of pay that would apply if the member had been serving for that period in the grade in which retired.”.

SEC. 652. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking “but not more than” and all that follows and inserting “but not more than—

“(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

“(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; and

“(C) 90 days in the year of service that includes the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.”.

SEC. 653. RETIREMENT FROM ACTIVE RESERVE SERVICE AFTER REGULAR RETIREMENT.

(a) **CONVERSION TO RESERVE RETIREMENT.**—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 12741. Retirement from active reserve service performed after regular retirement

“(a) **ELECTION OF RESERVE RETIRED PAY.**—A person who, after becoming entitled to retired or retainer pay under chapter 65, 367, 571, or 867 of this title, serves in an active status in a reserve component is entitled to retired pay under this chapter if—

“(1) the person would, but for paragraphs (3) and (4) of section 12731(a) of this title, otherwise be entitled to retired pay under this chapter;

“(2) the person elects under this section to receive retired pay under this chapter; and

“(3) the person’s service in an active status after having become entitled to retired or retainer pay under that chapter is determined by the Secretary concerned to have been satisfactory.

“(b) **ACTIONS TO EFFECTUATE ELECTION.**—As of the effective date of an election made by a person under subsection (a), the Secretary concerned shall—

“(1) terminate the person’s entitlement to retired or retainer pay under the applicable chapter of this title referred to in subsection (a); and

“(2) in the case of a reserve commissioned officer, transfer the officer to the Retired Reserve.

“(c) **TIME AND FORM OF ELECTION.**—An election under subsection (b) shall be made within such time and in such form as the Secretary concerned requires.

“(d) **EFFECTIVE DATE OF ELECTION.**—An election made by a person under subsection (b) shall be effective—

“(1) except as provided in paragraph (2)(B), as of the date on which the person attains 60 years of age, if the Secretary concerned receives the election in accordance with this section within 180 days after that date; or

“(2) on the first day of the first month that begins after the date on which the Secretary concerned receives the election in accordance with this section, if—

“(A) the date of the receipt of the election is more than 180 days after the date on which the person attains 60 years of age; or

“(B) the person retires from service in an active status within that 180-day period.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“12741. Retirement from active reserve service performed after regular retirement.”.

(b) **EFFECTIVE DATE.**—Section 12741 of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act and shall apply with respect to retired pay payable for months beginning on or after that effective date.

SEC. 654. SAME TREATMENT FOR FEDERAL JUDGES AS FOR OTHER FEDERAL OFFICIALS REGARDING PAYMENT OF MILITARY RETIRED PAY.

(a) **ARTICLE III JUDGES.**—(1) Section 371 of title 28, United States Code, is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(2) Subsection (b) of such section is amended by striking “subsection (f)” each place it appears and inserting “subsection (e)”.

(b) **JUDGES OF UNITED STATES COURT OF FEDERAL CLAIMS.**—(1) Section 180 of title 28, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 180.

(c) **RETROACTIVE EFFECTIVE DATE.**—The amendments made by this section shall take effect as of October 1, 1999.

SEC. 655. RESERVE COMPONENT SURVIVOR BENEFIT PLAN SPOUSAL CONSENT REQUIREMENT.

(a) **ELIGIBLE PARTICIPANTS.**—Subsection (a)(2)(B) of section 1448 of title 10, United States Code, is amended to read as follows:

“(B) **RESERVE-COMPONENT ANNUITY PARTICIPANTS.**—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, unless the person elects (with his spouse’s concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification.”.

(b) **SUBSEQUENT ELECTION TO PARTICIPATE.**—Subsection (a)(3)(B) of such section is amended—

(1) by striking “who elects to provide” and inserting “who is eligible to provide”;

(2) by redesignating clauses (i) and (ii) as clauses (iii) and (iv), respectively; and

(3) by inserting before clause (iii) (as so redesignated) the following new clauses:

“(i) not to participate in the Plan;

“(ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the 60th anniversary of the member’s birth (rather than the day after the date of the member’s death);”.

(c) **CONFORMING AMENDMENTS.**—Subchapter II of chapter 73 of such title is further amended—

(1) in section 1448(a)(2), by striking “described in clauses (i) and (ii)” in the sentence following subparagraph (B) (as amended by subsection (a)) and all that follows through “that clause” and inserting “who elects under subparagraph (B) not to participate in the Plan”;

(2) in section 1448(a)(4)—

(A) by striking “not to participate in the Plan” in subparagraph (A); and

(B) by striking “to participate in the Plan” in subparagraph (B);

(3) in section 1448(e), by striking “a person electing to participate” and all that follows through “making such election” and inserting “a person is required to make a designation under this subsection, the person”; and

(4) in section 1450(j)(1), by striking “An annuity” and all that follows through the period and inserting “A reserve-component annuity shall be effective in accordance with the designation made under section 1448(e) of this title by the person providing the annuity.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section apply only with respect to a notification under section 12731(d) of title 10, United States Code, made after January 1, 2001, that a member of a reserve component has completed the years of service required for eligibility for reserve-component retired pay.

SEC. 656. SENSE OF CONGRESS ON INCREASING SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVING SPOUSES AGE 62 OR OLDER.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that, subject to the requirements and limitations of congressional budget procedures relating to the enactment of new (or increased) entitlement authority, there should be enacted legislation that increases the annuities provided under the Survivor Benefit Plan program for surviving spouses who are 62 years of age or older in order to reduce (and eventually eliminate) the different levels of annuities under that program for surviving spouses who are under age 62 and those who are 62 years of age and older.

(b) **SURVIVOR BENEFIT PLAN.**—For purposes of this section, the term “Survivor Benefit Plan program” means the program of annuities for survivors of members of the uniformed services provided under subchapter II of chapter 73 of title 10, United States Code.

SEC. 657. REVISION TO SPECIAL COMPENSATION AUTHORITY TO REPEAL EXCLUSION OF UNIFORMED SERVICES RETIREES IN RECEIPT OF DISABILITY RETIRED PAY.

(a) **ELIGIBILITY FOR CHAPTER 61 RETIREES.**—Section 1413(c) of title 10, United States Code, is amended by striking “(other than a member who is retired under chapter 61 of this title)”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to months that begin on or after that date. No benefit may be paid under section 1413 of title 10, United States Code, to any person by reason of the amendment made by subsection (a) for any period before that date.

Subtitle E—Other Matters

SEC. 661. PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) EFFECTIVE DATE OF AUTHORITY TO PARTICIPATE.—Section 663 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 673; 5 U.S.C. 8440 note) is amended to read as follows:

“SEC. 663. EFFECTIVE DATE.

“(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect 180 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

“(b) POSTPONEMENT AUTHORITY.—(1) The Secretary of Defense may postpone by up to 180 days after the date that would otherwise apply under subsection (a)—

“(A) the date as of which the amendments made by this subtitle shall take effect; or

“(B) the date as of which section 211(a)(2) of title 37, United States Code (as added by this subtitle) shall take effect.

“(2) Postponement authority under this subsection may be exercised only to the extent that the failure to do so would prevent the Federal Retirement Thrift Investment Board from being able to provide timely and accurate services to investors or would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan, as determined by the Secretary of Defense after consultation with the Executive Director (appointed by the Board).

“(3) Paragraph (1) includes the authority to postpone the effective date of the amendments made by this subtitle (apart from section 211(a)(2) of title 37, United States Code), and the effective date of such section 211(a)(2), by different lengths of time.

“(4) The Secretary shall notify the congressional defense committees, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any determination made under this subsection.”.

(b) REGULATIONS.—Section 661(b) of such Act (113 Stat. 672; 5 U.S.C. 8440e note) is amended by striking “the date on which” and all that follows through “later,” and inserting “the 180th day after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.”.

(c) CONFORMING AMENDMENT.—Section 8440e(b)(2)(B)(i) of title 5, United States Code, is amended by striking “as of” and all that follows through “thereof” and inserting “as of the effective date that applies with respect to such individual under section 663 of the National Defense Authorization Act for Fiscal Year 2000”.

SEC. 662. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following new sentence: “In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).”.

SEC. 663. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE-DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

“§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

“(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve’s residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling under orders away from the member’s permanent duty station.

“(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve’s eligibility for billeting under subsection (a).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

“12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.”.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply with respect to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.

SEC. 664. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED LEAVE AND FOR RETIRED PAY.

(a) CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED LEAVE.—Subsection (a)(1)(A) of section 3702 of title 31, United States Code, is amended by inserting “payments for unused accrued leave,” after “transportation.”.

(b) WAIVER OF TIME LIMITATIONS.—Subsection (e)(1) of such section is amended by striking “claim for pay or allowances provided under title 37” and inserting “claim for pay, allowances, or payment for unused accrued leave under title 37 or a claim for retired pay under title 10”.

SEC. 665. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL HONORS DUTY.

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

(1) in subsection (g)(1)—

(A) by striking “or” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(C) by adding at the end the following:

“(E) in line of duty while—

“(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

“(ii) traveling to or from the place at which the duty was to be performed; or

“(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member’s residence.”; and

(2) in subsection (h)(1)—

(A) by striking “or” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(C) by adding at the end the following:

“(E) in line of duty while—

“(i) serving on funeral honors duty under section 12503 of title 10 or section 115 of title 32;

“(ii) traveling to or from the place at which the duty was to be performed; or

“(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member’s residence.”.

(b) **TORT CLAIMS.**—Section 2671 of title 28, United States Code, is amended by inserting “115,” in the second paragraph after “members of the National Guard while engaged in training or duty under section”.

(c) **APPLICABILITY.**—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall apply with respect to acts and omissions occurring before, on, or after the date of the enactment of this Act.

SEC. 666. AUTHORITY FOR EXTENSION OF DEADLINE FOR FILING CLAIMS ASSOCIATED WITH CAPTURE AND INTERNMENT OF CERTAIN PERSONS BY NORTH VIETNAM.

Section 657(d)(1) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2585) is amended by adding at the end the following new sentence: “The Secretary may, in the case of any claim under this section, extend the time limitation under the preceding sentence by up to 18 months if the Secretary determines that such an extension in the case of that claim is necessary to prevent an injustice or that failure of the claimant to file the claim within that time limitation is due to excusable neglect.”.

SEC. 667. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) **ENTITLEMENT OF FORMER PRISONERS OF WAR.**—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay, from any appropriation currently available to the Secretary, back pay to any person who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the person had been selected.

(b) **PAYMENT TO SURVIVING SPOUSE OF DECEASED FORMER MEMBER.**—In the case of a person described in subsection (a) who is deceased, the back pay for that person under this section shall be paid to the living surviving spouse of that person, if any. If there is no living surviving spouse, no claim may be paid under this section with respect to that person.

(c) AMOUNT OF BACK PAY.—(1) The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the difference between—

(A) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps for the back-pay computation period if the person had been promoted to the grade to which selected to be promoted; and

(B) the total amount of basic pay that was actually paid to or for that person for such service for the back-pay computation period.

(2) For purposes of paragraph (1), the back-pay computation period for a person covered by subsection (a) is the period—

(A) beginning on the date (as determined by the Secretary of the Navy) as of when that person's promotion would have been effective for pay purposes but for the person's internment as a prisoner of war; and

(B) ending on the earliest of—

(i) the date of the person's discharge or release from active duty;

(ii) the date on which the person's promotion to that grade in fact became effective for pay purposes; and

(iii) the end of World War II.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of the Navy within two years after the effective date of the regulations prescribed to carry out this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment of back pay under this section may be made only to a person who is eligible for the payment under subsection (a) or (b).

(2) In the case of a claim approved for payment but not disbursed as a result of paragraph (1), the Secretary shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term “World War II” has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 668. SENSE OF CONGRESS CONCERNING FUNDING FOR RESERVE COMPONENTS.

It is the sense of Congress that it is in the national interest for the President, in the President’s Budget for each fiscal year, to provide funds for the reserve components of the Armed Forces at a level sufficient to ensure that the reserve components are able to meet the requirements, including training requirements, specified for them in the National Military Strategy.

TITLE VII—HEALTH CARE PROVISIONS

SUBTITLE A—HEALTH CARE SERVICES

- Sec. 701. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.
- Sec. 702. Chiropractic health care for members on active duty.
- Sec. 703. School-required physical examinations for certain minor dependents.
- Sec. 704. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.
- Sec. 705. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.
- Sec. 706. Medical and dental care for Medal of Honor recipients.

SUBTITLE B—SENIOR HEALTH CARE

- Sec. 711. Implementation of TRICARE senior pharmacy program.
- Sec. 712. Conditions for eligibility for CHAMPUS and TRICARE upon the attainment of age 65; expansion and modification of medicare subvention project.
- Sec. 713. Accrual funding for health care for medicare-eligible retirees and dependents.

SUBTITLE C—TRICARE PROGRAM

- Sec. 721. Improvement of access to health care under the TRICARE program.
- Sec. 722. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.
- Sec. 723. Modernization of TRICARE business practices and increase of use of military treatment facilities.
- Sec. 724. Extension of TRICARE managed care support contracts.
- Sec. 725. Report on protections against health care providers seeking direct reimbursement from members of the uniformed services.
- Sec. 726. Voluntary termination of enrollment in TRICARE retiree dental program.
- Sec. 727. Claims processing improvements.
- Sec. 728. Prior authorizations for certain referrals and nonavailability-of-health-care statements.

SUBTITLE D—DEMONSTRATION PROJECTS

- Sec. 731. Demonstration project for expanded access to mental health counselors.
- Sec. 732. Teleradiology demonstration project.
- Sec. 733. Health care management demonstration program.

SUBTITLE E—JOINT INITIATIVES WITH DEPARTMENT OF VETERANS AFFAIRS

- Sec. 741. VA-DOD sharing agreements for health services.
- Sec. 742. Processes for patient safety in military and veterans health care systems.
- Sec. 743. Cooperation in developing pharmaceutical identification technology.

SUBTITLE F—OTHER MATTERS

- Sec. 751. Management of anthrax vaccine immunization program.
- Sec. 752. Elimination of copayments for immediate family.
- Sec. 753. Medical informatics.
- Sec. 754. Patient care reporting and management system.
- Sec. 755. Augmentation of Army Medical Department by detailing Reserve officers of the Public Health Service.

- Sec. 756. Privacy of Department of Defense medical records.
 Sec. 757. Authority to establish special locality-based reimbursement rates; reports.
 Sec. 758. Reimbursement for certain travel expenses.
 Sec. 759. Reduction of cap on payments.
 Sec. 760. Training in health care management and administration.
 Sec. 761. Studies on feasibility of sharing biomedical research facility.
 Sec. 762. Study on comparability of coverage for physical, speech, and occupational therapies.

Subtitle A—Health Care Services

SEC. 701. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CHAMPUS BENEFICIARIES AND CERTAIN FORMER CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE FOR CERTAIN CHAMPUS BENEFICIARIES.—Section 703(a)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended by inserting before the period at the end the following: “or by the prohibition in section 1086(d)(1) of such title”.

(b) REIMBURSEMENT FOR SERVICES PROVIDED.—Section 703(a) of such Act is further amended by adding at the end the following new paragraph:

“(4) The Secretary may provide payment for domiciliary or custodial care services provided to an eligible beneficiary for which payment was discontinued by reason of section 1086(d) of title 10, United States Code, and subsequently reestablished under other legal authority. Such payment is authorized for the period beginning on the date of discontinuation of payment for domiciliary or custodial care services and ending on the date of reestablishment of payment for such services.”.

(c) COST LIMITATION FOR INDIVIDUAL CASE MANAGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10, United States Code, is amended—

(A) by inserting “(A)” after “(17)”; and

(B) by adding at the end the following:

“(B) The total amount expended under subparagraph (A) for a fiscal year may not exceed \$100,000,000.”.

(2) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 is further amended by adding at the end the following:

“(e) COST LIMITATION.—The total amount paid for services for eligible beneficiaries under subsection (a) for a fiscal year (together with the costs of administering the authority under that subsection) shall be included in the expenditures limited by section 1079(a)(17)(B) of title 10, United States Code.”.

(3) The amendments made by paragraphs (1) and (2) shall apply to fiscal years after fiscal year 1999.

(d) STUDY REQUIRED.—(1) Not later than the date that is three months after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination and effectiveness of the supplemental disability health care programs of the Department of Defense, the Program for Persons with Disabilities and the Individual Case Management Program for Persons with Disabilities, as such programs relate to other elements of the TRICARE program in meeting the health care needs of disabled dependents of members of the Armed Forces on active duty. The Comptroller General shall examine—

(A) the number of such dependents who receive services under the Program for Persons with Disabilities, and the number of beneficiaries receiving care under the Individual Case Management Program for Persons with Disabilities, and a description of the patterns of use and expenditures for services provided under such programs;

(B) the effectiveness of the existing system for coordinating the provision of services under the TRICARE program and the supplemental disability programs of the Department of Defense, including the comprehensiveness of services and the cost effectiveness of providing services;

(C) the extent to which the monthly maximum benefit imposed under current law under the Program for Persons with Disabilities affects the ability of beneficiaries to obtain needed health care services;

(D) the number of beneficiaries who are receiving services that supplement services to the TRICARE program under the Program for Persons with Disabilities and the Individual Case Management Program for Persons with Disabilities; and

(E) the extent to which costs or lack of coverage for health care services for disabled dependents of members of the Armed Forces on active duty under existing military health care programs has caused increased enrollment of such dependents in medicaid programs.

(2) Not later than April 16, 2001, the Comptroller General shall submit to Congress a report on the results of the study under this section, including recommendations for legislative or administrative changes for providing a comprehensive, efficient, and complete system of health care services for disabled dependents of members of the Armed Forces on active duty.

SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) **PLAN REQUIRED.**—(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.

(2) The plan shall provide for the following:

(A) Access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuromusculoskeletal conditions typical among military personnel on active duty.

(B) A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.

(C) An examination of the proposed military medical treatment facilities at which such services would be provided.

(D) An examination of the military readiness requirements for chiropractors who would provide such services.

(E) An examination of any other relevant factors that the Secretary considers appropriate.

(F) Phased-in implementation of the plan over a 5-year period, beginning on October 1, 2001.

(b) **CONSULTATION REQUIREMENTS.**—The Secretary of Defense shall consult with the other administering Secretaries described in section 1073 of title 10, United States Code, and the oversight advisory committee established under section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1092 note) regarding the following:

(1) The development and implementation of the plan required under subsection (a).

(2) Each report that the Secretary is required to submit to Congress regarding the plan.

(3) The selection of the military medical treatment facilities at which the chiropractic services described in subsection (a)(2)(A) are to be provided.

(c) **CONTINUATION OF CURRENT SERVICES.**—Until the plan required under subsection (a) is implemented, the Secretary shall continue to furnish the same level of chiropractic health care services and benefits under the Defense Health Program that is provided during fiscal year 2000 at military medical treatment facilities that provide such services and benefits.

(d) **REPORT REQUIRED.**—Not later than January 31, 2001, the Secretary of Defense shall submit a report on the plan required under subsection (a), together with appropriate appendices and attachments, to the Committees on Armed Services of the Senate and the House of Representatives.

(e) **GAO REPORTS.**—The Comptroller General shall monitor the development and implementation of the plan required under subsection (a), including the administration of services and benefits under the plan, and periodically submit to the committees referred to in subsection (d) written reports on such development and implementation.

SEC. 703. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS FOR CERTAIN MINOR DEPENDENTS.

Section 1076 of title 10, United States Code, is amended by adding at the end the following:

“(f)(1) The administering Secretaries shall furnish an eligible dependent a physical examination that is required by a school in connection with the enrollment of the dependent as a student in that school.

“(2) A dependent is eligible for a physical examination under paragraph (1) if the dependent—

“(A) is entitled to receive medical care under subsection (a) or is authorized to receive medical care under subsection (b); and

“(B) is at least 5 years of age and less than 12 years of age.

“(3) Nothing in paragraph (2) may be construed to prohibit the furnishing of a school-required physical examination to any dependent who, except for not satisfying the age requirement under that paragraph, would otherwise be eligible for a physical examination required to be furnished under this subsection.”

SEC. 704. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL BENEFITS FOR SURVIVING DEPENDENTS OF CERTAIN DECEASED MEMBERS.

(a) **DENTAL BENEFITS.**—Section 1076a(k)(2) of title 10, United States Code, is amended by striking “one-year period” and inserting “three-year period”.

(b) **MEDICAL BENEFITS.**—Section 1079(g) of title 10, United States Code, is amended by striking “one-year period” in the second sentence and inserting “three-year period”.

SEC. 705. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF CONTRACT PHYSICIANS AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking “December 31, 2000” in the second sentence and inserting “December 31, 2002”.

SEC. 706. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.

(a) **IN GENERAL.**—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074g the following new section:

“§ 1074h. Medical and dental care: medal of honor recipients; dependents

“(a) **MEDAL OF HONOR RECIPIENTS.**—A former member of the armed forces who is a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if entitled to retired pay.

“(b) **IMMEDIATE DEPENDENTS.**—A person who is an immediate dependent of a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if the Medal of Honor recipient were, or (if deceased) was at the time of death, entitled to retired pay.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘Medal of Honor recipient’ means a person who has been awarded a medal of honor under section 3741, 6241, or 8741 of this title or section 491 of title 14.

“(2) The term ‘immediate dependent’ means a dependent described in subparagraph (A), (B), (C), or (D) of section 1072(2) of this title.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

“1074h. Medical and dental care: medal of honor recipients; dependents.”.

(b) **EFFECTIVE DATE.**—Section 1074h of title 10, United States Code, shall apply with respect to medical and dental care provided on or after the date of the enactment of this Act.

Subtitle B—Senior Health Care

SEC. 711. IMPLEMENTATION OF TRICARE SENIOR PHARMACY PROGRAM.

(a) **EXPANSION OF TRICARE SENIOR PHARMACY PROGRAM.**—Section 723 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a)—

(A) by striking “October 1, 1999” and inserting “April 1, 2001”; and

(B) by striking “who reside in an area selected under subsection (f)”;

(2) by amending subsection (b) to read as follows:

“(b) PROGRAM REQUIREMENTS.—The same coverage for pharmacy services and the same requirements for cost sharing and reimbursement as are applicable under section 1086 of title 10, United States Code, shall apply with respect to the program required by subsection (a).”;

(3) in subsection (d)—

(A) by striking “December 31, 2000” and inserting “December 31, 2001”; and

(B) by striking “December 31, 2002” and inserting “December 31, 2003”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “and” after the semicolon;

(ii) in subparagraph (C), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (D); and

(B) in paragraph (2), by striking “at the time” and all that follows through “facility” and inserting “, before April 1, 2001, has attained the age of 65 and did not enroll in the program described in such paragraph”; and

(5) by striking subsection (f).

(b) TERMINATION OF DEMONSTRATION PROJECT AND RETAIL PHARMACY NETWORK REQUIREMENTS.—Section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended by adding at the end the following:

“(h) TERMINATION.—This section shall cease to apply to the Secretary of Defense on the date after the implementation of section 711 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 that the Secretary determines appropriate, with a view to minimizing instability with respect to the provision of pharmacy benefits, but in no case later than the date that is one year after the date of the enactment of such Act.”.

SEC. 712. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS AND TRICARE UPON THE ATTAINMENT OF AGE 65; EXPANSION AND MODIFICATION OF MEDICARE SUBVENTION PROJECT.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—(1) Section 1086(d) of title 10, United States Code, is amended—

(A) by striking paragraph (2) and inserting the following:

“(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

“(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

“(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426-1(a)).”; and

(B) in paragraph (4), by striking “paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,” and inserting “subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph”.

(2) Subsection (a)(4)(A) of section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended to read as follows:

“(A) is eligible for health benefits under section 1086 of such title by reason of subsection (c)(1) of such section;”.

(3) The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2001.

(b) 1-YEAR EXTENSION OF MEDICARE SUBVENTION PROJECT.—Section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended—

(1) in subsection (b)(4), by striking “3-year period” and inserting “4-year period”; and

(2) in subsection (i)(4)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) \$70,000,000 for calendar year 2001.”.

(c) FURTHER EXTENSION OF MEDICARE SUBVENTION PROJECT.—

(1) Subsection (b)(4) of section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended by striking the period at the end and inserting the following: “, except that the administering Secretaries may negotiate and (subject to section 701(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001) enter into a new or revised agreement under paragraph (1)(A) to continue the project after the end of such period. If the project is so continued, the administering Secretaries may terminate the agreement under which the program operates after providing notice to Congress in accordance with subsection (k)(2)(B)(v).”.

(2) Such section is further amended—

(A) in the heading, by striking “DEMONSTRATION PROJECT” and inserting “PROGRAM”;

(B) by amending paragraph (2) of subsection (a) to read as follows:

“(2) PROGRAM.—The term ‘program’ means the program carried out under this section.”;

(C) by striking “DEMONSTRATION PROJECT” and “demonstration project” and “project” each place each appears and inserting “PROGRAM”, “program”, and “program” respectively; and

(D) by striking “DEMONSTRATION” in the heading of subsection (j)(1).

(3) Subsection (i)(4) of such section is amended to read as follows:

“(4) CAP ON AMOUNT.—The maximum aggregate expenditures from the trust funds under this subsection pursuant to the agreement entered into between the administering Secretaries under subsection (b) for a fiscal year (before fiscal year 2006) shall not exceed the amount agreed by the Secretaries to be the amount that would have been expended from the trust funds on beneficiaries who enroll in the program, had the program not been established, plus the following:

“(A) \$35,000,000 for fiscal year 2002.

“(B) \$55,000,000 for fiscal year 2003.

“(C) \$75,000,000 for fiscal year 2004.

“(D) \$100,000,000 for fiscal year 2005.”.

(d) AUTHORIZING PROGRAM EXPANSION AND MODIFICATIONS.—

(1) Paragraph (2) of subsection (b) of such section 1896 is amended to read as follows:

“(2) LOCATION OF SITES.—Subject to subsection (k)(2)(B), the program shall be conducted in any site that is designated jointly by the administering Secretaries.”.

(2) Subsection (d)(2) of such section is amended by inserting “, or (subject to subsection (k)(2)(B)) such comparable requirements as are included in the agreement under subsection (b)(1)(A)” after “the following areas”.

(3) Subsection (i) of such section is amended—

(A) in paragraph (2), by inserting “subject to paragraph (4),” after “paragraph (1)”; and

(B) by striking paragraph (4) and inserting the following:

“(4) MODIFICATION OF PAYMENT METHODOLOGY.—The administering Secretaries may, subject to subsection (k)(2)(B), modify the payment methodology provided under paragraphs (1) and (2) so long as the amount of the reimbursement provided to the Secretary of Defense fully reimburses the Department of Defense for its cost of providing services under the program but does not exceed an amount that is estimated to be equivalent to the amount that otherwise would have been expended under this title for such services if provided other than under the program (not including amounts described in paragraph (2)). Such limiting amount may be based for any site on the amount that would be payable to Medicare+Choice organizations under part C for the area of the site or the amounts that would be payable under parts A and B.”.

(e) CHANGE IN REPORTS.—Paragraph (2) of subsection (k) of such section 1896 is amended to read as follows:

“(2) REPORTS ON PROGRAM OPERATION AND CHANGES.—

“(A) ANNUAL REPORT.—The administering Secretaries shall submit to the Committees on Armed Services and Finance of the Senate and the Committees on Armed Services and Ways and Means of the House of Representatives an annual report on the program and its impact on costs and the provision of health services under this title and title 10, United States Code.

“(B) BEFORE MAKING CERTAIN PROGRAM CHANGES.—The administering Secretaries shall submit to such Committees a report at least 60 days before—

“(i) changing the designation of a site under subsection (b)(2);

“(ii) applying comparable requirements under subsection (d)(2);

“(iii) making significant changes in payment methodology or amounts under subsection (i)(4);

“(iv) making other significant changes in the operation of the program; or

“(v) terminating the agreement under the second sentence of subsection (b)(4).

“(C) EXPLANATION.—Each report under subparagraph (B) shall include justifications for the changes or termination to which the report refers.”.

(f) CONDITIONAL EFFECTIVE DATE.—(1) Upon negotiating an agreement under the amendment made by subsection (c)(1), the Secretary of Defense and the Secretary of Health and Human Services shall jointly transmit a notification of the proposed agreement to the Committee on Armed Services and the Committee on Finance of the Senate and the Committee on Armed Services and the Committee on Ways and Means of the House of Representatives, and shall include with the transmittal a copy of the proposed agreement and all related agreements and supporting documents.

(2) Such proposed agreement shall take effect, and the amendments made by subsections (c)(2), (c)(3), (d), and (e) shall take effect, on such date as is provided for in such agreement and in an Act enacted after the date of the enactment of this Act.

SEC. 713. ACCRUAL FUNDING FOR HEALTH CARE FOR MEDICARE-ELIGIBLE RETIREES AND DEPENDENTS.

(a) ESTABLISHMENT OF FUND.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 55 the following new chapter:

“CHAPTER 56—DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND

- “Sec.
- “1111. Establishment and purpose of Fund; definitions.
- “1112. Assets of Fund.
- “1113. Payments from the Fund.
- “1114. Board of Actuaries.
- “1115. Determination of contributions to the Fund.
- “1116. Payments into the Fund.
- “1117. Investment of assets of Fund.

“§ 1111. Establishment and purpose of Fund; definitions

“(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Medicare-Eligible Retiree Health Care Fund (hereafter in this chapter referred to as the ‘Fund’), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Defense under Department of Defense retiree health care programs for medicare-eligible beneficiaries.

“(b) In this chapter:

“(1) The term ‘Department of Defense retiree health care programs for medicare-eligible beneficiaries’ means the provisions of this title or any other provision of law creating entitlement to health care for a medicare-eligible member or former member of the uniformed services entitled to retired or retainer pay, or a medicare-eligible dependent of a member or former member of the uniformed services entitled to retired or retainer pay.

“(2) The term ‘medicare-eligible’ means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

“(3) The term ‘dependent’ means a dependent (as such term is defined in section 1072 of this title) described in section 1076(b)(1) of this title.

“§ 1112. Assets of Fund

“There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

“(1) Amounts paid into the Fund under section 1116 of this title.

“(2) Any amount appropriated to the Fund.

“(3) Any return on investment of the assets of the Fund.

“§ 1113. Payments from the Fund

“(a) There shall be paid from the Fund amounts payable for Department of Defense retiree health care programs for medicare-eligible beneficiaries.

“(b) The assets of the Fund are hereby made available for payments under subsection (a).

“§ 1114. Board of Actuaries

“(a)(1) There is established in the Department of Defense a Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (hereafter in this chapter referred to as the ‘Board’). The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

“(2)(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

“(B) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and 15 years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

“(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

“(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

“(c) The Board shall review valuations of the Fund under section 1115(c) of this title and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board’s judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

“§ 1115. Determination of contributions to the Fund

“(a) The Board shall determine the amount that is the present value (as of October 1, 2002) of future benefits payable from the Fund that are attributable to service in the uniformed services performed before October 1, 2002. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1116(b) of this title.

“(b)(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1116(a) of this title. That amount shall be the sum of the following:

“(A) The product of—

“(i) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(A) at the time of the next actuarial valuation under subsection (c); and

“(ii) the expected average force strength during that fiscal year for members of the uniformed services on active duty (other than active duty for training) and full-time National Guard duty (other than full-time National Guard duty for training only).

“(B) The product of—

“(i) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(B) at the time of the next actuarial valuation under subsection (c); and

“(ii) the expected average force strength during that fiscal year for members of the Ready Reserve of the uniformed services (other than members on full-time National Guard duty other than for training) who are not otherwise described in subparagraph (A)(ii).

“(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense for that fiscal year for payments to be made to the Fund during that year under section 1116(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

“(c)(1) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of the Fund. Each such actuarial valuation shall include—

“(A) a determination (using the aggregate entry-age normal cost method) of a single level dollar amount for members of the uniformed services on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only); and

“(B) a determination (using the aggregate entry-age normal cost method) of a single level dollar amount for members of the Ready Reserve of the uniformed services and other than

members on full-time National Guard duty other than for training) who are not otherwise described by subparagraph (A). Such single level dollar amounts shall be used for the purposes of subsection (b) and section 1116(a) of this title.

“(2) If at the time of any such valuation there has been a change in benefits under the Department of Defense retiree health care programs for medicare-eligible beneficiaries that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the amortization of the cumulative unfunded liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the amortization payments (or reductions in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such amounts.

“(3) If at the time of any such valuation the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

“(4) If at the time of any such valuation the Secretary of Defense determines that, based upon the Fund’s actuarial experience (other than resulting from changes in benefits or actuarial assumptions) since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such actuarial experience and any previous actuarial experience through an increase or decrease in the payments that would otherwise be made to the Fund.

“(5) Contributions to the Fund in accordance with amortization schedules under paragraphs (2), (3), and (4) shall be made as provided in section 1116(b) of this title.

“(d) All determinations under this section shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and medical inflation) and in accordance with generally accepted actuarial principles and practices.

“(e) The Secretary of Defense shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

“§ 1116. Payments into the Fund

“(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the sum of the following:

“(1) The product of—

“(A) the monthly dollar amount determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1115(c)(1)(A) of this title (except

that any statutory change in the Department of Defense retiree health care programs for medicare-eligible beneficiaries that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

“(B) the total end strength for that month for members of the uniformed services on active duty (other than active duty for training) and full-time National Guard duty (other than full-time National Guard duty for training only).

“(2) The product of—

“(A) the level monthly dollar amount determined using all the methods and assumptions approved for the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1115(c)(1)(B) of this title (except that any statutory change in the Department of Defense retiree health care programs for medicare-eligible beneficiaries that is effective after the date of that valuation and on or before the first day of the current fiscal year shall be used in such determination); and

“(B) the total end strength for that month for members of the Ready Reserve of the uniformed services other than members on full-time National Guard duty other than for training) who are not otherwise described in paragraph (1)(B). Amounts paid into the Fund under this subsection shall be paid from funds available for the Defense Health Program.

“(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1115(a) and 1115(c) of this title.

“(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

“(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.

“(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

“(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.

“(D) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 111(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.

“(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

“§ 1117. Investment of assets of Fund

“The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.”

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 55 the following new item:

“56. Department of Defense Medicare-Eligible Retiree Health Care Fund 1111.”

(b) DELAYED EFFECTIVE DATES FOR CERTAIN PROVISIONS.—(1) Sections 1113 and 1116 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2002.

(2) Section 1115 of such title (as added by such subsection) shall take effect on October 1, 2001.

Subtitle C—TRICARE Program**SEC. 721. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.**

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be provided at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

SEC. 722. ADDITIONAL BENEFICIARIES UNDER TRICARE PRIME REMOTE PROGRAM IN THE CONTINENTAL UNITED STATES.

(a) COVERAGE OF OTHER UNIFORMED SERVICES.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by striking “armed forces” each place it appears, except in paragraph (3)(A), and inserting “uniformed services”;

(B) in paragraph (1), by inserting after “military department” in the first sentence the following: “, the Department of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy), or the Department of Health and Human Services (with respect to the National Oceanic and Atmospheric Administration and the Public Health Service)”;

(C) in paragraph (2), by adding at the end the following:

“(C) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this paragraph.”; and

(D) in paragraph (3)(A), by striking “The Secretary of Defense may not require a member of the armed forces described in subparagraph (B)” and inserting “A member of the uniformed services described in subparagraph (B) may not be required”.

(2)(A) Subsections (b), (c), and (d)(3) of section 731 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1811; 10 U.S.C. 1074 note) are amended by striking “Armed Forces” and inserting “uniformed services”.

(B) Subsection (b) of such section is further amended by adding at the end the following:

“(4) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.”.

(C) Subsection (f) of such section is amended by adding at the end the following:

“(3) The terms ‘uniformed services’ and ‘administering Secretaries’ have the meanings given those terms in section 1072 of title 10, United States Code.”.

(3) Section 706(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 684) is amended by striking “Armed Forces” and inserting “uniformed services (as defined in section 1072(1) of title 10, United States Code)”.

(b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section 1079 of title 10, United States Code, is amended by adding at the end the following:

“(p)(1) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed care option of the TRICARE program known as TRICARE Prime.

“(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.

“(3) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.”.

(2) Section 731(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1811; 10 U.S.C. 1074 note) is amended—

(A) in paragraph (1), by adding at the end the following: “A dependent of the member, as described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, who is residing with the member shall have the same entitlement to care and to waiver of charges as the member.”; and

(B) in paragraph (2), by inserting “or dependent of the member, as the case may be,” after “(2) A member”.

(c) **EFFECTIVE DATES; APPLICABILITY.**—(1) The amendments made by subsections (a)(1) and (b)(1) shall take effect on October 1, 2001.

(2) The amendments made by subsection (a)(2), with respect to members of the uniformed services, and the amendments made by subsection (b)(2), with respect to dependents of members, shall take effect on the date of the enactment of this Act and shall expire with respect to a member or the dependents of a member, respectively, on the later of the following:

(A) The date that is one year after the date of the enactment of this Act.

(B) The date on which the policies required by the amendments made by subsection (a)(1) or (b)(1) are implemented with respect to the coverage of medical care for and provision of such care to the member or dependents, respectively.

(3) Section 731(b)(3) of Public Law 105-85 does not apply to a member of the Coast Guard, the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or to a dependent of a member of a uniformed service.

SEC. 723. MODERNIZATION OF TRICARE BUSINESS PRACTICES AND INCREASE OF USE OF MILITARY TREATMENT FACILITIES.

(a) **REQUIREMENT TO IMPLEMENT INTERNET-BASED SYSTEM.**—Not later than October 1, 2001, the Secretary of Defense shall implement a system to simplify and make accessible through the use of the Internet, through commercially available systems and products, critical administrative processes within the military health care system and the TRICARE program. The purposes of the system shall be to enhance efficiency, improve service, and achieve commercially recognized standards of performance.

(b) **ELEMENTS OF SYSTEM.**—The system required by subsection (a)—

(1) shall comply with patient confidentiality and security requirements, and incorporate data requirements, that are currently widely used by insurers under medicare and commercial insurers;

(2) shall be designed to achieve improvements with respect to—

- (A) the availability and scheduling of appointments;
- (B) the filing, processing, and payment of claims;
- (C) marketing and information initiatives;
- (D) the continuation of enrollments without expiration;
- (E) the portability of enrollments nationwide;

(F) education of beneficiaries regarding the military health care system and the TRICARE program; and

(G) education of health care providers regarding such system and program; and

(3) may be implemented through a contractor under TRICARE Prime.

(c) **AREAS OF IMPLEMENTATION.**—The Secretary shall implement the system required by subsection (a) in at least one region under the TRICARE program.

(d) **PLAN FOR IMPROVED PORTABILITY OF BENEFITS.**—Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to provide portability and reciprocity of benefits for all enrollees under the TRICARE program throughout all TRICARE regions.

(e) **INCREASE OF USE OF MILITARY MEDICAL TREATMENT FACILITIES.**—The Secretary shall initiate a program to maximize the use of military medical treatment facilities by improving the efficiency of health care operations in such facilities.

(f) **DEFINITION.**—In this section the term “TRICARE program” has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 724. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) **AUTHORITY.**—Notwithstanding any other provision of law and subject to subsection (b), any TRICARE managed care support contract in effect, or in the final stages of acquisition, on September 30, 1999, may be extended for four years.

(b) **CONDITIONS.**—Any extension of a contract under subsection (a)—

(1) may be made only if the Secretary of Defense determines that it is in the best interest of the United States to do so; and

(2) shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Federal Government.

SEC. 725. REPORT ON PROTECTIONS AGAINST HEALTH CARE PROVIDERS SEEKING DIRECT REIMBURSEMENT FROM MEMBERS OF THE UNIFORMED SERVICES.

Not later than January 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report recommending practices to discourage or prohibit health care providers under the TRICARE program, and individuals or entities working on behalf of such providers, from seeking direct reimbursement from members of the uniformed services or their dependents for health care received by such members or dependents.

SEC. 726. VOLUNTARY TERMINATION OF ENROLLMENT IN TRICARE RETIREE DENTAL PROGRAM.

(a) **PROCEDURES.**—Section 1076c of title 10, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) VOLUNTARY DISENROLLMENT.—(1) With respect to enrollment in the dental insurance plan established under subsection (a), the Secretary of Defense—

“(A) shall allow for a period of up to 30 days at the beginning of the prescribed minimum enrollment period during which an enrollee may disenroll; and

“(B) shall provide for limited circumstances under which disenrollment shall be permitted during the prescribed enrollment period, without jeopardizing the fiscal integrity of the dental program.

“(2) The circumstances described in paragraph (1)(B) shall include—

“(A) a case in which a retired member, surviving spouse, or dependent of a retired member who is also a Federal employee is assigned to a location outside the jurisdiction of the dental insurance plan established under subsection (a) that prevents utilization of dental benefits under the plan;

“(B) a case in which a retired member, surviving spouse, or dependent of a retired member is prevented by a serious medical condition from being able to obtain benefits under the plan;

“(C) a case in which severe financial hardship would result; and

“(D) any other circumstances which the Secretary considers appropriate.

“(3) The Secretary shall establish procedures for timely decisions on requests for disenrollment under this section and for appeal to the TRICARE Management Activity of adverse decisions.”.

(b) CLARIFYING AMENDMENT.—The heading for subsection (f) is amended by striking “TERMINATION” and inserting “REQUIRED TERMINATIONS”.

SEC. 727. CLAIMS PROCESSING IMPROVEMENTS.

Beginning on the date of the enactment of this Act, the Secretary of Defense shall, to the maximum extent practicable, take all necessary actions to implement the following improvements with respect to processing of claims under the TRICARE program:

(1) Use of the TRICARE encounter data information system rather than the health care service record in maintaining information on covered beneficiaries under chapter 55 of title 10, United States Code.

(2) Elimination of all delays in payment of claims to health care providers that may result from the development of the health care service record or TRICARE encounter data information.

(3) Requiring all health care providers under the TRICARE program that the Secretary determines are high-volume providers to submit claims electronically.

(4) Processing 50 percent of all claims by health care providers and institutions under the TRICARE program by electronic means.

(5) Authorizing managed care support contractors under the TRICARE program to require providers to access information on the status of claims through the use of telephone automated voice response units.

SEC. 728. PRIOR AUTHORIZATIONS FOR CERTAIN REFERRALS AND NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

(a) PROHIBITION REGARDING PRIOR AUTHORIZATION FOR REFERRALS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095e the following new section:

“§ 1095f. TRICARE program: referrals for specialty health care

“The Secretary of Defense shall ensure that no contract for managed care support under the TRICARE program includes any requirement that a managed care support contractor require a primary care or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095e the following new item:

“1095f. TRICARE program: referrals for specialty health care.”.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to Congress a report on the financial and management implications of eliminating the requirement to obtain nonavailability-of-health-care statements under section 1080 of title 10, United States Code.

(c) EFFECTIVE DATE.—Section 1095f of title 10, United States Code, as added by subsection (a), shall apply with respect to a TRICARE managed care support contract entered into by the Department of Defense after the date of the enactment of this Act.

Subtitle D—Demonstration Projects**SEC. 731. DEMONSTRATION PROJECT FOR EXPANDED ACCESS TO MENTAL HEALTH COUNSELORS.**

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project under which licensed and certified professional mental health counselors who meet eligibility requirements for participation as providers under the Civilian Health and Medical Program of the Uniformed Services (hereafter in this section referred to as “CHAMPUS”) or the TRICARE program may provide services to covered beneficiaries under chapter 55 of title 10, United States Code, without referral by physicians or adherence to supervision requirements.

(b) DURATION AND LOCATION OF PROJECT.—The Secretary shall conduct the demonstration project required by subsection (a)—

(1) during the 2-year period beginning October 1, 2001; and

(2) in one established TRICARE region.

(c) REGULATIONS.—The Secretary shall prescribe regulations regarding participation in the demonstration project required by subsection (a).

(d) PLAN FOR PROJECT.—Not later than March 31, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out the demonstration project. The plan shall include, but not be limited to, a description of the following:

(1) The TRICARE region in which the project will be conducted.

(2) The estimated funds required to carry out the demonstration project.

(3) The criteria for determining which professional mental health counselors will be authorized to participate under the demonstration project.

(4) The plan of action, including critical milestone dates, for carrying out the demonstration project.

(e) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the demonstration project carried out under this section. The report shall include the following:

(1) A description of the extent to which expenditures for reimbursement of licensed or certified professional mental health counselors change as a result of allowing the independent practice of such counselors.

(2) Data on utilization and reimbursement regarding non-physician mental health professionals other than licensed or certified professional mental health counselors under CHAMPUS and the TRICARE program.

(3) Data on utilization and reimbursement regarding physicians who make referrals to, and supervise, mental health counselors.

(4) A description of the administrative costs incurred as a result of the requirement for documentation of referral to mental health counselors and supervision activities for such counselors.

(5) For each of the categories described in paragraphs (1) through (4), a comparison of data for a 1-year period for the area in which the demonstration project is being implemented with corresponding data for a similar area in which the demonstration project is not being implemented.

(6) A description of the ways in which allowing for independent reimbursement of licensed or certified professional mental health counselors affects the confidentiality of mental health and substance abuse services for covered beneficiaries under CHAMPUS and the TRICARE program.

(7) A description of the effect, if any, of changing reimbursement policies on the health and treatment of covered beneficiaries under CHAMPUS and the TRICARE program, including a comparison of the treatment outcomes of covered beneficiaries who receive mental health services from licensed or certified professional mental health counselors acting under physician referral and supervision, other non-physician mental health providers recognized under CHAMPUS and the TRICARE program, and physicians, with treatment outcomes under the demonstration project allowing independent practice of professional counselors on the same basis as other non-physician mental health providers.

(8) The effect of policies of the Department of Defense on the willingness of licensed or certified professional mental health counselors to participate as health care providers in CHAMPUS and the TRICARE program.

(9) Any policy requests or recommendations regarding mental health counselors made by health care plans and managed care organizations participating in CHAMPUS or the TRICARE program.

SEC. 732. TELERADIOLOGY DEMONSTRATION PROJECT.

(a) **AUTHORITY TO CONDUCT PROJECT.**—(1) The Secretary of Defense may conduct a demonstration project for the purposes of increasing efficiency of operations with respect to teleradiology at military medical treatment facilities, supporting remote clinics, and increasing coordination with respect to teleradiology between such facilities and clinics. Under the project, a military medical treatment facility and each clinic supported by such facility shall be linked by a digital radiology network through which digital radiology X-rays may be sent electronically from clinics to the military medical treatment facility.

(2) The demonstration project may be conducted at several multispecialty tertiary-care military medical treatment facilities affiliated with a university medical school. One of such facilities shall be supported by at least 5 geographically dispersed remote clinics of the Departments of the Army, Navy, and Air Force, and clinics of the Department of Veterans Affairs and the Coast Guard. Another of such facilities shall be in an underserved rural geographic region served under established telemedicine contracts between the Department of Defense, the Department of Veterans Affairs, and a local university.

(b) **DURATION OF PROJECT.**—The Secretary shall conduct the project during the 2-year period beginning on the date of the enactment of this Act.

SEC. 733. HEALTH CARE MANAGEMENT DEMONSTRATION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall carry out a demonstration program on health care management to explore opportunities for improving the planning, programming, budgeting systems, and management of the Department of Defense health care system.

(b) **TEST MODELS.**—Under the demonstration program, the Secretary shall test the use of the following planning and management models:

(1) A health care simulation model for studying alternative delivery policies, processes, organizations, and technologies.

(2) A health care simulation model for studying long term disease management.

(c) **DEMONSTRATION SITES.**—The Secretary shall test each model separately at one or more sites.

(d) **PERIOD FOR PROGRAM.**—The demonstration program shall begin not later than 180 days after the date of the enactment of this Act and shall terminate on December 31, 2001.

(e) **REPORTS.**—The Secretary of Defense shall submit a report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than March 15, 2002. The report shall include the Secretary's assessment of the value of incorporating the use of the tested planning and management models throughout the planning, programming, budgeting systems, and management of the Department of Defense health care system.

(f) **FUNDING.**—Of the amount authorized to be appropriated under section 301(22), \$6,000,000 shall be available for the demonstration program under this section.

Subtitle E—Joint Initiatives With Department of Veterans Affairs

SEC. 741. VA-DOD SHARING AGREEMENTS FOR HEALTH SERVICES.

(a) **PRIMACY OF SHARING AGREEMENTS.**—The Secretary of Defense shall—

(1) give full force and effect to any agreement into which the Secretary or the Secretary of a military department entered under section 8111 of title 38, United States Code, or under section 1535 of title 31, United States Code, which was in effect on September 30, 1999; and

(2) ensure that the Secretary of the military department concerned directly reimburses the Secretary of Veterans Affairs for any services or resources provided under such agreement in accordance with the terms of such agreement, including terms providing for reimbursement from funds available for that military department.

(b) **MODIFICATION OR TERMINATION.**—Any agreement described in subsection (a) shall remain in effect in accordance with such subsection unless, during the 12-month period following the date of the enactment of this Act, such agreement is modified or terminated in accordance with the terms of such agreement.

SEC. 742. PROCESSES FOR PATIENT SAFETY IN MILITARY AND VETERANS HEALTH CARE SYSTEMS.

(a) **ERROR TRACKING PROCESS.**—The Secretary of Defense shall implement a centralized process for reporting, compilation, and analysis of errors in the provision of health care under the defense health program that endanger patients beyond the normal risks associated with the care and treatment of such patients. To the extent practicable, that process shall emulate the system established by the Secretary of Veterans Affairs for reporting, compilation, and analysis of errors in the provision of health care under the Department of Veterans Affairs health care system that endanger patients beyond such risks.

(b) **SHARING OF INFORMATION.**—The Secretary of Defense and the Secretary of Veterans Affairs—

(1) shall share information regarding the designs of systems or protocols established to reduce errors in the provision of health care described in subsection (a); and

(2) shall develop such protocols as the Secretaries consider necessary for the establishment and administration of effective processes for the reporting, compilation, and analysis of such errors.

SEC. 743. COOPERATION IN DEVELOPING PHARMACEUTICAL IDENTIFICATION TECHNOLOGY.

The Secretary of Defense and the Secretary of Veterans Affairs shall cooperate in developing systems for the use of bar codes for the identification of pharmaceuticals in the health care programs of the Department of Defense and the Department of Veterans Affairs. In any case in which a common pharmaceutical is used in such programs, the bar codes for those pharmaceuticals shall, to the maximum extent practicable, be identical.

Subtitle F—Other Matters

SEC. 751. MANAGEMENT OF ANTHRAX VACCINE IMMUNIZATION PROGRAM.

(a) SYSTEM AND PROCEDURES FOR TRACKING SEPARATIONS.—
(1) Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1178. System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program

“(a) REQUIREMENT TO ESTABLISH SYSTEM.—The Secretary of each military department shall establish a system for tracking, recording, and reporting separations of members of the armed forces under the Secretary’s jurisdiction that result from procedures initiated as a result of a refusal to participate in the anthrax vaccine immunization program.

“(b) REPORT.—The Secretary of Defense shall consolidate the information recorded under the system described in subsection (a) and shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than April 1 of each year a report on such information. Each such report shall include a description of—

“(1) the number of members separated, categorized by military department, grade, and active-duty or reserve status; and

“(2) any other information determined appropriate by the Secretary.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1178. System and procedures for tracking separations resulting from refusal to participate in anthrax vaccine immunization program.”.

(b) PROCEDURES FOR EXEMPTIONS; MONITORING ADVERSE REACTIONS.—(1) Chapter 55 of such title is amended by adding at the end the following new section:

“§ 1110. Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions

“(a) PROCEDURES FOR MEDICAL AND ADMINISTRATIVE EXEMPTIONS.—(1) The Secretary of Defense shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccine immunization program for either administrative or medical reasons.

“(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures established pursuant to paragraph (1).

“(b) SYSTEM FOR MONITORING ADVERSE REACTIONS.—(1) The Secretary shall establish a system for monitoring adverse reactions of members of the armed forces to the anthrax vaccine. That system shall include the following:

“(A) Independent review of Vaccine Adverse Event Reporting System reports.

“(B) Periodic surveys of personnel to whom the vaccine is administered.

“(C) A continuing longitudinal study of a pre-identified group of members of the armed forces (including men and women and members from all services).

“(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.

“(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).

“(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1110. Anthrax vaccine immunization program; procedures for exemptions and monitoring reactions.”.

(c) EMERGENCY ESSENTIAL EMPLOYEES.—(1) Chapter 81 of such title is amended by inserting after section 1580 the following new section:

“§ 1580a. Emergency essential employees: notification of required participation in anthrax vaccine immunization program

“The Secretary of Defense shall—

“(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccine immunization program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

“(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1580 the following new item:

“1580a. Emergency essential employees: notification of required participation in anthrax vaccine immunization program.”.

(d) COMPTROLLER GENERAL REPORT.—(1) Not later than April 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effect of the Department of Defense anthrax vaccine immunization program on the recruitment and retention of active duty and reserve military personnel and civilian personnel of the Department of Defense. The study shall cover the period beginning on the date of the enactment of this Act and ending on December 31, 2001.

(2) The Comptroller General shall include in the report required by paragraph (1) a description of any personnel actions (including

transfer, termination, or reassignment of any personnel) taken as a result of the refusal of any civilian employee of the Department of Defense to participate in the anthrax vaccine immunization program.

(e) DEADLINES FOR ESTABLISHMENT AND IMPLEMENTATION.—The Secretary of Defense shall—

(1) not later than April 1, 2001, establish the uniform procedures for exemption from participation in the anthrax vaccine immunization program of the Department of Defense required under subsection (a) of section 1110 of title 10, United States Code (as added by subsection (b));

(2) not later than July 1, 2001, establish the system for monitoring adverse reactions of members of the Armed Forces to the anthrax vaccine required under subsection (b)(1) of such section;

(3) not later than April 1, 2001, establish the guidelines under which members of the Armed Forces may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up required under subsection (b)(3) of such section; and

(4) not later than July 1, 2001, prescribe the regulations regarding emergency essential employees of the Department of Defense required under subsection (a) of section 1580a of such title (as added by subsection(c)).

SEC. 752. ELIMINATION OF COPAYMENTS FOR IMMEDIATE FAMILY.

(a) NO COPAYMENT FOR IMMEDIATE FAMILY.—Section 1097a of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) NO COPAYMENT FOR IMMEDIATE FAMILY.—No copayment shall be charged a member for care provided under TRICARE Prime to a dependent of a member of the uniformed services described in subparagraph (A), (D), or (I) of section 1072 of this title.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to care provided on or after that date.

SEC. 753. MEDICAL INFORMATICS.

(a) ADDITIONAL MATTERS FOR ANNUAL REPORT ON MEDICAL INFORMATICS ADVISORY COMMITTEE.—Section 723(d)(5) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 697; 10 U.S.C. 1071 note) is amended to read as follows:

“(5) The Secretary of Defense shall submit to Congress an annual report on medical informatics. The report shall include a discussion of the following matters:

“(A) The activities of the Committee.

“(B) The coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government, and between the Federal Government and the private sector.

“(C) The progress or growth occurring in medical informatics.

“(D) How the TRICARE program and the Department of Veterans Affairs health care system can use the advancement of knowledge in medical informatics to raise the standards of health care and treatment and the expectations for improving health care and treatment.”.

(b) **LIMITATION ON FISCAL YEAR 2001 FUNDING FOR PHARMACEUTICALS-RELATED MEDICAL INFORMATICS.**—Of the funds authorized to be appropriated under section 301(22), any amounts used for pharmaceuticals-related informatics may be used only for the following:

(1) Commencement of the implementation of a new computerized medical record, including an automated entry order system for pharmaceuticals and an infrastructure network that is compliant with the provisions enacted in the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936), to make all relevant clinical information on beneficiaries under the Defense Health Program available when needed.

(2) An integrated pharmacy system under the Defense Health Program that creates a single profile for all pharmaceuticals for such beneficiaries prescribed at military medical treatment facilities or private pharmacies that are part of the Department of Defense pharmacy network.

SEC. 754. PATIENT CARE REPORTING AND MANAGEMENT SYSTEM.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a patient care error reporting and management system.

(b) **PURPOSES OF SYSTEM.**—The purposes of the system are as follows:

(1) To study the occurrences of errors in the patient care provided under chapter 55 of title 10, United States Code.

(2) To identify the systemic factors that are associated with such occurrences.

(3) To provide for action to be taken to correct the identified systemic factors.

(c) **REQUIREMENTS FOR SYSTEM.**—The patient care error reporting and management system shall include the following:

(1) A hospital-level patient safety center, within the quality assurance department of each health care organization of the Department of Defense, to collect, assess, and report on the nature and frequency of errors related to patient care.

(2) For each health care organization of the Department of Defense and for the entire Defense health program, patient safety standards that are necessary for the development of a full understanding of patient safety issues in each such organization and the entire program, including the nature and types of errors and the systemic causes of the errors.

(3) Establishment of a Department of Defense Patient Safety Center within the Armed Forces Institute of Pathology, which shall have the following missions:

(A) To analyze information on patient care errors that is submitted to the Center by each military health care organization.

(B) To develop action plans for addressing patterns of patient care errors.

(C) To execute those action plans to mitigate and control errors in patient care with a goal of ensuring that

the health care organizations of the Department of Defense provide highly reliable patient care with virtually no error.

(D) To provide, through the Assistant Secretary of Defense for Health Affairs, to the Agency for Healthcare Research and Quality of the Department of Health and Human Services any reports that the Assistant Secretary determines appropriate.

(E) To review and integrate processes for reducing errors associated with patient care and for enhancing patient safety.

(F) To contract with a qualified and objective external organization to manage the national patient safety database of the Department of Defense.

(d) **MEDTEAMS PROGRAM.**—The Secretary shall expand the health care team coordination program to integrate that program into all Department of Defense health care operations. In carrying out this subsection, the Secretary shall take the following actions:

(1) Establish not less than two Centers of Excellence for the development, validation, proliferation, and sustainment of the health care team coordination program, one of which shall support all fixed military health care organizations, the other of which shall support all combat casualty care organizations.

(2) Deploy the program to all fixed and combat casualty care organizations of each of the Armed Forces, at the rate of not less than 10 organizations in each fiscal year.

(3) Expand the scope of the health care team coordination program from a focus on emergency department care to a coverage that includes care in all major medical specialties, at the rate of not less than one specialty in each fiscal year.

(4) Continue research and development investments to improve communication, coordination, and team work in the provision of health care.

(e) **CONSULTATION.**—The Secretary shall consult with the other administering Secretaries (as defined in section 1072(3) of title 10, United States Code) in carrying out this section.

SEC. 755. AUGMENTATION OF ARMY MEDICAL DEPARTMENT BY DETAILING RESERVE OFFICERS OF THE PUBLIC HEALTH SERVICE.

(a) **AUTHORITY.**—The Secretary of the Army and the Secretary of Health and Human Services may jointly conduct a program to augment the Army Medical Department by exercising any authorities provided to those officials in law for the detailing of reserve commissioned officers of the Public Health Service not in an active status to the Army Medical Department for that purpose.

(b) **AGREEMENT.**—The Secretary of the Army and the Secretary of Health and Human Services shall enter into an agreement governing any program conducted under subsection (a).

(c) **ASSESSMENT.**—(1) The Secretary of the Army shall review the laws providing the authorities described in subsection (a) and assess the adequacy of those laws for authorizing—

(A) the Secretary of Health and Human Services to detail reserve commissioned officers of the Public Health Service not in an active status to the Army Medical Department to augment that department; and

(B) the Secretary of the Army to accept the detail of such officers for that purpose.

(2) The Secretary shall complete the review and assessment under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—Not later than March 1, 2001, the Secretary of the Army shall submit a report on the results of the review and assessment under subsection (c) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(1) The findings resulting from the review and assessment.

(2) Any proposal for legislation that the Secretary recommends to strengthen the authority of the Secretary of Health and Human Services and the authority of the Secretary of the Army to take the actions described in subparagraphs (A) and (B), respectively, of subsection (c)(1).

(e) CONSULTATION REQUIREMENT.—The Secretary of the Army shall consult with the Secretary of Health and Human Services in carrying out the review and assessment under subsection (c) and in preparing the report (including making recommendations) under subsection (d).

SEC. 756. PRIVACY OF DEPARTMENT OF DEFENSE MEDICAL RECORDS.

(a) COMPREHENSIVE PLAN.—Not later than April 1, 2001, the Secretary of Defense shall submit to Congress a comprehensive plan to improve privacy protections for medical records maintained by the Department of Defense. Such plan shall be consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 42 U.S.C. 1320d–2 note).

(b) INTERIM REGULATIONS.—(1) Notwithstanding any other provision of law, the Secretary shall prescribe interim regulations, pending full implementation of the comprehensive plan described in subsection (a), to improve privacy protections for medical records maintained by the Department of Defense.

(2) The regulations prescribed under paragraph (1) shall provide maximum protections for privacy consistent with such actions that the Secretary determines are necessary for purposes of national security, law enforcement, patient treatment, public health reporting, accreditation and licensure review activities, external peer review and other quality assurance program activities, payment for health care services, fraud and abuse prevention, judicial and administrative proceedings, research consistent with regulations on Governmentwide protection of human subjects, Department of Veterans Affairs benefit programs, and any other purposes identified by the Secretary for the responsible management of the military health care system.

SEC. 757. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-BASED REIMBURSEMENT RATES; REPORTS.

(a) IN GENERAL.—Section 1079(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) To assure access to care for all covered beneficiaries, the Secretary of Defense, in consultation with the other administering Secretaries, shall designate specific rates for reimbursement for services in certain localities if the Secretary determines that without payment of such rates access to health care services would be severely impaired. Such a determination shall be based on consideration of the number of providers in a locality who provide the

services, the number of such providers who are CHAMPUS participating providers, the number of covered beneficiaries under CHAMPUS in the locality, the availability of military providers in the location or a nearby location, and any other factors determined to be relevant by the Secretary.”.

(b) REPORTS.—(1) Not later than March 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the General Accounting Office a report on actions taken to carry out section 1079(h)(5) of title 10, United States Code (as added by subsection (a)) and section 1097b of such title.

(2) Not later than May 1, 2001, the Comptroller General shall submit to Congress a report analyzing the utility of—

(A) increased reimbursement authorities with respect to ensuring the availability of network providers and nonnetwork providers under the TRICARE program to covered beneficiaries under chapter 55 of such title; and

(B) requiring a reimbursement limitation of 70 percent of usual and customary rates rather than 115 percent of maximum allowable charges under the Civilian Health and Medical Program of the Uniformed Services.

(3)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code. The report shall include the following:

(i) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(ii) The reasons for the withdrawals and refusals.

(iii) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(iv) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(B) In this paragraph, the term “rural State” means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

(i) fewer than 76 residents per square mile; and

(ii) fewer than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.

SEC. 758. REIMBURSEMENT FOR CERTAIN TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074h (as added by section 706) the following new section:

“§ 1074i. Reimbursement for certain travel expenses

“In any case in which a covered beneficiary is referred by a primary care physician to a specialty care provider who provides services more than 100 miles from the location in which the primary

care provider provides services to the covered beneficiary, the Secretary shall provide reimbursement for reasonable travel expenses for the covered beneficiary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

“1074i. Reimbursement for certain travel expenses.”.

SEC. 759. REDUCTION OF CAP ON PAYMENTS.

Section 1086(b)(4) of title 10, United States Code, is amended by striking “\$7,500” and inserting “\$3,000”.

SEC. 760. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION.

(a) EXPANSION OF PROGRAM.—Section 715(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 375; 10 U.S.C. 1073 note) is amended—

(1) in the matter preceding paragraph (1), by striking “Not later than six months after the date of the enactment of this Act, the” and inserting “The”;

(2) in paragraph (1)—

(A) by inserting “, deputy commander, and managed care coordinator” after “commander”; and

(B) by inserting “, and any other person,” after “Defense”; and

(3) by amending subsection (b) to read as follows:

“(b) LIMITATION ON ASSIGNMENT UNTIL COMPLETION OF TRAINING.—No person may be assigned as the commander, deputy commander, or managed care coordinator of a military medical treatment facility or as a TRICARE lead agent or senior member of the staff of a TRICARE lead agent office until the Secretary of the military department concerned submits a certification to the Secretary of Defense that such person has completed the training described in subsection (a).”.

(b) REPORT REQUIREMENT.—(1) Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on progress in meeting the requirements of section 715 of such Act (as amended by subsection (a)) by implementing a professional educational program to provide appropriate training in health care management and administration.

(2) The report required by paragraph (1) shall include the following:

(A) A survey of professional civilian certifications and credentials which demonstrate achievement of the requirements of such section.

(B) A description of the continuing education activities required to obtain initial certification and periodic required recertification.

(C) A description of the prominence of such credentials or certifications among senior civilian health care executives.

(c) APPLICABILITY.—The amendments made by subsection (a) to section 715 of such Act—

(1) shall apply to a deputy commander, a managed care coordinator of a military medical treatment facility, or a lead agent for coordinating the delivery of health care by military and civilian providers under the TRICARE program, who is

assigned to such position on or after the date that is one year after the date of the enactment of this Act; and

(2) may apply, in the discretion of the Secretary of Defense, to a deputy commander, a managed care coordinator of such a facility, or a lead agent for coordinating the delivery of such health care, who is assigned to such position before the date that is one year after the date of the enactment of this Act.

SEC. 761. STUDIES ON FEASIBILITY OF SHARING BIOMEDICAL RESEARCH FACILITY.

(a) **STUDIES REQUIRED.**—(1) The Secretary of the Army shall conduct a study on the feasibility of the Tripler Army Medical Center, Hawaii, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Hawaii for the purpose of making more efficient use of funding for biomedical research.

(2) The Secretary of the Air Force shall conduct a study on the feasibility of the Little Rock Medical Facility, Arkansas, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Arkansas for the purpose of making more efficient use of funding for biomedical research.

(3) The biomedical research facilities described in paragraphs (1) and (2) would include a clinical research center and facilities for educational, academic, and laboratory research.

(b) **REPORTS.**—Not later than March 1, 2001—

(1) the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the study conducted under subsection (a)(1); and

(2) the Secretary of the Air Force shall submit to such committees a report on the study conducted under subsection (a)(2).

SEC. 762. STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under Medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) **REPORT.**—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

TITLE VIII—ACQUISITION POLICY, AC- QUISITION MANAGEMENT, AND RE- LATED MATTERS

SUBTITLE A—AMENDMENTS TO GENERAL CONTRACTING AUTHORITIES, PROCEDURES, AND LIMITATIONS

- Sec. 801. Department of Defense acquisition pilot programs.
- Sec. 802. Multiyear services contracts.
- Sec. 803. Clarification and extension of authority to carry out certain prototype projects.
- Sec. 804. Clarification of authority of Comptroller General to review records of participants in certain prototype projects.
- Sec. 805. Extension of time period of limitation on procurement of ball bearings and roller bearings.
- Sec. 806. Reporting requirements relating to multiyear contracts.
- Sec. 807. Eligibility of small business concerns owned and controlled by women for assistance under the mentor-protege program.
- Sec. 808. Qualifications required for employment and assignment in contracting positions.
- Sec. 809. Revision of authority for solutions-based contracting pilot program.
- Sec. 810. Procurement notice of contracting opportunities through electronic means.

SUBTITLE B—INFORMATION TECHNOLOGY

- Sec. 811. Acquisition and management of information technology.
- Sec. 812. Tracking and management of information technology purchases.
- Sec. 813. Appropriate use of requirements regarding experience and education of contractor personnel in the procurement of information technology services.
- Sec. 814. Navy-Marine Corps Intranet.
- Sec. 815. Sense of Congress regarding information technology systems for Guard and Reserve components.

SUBTITLE C—OTHER ACQUISITION-RELATED MATTERS

- Sec. 821. Improvements in procurements of services.
- Sec. 822. Financial analysis of use of dual rates for quantifying overhead costs at Army ammunition plants.
- Sec. 823. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.
- Sec. 824. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.
- Sec. 825. Compliance with existing law regarding purchases of equipment and products.
- Sec. 826. Requirement to disregard certain agreements in awarding contracts for the purchase of firearms or ammunition.

SUBTITLE D—STUDIES AND REPORTS

- Sec. 831. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.
- Sec. 832. Study of policies and procedures for transfer of commercial activities.
- Sec. 833. Study and report on practice of contract bundling in military construction contracts.
- Sec. 834. Requirement to conduct study on contract bundling.

Subtitle A—Amendments to General Con- tracting Authorities, Procedures, and Limitations

SEC. 801. DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS.

(a) EXTENSION OF AUTHORITY.—Section 5064(d)(2) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3361; 10 U.S.C. 2430 note) is amended by striking “45 days after the date of the enactment of this Act and ends on

September 30, 1998” and inserting “on October 13, 1994, and ends on October 1, 2007”.

(b) EXPANSION OF JDAM PROGRAM.—Section 5064(a)(2) of such Act is amended by striking “1000-pound and 2000-pound bombs” and inserting “500-pound, 1000-pound, and 2000-pound bombs”.

(c) REPORT REQUIRED.—(1) Not later than January 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the acquisition pilot programs of the Department of Defense. The report shall describe, for each acquisition program identified in section 5064(a) of the Federal Acquisition Streamlining Act of 1994, the following:

(A) Each quantitative measure and goal established for each item described in paragraph (2), which of such goals have been achieved, and the extent to which the use of the authorities in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2430 note) and section 5064 of the Federal Acquisition Streamlining Act of 1994 was a factor in achieving each of such goals.

(B) Recommended revisions to statutes or the Federal Acquisition Regulation as a result of participation in the pilot program.

(C) Any innovative business practices developed as a result of participation in the pilot program, whether such business practices could be applied to other acquisition programs, and any impediments to application of such practices to other programs.

(D) Technological changes to the program, and to what extent those changes affected the items in paragraph (2).

(E) Any other information determined appropriate by the Secretary.

(2) The items under this paragraph are, with respect to defense acquisition programs, the following:

(A) The acquisition management costs.

(B) The unit cost of the items procured.

(C) The acquisition cycle.

(D) The total cost of carrying out the contract.

(E) Staffing necessary to carry out the program.

SEC. 802. MULTIYEAR SERVICES CONTRACTS.

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2306b the following:

“§ 2306c. Multiyear contracts: acquisition of services

“(a) AUTHORITY.—Subject to subsections (d) and (e), the head of an agency may enter into contracts for periods of not more than five years for services described in subsection (b), and for items of supply related to such services, for which funds would otherwise be available for obligation only within the fiscal year for which appropriated whenever the head of the agency finds that—

“(1) there will be a continuing requirement for the services consonant with current plans for the proposed contract period;

“(2) the furnishing of such services will require a substantial initial investment in plant or equipment, or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force; and

“(3) the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation.

“(b) COVERED SERVICES.—The authority under subsection (a) applies to the following types of services:

“(1) Operation, maintenance, and support of facilities and installations.

“(2) Maintenance or modification of aircraft, ships, vehicles, and other highly complex military equipment.

“(3) Specialized training necessitating high quality instructor skills (for example, pilot and air crew members; foreign language training).

“(4) Base services (for example, ground maintenance; in-plane refueling; bus transportation; refuse collection and disposal).

“(c) APPLICABLE PRINCIPLES.—In entering into multiyear contracts for services under the authority of this section, the head of the agency shall be guided by the following principles:

“(1) The portion of the cost of any plant or equipment amortized as a cost of contract performance should not exceed the ratio between the period of contract performance and the anticipated useful commercial life of such plant or equipment. Useful commercial life, for this purpose, means the commercial utility of the facilities rather than the physical life thereof, with due consideration given to such factors as location of facilities, specialized nature thereof, and obsolescence.

“(2) Consideration shall be given to the desirability of obtaining an option to renew the contract for a reasonable period not to exceed three years, at prices not to include charges for plant, equipment and other nonrecurring costs, already amortized.

“(3) Consideration shall be given to the desirability of reserving in the agency the right, upon payment of the unamortized portion of the cost of the plant or equipment, to take title thereto under appropriate circumstances.

“(d) RESTRICTIONS APPLICABLE GENERALLY.—(1) The head of an agency may not initiate under this section a contract for services that includes an unfunded contingent liability in excess of \$20,000,000 unless the committees of Congress named in paragraph (5) are notified of the proposed contract at least 30 days in advance of the award of the proposed contract.

“(2) The head of an agency may not initiate a multiyear contract for services under this section if the value of the multiyear contract would exceed \$500,000,000 unless authority for the contract is specifically provided by law.

“(3) The head of an agency may not terminate a multiyear procurement contract for services until 10 days after the date on which notice of the proposed termination is provided to the committees of Congress named in paragraph (5).

“(4) Before any contract described in subsection (a) that contains a clause setting forth a cancellation ceiling in excess of \$100,000,000 may be awarded, the head of the agency concerned shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the committees of Congress named in paragraph (5), and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification.

“(5) The committees of Congress referred to in paragraphs (1), (3), and (4) are as follows:

“(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

“(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(e) CANCELLATION OR TERMINATION FOR INSUFFICIENT FUNDING AFTER FIRST YEAR.—In the event that funds are not made available for the continuation of a multiyear contract for services into a subsequent fiscal year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from—

“(1) appropriations originally available for the performance of the contract concerned;

“(2) appropriations currently available for procurement of the type of services concerned, and not otherwise obligated; or

“(3) funds appropriated for those payments.

“(f) MULTIYEAR CONTRACT DEFINED.—For the purposes of this section, a multiyear contract is a contract for the purchase of services for more than one, but not more than five, program years. Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306b the following:

“2306c. Multiyear contracts: acquisition of services.”.

(b) REFERENCE TO RELOCATED AUTHORITY.—Subsection (g) of section 2306 of such title is amended to read as follows:

“(g) Multiyear contracting authority for the acquisition of services is provided in section 2306c of this title.”.

(c) CONFORMING AMENDMENT.—Section 2306b(k) of title 10, United States Code, is amended by striking “or services”.

(d) APPLICABILITY.—Section 2306c of title 10, United States Code (as added by subsection (a)), shall apply with respect to contracts for which solicitations of offers are issued after the date of the enactment of this Act.

SEC. 803. CLARIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) AMENDMENTS TO AUTHORITY.—Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

“(d) APPROPRIATE USE OF AUTHORITY.—(1) The Secretary of Defense shall ensure that no official of an agency enters into a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section unless—

“(A) there is at least one nontraditional defense contractor participating to a significant extent in the prototype project; or

“(B) no nontraditional defense contractor is participating to a significant extent in the prototype project, but at least one of the following circumstances exists:

“(i) At least one third of the total cost of the prototype project is to be paid out of funds provided by parties to the transaction other than the Federal Government.

“(ii) The senior procurement executive for the agency (as designated for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) determines in writing that exceptional circumstances justify the use of a transaction that provides for innovative business arrangements or structures that would not be feasible or appropriate under a contract.

“(2)(A) Except as provided in subparagraph (B), the amounts counted for the purposes of this subsection as being provided, or to be provided, by a party to a transaction with respect to a prototype project that is entered into under this section other than the Federal Government do not include costs that were incurred before the date on which the transaction becomes effective.

“(B) Costs that were incurred for a prototype project by a party after the beginning of negotiations resulting in a transaction (other than a contract, grant, or cooperative agreement) with respect to the project before the date on which the transaction becomes effective may be counted for purposes of this subsection as being provided, or to be provided, by the party to the transaction if and to the extent that the official responsible for entering into the transaction determines in writing that—

“(i) the party incurred the costs in anticipation of entering into the transaction; and

“(ii) it was appropriate for the party to incur the costs before the transaction became effective in order to ensure the successful implementation of the transaction.

“(e) NONTRADITIONAL DEFENSE CONTRACTOR DEFINED.—In this section, the term ‘nontraditional defense contractor’ means an entity that has not, for a period of at least one year prior to the date that a transaction (other than a contract, grant, or cooperative agreement) for a prototype project under the authority of this section is entered into, entered into or performed with respect to—

“(1) any contract that is subject to full coverage under the cost accounting standards prescribed pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) and the regulations implementing such section; or

“(2) any other contract in excess of \$500,000 to carry out prototype projects or to perform basic, applied, or advanced research projects for a Federal agency, that is subject to the Federal Acquisition Regulation.”.

(b) EXTENSION OF AUTHORITY.—Subsection (f) of such section, as redesignated by subsection (a)(1), is amended by striking “September 30, 2001” and inserting “September 30, 2004”.

SEC. 804. CLARIFICATION OF AUTHORITY OF COMPTROLLER GENERAL TO REVIEW RECORDS OF PARTICIPANTS IN CERTAIN PROTOTYPE PROJECTS.

(a) COMPTROLLER GENERAL REVIEW.—Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3)(A) The right provided to the Comptroller General in a clause of an agreement under paragraph (1) is limited as provided in subparagraph (B) in the case of a party to the agreement, an entity that participates in the performance of the agreement, or a subordinate element of that party or entity if the only agreements or other transactions that the party, entity, or subordinate element entered into with Government entities in the year prior to the date of that agreement are cooperative agreements or transactions that were entered into under this section or section 2371 of title 10, United States Code.

“(B) The only records of a party, other entity, or subordinate element referred to in subparagraph (A) that the Comptroller General may examine in the exercise of the right referred to in that subparagraph are records of the same type as the records that the Government has had the right to examine under the audit access clauses of the previous agreements or transactions referred to in such subparagraph that were entered into by that particular party, entity, or subordinate element.”.

SEC. 805. EXTENSION OF TIME PERIOD OF LIMITATION ON PROCUREMENT OF BALL BEARINGS AND ROLLER BEARINGS.

Section 2534(c)(3) of title 10, United States Code, is amended by striking “October 1, 2000” and inserting “October 1, 2005”.

SEC. 806. REPORTING REQUIREMENTS RELATING TO MULTIYEAR CONTRACTS.

Section 2306b(1) of title 10, United States Code, is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “The head of an agency” and all that follows through “following information” and inserting “Not later than the date of the submission of the President’s budget request under section 1105 of title 31, the Secretary of Defense shall submit a report to the congressional defense committees each year, providing the following information with respect to each multiyear contract (and each extension of an existing multiyear contract) entered into, or planned to be entered into, by the head of an agency during the current or preceding year”; and

(B) in subparagraph (B), by striking “in effect immediately before the contract (or contract extension) is entered into” and inserting “in effect at the time the report is submitted”;

(2) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(3) by inserting after paragraph (4) the following new paragraph (5):

“(5) The head of an agency may not enter into a multiyear contract (or extend an existing multiyear contract), the value of which would exceed \$500,000,000 (when entered into or when extended, as the case may be), until the Secretary of Defense submits to the congressional defense committees a report containing the information described in paragraph (4) with respect to the contract (or contract extension).”.

SEC. 807. ELIGIBILITY OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN FOR ASSISTANCE UNDER THE MENTOR-PROTEGE PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

- (1) by striking “or” at the end of subparagraph (C);
- (2) by striking the period at the end of subparagraph (D) and inserting “; or”; and
- (3) by adding at the end the following:
 “(E) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).”.

SEC. 808. QUALIFICATIONS REQUIRED FOR EMPLOYMENT AND ASSIGNMENT IN CONTRACTING POSITIONS.

(a) **APPLICABILITY OF REQUIREMENTS TO MEMBERS OF THE ARMED FORCES.**—Section 1724 of title 10, United States Code, is amended in the first sentence of subsection (d)—

- (1) by striking “employee of” and inserting “employee or member of”; and
- (2) by striking “employee possesses” and inserting “employee or member possesses”.

(b) **MANDATORY ACADEMIC QUALIFICATIONS.**—(1) Subsection (a)(3) of such section is amended—

- (A) by inserting “and” before “(B)”; and
- (B) by striking “, or (C)” and all that follows through “listed in subparagraph (B)”.

(2) Subsection (b) of such section is amended to read as follows:

“(b) **GS-1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.**—The Secretary of Defense shall require that a person meet the requirements set forth in paragraph (3) of subsection (a), but not the other requirements set forth in that subsection, in order to qualify to serve in a position in the Department of Defense in—

- “(1) the GS-1102 occupational series; or
- “(2) a similar occupational specialty if the position is to be filled by a member of the armed forces.”.

(c) **EXCEPTION.**—Subsection (c) of such section is amended to read as follows:

“(c) **EXCEPTION.**—The requirements imposed under subsection (a) or (b) shall not apply to a person for the purpose of qualifying to serve in a position in which the person is serving on September 30, 2000.”.

(d) **DELETION OF UNNECESSARY CROSS REFERENCES.**—Subsection (a) of such section is amended by striking “(except as provided in subsections (c) and (d))” in the matter preceding paragraph (1).

(e) **EFFECTIVE DATE.**—This section, and the amendments made by this section, shall take effect on October 1, 2000, and shall apply to appointments and assignments to contracting positions made on or after that date.

SEC. 809. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) **PILOT PROJECTS UNDER THE PROGRAM.**—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking “subsection (d)(2)” and inserting “subsection (d)”; and

(2) by striking subsection (d) and inserting the following:

“(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

“(1) not more than 10 projects, each of which has an estimated cost of at least \$25,000,000 and not more than \$100,000,000; and

“(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least \$1,000,000 and not more than \$5,000,000.”.

(b) ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.—Subsection (c)(9)(B) of such section is amended by striking “program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—” and inserting “program definition phase—”.

SEC. 810. PROCUREMENT NOTICE OF CONTRACTING OPPORTUNITIES THROUGH ELECTRONIC MEANS.

(a) PUBLICATION BY ELECTRONIC MEANS.—Subsection (a) of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(1) in paragraph (1)(A), by striking “furnish for publication by the Secretary of Commerce” and inserting “publish”;

(2) by striking paragraph (2) and inserting the following:

“(2)(A) A notice of solicitation required to be published under paragraph (1) may be published—

“(i) by electronic means that meets the requirements for accessibility under paragraph (7); or

“(ii) by the Secretary of Commerce in the Commerce Business Daily.

“(B) The Secretary of Commerce shall promptly publish in the Commerce Business Daily each notice or announcement received under this subsection for publication by that means.”; and

(3) by adding at the end the following:

“(7) A publication of a notice of solicitation by electronic means meets the requirements for accessibility under this paragraph if the notice is electronically accessible in a form that allows convenient and universal user access through the single Government-wide point of entry designated in the Federal Acquisition Regulation.”.

(b) WAITING PERIOD FOR ISSUANCE OF SOLICITATION.—Paragraph (3) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by striking “furnish a notice to the Secretary of Commerce” and inserting “publish a notice of solicitation”; and

(2) in subparagraph (A), by striking “by the Secretary of Commerce”.

(c) CONFORMING AMENDMENTS TO SMALL BUSINESS ACT.—Subsection (e) of section 8 of the Small Business Act (15 U.S.C. 637) is amended—

(1) in paragraph (1)(A), by striking “furnish for publication by the Secretary of Commerce” and inserting “publish”;

(2) by striking paragraph (2) and inserting the following:

“(2)(A) A notice of solicitation required to be published under paragraph (1) may be published—

“(i) by electronic means that meet the accessibility requirements under section 18(a)(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(7)); or

“(ii) by the Secretary of Commerce in the Commerce Business Daily.

“(B) The Secretary of Commerce shall promptly publish in the Commerce Business Daily each notice or announcement received under this subsection for publication by that means.”; and

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “furnish a notice to the Secretary of Commerce” and inserting “publish a notice of solicitation”; and

(B) in subparagraph (A), by striking “by the Secretary of Commerce”.

(d) PERIODIC REPORTS ON IMPLEMENTATION OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.—Section 30(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(e)) is amended—

(1) in the first sentence, by striking “Not later than March 1, 1998, and every year afterward through 2003” and inserting “Not later than March 1 of each even-numbered year through 2004”; and

(2) in paragraph (4)—

(A) by striking “Beginning with the report submitted on March 1, 1999, an” and inserting “An”; and

(B) by striking “calendar year” and inserting “two fiscal years”.

(e) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall take effect on October 1, 2000. The amendments made by subsections (a), (b), and (c) shall apply with respect to solicitations issued on or after that date.

Subtitle B—Information Technology

SEC. 811. ACQUISITION AND MANAGEMENT OF INFORMATION TECHNOLOGY.

(a) RESPONSIBILITY OF DOD CHIEF INFORMATION OFFICER RELATING TO MISSION CRITICAL AND MISSION ESSENTIAL INFORMATION TECHNOLOGY SYSTEMS.—Section 2223(a) of title 10, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) maintain a consolidated inventory of Department of Defense mission critical and mission essential information systems, identify interfaces between those systems and other information systems, and develop and maintain contingency plans for responding to a disruption in the operation of any of those information systems.”.

(b) MINIMUM PLANNING REQUIREMENTS FOR THE ACQUISITION OF INFORMATION TECHNOLOGY SYSTEMS.—(1) Not later than 60 days after the date of the enactment of this Act, Department of Defense Directive 5000.1 shall be revised to establish minimum planning requirements for the acquisition of information technology systems.

(2) The revised directive required by (1) shall—

(A) include definitions of the terms “mission critical information system” and “mission essential information system”;

(B) prohibit the award of any contract for the acquisition of a mission critical or mission essential information technology system until—

(i) the system has been registered with the Chief Information Officer of the Department of Defense;

(ii) the Chief Information Officer has received all information on the system that is required under the directive to be provided to that official; and

(iii) the Chief Information Officer has determined that there is in place for the system an appropriate information assurance strategy; and

(C) require that, in the case of each system registered pursuant to subparagraph (B)(i), the information required under subparagraph (B)(ii) to be submitted as part of the registration shall be updated on not less than a quarterly basis.

(c) **MILESTONE APPROVAL FOR MAJOR AUTOMATED INFORMATION SYSTEMS.**—The revised directive required by subsection (b) shall prohibit Milestone I approval, Milestone II approval, or Milestone III approval (or the equivalent) of a major automated information system within the Department of Defense until the Chief Information Officer has determined that—

(1) the system is being developed in accordance with the requirements of division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

(2) appropriate actions have been taken with respect to the system in the areas of business process reengineering, analysis of alternatives, economic analysis, and performance measures; and

(3) the system has been registered as described in subsection (b)(2)(B).

(d) **NOTICE OF REDESIGNATION OF SYSTEMS.**—(1) Whenever during fiscal year 2001, 2002, or 2003 the Chief Information Officer designates a system previously designated as a major automated information system to be in a designation category other than a major automated information system, the Chief Information Officer shall notify the congressional defense committees of that designation. The notice shall be provided not later than 30 days after the date of that designation. Any such notice shall include the rationale for the decision to make the designation and a description of the program management oversight that will be implemented for the system so designated.

(2) Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees a report specifying each information system of the Department of Defense previously designated as a major automated information system that is currently designated in a designation category other than a major automated information system including designation as a “special interest major technology initiative”. The report shall include for each such system the information specified in the third sentence of paragraph (1).

(e) **ANNUAL IMPLEMENTATION REPORT.**—(1) The Secretary of Defense shall submit to the congressional defense committees, not later than April 1 of each of fiscal years 2001, 2002, and 2003,

a report on the implementation of the requirements of this section during the preceding fiscal year.

(2) The report for a fiscal year under paragraph (1) shall include, at a minimum, for each major automated information system that was approved during such preceding fiscal year under Department of Defense Directive 5000.1 (as revised pursuant to subsection (b)), the following:

(A) The funding baseline.

(B) The milestone schedule.

(C) The actions that have been taken to ensure compliance with the requirements of this section and the directive.

(3) The first report shall include, in addition to the information required by paragraph (2), an explanation of the manner in which the responsible officials within the Department of Defense have addressed, or intend to address, the following acquisition issues for each major automated information system planned to be acquired after that fiscal year:

(A) Requirements definition.

(B) Presentation of a business case analysis, including an analysis of alternatives and a calculation of return on investment.

(C) Performance measurement.

(D) Test and evaluation.

(E) Interoperability.

(F) Cost, schedule, and performance baselines.

(G) Information assurance.

(H) Incremental fielding and implementation.

(I) Risk mitigation.

(J) The role of integrated product teams.

(K) Issues arising from implementation of the Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance Plan required by Department of Defense Directive 5000.1 and Chairman of the Joint Chiefs of Staff Instruction 3170.01.

(L) Oversight, including the Chief Information Officer's oversight of decision reviews.

(f) DEFINITIONS.—In this section:

(1) The term “Chief Information Officer” means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term “information technology system” has the meaning given the term “information technology” in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term “major automated information system” has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 812. TRACKING AND MANAGEMENT OF INFORMATION TECHNOLOGY PURCHASES.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2225. Information technology purchases: tracking and management

“(a) COLLECTION OF DATA REQUIRED.—To improve tracking and management of information technology products and services by

the Department of Defense, the Secretary of Defense shall provide for the collection of the data described in subsection (b) for each purchase of such products or services made by a military department or Defense Agency in excess of the simplified acquisition threshold, regardless of whether such a purchase is made in the form of a contract, task order, delivery order, military interdepartmental purchase request, or any other form of interagency agreement.

“(b) DATA TO BE COLLECTED.—The data required to be collected under subsection (a) includes the following:

“(1) The products or services purchased.

“(2) Whether the products or services are categorized as commercially available off-the-shelf items, other commercial items, nondevelopmental items other than commercial items, other noncommercial items, or services.

“(3) The total dollar amount of the purchase.

“(4) The form of contracting action used to make the purchase.

“(5) In the case of a purchase made through an agency other than the Department of Defense—

“(A) the agency through which the purchase is made;

and

“(B) the reasons for making the purchase through that agency.

“(6) The type of pricing used to make the purchase (whether fixed price or another type of pricing).

“(7) The extent of competition provided in making the purchase.

“(8) A statement regarding whether the purchase was made from—

“(A) a small business concern;

“(B) a small business concern owned and controlled by socially and economically disadvantaged individuals; or

“(C) a small business concern owned and controlled by women.

“(9) A statement regarding whether the purchase was made in compliance with the planning requirements under sections 5122 and 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1422, 1423).

“(c) RESPONSIBILITY TO ENSURE FAIRNESS OF CERTAIN PRICES.—The head of each contracting activity in the Department of Defense shall have responsibility for ensuring the fairness and reasonableness of unit prices paid by the contracting activity for information technology products and services that are frequently purchased commercially available off-the-shelf items.

“(d) LIMITATION ON CERTAIN PURCHASES.—No purchase of information technology products or services in excess of the simplified acquisition threshold shall be made for the Department of Defense from a Federal agency outside the Department of Defense unless—

“(1) the purchase data is collected in accordance with subsection (a); or

“(2)(A) in the case of a purchase by a Defense Agency, the purchase is approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics; or

“(B) in the case of a purchase by a military department, the purchase is approved by the senior procurement executive of the military department.

“(e) ANNUAL REPORT.—Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a summary of the data collected in accordance with subsection (a).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘senior procurement executive’, with respect to a military department, means the official designated as the senior procurement executive for the military department for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

“(2) The term ‘simplified acquisition threshold’ has the meaning given the term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

“(3) The term ‘small business concern’ means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(4) The term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

“(5) The term ‘small business concern owned and controlled by women’ has the meaning given that term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“2225. Information technology purchases: tracking and management.”.

(b) TIME FOR IMPLEMENTATION; APPLICABILITY.—(1) The Secretary of Defense shall collect data as required under section 2225 of title 10, United States Code (as added by subsection (a)) for all contractual actions covered by such section entered into on or after the date that is one year after the date of the enactment of this Act.

(2) Subsection (d) of such section shall apply with respect to purchases described in that subsection for which solicitations of offers are issued on or after the date that is one year after the date of the enactment of this Act.

(c) GAO REPORT.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the collection of data under such section 2225. The report shall include the Comptroller General’s assessment of the extent to which the collection of data meets the requirements of that section.

SEC. 813. APPROPRIATE USE OF REQUIREMENTS REGARDING EXPERIENCE AND EDUCATION OF CONTRACTOR PERSONNEL IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy

Act (41 U.S.C. 405 and 421) shall be amended to address the use, in the procurement of information technology services, of requirements regarding the experience and education of contractor personnel.

(b) **CONTENT OF AMENDMENT.**—The amendment issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the procurement of information technology services shall not set forth any minimum experience or educational requirement for proposed contractor personnel in order for a bidder to be eligible for award of a contract unless—

(1) the contracting officer first determines that the needs of the executive agency cannot be met without any such requirement; or

(2) the needs of the executive agency require the use of a type of contract other than a performance-based contract.

(c) **GAO REPORT.**—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(d) **DEFINITIONS.**—In this section:

(1) The term “executive agency” has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term “information technology” has the meaning given that term in section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401(3)).

(3) The term “performance-based”, with respect to a contract, means that the contract includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

SEC. 814. NAVY-MARINE CORPS INTRANET.

(a) **LIMITATION.**—None of the funds authorized to be appropriated for the Department of the Navy may be obligated or expended to carry out a Navy-Marine Corps Intranet contract before—

(1) the Comptroller of the Department of Defense and the Director of the Office of Management and Budget—

(A) have reviewed—

(i) the Report to Congress on the Navy-Marine Corps Intranet submitted by the Department of the Navy on June 30, 2000; and

(ii) the Business Case Analysis Supplement for the Report to Congress on the Navy-Marine Corps Intranet submitted by the Department of the Navy on July 15, 2000; and

(B) have provided their written comments to the Secretary of the Navy and the Chief of Naval Operations; and

(2) the Secretary of the Navy and the Chief of Naval Operations have submitted to Congress a joint certification that they have reviewed the business case for the contract

and the comments provided by the Comptroller of the Department of Defense and the Director of the Office of Management and Budget and that they have determined that the implementation of the contract is in the best interest of the Department of the Navy.

(b) PHASED IMPLEMENTATION.—(1) Upon the submission of the certification under subsection (a)(2), the Secretary of the Navy may commence a phased implementation of a Navy-Marine Corps Intranet contract.

(2) Not more than 15 percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first increment of implementation of the Navy-Marine Corps Intranet contract.

(3) No work stations in excess of the number permitted by paragraph (2) may be provided under the program until—

(A) the Secretary of the Navy has conducted operational testing and cost review of the increment covered by that paragraph;

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary of the Navy that the results of the operational testing of the Intranet are acceptable;

(C) the Comptroller of the Department of Defense has certified to the Secretary of the Navy that the cost review provides a reliable basis for forecasting the cost impact of continued implementation; and

(D) the Secretary of the Navy and the Chief of Naval Operations have submitted to Congress a joint certification that they have reviewed the certifications submitted under subparagraphs (B) and (C) and have determined that the continued implementation of the contract is in the best interest of the Department of the Navy.

(4) No increment of the Navy-Marine Corps Intranet that is implemented during fiscal year 2001 may include any activities of the Marine Corps, the naval shipyards, or the naval aviation depots. Funds available for fiscal year 2001 for activities of the Marine Corps, the naval shipyards, or the naval aviation depots may not be expended for any contract for the Navy-Marine Corps Intranet.

(c) PROHIBITION ON INCREASE OF RATES CHARGED.—The Secretary of the Navy shall ensure that rates charged by a working capital funded industrial facility of the Department of the Navy for goods or services provided by such facility are not increased during fiscal year 2001 for the purpose of funding the Navy-Marine Corps Intranet contract.

(d) APPLICABILITY OF STATUTORY AND REGULATORY REQUIREMENTS.—The acquisition of a Navy-Marine Corps Intranet shall be managed by the Department of the Navy in accordance with the requirements of—

(1) the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106), including the requirement for utilizing modular contracting in accordance with section 38 of the Office of Federal Procurement Policy Act (41 U.S.C. 434); and

(2) Department of Defense Directives 5000.1 and 5000.2-R and all other directives, regulations, and management controls that are applicable to major investments in information technology and related services.

(e) **IMPACT ON FEDERAL EMPLOYEES.**—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

(f) **NAVY-MARINE CORPS INTRANET CONTRACT DEFINED.**—In this section, the term “Navy-Marine Corps Intranet contract” means a contract providing for a long-term arrangement of the Department of the Navy with the commercial sector that imposes on the contractor a responsibility for, and transfers to the contractor the risk of, providing and managing the significant majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.

SEC. 815. SENSE OF CONGRESS REGARDING INFORMATION TECHNOLOGY SYSTEMS FOR GUARD AND RESERVE COMPONENTS.

It is the sense of Congress—

(1) that the Secretary of Defense should take appropriate steps to provide for upgrading information technology systems of the reserve components to ensure that those systems are capable, as required for mission purposes, of communicating with other relevant information technology systems of the military department concerned and of the Department of Defense in general; and

(2) that the Secretary of each military department should ensure that communications systems for the reserve components under the Secretary’s jurisdiction receive appropriate funding for information technology systems in order to achieve the capability referred to in paragraph (1).

SUBTITLE C—OTHER ACQUISITION-RELATED MATTERS

SEC. 821. IMPROVEMENTS IN PROCUREMENTS OF SERVICES.

(a) **PREFERENCE FOR PERFORMANCE-BASED SERVICE CONTRACTING.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised to establish a preference for use of contracts and task orders for the purchase of services in the following order of precedence:

(1) A performance-based contract or performance-based task order that contains firm fixed prices for the specific tasks to be performed.

(2) Any other performance-based contract or performance-based task order.

(3) Any contract or task order that is not a performance-based contract or a performance-based task order.

(b) INCENTIVE FOR USE OF PERFORMANCE-BASED SERVICE CONTRACTS.—(1) A Department of Defense performance-based service contract or performance-based task order may be treated as a contract for the procurement of commercial items if—

(A) the contract or task order is valued at \$5,000,000 or less;

(B) the contract or task order sets forth specifically each task to be performed and, for each task—

(i) defines the task in measurable, mission-related terms;

(ii) identifies the specific end products or output to be achieved; and

(iii) contains a firm fixed price; and

(C) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.

(2) The special simplified procedures provided in the Federal Acquisition Regulation pursuant to section 2304(g)(1)(B) of title 10, United States Code, shall not apply to a performance-based service contract or performance-based task order that is treated as a contract for the procurement of commercial items under paragraph (1).

(3) Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report on the implementation of this subsection to the congressional defense committees.

(4) The authority under this subsection shall not apply to contracts entered into or task orders issued more than 3 years after the date of the enactment of this Act.

(c) CENTERS OF EXCELLENCE IN SERVICE CONTRACTING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall establish at least one center of excellence in contracting for services. Each center of excellence shall assist the acquisition community by identifying, and serving as a clearinghouse for, best practices in contracting for services in the public and private sectors.

(d) ENHANCED TRAINING IN SERVICE CONTRACTING.—(1) The Secretary of Defense shall ensure that classes focusing specifically on contracting for services are offered by the Defense Acquisition University and the Defense Systems Management College and are otherwise available to contracting personnel throughout the Department of Defense.

(2) The Secretary of each military department and the head of each Defense Agency shall ensure that the personnel of the department or agency, as the case may be, who are responsible for the awarding and management of contracts for services receive appropriate training that is focused specifically on contracting for services.

(e) DEFINITIONS.—In this section:

(1) The term “performance-based”, with respect to a contract, a task order, or contracting, means that the contract, task order, or contracting, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(2) The term “commercial item” has the meaning given the term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(3) The term “Defense Agency” has the meaning given the term in section 101(a)(11) of title 10, United States Code.

SEC. 822. FINANCIAL ANALYSIS OF USE OF DUAL RATES FOR QUANTIFYING OVERHEAD COSTS AT ARMY AMMUNITION PLANTS.

(a) **REQUIREMENT FOR ANALYSIS.**—The Secretary of the Army shall carry out a financial analysis of the costs that would be incurred and the benefits that would be derived from the implementation of a policy of using—

(1) one set of rates for quantifying the overhead costs associated with Government-owned ammunition plants of the Department of the Army when allocating those costs to contractors operating the plants; and

(2) another set of rates for quantifying the overhead costs to be allocated to the operation of such plants by employees of the United States.

(b) **REPORT.**—Not later than February 15, 2001, the Secretary shall submit to the congressional defense committees a report on the results of the analysis carried out under subsection (a). The report shall include the following:

(1) The costs and benefits identified in the analysis under subsection (a).

(2) The risks to the United States of implementing a dual-rate policy described in subsection (a).

(3) The effects that a use of dual rates under such a policy would have on the defense industrial base of the United States.

SEC. 823. REPEAL OF PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR PROCUREMENT OF NUCLEAR-CAPABLE SHIPYARD CRANE FROM A FOREIGN SOURCE.

Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1253), is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

SEC. 824. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE SURVIVABILITY TESTING FOR MH-47E AND MH-60K HELICOPTER MODIFICATION PROGRAMS.

(a) **EXISTING WAIVER PERIOD NOT APPLICABLE.**—Section 2366(c)(1) of title 10, United States Code, shall not apply with respect to survivability and lethality tests for the MH-47E and MH-60K helicopter modification programs. Except as provided in the previous sentence, the provisions and requirements in section 2366(c) of such title shall apply with respect to such programs, and the certification required by subsection (b) shall comply with the requirements in paragraph (3) of such section.

(b) **EXTENDED PERIOD FOR WAIVER.**—With respect to the MH-47E and MH-60K helicopter modification programs, the Secretary of Defense may waive the application of the survivability and lethality tests described in section 2366(a) of title 10, United States Code, if the Secretary, before full materiel release of the MH-47E and MH-60K helicopters for operational use, certifies to Congress that live-fire testing of the programs would be unreasonably expensive and impracticable.

(c) **CONFORMING AMENDMENT.**—Section 142(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2338) is amended by striking “and survivability testing” in paragraphs (1) and (2).

SEC. 825. COMPLIANCE WITH EXISTING LAW REGARDING PURCHASES OF EQUIPMENT AND PRODUCTS.

(a) **SENSE OF CONGRESS REGARDING PURCHASE BY THE DEPARTMENT OF DEFENSE OF EQUIPMENT AND PRODUCTS.**—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should fully comply with the Buy American Act (41 U.S.C. 10a et seq.) and section 2533 of title 10, United States Code.

(b) **DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.**—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 826. REQUIREMENT TO DISREGARD CERTAIN AGREEMENTS IN AWARDING CONTRACTS FOR THE PURCHASE OF FIREARMS OR AMMUNITION.

In accordance with the requirements contained in the amendments enacted in the Competition in Contracting Act of 1984 (title VII of division B of Public Law 98-369; 98 Stat. 1175), the Secretary of Defense may not, in awarding a contract for the purchase of firearms or ammunition, take into account whether a manufacturer or vendor of firearms or ammunition is a party to an agreement under which the manufacturer or vendor agrees to adopt limitations with respect to importing, manufacturing, or dealing in firearms or ammunition in the commercial market.

Subtitle D—Studies and Reports

SEC. 831. STUDY ON IMPACT OF FOREIGN SOURCING OF SYSTEMS ON LONG-TERM MILITARY READINESS AND RELATED INDUSTRIAL INFRASTRUCTURE.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study analyzing in detail—

(1) the amount and sources of parts, components, and materials of the systems described in subsection (b) that are obtained from foreign sources;

(2) the impact of obtaining such parts, components, and materials from foreign sources on the long-term readiness of

the Armed Forces and on the economic viability of the national technology and industrial base;

(3) the impact on military readiness that would result from the loss of the ability to obtain parts, components, and materials identified pursuant to paragraph (1) from foreign sources; and

(4) the availability of domestic sources for parts, components, and materials identified as being obtained from foreign sources pursuant to paragraph (1).

(b) SYSTEMS.—The systems referred to in subsection (a) are the following:

- (1) AH-64D Apache helicopter.
- (2) F/A-18 E/F aircraft.
- (3) M1A2 Abrams tank.
- (4) AIM-120 AMRAAM missile.
- (5) Patriot missile ground station.
- (6) Hellfire missile.

(c) SOURCE OF INFORMATION.—The Secretary shall collect information to be analyzed under the study from prime contractors and first and second tier subcontractors.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required by this section.

(e) DEFINITIONS.—In this section:

(1) The term “domestic source” means a person or organization that falls within the term “national technology and industrial base”, as defined in section 2500(1) of title 10, United States Code.

(2) The term “foreign source” means a person or organization that does not fall within the meaning of the term “national technology and industrial base”, as defined in such section.

(3) The term “national technology and industrial base” has the meaning given that term in such section.

SEC. 832. STUDY OF POLICIES AND PROCEDURES FOR TRANSFER OF COMMERCIAL ACTIVITIES.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts to study the policies and procedures governing the transfer of commercial activities for the Federal Government from Government personnel to a Federal contractor, including—

(1) procedures for determining whether functions should continue to be performed by Government personnel;

(2) procedures for comparing the costs of performance of functions by Government personnel and the costs of performance of such functions by Federal contractors;

(3) implementation by the Department of Defense of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note); and

(4) procedures of the Department of Defense for public-private competitions pursuant to the Office of Management and Budget Circular A-76.

(b) COMPOSITION OF PANEL.—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following entities receive fair representation on the panel:

- (A) The Department of Defense.

- (B) Persons in private industry.
- (C) Federal labor organizations.
- (D) The Office of Management and Budget.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A), (B), or (D) of that paragraph.

(c) CHAIRMAN.—The Comptroller General, or an individual within the General Accounting Office designated by the Comptroller General, shall be the chairman of the panel.

(d) PARTICIPATION BY OTHER INTERESTED PARTIES.—The chairman shall ensure that all interested parties, including individuals who are not represented on the panel who are officers or employees of the United States, persons in private industry, or representatives of Federal labor organizations, have the opportunity to submit information and views on the matters being studied by the panel.

(e) INFORMATION FROM AGENCIES.—The panel may request directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of the policies and procedures described in subsection (a), including the Office of Management and Budget Circular A-76 process. To the extent consistent with applicable laws and regulations, the head of such department or agency shall furnish the requested information to the panel.

(f) REPORT.—Not later than May 1, 2002, the Comptroller General shall submit the report of the panel on the results of the study to Congress, including recommended changes with respect to implementation of policies and enactment of legislation.

(g) DEFINITION.—In this section, the term “Federal labor organization” has the meaning given the term “labor organization” in section 7103(a)(4) of title 5, United States Code.

SEC. 833. STUDY AND REPORT ON PRACTICE OF CONTRACT BUNDLING IN MILITARY CONSTRUCTION CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study regarding the use of the practice known as “contract bundling” with respect to military construction contracts.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to the committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 834. REQUIREMENT TO CONDUCT STUDY ON CONTRACT BUNDLING.

(a) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive study on the practice known as “contract bundling” by the Department of Defense, and the effects of such practice on small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, and historically underutilized business zones (as such terms are used in the Small Business Act (15 U.S.C. 631 et seq.)).

(b) DEADLINE.—The Secretary shall submit the results of the study to the Committees on Armed Services and Small Business of the Senate and the House of Representatives before submission of the budget request of the Department of Defense for fiscal year 2002.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SUBTITLE A—DUTIES AND FUNCTIONS OF DEPARTMENT OF DEFENSE OFFICERS

- Sec. 901. Overall supervision of Department of Defense activities for combating terrorism.
- Sec. 902. Change of title of certain positions in the Headquarters, Marine Corps.
- Sec. 903. Clarification of scope of Inspector General authorities under military whistleblower law.
- Sec. 904. Policy to ensure conduct of science and technology programs so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.
- Sec. 905. Additional components of Chairman of the Joint Chiefs of staff annual report on combatant command requirements.

SUBTITLE B—DEPARTMENT OF DEFENSE ORGANIZATIONS

- Sec. 911. Western Hemisphere Institute for Security Cooperation.
- Sec. 912. Department of Defense regional centers for security studies.
- Sec. 913. Change in name of Armed Forces Staff College to Joint Forces Staff College.
- Sec. 914. Special authority for administration of Navy Fisher Houses.
- Sec. 915. Supervisory control of Armed Forces Retirement Home board by Secretary of Defense.
- Sec. 916. Semiannual report on Joint Requirements Oversight Council reform initiative.
- Sec. 917. Comptroller General review of operations of Defense Logistics Agency.
- Sec. 918. Comptroller General review of operations of Defense Information Systems Agency.

SUBTITLE C—INFORMATION SECURITY

- Sec. 921. Institute for Defense Computer Security and Information Protection.
- Sec. 922. Information security scholarship program.

SUBTITLE D—REPORTS

- Sec. 931. Date of submittal of reports on shortfalls in equipment procurement and military construction for the reserve components in future-years defense programs.
- Sec. 932. Report on number of personnel assigned to legislative liaison functions.
- Sec. 933. Joint report on establishment of national collaborative information analysis capability.
- Sec. 934. Network centric warfare.
- Sec. 935. Report on Air Force Institute of Technology.

SUBTITLE E—OTHER MATTERS

- Sec. 941. Flexibility in implementation of limitation on major Department of Defense headquarters activities personnel.
- Sec. 942. Consolidation of certain Navy gift funds.
- Sec. 943. Temporary authority to dispose of a gift previously accepted for the Naval Academy.

Subtitle A—Duties and Functions of Department of Defense Officers

SEC. 901. OVERALL SUPERVISION OF DEPARTMENT OF DEFENSE ACTIVITIES FOR COMBATING TERRORISM.

Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) One of the Assistant Secretaries, as designated by the Secretary of Defense from among those Assistant Secretaries with responsibilities that include responsibilities related to combating terrorism, shall have, among that Assistant Secretary’s duties, the duty to provide overall direction and supervision for policy, program

planning and execution, and allocation and use of resources for the activities of the Department of Defense for combating terrorism, including antiterrorism activities, counterterrorism activities, terrorism consequences management activities, and terrorism-related intelligence support activities.

“(B) The Assistant Secretary designated under subparagraph (A) shall be the principal civilian adviser to the Secretary of Defense on combating terrorism and (after the Secretary and Deputy Secretary) shall be the principal official within the senior management of the Department of Defense responsible for combating terrorism.

“(C) If the Secretary of Defense designates under subparagraph (A) an Assistant Secretary other than the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, then the responsibilities of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict related to combating terrorism shall be exercised subject to subparagraph (B).”.

SEC. 902. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE HEADQUARTERS, MARINE CORPS.

(a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (3) through (5) and inserting the following:

“(3) The Deputy Commandants.”; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) DESIGNATION OF DEPUTY COMMANDANTS.—(1) Section 5045 of such title is amended to read as follows:

“§ 5045. Deputy Commandants

“There are in the Headquarters, Marine Corps, not more than five Deputy Commandants, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.”.

(2) The item relating to section 5045 in the table of sections at the beginning of chapter 506 of such title is amended to read as follows:

“5045. Deputy Commandants.”.

(c) CONFORMING AMENDMENT.—Section 1502(7)(D) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

“(D) the Deputy Commandant of the Marine Corps with responsibility for personnel matters.”.

SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GENERAL AUTHORITIES UNDER MILITARY WHISTLEBLOWER LAW.

(a) CLARIFICATION OF RESPONSIBILITIES.—Subsection (c)(3)(A) of section 1034 of title 10, United States Code, is amended by inserting “, in accordance with regulations prescribed under subsection (h),” after “shall expeditiously determine”.

(b) REDEFINITION OF INSPECTOR GENERAL.—Subsection (i)(2) of such section is amended—

(1) by inserting “any of” in the matter preceding subparagraph (A) after “means”;

(2) by striking subparagraphs (C), (D), (E), (F) and (G); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Any officer of the armed forces or employee of the Department of Defense who is assigned or detailed to serve as an Inspector General at any level in the Department of Defense.”.

SEC. 904. POLICY TO ENSURE CONDUCT OF SCIENCE AND TECHNOLOGY PROGRAMS SO AS TO FOSTER THE TRANSITION OF SCIENCE AND TECHNOLOGY TO HIGHER LEVELS OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

“§ 2359. Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation

“(a) POLICY.—Each official specified in subsection (b) shall ensure that the management and conduct of the science and technology programs under the authority of that official are carried out in a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.

“(b) COVERED OFFICIALS.—Subsection (a) applies to the following officials of the Department of Defense:

“(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(2) The Secretary of each military department.

“(3) The Director of the Defense Advanced Research Projects Agency.

“(4) The directors and heads of other offices and agencies of the Department of Defense with assigned research, development, test, and evaluation responsibilities.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2358 the following new item:

“2359. Science and technology programs to be conducted so as to foster the transition of science and technology to higher levels of research, development, test, and evaluation.”.

(b) OFFICE OF NAVAL RESEARCH.—Section 5022(b) of title 10, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the execution of, and management responsibility for, programs for which funds are provided in the basic and applied research and advanced technology categories of the Department of the Navy research, development, test, and evaluation budget in such a manner that will foster the transition of science and technology to higher levels of research, development, test, and evaluation.”.

SEC. 905. ADDITIONAL COMPONENTS OF CHAIRMAN OF THE JOINT CHIEFS OF STAFF ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.

(a) **ADDITIONAL COMPONENTS.**—Section 153(d)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

“(C) A description of the extent to which the most recent future-years defense program (under section 221 of this title) addresses the requirements on the consolidated lists.

“(D) A description of the funding proposed in the President’s budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program, to address each deficiency in readiness identified during the joint readiness review conducted under section 117 of this title for the first quarter of the current fiscal year.”.

(b) **TIME FOR SUBMISSION.**—Such section is further amended by striking “Not later than August 15 of each year,” and inserting “At or about the time that the budget is submitted to Congress for a fiscal year under section 1105(a) of title 31,”.

Subtitle B—Department of Defense Organizations

SEC. 911. WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) **IN GENERAL.**—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2166. Western Hemisphere Institute for Security Cooperation

“(a) **ESTABLISHMENT AND ADMINISTRATION.**—(1) The Secretary of Defense may operate an education and training facility for the purpose set forth in subsection (b). The facility shall be known as the ‘Western Hemisphere Institute for Security Cooperation’.

“(2) The Secretary may designate the Secretary of a military department as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

“(b) **PURPOSE.**—The purpose of the Institute is to provide professional education and training to eligible personnel of nations of the Western Hemisphere within the context of the democratic principles set forth in the Charter of the Organization of American States (such charter being a treaty to which the United States is a party), while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

“(c) **ELIGIBLE PERSONNEL.**—(1) Subject to paragraph (2), personnel of nations of the Western Hemisphere are eligible for education and training at the Institute as follows:

“(A) Military personnel.

“(B) Law enforcement personnel.

“(C) Civilian personnel.

“(2) The Secretary of State shall be consulted in the selection of foreign personnel for education or training at the Institute.

“(d) CURRICULUM.—(1) The curriculum of the Institute shall include mandatory instruction for each student, for at least 8 hours, on human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.

“(2) The curriculum may include instruction and other educational and training activities on the following:

“(A) Leadership development.

“(B) Counterdrug operations.

“(C) Peace support operations.

“(D) Disaster relief.

“(E) Any other matter that the Secretary determines appropriate.

“(e) BOARD OF VISITORS.—(1) There shall be a Board of Visitors for the Institute. The Board shall be composed of the following:

“(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate, or a designee of either of them.

“(B) The chairman and ranking minority member of the Committee on Armed Services of the House of Representatives, or a designee of either of them.

“(C) Six persons designated by the Secretary of Defense including, to the extent practicable, persons from academia and the religious and human rights communities.

“(D) One person designated by the Secretary of State.

“(E) The senior military officer responsible for training and doctrine for the Army or, if the Secretary of the Navy or the Secretary of the Air Force is designated as the executive agent of the Secretary of Defense under subsection (a)(2), the senior military officer responsible for training and doctrine for the Navy or Marine Corps or for the Air Force, respectively, or a designee of the senior military officer concerned.

“(F) The commander of the unified combatant command having geographic responsibility for Latin America, or a designee of that officer.

“(2) A vacancy in a position on the Board shall be filled in the same manner as the position was originally filled.

“(3) The Board shall meet at least once each year.

“(4)(A) The Board shall inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute, other matters relating to the Institute that the Board decides to consider, and any other matter that the Secretary of Defense determines appropriate.

“(B) The Board shall review the curriculum of the Institute to determine whether—

“(i) the curriculum complies with applicable United States laws and regulations;

“(ii) the curriculum is consistent with United States policy goals toward Latin America and the Caribbean;

“(iii) the curriculum adheres to current United States doctrine; and

“(iv) the instruction under the curriculum appropriately emphasizes the matters specified in subsection (d)(1).

“(5) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary of Defense a written report of its activities and of its views and recommendations pertaining to the Institute.

“(6) Members of the Board shall not be compensated by reason of service on the Board.

“(7) With the approval of the Secretary of Defense, the Board may accept and use the services of voluntary and uncompensated advisers appropriate to the duties of the Board without regard to section 1342 of title 31.

“(8) Members of the Board and advisers whose services are accepted under paragraph (7) shall be allowed travel and transportation expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Board. Allowances under this paragraph shall be computed—

“(A) in the case of members of the Board who are officers or employees of the United States, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5; and

“(B) in the case of other members of the Board and advisers, as authorized under section 5703 of title 5 for employees serving without pay.

“(9) The Federal Advisory Committee Act (5 U.S.C. App. 2), other than section 14 (relating to termination after two years), shall apply to the Board.

“(f) FIXED COSTS.—The fixed costs of operating and maintaining the Institute for a fiscal year may be paid from—

“(1) any funds available for that fiscal year for operation and maintenance for the executive agent designated under subsection (a)(2); or

“(2) if no executive agent is designated under subsection (a)(2), any funds available for that fiscal year for the Department of Defense for operation and maintenance for Defense-wide activities.

“(g) TUITION.—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.

“(h) ANNUAL REPORT.—Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a detailed report on the activities of the Institute during the preceding year. The report shall be prepared in consultation with the Secretary of State.”.

(b) REPEAL OF AUTHORITY FOR UNITED STATES ARMY SCHOOL OF THE AMERICAS.—Section 4415 of title 10, United States Code, is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 108 of title 10, United States Code, is amended by inserting after the item relating to section 2165 the following new item:

“2166. Western Hemisphere Institute for Security Cooperation.”.

(2) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

SEC. 912. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) REQUIREMENT FOR ANNUAL REPORT.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 184. Department of Defense regional centers for security studies

“(a) ADVANCE NOTIFICATION TO CONGRESS OF THE ESTABLISHMENT OF NEW REGIONAL CENTERS.—After the date of the enactment of this section, a regional center for security studies may not be established in the Department of Defense until—

“(1) the Secretary of Defense submits to Congress a notification of the intent of the Secretary to establish the center, including a description of the mission and functions of the proposed center and a justification for the proposed center; and

“(2) a period of 90 days has elapsed after the date on which that notification is submitted.

“(b) REQUIREMENT FOR ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Department of Defense regional centers for security studies during the preceding fiscal year. The annual report shall include, for each regional center, the following information:

“(1) The status and objectives of the center.

“(2) The budget of the center, including the costs of operating the center.

“(3) A description of the extent of the international participation in the programs of the center, including the costs incurred by the United States for the participation of each foreign nation.

“(4) A description of the foreign gifts and donations, if any, accepted under any of the following provisions of law:

“(A) Section 2611 of this title.

“(B) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2892).

“(C) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2653; 10 U.S.C. 113 note).

“(c) REGIONAL CENTER FOR SECURITY STUDIES DEFINED.—For the purposes of this section, a regional center for security studies is any center within the Department of Defense that—

“(1) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

“(2) serves as a forum for bilateral and multilateral communication and military and civilian exchanges with nations in that region.”.

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

“184. Department of Defense regional centers for security studies.”.

(b) FIRST ANNUAL REPORT.—In the first annual report on Department of Defense regional centers for security studies under section 184(b) of title 10, United States Code (as added by subsection (a)), to be submitted not later than February 1, 2001, the Secretary of Defense shall include any recommendation for legislation that the Secretary considers appropriate for the operation of Department

of Defense regional centers for security studies, together with a detailed justification for the recommended legislation.

SEC. 913. CHANGE IN NAME OF ARMED FORCES STAFF COLLEGE TO JOINT FORCES STAFF COLLEGE.

(a) **CHANGE IN NAME.**—The Armed Forces Staff College of the Department of Defense is hereby renamed the “Joint Forces Staff College”.

(b) **CONFORMING AMENDMENT.**—Section 2165(b)(3) of title 10, United States Code, is amended by striking “Armed Forces Staff College” and inserting “Joint Forces Staff College”.

(c) **REFERENCES.**—Any reference to the Armed Forces Staff College in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Joint Forces Staff College.

SEC. 914. SPECIAL AUTHORITY FOR ADMINISTRATION OF NAVY FISHER HOUSES.

(a) **BASE OPERATING SUPPORT.**—Section 2493 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new sub-

section (f):

“(f) **SPECIAL AUTHORITY FOR NAVY.**—The Secretary of the Navy shall provide base operating support for Fisher Houses associated with health care facilities of the Navy. The level of the support shall be equivalent to the base operating support that the Secretary provides for morale, welfare, and recreation category B community activities (as defined in regulations, prescribed by the Secretary, that govern morale, welfare, and recreation activities associated with Navy installations).”.

(b) **SAVINGS PROVISIONS FOR CERTAIN NAVY EMPLOYEES.**—(1) The Secretary of the Navy may continue to employ, and pay out of appropriated funds, any employee of the Navy in the competitive service who, as of October 17, 1998, was employed by the Navy in a position at a Fisher House administered by the Navy, but only for so long as the employee is continuously employed in that position.

(2) After a person vacates a position in which the person was continued to be employed under the authority of paragraph (1), a person employed in that position shall be employed as an employee of a nonappropriated fund instrumentality of the United States and may not be paid for services in that position out of appropriated funds.

(3) In this subsection:

(A) The term “Fisher House” has the meaning given the term in section 2493(a)(1) of title 10, United States Code.

(B) The term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code.

(c) **EFFECTIVE DATE.**—(1) The amendments made by subsection (a) shall be effective as of October 17, 1998, as if included in section 2493 of title 10, United States Code, as enacted by section 906(a) of Public Law 105-261.

(2) Subsection (b) applies with respect to the pay period that includes October 17, 1998, and subsequent pay periods.

SEC. 915. SUPERVISORY CONTROL OF ARMED FORCES RETIREMENT HOME BOARD BY SECRETARY OF DEFENSE.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.) is amended by inserting after section 1523 the following new section:

“SEC. 1524. CONDITIONAL SUPERVISORY CONTROL OF RETIREMENT HOME BOARD BY SECRETARY OF DEFENSE.

“(a) **APPLICABILITY.**—This section shall apply only when the deduction authorized by section 1007(i)(1) of title 37, United States Code, to be made from the monthly pay of certain members of the armed forces is equal to \$1.00 for each enlisted member, warrant officer, and limited duty officer of the armed forces on active duty.

“(b) **BOARD AUTHORITY SUBJECT TO SECRETARY’S CONTROL.**—The Retirement Home Board shall be subject to the authority, direction, and control of the Secretary of Defense in the performance of the Board’s duties under section 1516.

“(c) **APPOINTMENT OF BOARD MEMBERS.**—When an appointment of a member of the Retirement Home Board under section 1515 is not made by the Secretary of Defense, the appointment shall be subject to the approval of the Secretary of Defense.

“(d) **TERMS OF BOARD MEMBERS.**—(1) Notwithstanding section 1515(e)(3), only the Secretary of Defense may appoint a member of the Retirement Home Board for a second consecutive term.

“(2) The Secretary of Defense may terminate the appointment of a member of the Retirement Home Board at the pleasure of the Secretary.

“(e) **RESPONSIBILITY OF CHAIRMAN TO THE SECRETARY.**—Notwithstanding section 1515(d)(1)(B), the chairman of the Retirement Home Board shall be responsible to the Secretary of Defense, but not to the Secretaries of the military departments, for direction and management of the Retirement Home or each facility maintained as a separate facility of the Retirement Home.”.

SEC. 916. SEMIANNUAL REPORT ON JOINT REQUIREMENTS OVERSIGHT COUNCIL REFORM INITIATIVE.

(a) **SEMIANNUAL REPORT.**—The Chairman of the Joints Chiefs of Staff shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a series of five semiannual reports, as prescribed by subsection (b), on the activities of the Joint Requirements Oversight Council. The principal focus of each such report shall be on the progress made on the initiative of the Chairman to reform and refocus the Joint Requirements Oversight Council.

(b) **SUBMISSION OF REPORTS.**—Reports under this section shall be submitted not later than March 1, 2001, September 1, 2001, March 1, 2002, September 1, 2002, and March 1, 2003. Each report shall cover the half of a fiscal year that ends five months before the date on which the report is due.

(c) **CONTENT.**—In the case of any report under this section after the first such report, if any matter to be included is unchanged from the preceding report, that matter may be included by reference to the preceding report. Each such report shall include, to the extent practicable, the following:

(1) A listing of each of the capability areas designated by the Chairman of the Joints Chiefs of Staff as being within

the principal domain of the Joint Requirements Oversight Council and a justification for each such designation.

(2) A listing of the joint requirements developed, considered, or approved within each of the capability areas listed pursuant to paragraph (1).

(3) A listing and explanation of the decisions made by the Joint Requirements Oversight Council and, to the extent appropriate, a listing of each of the recommendations to the Council made by the commander of the United States Joint Forces Command.

(4) An assessment of—

(A) the progress made in shifting the Joint Requirements Oversight Council to having a more strategic focus on future war fighting requirements;

(B) the progress made on integration of requirements; and

(C) the progress made on development of overarching common architectures for defense information systems to ensure that common defense information systems are fully interoperable.

(5) A description of any actions that have been taken to improve the Joint Requirements Oversight Council.

SEC. 917. COMPTROLLER GENERAL REVIEW OF OPERATIONS OF DEFENSE LOGISTICS AGENCY.

(a) **COMPTROLLER GENERAL REVIEW REQUIRED.**—The Comptroller General shall review the operations of the Defense Logistics Agency—

(1) to assess—

(A) the efficiency of those operations;

(B) the effectiveness of those operations in meeting customer requirements; and

(C) the flexibility of those operations to adopt best business practices; and

(2) to identify alternative approaches for improving the operations of that agency.

(b) **REPORT.**—Not later than February 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives one or more reports setting forth the Comptroller General's findings resulting from the review under subsection (a).

SEC. 918. COMPTROLLER GENERAL REVIEW OF OPERATIONS OF DEFENSE INFORMATION SYSTEMS AGENCY.

(a) **COMPTROLLER GENERAL REVIEW REQUIRED.**—The Comptroller General shall review the operations of the Defense Information Systems Agency—

(1) to assess—

(A) the efficiency of those operations;

(B) the effectiveness of those operations in meeting customer requirements; and

(C) the flexibility of those operations to adopt best business practices; and

(2) to identify alternative approaches for improving the operations of that agency.

(b) **REPORT.**—Not later than February 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives one or more reports

setting forth the Comptroller General’s findings resulting from the review under subsection (a).

Subtitle C—Information Security

SEC. 921. INSTITUTE FOR DEFENSE COMPUTER SECURITY AND INFORMATION PROTECTION.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Institute for Defense Computer Security and Information Protection.

(b) MISSION.—The Secretary shall require the institute—

(1) to conduct research and technology development that is relevant to foreseeable computer and network security requirements and information assurance requirements of the Department of Defense with a principal focus on areas not being carried out by other organizations in the private or public sector; and

(2) to facilitate the exchange of information regarding cyberthreats, technology, tools, and other relevant issues.

(c) CONTRACTOR OPERATION.—The Secretary shall enter into a contract with a not-for-profit entity, or a consortium of not-for-profit entities, to organize and operate the institute. The Secretary shall use competitive procedures for the selection of the contractor to the extent determined necessary by the Secretary.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5), \$5,000,000 shall be available for the Institute for Defense Computer Security and Information Protection.

(e) REPORT.—Not later than April 1, 2001, the Secretary shall submit to the congressional defense committees the Secretary’s plan for implementing this section.

SEC. 922. INFORMATION SECURITY SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 112—INFORMATION SECURITY SCHOLARSHIP PROGRAM

“Sec.

“2200. Programs; purpose.

“2200a. Scholarship program.

“2200b. Grant program.

“2200c. Centers of Academic Excellence in Information Assurance Education.

“2200d. Regulations.

“2200e. Definitions.

“2200f. Inapplicability to Coast Guard.

“§ 2200. Programs; purpose

“(a) IN GENERAL.—To encourage the recruitment and retention of Department of Defense personnel who have the computer and network security skills necessary to meet Department of Defense information assurance requirements, the Secretary of Defense may carry out programs in accordance with this chapter to provide financial support for education in disciplines relevant to those requirements at institutions of higher education.

“(b) TYPES OF PROGRAMS.—The programs authorized under this chapter are as follows:

“(1) Scholarships for pursuit of programs of education in information assurance at institutions of higher education.

“(2) Grants to institutions of higher education.

“§ 2200a. Scholarship program

“(a) **AUTHORITY.**—The Secretary of Defense may, subject to subsection (g), provide financial assistance in accordance with this section to a person—

“(1) who is pursuing an associate, baccalaureate, or advanced degree, or a certification, in an information assurance discipline referred to in section 2200(a) of this title at an institution of higher education; and

“(2) who enters into an agreement with the Secretary as described in subsection (b).

“(b) **SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.**—(1) To receive financial assistance under this section—

“(A) a member of the armed forces shall enter into an agreement to serve on active duty in the member’s armed force for the period of obligated service determined under paragraph (2);

“(B) an employee of the Department of Defense shall enter into an agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

“(C) a person not referred to in subparagraph (A) or (B) shall enter into an agreement—

“(i) to enlist or accept a commission in one of the armed forces and to serve on active duty in that armed force for the period of obligated service determined under paragraph (2); or

“(ii) to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

“(2) For the purposes of this subsection, the period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title. In no event may the period of service required of a recipient be less than the period equal to three-fourths of the total period of pursuit of a degree for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty or in the civil service, as the case may be.

“(3) An agreement entered into under this section by a person pursuing an academic degree shall include terms that provide the following:

“(A) That the period of obligated service begins on a date after the award of the degree that is determined under the regulations prescribed under section 2200d of this title.

“(B) That the person will maintain satisfactory academic progress, as determined in accordance with those regulations, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

“(C) Any other terms and conditions that the Secretary of Defense determines appropriate for carrying out this section.

“(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

“(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the degree for which assistance is provided the person under this section.

“(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—

(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(f) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (e).

“(g) ALLOCATION OF FUNDING.—Not less than 50 percent of the amount available for financial assistance under this section for a fiscal year shall be available only for providing financial assistance for the pursuit of degrees referred to in subsection (a) at institutions of higher education that have established, improved, or are administering programs of education in information assurance under the grant program established in section 2200b of this title, as determined by the Secretary of Defense.

“§ 2200b. Grant program

“(a) AUTHORITY.—The Secretary of Defense may provide grants of financial assistance to institutions of higher education to support the establishment, improvement, or administration of programs of education in information assurance disciplines referred to in section 2200(a) of this title.

“(b) PURPOSES.—The proceeds of grants under this section may be used by an institution of higher education for the following purposes:

“(1) Faculty development.

“(2) Curriculum development.

“(3) Laboratory improvements.

“(4) Faculty research in information security.

“§ 2200c. Centers of Academic Excellence in Information Assurance Education

“In the selection of a recipient for the award of a scholarship or grant under this chapter, consideration shall be given to whether—

“(1) in the case of a scholarship, the institution at which the recipient pursues a degree is a Center of Academic Excellence in Information Assurance Education; and

“(2) in the case of a grant, the recipient is a Center of Academic Excellence in Information Assurance Education.

“§ 2200d. Regulations

“The Secretary of Defense shall prescribe regulations for the administration of this chapter.

“§ 2200e. Definitions

“In this chapter:

“(1) The term ‘information assurance’ includes the following:

“(A) Computer security.

“(B) Network security.

“(C) Any other information technology that the Secretary of Defense considers related to information assurance.

“(2) The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) The term ‘Center of Academic Excellence in Information Assurance Education’ means an institution of higher education that is designated by the Director of the National Security Agency as a Center of Academic Excellence in Information Assurance Education.

“§ 2200f. Inapplicability to Coast Guard

“This chapter does not apply to the Coast Guard when it is not operating as a service in the Navy.”.

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part III of such subtitle are amended by inserting after the item relating to chapter 111 the following new item:

“112. Information Security Scholarship Program 2200”.

(b) FUNDING.—Of the amount authorized to be appropriated by section 301(5), \$15,000,000 shall be available for carrying out chapter 112 of title 10, United States Code (as added by subsection (a)).

(c) REPORT.—Not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a plan for implementing the programs under chapter 112 of title 10, United States Code.

Subtitle D—Reports

SEC. 931. DATE OF SUBMITTAL OF REPORTS ON SHORTFALLS IN EQUIPMENT PROCUREMENT AND MILITARY CONSTRUCTION FOR THE RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

Section 10543(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A report required under paragraph (1) for a fiscal year shall be submitted not later than 15 days after the date on which the President submits to Congress the budget for such fiscal year under section 1105(a) of title 31.”.

SEC. 932. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

(a) REPORT.—Not later than December 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) The number of military and civilian personnel of the Department of Defense assigned to full-time legislative liaison functions, shown by organizational entity and by pay grade.

(2) The number of military and civilian personnel of the Department not covered by paragraph (1) (other than personnel described in subsection (e)) who perform legislative liaison functions as part of their assigned duties, shown by organizational entity and by pay grade.

(c) LEGISLATIVE LIAISON FUNCTIONS.—For purposes of this section, a legislative liaison function is a function (regardless of how characterized within the Department of Defense) that has been established or designated to principally provide advice, information, and assistance to the legislative branch on Department of Defense policies, plans, and programs.

(d) ORGANIZATIONAL ENTITIES.—The display of information under subsection (b) by organizational entity shall be for the Department of Defense and for each military department as a whole and separately for each organization at the level of major command or Defense Agency or higher.

(e) PERSONNEL NOT COVERED.—Subsection (b)(2) does not apply to civilian officers appointed by the President, by and with the advice and consent of the Senate, or to general or flag officers.

SEC. 933. JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

(a) REPORT.—Not later than March 1, 2000, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a joint report assessing alternatives for the establishment of a national collaborative information analysis capability. The report shall include the following:

(1) An assessment of alternative architectures to establish a national collaborative information analysis capability to conduct data mining and profiling of information from a wide array of electronic data sources.

(2) Identification, from among the various architectures assessed under paragraph (1), of the preferred architecture and a detailed description of that architecture and of a program to acquire and implement the capability that would be provided through that architecture.

(3) A detailed explanation of how the personal information resulting from the data mining and profiling capability developed under the preferred architecture will be employed consistent with the requirements of section 552a of title 5, United States Code.

(b) COMPLETION AND USE OF ARMY LAND INFORMATION WARFARE ACTIVITY.—The Secretary of Defense—

(1) shall ensure that the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity is completed and is fully operational as soon as possible; and

(2) shall make appropriate use of that capability to provide support to all appropriate national defense components.

SEC. 934. NETWORK CENTRIC WARFARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Joint Vision 2020 set the goal for the Department of Defense to pursue information superiority in order that joint forces may possess superior knowledge and attain decision superiority during operations across the spectrum of conflict.

(2) One concept being pursued to attain information superiority is known as Network Centric Warfare. The concept of Network Centric Warfare links sensors, communications systems and weapons systems in an interconnected grid that allows for a seamless information flow to warfighters, policy makers, and support personnel.

(3) The Joint Staff, the Defense Agencies, and the military departments are all pursuing various concepts related to Network Centric Warfare.

(b) GOAL.—It shall be the goal of Department of Defense to fully coordinate various efforts being pursued by the Joint Staff, the Defense Agencies, and the military departments as they develop the concept of Network Centric Warfare.

(c) REPORT ON NETWORK CENTRIC WARFARE.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the development and implementation of network centric warfare concepts within the Department of Defense. The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff.

(2) The report shall include the following:

(A) A clear definition and terminology to describe the set of operational concepts referred to as "network centric warfare".

(B) An identification and description of the current and planned activities by the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the United States Joint Forces Command relating to network centric warfare.

(C) A discussion of how the concept of network centric warfare is related to the strategy of transformation as outlined

in the document entitled “Joint Vision 2020”, along with the advantages and disadvantages of pursuing that concept.

(D) A discussion on how the Department is implementing the concepts of network centric warfare as it relates to information superiority and decision superiority articulated in “Joint Vision 2020.”.

(E) An identification and description of the current and planned activities of each of the Armed Forces relating to network centric warfare.

(F) A discussion on how the Department plans to attain a fully integrated, joint command, control, communications, computers, intelligence, surveillance, and reconnaissance (C⁴ISR) capability.

(G) A description of the joint requirements under development that will lead to the acquisition of technologies for enabling network centric warfare and whether those joint requirements are modifying existing service requirements and vision statements.

(H) A discussion of how Department of Defense activities to establish a joint network centric capability are coordinated with other departments and agencies of the United States and with United States allies.

(I) A discussion of the coordination of the science and technology investments of the military departments and Defense Agencies in the development of future joint network centric warfare capabilities.

(J) The methodology being used to measure progress toward stated goals.

(d) STUDY ON THE USE OF JOINT EXPERIMENTATION FOR DEVELOPING NETWORK CENTRIC WARFARE CONCEPTS.—(1) The Secretary of Defense shall conduct a study on the present and future use of the joint experimentation program of the Department of Defense in the development of network centric warfare concepts.

(2) The Secretary shall submit to the congressional defense committees a report on the results of the study. The report shall include the following:

(A) A survey of and description of how experimentation under the joint experimentation at United States Joint Forces Command is being used for evaluating emerging concepts in network centric warfare.

(B) A survey of and description of how experimentation under the joint experimentation of each of the armed services are being used for evaluating emerging concepts in network centric warfare.

(C) A description of any emerging concepts and recommendations developed by those experiments, with special emphasis on force structure implications.

(3) The Secretary of Defense, acting through the Chairman of the Joint Chiefs of Staff, shall designate the Commander in Chief of the United States Joint Forces Command to carry out the study and prepare the report required under this subsection.

(e) TIME FOR SUBMISSION OF REPORTS.—Each report required under this section shall be submitted not later than March 1, 2001.

SEC. 935. REPORT ON AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) **REPORT REQUIRED.**—Not later than September 30, 2001, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the roles and missions, organizational structure, funding, and operations of the Air Force Institute of Technology as projected through 2010.

(b) **MATTERS TO BE INCLUDED.**—The report shall provide—

(1) a statement of the Institute's roles and missions through 2010 in meeting the critical scientific and educational requirements of the Air Force;

(2) a statement of the strategic priorities for the Institute in meeting long-term core science and technology educational needs of the Air Force; and

(3) a plan for the near-term increase in the production by the Institute of masters and doctoral degree graduates.

(c) **RECOMMENDATIONS TO BE PROVIDED.**—Based on the matters determined for purposes of subsection (b), the report shall include recommendations of the Secretary of the Air Force with respect to the following:

(1) The grade of the Commandant of the Institute.

(2) The chain of command of the Commandant within the Air Force.

(3) The employment and compensation of civilian professors at the Institute.

(4) The processes for the identification of requirements for personnel with advanced degrees within the Air Force and identification and selection of candidates for annual enrollment at the Institute.

(5) Postgraduation opportunities within the Air Force for graduates of the Institute.

(6) The policies and practices regarding the admission to the Institute of—

(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

(C) personnel of the military forces of foreign countries;

(D) enlisted members of the Armed Forces; and

(E) other persons eligible for admission.

(7) Near- and long-term funding of the institute.

(8) Opportunities for cooperation, collaboration, and joint endeavors with other military and civilian scientific and technical educational institutions for the production of qualified personnel to meet Department of Defense scientific and technical requirements.

(d) **CONSULTATION.**—The report shall be prepared in consultation with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command.

Subtitle E—Other Matters

SEC. 941. FLEXIBILITY IN IMPLEMENTATION OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

Section 130a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) FLEXIBILITY.—(1) If during fiscal year 2001 or fiscal year 2002 the Secretary of Defense determines, and certifies to Congress, that the limitation under subsection (a), or a limitation under subsection (b), would adversely affect United States national security, the Secretary may take any of the following actions:

“(A) Increase the percentage specified in subsection (b)(1) by such amount as the Secretary determines necessary or waive the limitation under that subsection.

“(B) Increase the percentage specified in subsection (b)(2) by such amount as the Secretary determines necessary, not to exceed a cumulative increase of 7.5 percentage points.

“(C) Increase the percentage specified in subsection (a) by such amount as the Secretary determines necessary, not to exceed a cumulative increase of 7.5 percentage points.

“(2) Any certification under paragraph (1) shall include notice of the specific waiver or increases made pursuant to the authority provided in that paragraph.”.

SEC. 942. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.

(a) MERGER OF NAVAL HISTORICAL CENTER FUND INTO DEPARTMENT OF THE NAVY GENERAL GIFT FUND.—(1) The Secretary of the Navy shall transfer all amounts in the Naval Historical Center Fund maintained under section 7222 of title 10, United States Code, to the Department of the Navy General Gift Fund maintained under section 2601 of such title. Upon completing the transfer, the Secretary shall close the Naval Historical Center Fund.

(2) Amounts transferred to the Department of the Navy General Gift Fund under this subsection shall be merged with other amounts in that Fund and shall be available for the purposes for which amounts in that Fund are available.

(b) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1) The Secretary of the Navy shall transfer all amounts in the United States Naval Academy Museum Fund established by section 6974 of title 10, United States Code, to the gift fund maintained for the benefit and use of the United States Naval Academy under section 6973 of such title. Upon completing the transfer, the Secretary shall close the United States Naval Academy Museum Fund.

(2) Amounts transferred under this subsection shall be merged with other amounts in the gift fund to which transferred and shall be available for the purposes for which amounts in that gift fund are available.

(c) CONSOLIDATION AND REVISION OF AUTHORITIES FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR THE UNITED STATES NAVAL ACADEMY.—(1) Subsection (a) of section 6973 of title 10, United States Code, is amended—

(A) in the first sentence—

(i) by striking “gifts and bequests of personal property” and inserting “any gift or bequest of personal property,

and may accept, hold, and administer any loan of personal property other than money, that is”; and

(ii) by inserting “or the Naval Academy Museum, its collection, or its services” before the period at the end;

(B) in the second sentence, by striking “United States Naval Academy general gift fund” and inserting “United States Naval Academy Gift and Museum Fund”; and

(C) in the third sentence, by inserting “(including the Naval Academy Museum)” after “the Naval Academy”.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) The Secretary shall prescribe written guidelines to be used for determinations of whether the acceptance of money, any personal property, or any loan of personal property under subsection (a) would reflect unfavorably on the ability of the Department of the Navy or any officer or employee of the Department of the Navy to carry out responsibilities or duties in a fair and objective manner, or would compromise either the integrity or the appearance of the integrity of any program of the Department of the Navy or any officer or employee of the Department of the Navy who is involved in any such program.”.

(3) Subsection (d) of such section, as redesignated by paragraph (2)(A), is amended by striking “United States Naval Academy general gift fund” both places it appears and inserting “United States Naval Academy Gift and Museum Fund”.

(4) The heading for such section is amended to read as follows:

“§ 6973. Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy”.

(d) REFERENCES TO CLOSED GIFT FUNDS.—(1) Section 6974 of title 10, United States Code, is amended to read as follows:

“§ 6974. United States Naval Academy Museum Fund: references to Fund

“Any reference in a law, regulation, document, paper, or other record of the United States to the United States Naval Academy Museum Fund formerly maintained under this section shall be deemed to refer to the United States Naval Academy Gift and Museum Fund maintained under section 6973 of this title.”.

(2) Section 7222 of such title is amended to read as follows:

“§ 7222. Naval Historical Center Fund: references to Fund

“Any reference in a law, regulation, document, paper, or other record of the United States to the Naval Historical Center Fund formerly maintained under this section shall be deemed to refer to the Department of the Navy General Gift Fund maintained under section 2601 of this title.”.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 603 of title 10, United States Code, is amended by striking the items relating to sections 6973 and 6974 and inserting the following:

“6973. Gifts, bequests, and loans of property: acceptance for benefit and use of Naval Academy.

“6974. United States Naval Academy Museum Fund: references to Fund.”.

(2) The item relating to section 7222 of such title in the table of sections at the beginning of chapter 631 of such title is amended to read as follows:

“7222. Naval Historical Center Fund: references to Fund.”.

SEC. 943. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT PREVIOUSLY ACCEPTED FOR THE NAVAL ACADEMY.

Notwithstanding section 6973 of title 10, United States Code, during fiscal year 2001 the Secretary of the Navy may dispose of a gift accepted before the date of the enactment of this Act for the United States Naval Academy by disbursing from the United States Naval Academy general gift fund to an entity designated by the donor of the gift the amount equal to the current cash value of that gift.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.
- Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2001.
- Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.
- Sec. 1006. Requirement for prompt payment of contract vouchers.
- Sec. 1007. Plan for prompt recording of obligations of funds for contractual transactions.
- Sec. 1008. Electronic submission and processing of claims for contract payments.
- Sec. 1009. Administrative offsets for overpayment of transportation costs.
- Sec. 1010. Interest penalties for late payment of interim payments due under Government service contracts.

SUBTITLE B—NAVAL VESSELS AND SHIPYARDS

- Sec. 1011. Revisions to national defense features program.
- Sec. 1012. Sense of Congress on the naming of the CVN–77 aircraft carrier.
- Sec. 1013. Authority to transfer naval vessels to certain foreign countries.
- Sec. 1014. Authority to consent to retransfer of alternative former naval vessel by Government of Greece.

SUBTITLE C—COUNTER-DRUG ACTIVITIES

- Sec. 1021. Extension of authority to provide support for counter-drug activities of Colombia.
- Sec. 1022. Report on Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1023. Recommendations on expansion of support for counter-drug activities.
- Sec. 1024. Review of riverine counter-drug program.
- Sec. 1025. Report on tethered aerostat radar system.
- Sec. 1026. Sense of Congress regarding use of Armed Forces for counter-drug and counter-terrorism activities.

SUBTITLE D—COUNTERTERRORISM AND DOMESTIC PREPAREDNESS

- Sec. 1031. Preparedness of military installation first responders for incidents involving weapons of mass destruction.
- Sec. 1032. Additional weapons of mass destruction civil support teams.
- Sec. 1033. Authority to provide loan guarantees to improve domestic preparedness to combat cyberterrorism.
- Sec. 1034. Report on the status of domestic preparedness against the threat of biological terrorism.
- Sec. 1035. Report on strategy, policies, and programs to combat domestic terrorism.

SUBTITLE E—STRATEGIC FORCES

- Sec. 1041. Revised nuclear posture review.

- Sec. 1042. Plan for the long-term sustainment and modernization of United States strategic nuclear forces.
- Sec. 1043. Modification of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1044. Report on the defeat of hardened and deeply buried targets.
- Sec. 1045. Sense of Congress on the maintenance of the strategic nuclear triad.

SUBTITLE F—MISCELLANEOUS REPORTING REQUIREMENTS

- Sec. 1051. Management review of working-capital fund activities.
- Sec. 1052. Report on submarine rescue support vessels.
- Sec. 1053. Report on Federal Government progress in developing information assurance strategies.
- Sec. 1054. Department of Defense process for decisionmaking in cases of false claims.

SUBTITLE G—GOVERNMENT INFORMATION SECURITY REFORM

- Sec. 1061. Coordination of Federal information policy.
- Sec. 1062. Responsibilities of certain agencies.
- Sec. 1063. Relationship of Defense Information Assurance Program to Government-wide information security program.
- Sec. 1064. Technical and conforming amendments.
- Sec. 1065. Effective date.

SUBTITLE H—SECURITY MATTERS

- Sec. 1071. Limitation on granting of security clearances.
- Sec. 1072. Process for prioritizing background investigations for security clearances for Department of Defense personnel and defense contractor personnel.
- Sec. 1073. Authority to withhold certain sensitive information from public disclosure.
- Sec. 1074. Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure.
- Sec. 1075. Expenditures for declassification activities.
- Sec. 1076. Enhanced access to criminal history record information for national security and other purposes.
- Sec. 1077. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
- Sec. 1078. Coordination of nuclear weapons secrecy policies and consideration of health of workers at former Department of Defense nuclear facilities.

SUBTITLE I—OTHER MATTERS

- Sec. 1081. Funds for administrative expenses under Defense Export Loan Guarantee program.
- Sec. 1082. Transit pass program for Department of Defense personnel in poor air quality areas.
- Sec. 1083. Transfer of Vietnam era TA–4 aircraft to nonprofit foundation.
- Sec. 1084. Transfer of 19th century cannon to museum.
- Sec. 1085. Fees for providing historical information to the public.
- Sec. 1086. Grants to American Red Cross for Armed Forces emergency services.
- Sec. 1087. Technical and clerical amendments.
- Sec. 1088. Maximum size of parcel post packages transported overseas for Armed Forces post offices.
- Sec. 1089. Sense of Congress regarding tax treatment of members receiving special pay for duty subject to hostile fire or imminent danger.
- Sec. 1090. Organization and management of Civil Air Patrol.
- Sec. 1091. Additional duties for Commission to Assess United States National Security Space Management and Organization.
- Sec. 1092. Commission on the Future of the United States Aerospace Industry.
- Sec. 1093. Drug addiction treatment.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2001 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill H.R. 4205 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2000.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2000 in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the Emergency Supplemental Act, 2000 (division B of Public Law 106-246) or in title IX of the Department of Defense Appropriations Act, 2001 (Public Law 106-259).

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2001.

(a) FISCAL YEAR 2001 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2001 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the

maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) **TOTAL AMOUNT.**—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2000, of funds appropriated for fiscal years before fiscal year 2001 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) **AUTHORIZED AMOUNTS.**—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), \$743,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), \$181,981,000 for the Military Budget.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **COMMON-FUNDED BUDGETS OF NATO.**—The term “common-funded budgets of NATO” means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) **FISCAL YEAR 1998 BASELINE LIMITATION.**—The term “fiscal year 1998 baseline limitation” means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2001.

(a) **LIMITATION.**—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than \$1,387,800,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than \$1,650,400,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) **PRESIDENTIAL WAIVER.**—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President’s written certification that the waiver is necessary in the national security interests of the United States.

(2) The President’s written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2001.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2001 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations.

(c) **PEACEKEEPING OPERATIONS DEFINED.**—For the purposes of this section:

(1) The term “Bosnia peacekeeping operations” has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2112).

(2) The term “Kosovo peacekeeping operations”—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

SEC. 1006. REQUIREMENT FOR PROMPT PAYMENT OF CONTRACT VOUCHERS.

(a) **REQUIREMENT.**—(1) Chapter 131 of title 10, United States Code, is amended by adding after section 2225, as added by section 812(a)(1), the following new section:

“§ 2226. Contracted property and services: prompt payment of vouchers

“(a) **REQUIREMENT.**—Of the contract vouchers that are received by the Defense Finance and Accounting Service by means of the mechanization of contract administration services system, the number of such vouchers that remain unpaid for more than 30 days as of the last day of each month may not exceed 5 percent of the total number of the contract vouchers so received that remain unpaid on that day.

“(b) **CONTRACT VOUCHER DEFINED.**—In this section, the term ‘contract voucher’ means a voucher or invoice for the payment to a contractor for services, commercial items (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))), or other deliverable items provided by the contractor under a contract funded by the Department of Defense.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2225, as added by section 812(a)(2), the following new item:

“2226. Contracted property and services: prompt payment of vouchers.”.

(b) **EFFECTIVE DATE.**—Section 2226 of title 10, United States Code (as added by subsection (a)), shall take effect on December 1, 2000.

(c) **CONDITIONAL REQUIREMENT FOR REPORT.**—(1) If for any month of the noncompliance reporting period the requirement in section 2226 of title 10, United States Code (as added by subsection (a)), is not met, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the magnitude of the unpaid contract vouchers. The report for a month shall be submitted not later than 30 days after the end of that month.

(2) A report for a month under paragraph (1) shall include information current as of the last day of the month as follows:

(A) The number of the vouchers received by the Defense Finance and Accounting Service by means of the mechanization of contract administration services system during each month.

(B) The number of the vouchers so received, whenever received by the Defense Finance and Accounting Service, that remain unpaid for each of the following periods:

(i) Over 30 days and not more than 60 days.

(ii) Over 60 days and not more than 90 days.

(iii) More than 90 days.

(C) The number of the vouchers so received that remain unpaid for the major categories of procurements, as defined by the Secretary of Defense.

(D) The corrective actions that are necessary, and those that are being taken, to ensure compliance with the requirement in subsection (a).

(3) For purposes of this subsection:

(A) The term “noncompliance reporting period” means the period beginning on December 1, 2000, and ending on November 30, 2004.

(B) The term “contract voucher” has the meaning given that term in section 2226(b) of title 10, United States Code (as added by subsection (a)).

SEC. 1007. PLAN FOR PROMPT RECORDING OF OBLIGATIONS OF FUNDS FOR CONTRACTUAL TRANSACTIONS.

(a) **REQUIREMENT FOR PLAN.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than November 15, 2000, a plan for ensuring that each obligation of the Department of Defense under a transaction described in subsection (c) be recorded in the appropriate financial administration systems of the Department of Defense not later than 10 days after the date on which the obligation is incurred.

(b) **CONTENT OF PLAN.**—The plan under subsection (a) shall provide for the following:

(1) The recording of obligations in accordance with requirements that apply uniformly throughout the Department of Defense, including requirements for the recording of detailed data on each such obligation.

(2) A system of accounting classification reference numbers for the recording of obligations that applies uniformly throughout the Department of Defense.

(3) A discussion of how the plan is to be implemented, including a schedule for implementation.

(c) COVERED TRANSACTIONS.—The plan shall apply to each obligation under any of the following transactions of the Department of Defense:

- (1) A contract.
- (2) A grant.
- (3) A cooperative agreement.
- (4) A transaction authorized under section 2371 of title 10, United States Code.

SEC. 1008. ELECTRONIC SUBMISSION AND PROCESSING OF CLAIMS FOR CONTRACT PAYMENTS.

(a) REQUIREMENTS.—(1) Chapter 131 of title 10, United States Code, is amended by adding after section 2226, as added by section 1006(a)(1), the following new section:

“§ 2227. Electronic submission and processing of claims for contract payments

“(a) SUBMISSION OF CLAIMS.—The Secretary of Defense shall require that any claim for payment under a Department of Defense contract shall be submitted to the Department of Defense in electronic form.

“(b) PROCESSING.—A contracting officer, contract administrator, certifying official, or other officer or employee of the Department of Defense who receives a claim for payment in electronic form in accordance with subsection (a) and is required to transmit the claim to any other officer or employee of the Department of Defense for processing under procedures of the department shall transmit the claim and any additional documentation necessary to support the determination and payment of the claim to such other officer or employee electronically.

“(c) WAIVER AUTHORITY.—If the Secretary of Defense determines that the requirement for using electronic means for submitting claims under subsection (a), or for transmitting claims and supporting documentation under subsection (b), is unduly burdensome in any category of cases, the Secretary may exempt the cases in that category from the application of the requirement.

“(d) IMPLEMENTATION OF REQUIREMENTS.—In implementing subsections (a) and (b), the Secretary of Defense shall provide for the following:

“(1) Policies, requirements, and procedures for using electronic means for the submission of claims for payment to the Department of Defense and for the transmission, between Department of Defense officials, of claims for payment received in electronic form, together with supporting documentation (such as receiving reports, contracts and contract modifications, and required certifications).

“(2) The format in which information can be accepted by the corporate database of the Defense Finance and Accounting Service.

“(3) The requirements to be included in contracts regarding the electronic submission of claims for payment by contractors.

“(e) CLAIM FOR PAYMENT DEFINED.—In this section, the term ‘claim for payment’ means an invoice or any other demand or request for payment.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2226, as added by section 1006(a)(2), the following new item:

“2227. Electronic submission and processing of claims for contract payments.”.

(b) IMPLEMENTATION PLAN.—Not later than March 30, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for the implementation of the requirements imposed under section 2227 of title 10, United States Code (as added by subsection (a)). The plan shall provide for each of the matters specified in subsection (d) of that section.

(c) APPLICABILITY.—(1) Subject to paragraph (2), the Secretary of Defense shall apply section 2227 of title 10, United States Code (as added by subsection (a)), with respect to contracts for which solicitations of offers are issued after June 30, 2001.

(2)(A) The Secretary may delay the implementation of section 2227 to a date after June 30, 2001, upon a finding that it is impracticable to implement that section until that later date. In no event, however, may the implementation be delayed to a date after October 1, 2002.

(B) Upon determining to delay the implementation of such section 2227 to a later date under subparagraph (A), the Secretary shall promptly publish a notice of the delay in the Federal Register. The notice shall include a specification of the later date on which the implementation of that section is to begin. Not later than 30 days before the later implementation date, the Secretary shall publish in the Federal Register another notice that such section is being implemented beginning on that date.

SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT OF TRANSPORTATION COSTS.

(a) OFFSETS FOR OVERPAYMENTS OR LIQUIDATED DAMAGES.—(1) Section 2636 of title 10, United States Code, is amended to read as follows:

“§ 2636. Deductions from amounts due carriers

“(a) AMOUNTS FOR LOSS OR DAMAGE.—An amount deducted from an amount due a carrier shall be credited as follows:

“(1) If deducted because of loss of or damage to material in transit for a military department, the amount shall be credited to the proper appropriation, account, or fund from which the same or similar material may be replaced.

“(2) If deducted as an administrative offset for an overpayment previously made to the carrier under any Department of Defense contract for transportation services or as liquidated damages due under any such contract, the amount shall be credited to the appropriation or account from which payments for the transportation services were made.

“(b) SIMPLIFIED OFFSET FOR COLLECTION OF CLAIMS NOT IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.—(1) In any case in which the total amount of a claim for the recovery of overpayments or liquidated damages under a contract described in subsection (a)(2) does not exceed the simplified acquisition threshold, the Secretary of Defense or the Secretary concerned, in exercising the authority to collect the claim by administrative offset under

section 3716 of title 31, may apply paragraphs (2) and (3) of subsection (a) of that section with respect to that collection after (rather than before) the claim is so collected.

“(2) Regulations prescribed by the Secretary of Defense under subsection (b) of section 3716 of title 31—

“(A) shall include provisions to carry out paragraph (1); and

“(B) shall provide the carrier for a claim subject to paragraph (1) with an opportunity to offer an alternative method of repaying the claim (rather than by administrative offset) if the collection of the claim by administrative offset has not already been made.

“(3) In this subsection, the term ‘simplified acquisition threshold’ has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).”.

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

“2636. Deductions from amounts due carriers.”.

(b) **EFFECTIVE DATE.**—Subsections (a)(2) and (b) of section 2636 of title 10, United States Code, as added by subsection (a)(1), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1010. INTEREST PENALTIES FOR LATE PAYMENT OF INTERIM PAYMENTS DUE UNDER GOVERNMENT SERVICE CONTRACTS.

(a) **PROMPT PAYMENT REQUIREMENT FOR INTERIM PAYMENTS.**—Under regulations prescribed under subsection (c), the head of an agency acquiring services from a business concern under a cost reimbursement contract requiring interim payments who does not pay the concern a required interim payment by the date that is 30 days after the date of the receipt of a proper invoice shall pay an interest penalty to the concern on the amount of the payment due. The interest shall be computed as provided in section 3902(a) of title 31, United States Code.

(b) **REGULATIONS.**—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section. Such regulations shall be prescribed as part of the regulations prescribed under section 3903 of title 31, United States Code.

(c) **INCORPORATION OF CERTAIN PROVISIONS OF LAW.**—The provisions of chapter 39 of title 31, United States Code, shall apply to this section in the same manner as if this section were enacted as part of such chapter.

(d) **EFFECTIVE DATE.**—Subsection (a) shall take effect on December 15, 2000. No interest shall accrue by reason of that subsection for any period before that date.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISIONS TO NATIONAL DEFENSE FEATURES PROGRAM.

Section 2218(k) of title 10, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following new sentence: “As consideration for a contract with the head of an agency under this subsection, the company entering into the contract shall agree with the Secretary of Defense to make

any vessel covered by the contract available to the Secretary, fully crewed and ready for sea, at any time at any port determined by the Secretary, and for whatever duration the Secretary determines necessary.”;

(2) by adding at the end of paragraph (2) the following new subparagraph:

“(E) Payments of such sums as the Government would otherwise expend, if the vessel were placed in the Ready Reserve Fleet, for maintaining the vessel in the status designated as ‘ROS-4 status’ in the Ready Reserve Fleet for 25 years.”; and

(3) by adding at the end the following new paragraph:

“(6) The head of an agency may not enter into a contract under paragraph (1) that would provide for payments to the contractor as authorized in paragraph (2)(E) until notice of the proposed contract is submitted to the congressional defense committees and a period of 90 days has elapsed.”.

SEC. 1012. SENSE OF CONGRESS ON THE NAMING OF THE CVN-77 AIRCRAFT CARRIER.

(a) FINDINGS.—Congress makes the following findings:

(1) Over the last three decades Congress has authorized and appropriated funds for a total of 10 Nimitz class aircraft carriers.

(2) The last vessel in the Nimitz class of aircraft carriers, CVN-77, is currently under construction and will be delivered in 2008.

(3) The first nine vessels in this class bear the following proud names:

- (A) U.S.S. Nimitz (CVN-68).
- (B) U.S.S. Dwight D. Eisenhower (CVN-69).
- (C) U.S.S. Carl Vinson (CVN-70).
- (D) U.S.S. Theodore Roosevelt (CVN-71).
- (E) U.S.S. Abraham Lincoln (CVN-72).
- (F) U.S.S. George Washington (CVN-73).
- (G) U.S.S. John C. Stennis (CVN-74).
- (H) U.S.S. Harry S. Truman (CVN-75).
- (I) U.S.S. Ronald Reagan (CVN-76).

(4) It is appropriate for Congress to recommend to the President, as Commander in Chief of the Armed Forces, an appropriate name for the final vessel in the Nimitz class of aircraft carriers.

(5) Over the last 25 years the vessels in the Nimitz class of aircraft carriers have served as one of the principal means of United States diplomacy and as one of the principal means for the defense of the United States and its allies around the world.

(6) The name bestowed upon the aircraft carrier CVN-77 should embody the American spirit and provide a lasting symbol of the American commitment to freedom.

(7) The name “Lexington” has been a symbol of freedom from the first battle of the American Revolution.

(8) The two aircraft carriers previously named U.S.S. Lexington (the CV-2 and the CV-16) served the Nation for 64 years, served in World War II, and earned a total of 13 battle stars.

(9) One of those honored vessels, the CV-2, was lost at the Battle of the Coral Sea on May 8, 1942.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the CVN-77 aircraft carrier should be named the “U.S.S. Lexington”—

(1) in order to honor the men and women who served in the Armed Forces of the United States during World War II and the incalculable number of United States citizens on the home front during that war who mobilized in the name of freedom; and

(2) as a special tribute to the 16,000,000 veterans of the Armed Forces who served on land, sea, and air during World War II (of whom fewer than 6,000,000 remain alive today) and a lasting symbol of their commitment to freedom as they pass on having proudly taken their place in history.

SEC. 1013. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) BRAZIL.—To the Government of Brazil—

(A) the THOMASTON class dock landing ships ALAMO (LSD 33) and HERMITAGE (LSD 34); and

(B) the GARCIA class frigates BRADLEY (FF 1041), DAVIDSON (FF 1045), SAMPLE (FF 1048) and ALBERT DAVID (FF 1050).

(2) GREECE.—To the Government of Greece, the KNOX class frigates VREELAND (FF 1068) and TRIPPE (FF 1075).

(b) TRANSFERS ON A COMBINED LEASE-SALE BASIS.—(1) The President is authorized to transfer vessels to foreign countries on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761) and in accordance with subsection (c) as follows:

(A) CHILE.—To the Government of Chile, the OLIVER HAZARD PERRY class guided missile frigates WADSWORTH (FFG 9), and ESTOCIN (FFG 15).

(B) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates JOHN A. MOORE (FFG 19) and FLATLEY (FFG 21).

(2) The authority provided under paragraph (1)(B) is in addition to the authority provided under section 1018(a)(9) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 745) for the transfer of those vessels to the Government of Turkey on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS.—A transfer of a vessel on a combined lease-sale basis authorized by subsection (b) shall be made in accordance with the following requirements:

(1) The President may initially transfer the vessel by lease, with lease payments suspended for the term of the lease, if the country entering into the lease for the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the vessel.

(2) The President may not deliver to the purchasing country title to the vessel until the purchase price of the vessel under such a foreign military sales agreement is paid in full.

(3) Upon payment of the purchase price in full under such a sales agreement and delivery of title to the recipient country, the President shall terminate the lease.

(4) If the purchasing country fails to make full payment of the purchase price in accordance with the sales agreement by the date required under the sales agreement—

(A) the sales agreement shall be immediately terminated;

(B) the suspension of lease payments under the lease shall be vacated; and

(C) the United States shall be entitled to retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date.

(5) If a sales agreement is terminated pursuant to paragraph (4), the United States shall not be required to pay any interest to the recipient country on any amount paid to the United States by the recipient country under the sales agreement and not retained by the United States under the lease.

(d) AUTHORIZATION OF APPROPRIATIONS FOR COSTS OF LEASE-SALE TRANSFERS.—There is hereby authorized to be appropriated into the Defense Vessels Transfer Program Account such sums as may be necessary for paying the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by subsection (b). Amounts so appropriated shall be available only for the purpose of paying those costs.

(e) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(f) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(g) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(h) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

(i) COORDINATION OF PROVISIONS.—(1) If the Security Assistance Act of 2000 is enacted before this Act, the provisions of this section shall not take effect.

(2) If the Security Assistance Act of 2000 is enacted after this Act, this section shall cease to be in effect upon the enactment of that Act.

SEC. 1014. AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

(a) AUTHORITY FOR RETRANSFER OF ALTERNATIVE VESSEL.—Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after “HS Rodos (ex-USS BOWMAN COUNTY (LST 391))” the following: “, LST 325, or any other former United States LST previously transferred to the Government of Greece that is excess to the needs of that government”; and

(2) in subsection (b)(1), by inserting “retransferred under subsection (a)” after “the vessel”.

(b) REPEAL.—Section 1305 of the Arms Control, Nonproliferation, and Security Assistance Act of 1999 (113 Stat. 1501A-511) is repealed.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF COLOMBIA.

(a) EXTENSION OF AUTHORITY.—Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881) is amended—

(1) in subsection (a), by striking “during fiscal years 1998 through 2002,”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: “, for fiscal years 1998 through 2002”; and

(B) in paragraph (2), by inserting before the period at the end the following: “, for fiscal years 1998 through 2006”.

(b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking “2002” and inserting “2006”.

SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Not later than January 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report detailing the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments. The report shall include the following for each foreign government:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

SEC. 1023. RECOMMENDATIONS ON EXPANSION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) **REQUIREMENT FOR SUBMITTAL OF RECOMMENDATIONS.**—Not later than February 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the recommendations of the Secretary regarding whether expanded support for counter-drug activities should be authorized under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) for the region that includes the countries that are covered by that authority on the date of the enactment of this Act.

(b) **CONTENT OF SUBMISSION.**—The submission under subsection (a) shall include the following:

- (1) What, if any, additional countries should be covered.
- (2) What, if any, additional support should be provided to covered countries, together with the reasons for recommending the additional support.
- (3) For each country recommended under paragraph (1), a plan for providing support, including the counter-drug activities proposed to be supported.

SEC. 1024. REVIEW OF RIVERINE COUNTER-DRUG PROGRAM.

(a) **REQUIREMENT FOR REVIEW.**—The Secretary of Defense shall review the riverine counter-drug program supported under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(b) **REPORT.**—Not later than February 1, 2001, the Secretary shall submit a report on the riverine counter-drug program to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include, for each country receiving support under the riverine counter-drug program, the following:

- (1) The Assistant Secretary's assessment of the effectiveness of the program.
- (2) A recommendation regarding which of the Armed Forces, units of the Armed Forces, or other organizations within the Department of Defense should be responsible for managing the program.

(c) **DELEGATION OF AUTHORITY.**—The Secretary shall require the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to carry out the responsibilities under this section.

SEC. 1025. REPORT ON TETHERED AEROSTAT RADAR SYSTEM.

(a) **REPORT REQUIRED.**—Not later than May 1, 2001, The Secretary of Defense shall submit to Congress a report on the status of the Tethered Aerostat Radar System used to conduct counter-drug detection and monitoring and border security and air sovereignty operations. The report shall include the following:

- (1) The status and operational availability of each of the existing sites of the Tethered Aerostat Radar System.
- (2) A discussion of any plans to close, during the next 5 years, currently operational sites, including a review of the justification for each proposed closure.
- (3) A review of the requirements of other agencies, especially the United States Customs Service, for data derived from the Tethered Aerostat Radar System.
- (4) An assessment of the value of the Tethered Aerostat Radar System in the conduct of counter-drug detection and

monitoring and border security and air sovereignty operations compared to other surveillance systems available for such operations.

(5) The costs associated with the planned standardization of the Tethered Aerostat Radar System and the Secretary's analysis of that standardization.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of the Treasury.

SEC. 1026. SENSE OF CONGRESS REGARDING USE OF ARMED FORCES FOR COUNTER-DRUG AND COUNTER-TERRORISM ACTIVITIES.

It is the sense of Congress that the President should be able to use members of the Army, Navy, Air Force, and Marine Corps to assist law enforcement agencies, to the full extent consistent with section 1385 of title 18, United States Code (commonly known as the Posse Comitatus Act), section 375 of title 10, United States Code, and other applicable law, in preventing the entry into the United States of terrorists and drug traffickers, weapons of mass destruction, components of weapons of mass destruction, and prohibited narcotics and drugs.

Subtitle D—Counterterrorism and Domestic Preparedness

SEC. 1031. PREPAREDNESS OF MILITARY INSTALLATION FIRST RESPONDERS FOR INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the program of the Department of Defense to ensure the preparedness of the first responders of the Department of Defense for incidents involving weapons of mass destruction on installations of the Department of Defense.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A detailed description of the overall preparedness program.

(2) A detailed description of the deficiencies in the preparedness of Department of Defense installations to respond to an incident involving a weapon of mass destruction, together with a discussion of the actions planned to be taken by the Department of Defense to correct the deficiencies.

(3) The schedule and costs associated with the implementation of the preparedness program.

(4) The Department's plan for coordinating the preparedness program with responders in the communities in the localities of the installations.

(5) The Department's plan for promoting the interoperability of the equipment used by the installation first responders referred to in subsection (a) with the equipment used by the first responders in those communities.

(c) FORM OF REPORT.—The report shall be submitted in an unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term “first responder” means an organization responsible for responding to an incident involving a weapon of mass destruction.

(2) The term “weapon of mass destruction” has the meaning given that term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

SEC. 1032. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

During fiscal year 2001, the Secretary of Defense shall establish five additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 32 such teams).

SEC. 1033. AUTHORITY TO PROVIDE LOAN GUARANTEES TO IMPROVE DOMESTIC PREPAREDNESS TO COMBAT CYBERTERRORISM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER VII—CRITICAL INFRASTRUCTURE PROTECTION LOAN GUARANTEES

“Sec.

“2541. Establishment of loan guarantee program.

“2541a. Fees charged and collected.

“2541b. Administration.

“2541c. Transferability, additional limitations, and definition.

“2541d. Reports.

“§ 2541. Establishment of loan guarantee program

“(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring lenders against losses of principal or interest, or both principal and interest, for loans made to qualified commercial firms to fund, in whole or in part, any of the following activities:

“(1) The improvement of the protection of the critical infrastructure of the commercial firms.

“(2) The refinancing of improvements previously made to the protection of the critical infrastructure of the commercial firms.

“(b) QUALIFIED COMMERCIAL FIRMS.—For purposes of this section, a qualified commercial firm is a company or other business entity (including a consortium of such companies or other business entities, as determined by the Secretary) that the Secretary determines—

“(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;

“(2) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

“(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

“(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States;

“(3) provides technology products or services critical to the operations of the Department of Defense;

“(4) meets standards of prevention of cyberterrorism applicable to the Department of Defense; and

“(5) agrees to submit the report required under section 2541d of this title.

“(c) LOAN LIMITS.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed \$10,000,000, with respect to all borrowers.

“(d) GOALS AND STANDARDS.—The Secretary shall prescribe regulations setting forth goals for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.

“(e) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

“§ 2541a. Fees charged and collected

“(a) FEE REQUIRED.—The Secretary of Defense shall assess a fee for providing a loan guarantee under this subchapter.

“(b) AMOUNT OF FEE.—The amount of the fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee.

“(c) SPECIAL ACCOUNT.—(1) Such fees shall be credited to a special account in the Treasury.

“(2) Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

“(3)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed \$500,000 in any fiscal year, for those expenses.

“(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A).

“§ 2541b. Administration

“(a) AGREEMENTS REQUIRED.—The Secretary of Defense may enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity may, under this subchapter—

“(1) process applications for loan guarantees;

“(2) administer repayment of loans; and

“(3) provide any other services to the Secretary to administer this subchapter.

“(b) TREATMENT OF COSTS.—The costs of such agreements shall be considered, for purposes of the special account established under

section 2541a(c), to be costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

“§ 2541c. Transferability, additional limitations, and definition

“The following provisions of subtitle VI of this chapter apply to guarantees issued under this subtitle:

“(1) Section 2540a, relating to transferability of guarantees.

“(2) Subsections (b) and (c) of section 2540b, providing limitations.

“(3) Section 2540d(2), providing a definition of the term ‘cost’.

“§ 2541d. Reports

“(a) REPORT BY COMMERCIAL FIRMS TO SECRETARY OF DEFENSE.—The Secretary of Defense shall require each qualified commercial firm for which a loan is guaranteed under this subchapter to submit to the Secretary a report on the improvements financed or refinanced with the loan. The report shall include an assessment of the value of the improvements for the protection of the critical infrastructure of that commercial firm. The Secretary shall prescribe the time for submitting the report.

“(b) ANNUAL REPORT BY SECRETARY OF DEFENSE TO CONGRESS.—Not later than March 1 of each year in which guarantees are made under this subchapter, the Secretary of Defense shall submit to Congress a report on the loan guarantee program under this subchapter. The report shall include the following:

“(1) The amounts of the loans for which guarantees were issued during the year preceding the year of the report.

“(2) The success of the program in improving the protection of the critical infrastructure of the commercial firms covered by the guarantees.

“(3) The relationship of the loan guarantee program to the critical infrastructure protection program of the Department of Defense, together with an assessment of the extent to which the loan guarantee program supports the critical infrastructure protection program.

“(4) Any other information on the loan guarantee program that the Secretary considers appropriate to include in the report.”.

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

“VII. Critical Infrastructure Protection Loan Guarantees 2541”.

(b) REDESIGNATION OF DISPLACED SECTIONS.—(1) Sections 2541 through 2554 of chapter 152 of title 10, United States Code, are redesignated as sections 2551 through 2564, respectively.

(2) The items in the table of sections at the beginning of chapter 152 of such title are revised to reflect the redesignations made by paragraph (1).

(c) CONFORMING AMENDMENTS.—(1) Subsection (c)(3)(C) of section 2561 of such title, as redesignated by subsection (b), is amended by striking “section 2547” and inserting “section 2557”.

(2) Subsection (b) of section 2562 of such title, as so redesignated, is amended by striking “section 2547” and inserting “section 2557”.

(3) Section 7300 of such title is amended by striking “section 2553” and inserting “section 2563”.

SEC. 1034. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) **REPORT REQUIRED.**—Not later than March 31, 2001, the President shall submit to Congress a report on domestic preparedness against the threat of biological terrorism.

(b) **REPORT ELEMENTS.**—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The deficiencies and vulnerabilities in the United States public health system for dealing with the consequences of a biological terrorist attack on the United States, and current plans to address those deficiencies and vulnerabilities.

(c) **INTELLIGENCE ESTIMATE.**—(1) Not later than March 1, 2001, the Secretary of Defense shall submit to Congress an intelligence estimate, prepared in consultation with the Director of Central Intelligence, containing—

(A) an assessment of the threat to the United States posed by a terrorist using a biological weapon; and

(B) an assessment of the relative consequences of an attack against the United States by a terrorist using a biological weapon compared with the consequences of an attack against the United States by a terrorist using a weapon that is a weapon of mass destruction other than a biological weapon or that is a conventional weapon.

(2) The intelligence estimate submitted under paragraph (1) shall include a comparison of—

(A) the likelihood of the threat of a terrorist attack against the United States through the use of a biological weapon, with

(B) the likelihood of the threat of a terrorist attack against the United States through the use of a weapon that is a weapon of mass destruction other than a biological weapon or that is a conventional weapon.

SEC. 1035. REPORT ON STRATEGY, POLICIES, AND PROGRAMS TO COMBAT DOMESTIC TERRORISM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit

to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy, policies, and programs of the United States for combating domestic terrorism, and in particular domestic terrorism involving weapons of mass destruction. The report shall document the progress and problems experienced by the Federal Government in organizing and preparing to respond to domestic terrorist incidents.

Subtitle E—Strategic Forces

SEC. 1041. REVISED NUCLEAR POSTURE REVIEW.

(a) **REQUIREMENT FOR COMPREHENSIVE REVIEW.**—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy.

(b) **ELEMENTS OF REVIEW.**—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(5) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(6) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) **REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the Quadrennial Defense Review report due in December 2001.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that the nuclear posture review conducted under this section should be used as the basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1042. PLAN FOR THE LONG-TERM SUSTAINMENT AND MODERNIZATION OF UNITED STATES STRATEGIC NUCLEAR FORCES.

(a) **REQUIREMENT FOR PLAN.**—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a long-range plan for the sustainment and modernization of United States strategic nuclear forces to counter emerging threats and satisfy the evolving requirements of deterrence.

(b) **ELEMENTS OF PLAN.**—The plan specified under subsection (a) shall include the Secretary's plans, if any, for the sustainment and modernization of the following:

(1) Land-based and sea-based strategic ballistic missiles, including any plans for developing replacements for the Minuteman III intercontinental ballistic missile and the Trident II sea-launched ballistic missile and plans for common ballistic missile technology development.

(2) Strategic nuclear bombers, including any plans for a B-2 follow-on, a B-52 replacement, and any new air-launched weapon systems.

(3) Appropriate warheads to outfit the strategic nuclear delivery systems referred to in paragraphs (1) and (2) to satisfy evolving military requirements.

(c) **SUBMITTAL OF PLAN.**—The plan specified under subsection (a) shall be submitted to Congress not later than April 15, 2001. The plan shall be submitted in unclassified and classified forms, as necessary.

SEC. 1043. MODIFICATION OF SCOPE OF WAIVER AUTHORITY FOR LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

Section 1302(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1948), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 806), is further amended by striking “the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be,” and inserting “the application of the limitation in effect under subsection (a) to a strategic nuclear delivery system”.

SEC. 1044. REPORT ON THE DEFEAT OF HARDENED AND DEEPLY BURIED TARGETS.

(a) **STUDY.**—The Secretary of Defense shall, in conjunction with the Secretary of Energy, conduct a study relating to the defeat of hardened and deeply buried targets. Under the study, the Secretaries shall—

(1) review—

(A) the requirements of the United States to defeat hardened and deeply buried targets and stockpiles of chemical and biological agents and related capabilities; and

(B) current and future plans to meet those requirements;

(2) determine if those plans adequately address all such requirements;

(3) identify potential future hardened and deeply buried targets and other related targets;

(4) determine what resources and research and development efforts are needed to defeat the targets identified under paragraph (3) as well as other requirements to defeat stockpiles of chemical and biological agents and related capabilities;

(5) assess both current and future options to defeat hardened and deeply buried targets as well as concepts to defeat stockpiles of chemical and biological agents and related capabilities; and

(6) determine the capability and cost of each option assessed under paragraph (5).

(b) CONDUCT OF ASSESSMENTS.—In conducting the study under subsection (a), the Secretaries may, in order to perform the assessments required by paragraph (5) of that subsection, conduct any limited research and development that may be necessary to perform those assessments.

(c) REPORT.—(1) Not later than July 1, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under subsection (a). The report shall be prepared in conjunction with the Secretary of Energy.

(2) The report under paragraph (1) shall be submitted in unclassified form, together with a classified annex if necessary.

SEC. 1045. SENSE OF CONGRESS ON THE MAINTENANCE OF THE STRATEGIC NUCLEAR TRIAD.

It is the sense of Congress that, in light of the potential for further arms control agreements with the Russian Federation limiting strategic forces—

(1) it is in the national interest of the United States to maintain a robust and balanced triad of strategic nuclear delivery vehicles, including (A) long-range bombers, (B) land-based intercontinental ballistic missiles (ICBMs), and (C) ballistic missile submarines; and

(2) reductions to United States conventional bomber capability are not in the national interest of the United States.

Subtitle F—Miscellaneous Reporting Requirements

SEC. 1051. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as “carryover”). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

SEC. 1052. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) **REQUIREMENT.**—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) **CONTENT.**—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for two additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

SEC. 1053. REPORT ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

Not later than January 15, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop critical infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD-63). The report shall include the following:

(1) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(2) The progress of Federal agencies in establishing partnerships with relevant private sector industries to address critical infrastructure vulnerabilities.

SEC. 1054. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report describing the policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false. The report shall include a discussion of any changes that have been made in the policies and procedures since January 1, 2000, and how such procedures are being implemented.

Subtitle G—Government Information Security Reform

SEC. 1061. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following new subchapter:

“SUBCHAPTER II—INFORMATION SECURITY

“§ 3531. Purposes

“The purposes of this subchapter are the following:

“(1) To provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets.

“(2)(A) To recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected.

“(B) To provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities.

“(3) To provide for development and maintenance of minimum controls required to protect Federal information and information systems.

“(4) To provide a mechanism for improved oversight of Federal agency information security programs.

“§ 3532. Definitions

“(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

“(b) In this subchapter:

“(1) The term ‘information technology’ has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

“(2) The term ‘mission critical system’ means any telecommunications or information system used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency, that—

“(A) is defined as a national security system under section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452);

“(B) is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be classified in the interest of national defense or foreign policy; or

“(C) processes any information, the loss, misuse, disclosure, or unauthorized access to or modification of, would have a debilitating impact on the mission of an agency.

“§ 3533. Authority and functions of the Director

“(a)(1) The Director shall establish governmentwide policies for the management of programs that—

“(A) support the cost-effective security of Federal information systems by promoting security as an integral component of each agency’s business operations; and

“(B) include information technology architectures as defined under section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425).

“(2) Policies under this subsection shall—

“(A) be founded on a continuing risk management cycle that recognizes the need to—

“(i) identify, assess, and understand risk; and

“(ii) determine security needs commensurate with the level of risk;

“(B) implement controls that adequately address the risk;

“(C) promote continuing awareness of information security risk; and

“(D) continually monitor and evaluate policy and control effectiveness of information security practices.

“(b) The authority under subsection (a) includes the authority to—

“(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

“(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100-235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

“(3) direct the heads of agencies to—

“(A) identify, use, and share best security practices;

“(B) develop an agencywide information security plan;

“(C) incorporate information security principles and practices throughout the life cycles of the agency’s information systems; and

“(D) ensure that the agency’s information security plan is practiced throughout all life cycles of the agency’s information systems;

“(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3);

“(5) oversee and coordinate compliance with this section in a manner consistent with—

“(A) sections 552 and 552a of title 5;

“(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3 and 278g-4);

“(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

“(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100–235; 101 Stat. 1729); and

“(E) related information management laws; and

“(6) take any authorized action under section 5113(b)(5) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413(b)(5)) that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management, including the requirements of this subchapter, and for the investments made by the agency in information technology, including—

“(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

“(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and

“(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

“(c) The authorities of the Director under this section (other than the authority described in subsection (b)(6))—

“(1) shall be delegated to the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2);

“(2) shall be delegated to the Secretary of Defense in the case of systems described under subparagraph (C) of section 3532(b)(2) that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense; and

“(3) in the case of all other Federal information systems, may be delegated only to the Deputy Director for Management of the Office of Management and Budget.

“§ 3534. Federal agency responsibilities

“(a) The head of each agency shall—

“(1) be responsible for—

“(A) adequately ensuring the integrity, confidentiality, authenticity, availability, and nonrepudiation of information and information systems supporting agency operations and assets;

“(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency; and

“(C) ensuring that the agency’s information security plan is practiced throughout the life cycle of each agency system;

“(2) ensure that appropriate senior agency officials are responsible for—

“(A) assessing the information security risks associated with the operations and assets for programs and systems over which such officials have control;

“(B) determining the levels of information security appropriate to protect such operations and assets; and

“(C) periodically testing and evaluating information security controls and techniques;

“(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

“(A) designating a senior agency information security official who shall report to the Chief Information Officer or a comparable official;

“(B) developing and maintaining an agencywide information security program as required under subsection (b);

“(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

“(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

“(E) assisting senior agency officials concerning responsibilities under paragraph (2);

“(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

“(5) ensure that the agency Chief Information Officer, in coordination with senior agency officials, periodically—

“(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

“(ii) implements appropriate remedial actions based on that evaluation; and

“(B) reports to the agency head on—

“(i) the results of such tests and evaluations; and

“(ii) the progress of remedial actions.

“(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including operations and assets provided or managed by another agency.

“(2) Each program under this subsection shall include—

“(A) periodic risk assessments that consider internal and external threats to—

“(i) the integrity, confidentiality, and availability of systems; and

“(ii) data supporting critical operations and assets;

“(B) policies and procedures that—

“(i) are based on the risk assessments required under subparagraph (A) that cost-effectively reduce information security risks to an acceptable level; and

“(ii) ensure compliance with—

“(I) the requirements of this subchapter;

“(II) policies and procedures as may be prescribed by the Director; and

“(III) any other applicable requirements;

“(C) security awareness training to inform personnel of—

“(i) information security risks associated with the activities of personnel; and

“(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

“(D) periodic management testing and evaluation of the effectiveness of information security policies and procedures;

“(E) a process for ensuring remedial action to address any significant deficiencies; and

“(F) procedures for detecting, reporting, and responding to security incidents, including—

“(i) mitigating risks associated with such incidents before substantial damage occurs;

“(ii) notifying and consulting with law enforcement officials and other offices and authorities;

“(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration; and

“(iv) notifying and consulting with an office designated by the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President for incidents involving systems described under subparagraphs (A) and (B) of section 3532(b)(2).

“(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer. In the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), the Director shall delegate approval authority under this paragraph to the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President.

“(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management under subchapter I of this chapter;

“(C) performance and results based management under the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

“(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

“(E) financial management under—

“(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101-576) (and the amendments made by that Act);

“(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

“(iii) the internal controls conducted under section 3512 of title 31.

“(2) Any significant deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material

weakness in reporting required under the applicable provision of law under paragraph (1).

“(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the Chief Information Officer, shall include as part of the performance plan required under section 1115 of title 31 a description of—

“(A) the time periods; and

“(B) the resources, including budget, staffing, and training, which are necessary to implement the program required under subsection (b)(1).

“(2) The description under paragraph (1) shall be based on the risk assessment required under subsection (b)(2)(A).

“§ 3535. Annual independent evaluation

“(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency.

“(2) Each evaluation by an agency under this section shall include—

“(A) testing of the effectiveness of information security control techniques for an appropriate subset of the agency’s information systems; and

“(B) an assessment (made on the basis of the results of the testing) of the compliance with—

“(i) the requirements of this subchapter; and

“(ii) related information security policies, procedures, standards, and guidelines.

“(3) The Inspector General or the independent evaluator performing an evaluation under this section may use an audit, evaluation, or report relating to programs or practices of the applicable agency.

“(b)(1)(A) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required under this section or, in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under this section, shall be performed by the Inspector General or by an independent evaluator, as determined by the Inspector General of the agency.

“(B) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), the evaluation required under this section shall be performed only by an entity designated by the Secretary of Defense, the Director of Central Intelligence, or another agency head as designated by the President.

“(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.

“(c) Each year, not later than the anniversary of the date of the enactment of this subchapter, the applicable agency head shall submit to the Director—

“(1) the results of each evaluation required under this section, other than an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

“(2) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2).

“(d)(1) The Director shall submit to Congress each year a report summarizing the materials received from agencies pursuant to subsection (c) in that year.

“(2) Evaluations and audits of evaluations of systems under the authority and control of the Director of Central Intelligence and evaluations and audits of evaluation of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available only to the appropriate oversight committees of Congress, in accordance with applicable laws.

“(e) Agencies and evaluators shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.

“§ 3536. Expiration

“This subchapter shall not be in effect after the date that is two years after the date on which this subchapter takes effect.”.

SEC. 1062. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—Notwithstanding section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and except as provided under subsection (b), the Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, as required or when requested, shall—

(1) develop, issue, review, and update standards and guidance for the security of Federal information systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities as soon as those vulnerabilities are known.

(b) DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this subtitle (including any amendment made by this subtitle)—

(A) the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President, shall, consistent with their respective authorities—

(i) develop and issue information security policies, standards, and guidelines for systems described under subparagraphs (A) and (B) of section 3532(b)(2) of title 44, United States Code (as added by section 1061 of this Act), that provide more stringent protection, to

the maximum extent practicable, than the policies, principles, standards, and guidelines required under section 3533 of such title (as added by such section 1061); and

(ii) ensure the implementation of the information security policies, principles, standards, and guidelines described under clause (i); and

(B) the Secretary of Defense shall, consistent with his authority—

(i) develop and issue information security policies, standards, and guidelines for systems described under subparagraph (C) of section 3532(b)(2) of title 44, United States Code (as added by section 1061 of this Act), that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense that provide more stringent protection, to the maximum extent practicable, than the policies, principles, standards, and guidelines required under section 3533 of such title (as added by such section 1061); and

(ii) ensure the implementation of the information security policies, principles, standards, and guidelines described under clause (i).

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines developed by the Secretary of Defense and the Director of Central Intelligence under paragraph (1) shall address the full range of information assurance measures needed to protect and defend Federal information and information systems by ensuring their integrity, confidentiality, authenticity, availability, and nonrepudiation.

(c) DEPARTMENT OF JUSTICE.—The Attorney General shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) lawful uses of security techniques and technologies.

(d) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in—

(A) fulfilling agency responsibilities under section 3534(b)(2)(F) of title 44, United States Code (as added by section 1061 of this Act); and

(B) the acquisition of cost-effective security products, services, and incident response capabilities.

(e) OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees;

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices; and

(3) work with the National Science Foundation and other agencies on personnel and training initiatives (including scholarships and fellowships, as authorized by law) as necessary to ensure that the Federal Government—

(A) has adequate sources of continuing information security education and training available for employees; and

(B) has an adequate supply of qualified information security professionals to meet agency needs.

(f) INFORMATION SECURITY POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—

(1) ADOPTION OF POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES OF OTHER AGENCIES.—The policies, principles, standards, and guidelines developed under subsection (b) by the Secretary of Defense, the Director of Central Intelligence, and another agency head as designated by the President may be adopted, to the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce—

(A) by the Director of the Office of Management and Budget, as appropriate, for application to the mission critical systems of all agencies; or

(B) by an agency head, as appropriate, for application to the mission critical systems of that agency.

(2) DEVELOPMENT OF MORE STRINGENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—To the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce, an agency may develop and implement information security policies, principles, standards, and guidelines that provide more stringent protection than those required under section 3533 of title 44, United States Code (as added by section 1061 of this Act), or subsection (a) of this section.

(g) ATOMIC ENERGY ACT OF 1954.—Nothing in this subtitle (including any amendment made by this subtitle) shall supersede any requirement made by, or under, the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted Data or Formerly Restricted Data shall be handled, protected, classified, downgraded, and declassified in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SEC. 1063. RELATIONSHIP OF DEFENSE INFORMATION ASSURANCE PROGRAM TO GOVERNMENT-WIDE INFORMATION SECURITY PROGRAM.

(a) CONSISTENCY OF REQUIREMENTS.—Subsection (b) of section 2224 of title 10, United States Code, is amended—

(1) by striking “(b) OBJECTIVES OF THE PROGRAM.—” and inserting “(b) OBJECTIVES AND MINIMUM REQUIREMENTS.—(1)”; and

(2) by adding at the end the following:

“(2) The program shall at a minimum meet the requirements of sections 3534 and 3535 of title 44.”.

(b) ADDITION TO ANNUAL REPORT.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

“(7) A summary of the actions taken in the administration of sections 3534 and 3535 of title 44 within the Department of Defense.”.

SEC. 1064. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”;

and

(B) by inserting after the item relating to section 3520 the following:

“SUBCHAPTER II—INFORMATION SECURITY

“Sec.

“3531. Purposes.

“3532. Definitions.

“3533. Authority and functions of the Director.

“3534. Federal agency responsibilities.

“3535. Annual independent evaluation.

“3536. Expiration.”;

and

(2) by inserting before section 3501 the following:

“SUBCHAPTER I—FEDERAL INFORMATION POLICY”.

(b) REFERENCES TO CHAPTER 35.—Sections 3501 through 3520 of title 44, United States Code, are amended by striking “chapter” each place it appears and inserting “subchapter”, except in section 3507(i)(1) of such title.

SEC. 1065. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect 30 days after the date of the enactment of this Act.

Subtitle H—Security Matters

SEC. 1071. LIMITATION ON GRANTING OF SECURITY CLEARANCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 986. Security clearances: limitations

“(a) PROHIBITION.—After the date of the enactment of this section, the Department of Defense may not grant or renew a security clearance for a person to whom this section applies who is described in subsection (c).

“(b) COVERED PERSONS.—This section applies to the following persons:

“(1) An officer or employee of the Department of Defense.

“(2) A member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status.

“(3) An officer or employee of a contractor of the Department of Defense.

“(c) PERSONS DISQUALIFIED FROM BEING GRANTED SECURITY CLEARANCES.—A person is described in this subsection if any of the following applies to that person:

“(1) The person has been convicted in any court of the United States of a crime and sentenced to imprisonment for a term exceeding one year.

“(2) The person is an unlawful user of, or is addicted to, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(3) The person is mentally incompetent, as determined by a mental health professional approved by the Department of Defense.

“(4) The person has been discharged or dismissed from the Armed Forces under dishonorable conditions.

“(d) WAIVER AUTHORITY.—In a meritorious case, the Secretary of Defense or the Secretary of the military department concerned may authorize an exception to the prohibition in subsection (a) for a person described in paragraph (1) or (4) of subsection (c). The authority under the preceding sentence may not be delegated.

“(e) ANNUAL REPORT.—Not later than February 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report identifying each waiver issued under subsection (d) during the preceding year with an explanation for each case of the disqualifying factor in subsection (c) that applied, and the reason for the waiver of the disqualification.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“986. Security clearances: limitations.”.

SEC. 1072. PROCESS FOR PRIORITIZING BACKGROUND INVESTIGATIONS FOR SECURITY CLEARANCES FOR DEPARTMENT OF DEFENSE PERSONNEL AND DEFENSE CONTRACTOR PERSONNEL.

(a) ESTABLISHMENT OF PROCESS.—Chapter 80 of title 10, United States Code, is amended by adding after section 1563, as added by section 542(a), the following new section:

“§ 1564. Security clearance investigations

“(a) EXPEDITED PROCESS.—The Secretary of Defense shall prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security.

“(b) REQUIRED FEATURES.—The process developed under subsection (a) shall provide for the following:

“(1) Quantification of the requirements for background investigations necessary for grants of security clearances for Department of Defense personnel and Department of Defense contractor personnel.

“(2) Categorization of personnel on the basis of the degree of sensitivity of their duties and the extent to which those duties are critical to the national security.

“(3) Prioritization of the processing of background investigations on the basis of the categories of personnel determined under paragraph (2).

“(c) ANNUAL REVIEW.—The Secretary shall conduct an annual review of the process prescribed under subsection (a) and shall

revise that process as determined necessary in relation to ongoing Department of Defense missions.

“(d) CONSULTATION REQUIREMENT.—The Secretary shall consult with the Secretaries of the military departments and the heads of Defense Agencies in carrying out this section.

“(e) SENSITIVE DUTIES.—For the purposes of this section, it is not necessary for the performance of duties to involve classified activities or classified matters in order for the duties to be considered sensitive and critical to the national security.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1563, as added by section 542(b), the following new item:

“1564. Security clearance investigations.”.

(c) DEADLINE FOR PRESCRIBING PROCESS FOR PRIORITIZING BACKGROUND INVESTIGATIONS FOR SECURITY CLEARANCES.—The process required by section 1564(a) of title 10, United States Code, as added by subsection (a), for expediting the completion of the background investigations necessary for granting security clearances for certain persons shall be prescribed not later than January 1, 2001.

SEC. 1073. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE INFORMATION FROM PUBLIC DISCLOSURE.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130b the following new section:

“§ 130c. Nondisclosure of information: certain sensitive information of foreign governments and international organizations

“(a) EXEMPTION FROM DISCLOSURE.—The national security official concerned (as defined in subsection (h)) may withhold from public disclosure otherwise required by law sensitive information of foreign governments in accordance with this section.

“(b) INFORMATION ELIGIBLE FOR EXEMPTION.—For the purposes of this section, information is sensitive information of a foreign government only if the national security official concerned makes each of the following determinations with respect to the information:

“(1) That the information was provided by, otherwise made available by, or produced in cooperation with, a foreign government or international organization.

“(2) That the foreign government or international organization is withholding the information from public disclosure (relying for that determination on the written representation of the foreign government or international organization to that effect).

“(3) That any of the following conditions are met:

“(A) The foreign government or international organization requests, in writing, that the information be withheld.

“(B) The information was provided or made available to the United States Government on the condition that it not be released to the public.

“(C) The information is an item of information, or is in a category of information, that the national security official concerned has specified in regulations prescribed under subsection (f) as being information the release of

which would have an adverse effect on the ability of the United States Government to obtain the same or similar information in the future.

“(c) INFORMATION OF OTHER AGENCIES.—If the national security official concerned provides to the head of another agency sensitive information of a foreign government, as determined by that national security official under subsection (b), and informs the head of the other agency of that determination, then the head of the other agency shall withhold the information from any public disclosure unless that national security official specifically authorizes the disclosure.

“(d) LIMITATIONS.—(1) If a request for disclosure covers any sensitive information of a foreign government (as described in subsection (b)) that came into the possession or under the control of the United States Government before the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and more than 25 years before the request is received by an agency, the information may be withheld only as set forth in paragraph (3).

“(2)(A) If a request for disclosure covers any sensitive information of a foreign government (as described in subsection (b)) that came into the possession or under the control of the United States Government on or after the date referred to in paragraph (1), the authority to withhold the information under this section is subject to the provisions of subparagraphs (B) and (C).

“(B) Information referred to in subparagraph (A) may not be withheld under this section after—

“(i) the date that is specified by a foreign government or international organization in a request or expression of a condition described in paragraph (1) or (2) of subsection (b) that is made by the foreign government or international organization concerning the information; or

“(ii) if there are more than one such foreign governments or international organizations, the latest date so specified by any of them.

“(C) If no date is applicable under subparagraph (B) to a request referred to in subparagraph (A) and the information referred to in that subparagraph came into possession or under the control of the United States more than 10 years before the date on which the request is received by an agency, the information may be withheld under this section only as set forth in paragraph (3).

“(3) Information referred to in paragraph (1) or (2)(C) may be withheld under this section in the case of a request for disclosure only if, upon the notification of each foreign government and international organization concerned in accordance with the regulations prescribed under subsection (g)(2), any such government or organization requests in writing that the information not be disclosed for an additional period stated in the request of that government or organization. After the national security official concerned considers the request of the foreign government or international organization, the official shall designate a later date as the date after which the information is not to be withheld under this section. The later date may be extended in accordance with a later request of any such foreign government or international organization under this paragraph.

“(e) INFORMATION PROTECTED UNDER OTHER AUTHORITY.—This section does not apply to information or matters that are specifically

required in the interest of national defense or foreign policy to be protected against unauthorized disclosure under criteria established by an Executive order and are classified, properly, at the confidential, secret, or top secret level pursuant to such Executive order.

“(f) DISCLOSURES NOT AFFECTED.—Nothing in this section shall be construed to authorize any official to withhold, or to authorize the withholding of, information from the following:

“(1) Congress.

“(2) The Comptroller General, unless the information relates to activities that the President designates as foreign intelligence or counterintelligence activities.

“(g) REGULATIONS.—(1) The national security officials referred to in subsection (h)(1) shall each prescribe regulations to carry out this section. The regulations shall include criteria for making the determinations required under subsection (b). The regulations may provide for controls on access to and use of, and special markings and specific safeguards for, a category or categories of information subject to this section.

“(2) The regulations shall include procedures for notifying and consulting with each foreign government or international organization concerned about requests for disclosure of information to which this section applies.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘national security official concerned’ means the following:

“(A) The Secretary of Defense, with respect to information of concern to the Department of Defense, as determined by the Secretary.

“(B) The Secretary of Transportation, with respect to information of concern to the Coast Guard, as determined by the Secretary, but only while the Coast Guard is not operating as a service in the Navy.

“(C) The Secretary of Energy, with respect to information concerning the national security programs of the Department of Energy, as determined by the Secretary.

“(2) The term ‘agency’ has the meaning given that term in section 552(f) of title 5.

“(3) The term ‘international organization’ means the following:

“(A) A public international organization designated pursuant to section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288) as being entitled to enjoy the privileges, exemptions, and immunities provided in such Act.

“(B) A public international organization created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs.

“(C) An official mission, except a United States mission, to a public international organization referred to in subparagraph (A) or (B).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130b the following new item:

“130c. Nondisclosure of information: certain sensitive information of foreign governments and international organizations.”.

SEC. 1074. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking “or reveal military operational or contingency plans” and inserting “, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities”.

SEC. 1075. EXPENDITURES FOR DECLASSIFICATION ACTIVITIES.

(a) IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section 230 of title 10, United States Code, is amended—

(1) by striking “, as a budgetary line item,”; and

(2) by adding at the end the following new sentence: “Identification of such amounts in such budget justification materials shall be in a single display that shows the total amount for the Department of Defense and the amount for each military department and Defense Agency.”.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2001 to carry out declassification activities under the provisions of sections 3.4, 3.5, and 3.6 of Executive Order 12958 (50 U.S.C. 435 note) and for special searches (including costs for document search, copying, and review and imagery analysis) may not exceed \$30,000,000.

(c) COMPILATION AND ORGANIZATION OF RECORDS.—The Department of Defense may not be required, when conducting a special search, to compile or organize records that have already been declassified and placed into the public domain.

(d) SPECIAL SEARCHES.—For the purpose of this section, the term “special search” means the response of the Department of Defense to any of the following:

(1) A statutory requirement to conduct a declassification review on a specified set of agency records.

(2) An Executive order to conduct a declassification review on a specified set of agency records.

(3) An order from the President or an official with delegated authority from the President to conduct a declassification review on a specified set of agency records.

SEC. 1076. ENHANCED ACCESS TO CRIMINAL HISTORY RECORD INFORMATION FOR NATIONAL SECURITY AND OTHER PURPOSES.

(a) COVERAGE OF DEPARTMENT OF TRANSPORTATION.—Section 9101 of title 5, United States Code, is amended—

(1) by adding at the end of subsection (a) the following new paragraph:

“(6) The term ‘covered agency’ means any of the following:

“(A) The Department of Defense.

“(B) The Department of State.

“(C) The Department of Transportation.

“(D) The Office of Personnel Management.

“(E) The Central Intelligence Agency.

“(F) The Federal Bureau of Investigation.”;

(2) in subsection (b)(1)—

(A) by striking “by the Department of Defense” and all that follows through “Federal Bureau of Investigation” and inserting “by the head of a covered agency”; and

(B) by striking “such department, office, agency, or bureau” and inserting “that covered agency”; and

(3) in subsection (c), by striking “The Department of Defense” and all that follows through “Federal Bureau of Investigation” and inserting “A covered agency”.

(b) REPEAL OF EXPIRED PROVISION.—Subsection (b) of such section is amended by striking paragraph (3).

(c) EXPANDED PURPOSES FOR ACCESS TO CRIMINAL HISTORY INFORMATION.—Subsection (b) of such section is further amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in the first sentence of paragraph (1)—

(A) by inserting “any of the following:” after “eligibility for”; and

(B) by striking “(A) access to classified information” and all that follows through the end of the sentence and inserting the following:

“(A) Access to classified information.

“(B) Assignment to or retention in sensitive national security duties.

“(C) Acceptance or retention in the armed forces.

“(D) Appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the Government or performing a Government contract.”;

(3) by designating the second sentence of paragraph (1) as paragraph (2); and

(4) by designating the third sentence of paragraph (1) as paragraph (3) and in that sentence by striking “, nor shall” and all that follows through the end of the sentence and inserting a period.

(d) USE OF AUTOMATED INFORMATION DELIVERY SYSTEMS.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e)(1) Automated information delivery systems shall be used to provide criminal history record information to a covered agency under subsection (b) whenever available.

“(2) Fees, if any, charged for automated access through such systems may not exceed the reasonable cost of providing such access.

“(3) The criminal justice agency providing the criminal history record information through such systems may not limit disclosure on the basis that the repository is accessed from outside the State.

“(4) Information provided through such systems shall be the full and complete criminal history record.

“(5) Criminal justice agencies shall accept and respond to requests for criminal history record information through such systems with printed or photocopied records when requested.”.

(e) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking “includes” and all that follows through “thereof which” and inserting “means (A) any Federal, State, or local court, and (B) any Federal, State, or local agency, or any subunit thereof, which”; and

(2) in paragraph (4)—

(A) by inserting “the Commonwealth of” before “the Northern Mariana Islands”; and

(B) by striking “the Trust Territory of the Pacific Islands,”.

(f) CONFORMING AMENDMENTS.—(1)(A) The heading for chapter 91 of title 5, United States Code, is amended to read as follows:

“CHAPTER 91—ACCESS TO CRIMINAL HISTORY RECORDS FOR NATIONAL SECURITY AND OTHER PURPOSES”.

(B) The item relating to chapter 91 in the table of chapters at the beginning of part III of such title is amended to read as follows:

“91. Access to Criminal History Records for National Security and Other Purposes 9101”.

(2)(A) The heading of section 9101 of such title is amended to read as follows:

“§ 9101. Access to criminal history records for national security and other purposes”.

(B) The item relating to that section in the table of sections at the beginning of chapter 91 of such title is amended to read as follows:

“9101. Access to criminal history records for national security and other purposes.”.

(g) REPEAL OF SUPERSEDED PROVISION.—(1) Section 520a of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 31 of such title is amended by striking the item relating to section 520a.

SEC. 1077. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking “December 31, 2000” and inserting “December 31, 2002”.

SEC. 1078. COORDINATION OF NUCLEAR WEAPONS SECRECY POLICIES AND CONSIDERATION OF HEALTH OF WORKERS AT FORMER DEPARTMENT OF DEFENSE NUCLEAR FACILITIES.

(a) REVIEW OF SECRECY POLICIES.—(1) The Secretary of Defense shall review classification and security policies of the Department of Defense in order to ensure that, within appropriate national security constraints, those policies do not prevent or discourage former defense nuclear weapons facility employees who may have been exposed to radioactive or other hazardous substances associated with nuclear weapons from discussing such exposures with appropriate health care providers and with other appropriate officials.

(2) The policies reviewed under paragraph (1) shall include the policy to neither confirm nor deny the presence of nuclear

weapons as that policy is applied to former defense nuclear weapons facilities.

(b) DEFINITIONS.—For purposes of this section:

(1) The term “former defense nuclear weapons facility employees” means employees and former employees of the Department of Defense who are or were employed at a site that, as of the date of the enactment of this Act, is a former defense nuclear weapons facility.

(2) The term “former defense nuclear weapons facility” means a current or former Department of Defense site in the United States which at one time was a defense nuclear weapons facility but which no longer contains nuclear weapons or materials and otherwise is no longer used for such purpose.

(3) The term “defense nuclear weapons facility” means a Department of Defense site in the United States at which nuclear weapons or materials are stored, assembled, disassembled, or maintained.

(c) NOTIFICATION OF AFFECTED EMPLOYEES.—(1) The Secretary of Defense shall seek to identify individuals—

(A) who are former defense nuclear weapons facility employees; and

(B) who, while employed at a defense nuclear weapons facility, may have been exposed to radioactive or hazardous substances associated with nuclear weapons.

(2) Upon identification of any individual under paragraph (1), the Secretary of Defense shall notify that individual, by mail or other individual means, of any such exposure to radioactive or hazardous substances associated with nuclear weapons that has been identified by the Secretary. The notification shall include an explanation of how (or the degree to which) that individual can discuss any such exposure with a health care provider who does not hold a security clearance without violating security or classification procedures and, if necessary, provide guidance to facilitate the ability of that individual to contact a health care provider with appropriate security clearances or otherwise to discuss such exposures with other officials who are determined by the Secretary of Defense to be appropriate.

(d) REPORT.—Not later than May 1, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth—

(1) the results of the review conducted under subsection (a), including any changes made or recommendations for legislation; and

(2) the status of the notifications required by subsection (b) and an anticipated date by which the identification and notification of individuals under that subsection will be completed.

(e) CONSULTATION WITH SECRETARY OF ENERGY.—The Secretary of Defense shall carry out the review under subsection (a) and the identification of individuals under subsection (b), and shall prepare the report under subsection (c), in consultation with the Secretary of Energy.

Subtitle I—Other Matters

SEC. 1081. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

(a) **AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS ON AN INTERIM BASIS.**—Section 2540c(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “FEES.—”; and

(2) by adding at the end the following new paragraph:

“(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed \$500,000 in any fiscal year, for those expenses.

“(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.”.

(b) **EFFECTIVE DATE.**—Paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

(c) **LIMITATION PENDING SUBMISSION OF REPORT.**—The Secretary of Defense may not exercise the authority provided by paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), until the Secretary submits to Congress a report on the operation of the Defense Export Loan Guarantee Program under subchapter V of chapter 148 of title 10, United States Code. The report shall include the following:

(1) A discussion of the effectiveness of the loan guarantee program in furthering the sale of United States defense articles, defense services, and design and construction services to nations that are specified in section 2540(b) of such title, to include a comparison of the loan guarantee program with other United States Government programs that are intended to contribute to the sale of United States defense articles, defense services, and design and construction services and other comparisons the Secretary determines to be appropriate.

(2) A discussion of the requirements and resources (including personnel and funds) for continued administration of the loan guarantee program by the Defense Department, to include—

(A) an itemization of the requirements necessary and resources available (or that could be made available) to administer the loan guarantee program for each of the following entities: the Defense Security Cooperation Agency, the Department of Defense International Cooperation Office, and other Defense Department agencies, offices, or activities as the Secretary may specify; and

(B) for each such activity, agency, or office, a comparison of the use of Defense Department personnel exclusively to administer, manage, and oversee the program with the use of contracted commercial entities to administer and manage the program.

(3) Any legislative recommendations that the Secretary believes could improve the effectiveness of the program.

(4) A determination made by the Secretary of Defense indicating which Defense Department agency, office, or other activity should administer, manage, and oversee the loan guarantee program to increase sales of United States defense articles, defense services, and design and construction services, such determination to be made based on the information and analysis provided in the report.

SEC. 1082. TRANSIT PASS PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL IN POOR AIR QUALITY AREAS.

(a) IN GENERAL.—(1) Chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2259. Transit pass program: personnel in poor air quality areas

“(a) ESTABLISHMENT OF PROGRAM.—To encourage Department of Defense personnel assigned to duty, or employed, in poor air quality areas to use means other than single-occupancy motor vehicles to commute to or from the location of their duty assignments, the Secretary of Defense shall exercise the authority provided in section 7905 of title 5 to establish a program to provide a transit pass benefit under subsection (b)(2)(A) of that section for members of the Army, Navy, Air Force, and Marine Corps who are assigned to duty, and to Department of Defense civilian officers and employees who are employed, in a poor air quality area.

“(b) POOR AIR QUALITY AREAS.—In this section, the term ‘poor air quality area’ means an area—

“(1) that is subject to the national ambient air quality standards promulgated by the Administrator of the Environmental Protection Agency under section 109 of the Clean Air Act (42 U.S.C. 7409); and

“(2) that, as determined by the Administrator of the Environmental Protection Agency, is a nonattainment area with respect to any of those standards.”.

(2) The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

“2259. Transit pass program: personnel in poor air quality areas.”.

(b) TIME FOR IMPLEMENTATION.—The Secretary of Defense shall prescribe the effective date for the transit pass program required under section 2259 of title 10, United States Code, as added by subsection (a). The effective date so prescribed may not be later than the first day of the first month that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 1083. TRANSFER OF VIETNAM ERA TA-4 AIRCRAFT TO NONPROFIT FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to the nonprofit Collings Foundation of Stow, Massachusetts (in this section referred to as the “foundation”), all right, title, and interest of the United States in and to one surplus TA-4 aircraft that is flyable or that can be readily

restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) **CONDITION OF AIRCRAFT.**—(1) The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The foundation shall complete any such alteration within one year after the date of the enactment of this Act.

(2) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) **REVERTER UPON BREACH OF CONDITIONS.**—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the foundation operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) **CONVEYANCE AT NO COST TO THE UNITED STATES.**—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) **CLARIFICATION OF LIABILITY.**—Notwithstanding any other provision of law, upon the conveyance of ownership of a TA–4 aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1084. TRANSFER OF 19TH CENTURY CANNON TO MUSEUM.

(a) **DONATION REQUIRED.**—The Secretary of the Army shall convey, without consideration, to the Friends of the Cannonball House, Incorporated (in this section referred to as the “recipient”), which is a nonprofit corporation that operates the Cannonball House Museum in Macon, Georgia, all right, title, and interest of the United States in and to a 12-pounder Napoleon cannon bearing the following markings:

(1) On the top “CS”.

(2) On the face of the muzzle: “Macon Arsenal, 1864/No.41/1164 ET”.

(3) On the right trunnion: “Macon Arsenal GEO/1864/No.41/WT.1164/E.T.”.

(b) ADDITIONAL TERMS AND CONDITIONS ON CONVEYANCE.—The Secretary of the Army shall include in the instrument of conveyance of the cannon under subsection (a)—

(1) a condition that the recipient not convey any ownership interest in, or transfer possession of, the cannon to any other party without the prior approval of the Secretary; and

(2) a condition that if the Secretary determines at any time that the recipient has conveyed an ownership interest in, or transferred possession of, the cannon to any other party without the prior approval of the Secretary, all right, title, and interest in and to the cannon shall revert to the United States, and the United States shall have the right of immediate possession of the cannon.

(c) RELATIONSHIP TO OTHER LAW.—The conveyance required under this section may be carried out without regard to the Act entitled “An Act for the preservation of American antiquities”, approved June 8, 1906 (16 U.S.C. 431 et seq.), popularly referred to as the “Antiquities Act of 1906”.

(d) ACQUISITION OF REPLACEMENT MACON CANNON.—If the Secretary of the Army determines that the Army’s inventory of Civil War era cannons should include an additional cannon documented as having been manufactured in Macon, Georgia, to replace the cannon conveyed under subsection (a), the Secretary may acquire such a cannon by donation or purchase with funds made available for this purpose.

SEC. 1085. FEES FOR PROVIDING HISTORICAL INFORMATION TO THE PUBLIC.

(a) ARMY.—(1) Chapter 437 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4595. Army Military History Institute: fee for providing historical information to the public

“(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Army may charge a person a fee for providing the person with information from the United States Army Military History Institute that is requested by that person.

“(b) EXCEPTIONS.—A fee may not be charged under this section—

“(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

“(2) for a release of information under section 552 of title 5.

“(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

“(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Army Military History Institute during that fiscal year.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘United States Army Military History Institute’ means the archive for historical records and materials of the Army that the Secretary of the Army designates as the primary archive for such records and materials.

“(2) The terms ‘officer of the United States’ and ‘employee of the United States’ have the meanings given the terms ‘officer’ and ‘employee’, respectively, in sections 2104 and 2105, respectively, of title 5.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4595. Army Military History Institute: fee for providing historical information to the public.”.

(b) NAVY.—(1) Chapter 649 of such title is amended by adding at the end the following new section:

“§ 7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public

“(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Navy may charge a person a fee for providing the person with information from the United States Naval Historical Center or the Marine Corps Historical Center that is requested by that person.

“(b) EXCEPTIONS.—A fee may not be charged under this section—

“(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

“(2) for a release of information under section 552 of title 5.

“(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

“(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information from the United States Naval Historical Center or the Marine Corps Historical Center in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from that historical center during that fiscal year.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘United States Naval Historical Center’ means the archive for historical records and materials of the Navy that the Secretary of the Navy designates as the primary archive for such records and materials.

“(2) The term ‘Marine Corps Historical Center’ means the archive for historical records and materials of the Marine Corps that the Secretary of the Navy designates as the primary archive for such records and materials.

“(3) The terms ‘officer of the United States’ and ‘employee of the United States’ have the meanings given the terms ‘officer’ and ‘employee’, respectively, in sections 2104 and 2105, respectively, of title 5.”.

(2) The heading of such chapter is amended by striking “RELATED”.

(3)(A) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical information to the public.”.

(B) The item relating to such chapter in the tables of chapters at the beginning of subtitle C of such title and the beginning of part IV of such subtitle is amended by striking out “Related”.

(c) AIR FORCE.—(1) Chapter 937 of such title is amended by adding at the end the following new section:

“§ 9594. Air Force Military History Institute: fee for providing historical information to the public

“(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of the Air Force may charge a person a fee for providing the person with information from the United States Air Force Military History Institute that is requested by that person.

“(b) EXCEPTIONS.—A fee may not be charged under this section—

“(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

“(2) for a release of information under section 552 of title 5.

“(c) LIMITATION ON AMOUNT.—A fee charged for providing information under this section may not exceed the cost of providing the information.

“(d) RETENTION OF FEES.—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Air Force Military History Institute during that fiscal year.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘United States Air Force Military History Institute’ means the archive for historical records and materials of the Air Force that the Secretary of the Air Force designates as the primary archive for such records and materials.

“(2) The terms ‘officer of the United States’ and ‘employee of the United States’ have the meanings given the terms ‘officer’ and ‘employee’, respectively, in sections 2104 and 2105, respectively, of title 5.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9594. Air Force Military History Institute: fee for providing historical information to the public.”.

SEC. 1086. GRANTS TO AMERICAN RED CROSS FOR ARMED FORCES EMERGENCY SERVICES.

(a) GRANTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may make a grant to the American Red Cross in an amount not to exceed \$9,400,000 in each of fiscal years 2001, 2002, and 2003 for the support of the Armed Forces Emergency Services program of the American Red Cross.

(b) MATCHING REQUIREMENT.—The grant under subsection (a) for a fiscal year may not be made until after the American Red Cross Incorporated, certifies to the Secretary of Defense that the American Red Cross will expend for the Armed Forces Emergency

Services program for that fiscal year funds, derived from non-Federal sources, in a total amount that equals or exceeds the amount of the grant.

SEC. 1087. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 180(d) is amended by striking “section 5376” and inserting “section 5315”.

(2) Section 628(c)(2) is amended by striking “section” in the second sentence after “rather than the provisions of” and inserting “sections”.

(3) Section 702(b)(2) is amended by striking “section 230(c)” and inserting “section 203(c)”.

(4) Section 706(c) is amended—

(A) by striking “(1)” after “(c)”; and

(B) by striking paragraph (2).

(5) Section 1074g is amended—

(A) in subsection (a)(6), by striking “as part of the regulations established” and inserting “in the regulations prescribed”;

(B) in subsection (a)(7), by striking “not included on the uniform formulary, but,” and inserting “that are not included on the uniform formulary but that are”;

(C) in subsection (b)(1), by striking “required by” in the last sentence and inserting “prescribed under”;

(D) in subsection (d)(2), by striking “Not later than” and all that follows through “utilize” and inserting “Effective not later than April 5, 2000, the Secretary shall use”;

(E) in subsection (e)—

(i) by striking “Not later than April 1, 2000, the” and inserting “The”; and

(ii) by inserting “in” before “the TRICARE” and before “the national”;

(F) in subsection (f)—

(i) by striking “As used in this section—” and inserting “In this section.”;

(ii) by striking “the” at the beginning of paragraphs (1) and (2) and inserting “The”; and

(iii) by striking “; and” at the end of paragraph (1) and inserting a period; and

(G) in subsection (g), by striking “promulgate” and inserting “prescribe”.

(6) Section 1076c(b)(5)(C) is amended by striking “pursuant to subsection (i)(2) of such section”.

(7) Section 1095d(b) is amended by striking “subparagraphs” and inserting “subparagraph”.

(8) Section 1109(b) is amended by striking “(1)” before “The Secretaries”.

(9) Section 1142(b)(4) is amended by striking “sections 1151, 1152, and 1153 of this title” and inserting “sections 1152 and 1153 of this title and the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.)”.

(10) Section 1448(b)(3)(E)(ii) is amended by striking the second comma after “October 16, 1998”.

(11) Section 1598 is amended—

(A) in subsection (d)(2), by inserting “as in effect on October 4, 1999,” after “of this title,” both places it appears; and

(B) in subsection (f), by inserting “, as in effect on October 4, 1999,” after “of this title”.

(12) Section 2113(f) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by designating the penultimate sentence and the last sentence of paragraph (1) as paragraphs (2) and (3), respectively.

(13) Section 2401(b)(1)(B) is amended by striking “Committees on Appropriations” and inserting “Committee on Appropriations”.

(14) Section 2410j is amended—

(A) in subsection (f)(2), by inserting “as in effect on October 4, 1999,” after “of this title,” both places it appears; and

(B) in subsection (h), by inserting “, as in effect on October 4, 1999,” after “of this title”.

(15) Section 2688 is amended by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(16) Section 2814(k) is amended by inserting “and” after “Balanced Budget”.

(17) Sections 4357(e)(5), 6975(e)(5), and 9356(e)(5) are amended by inserting a close parenthesis after “80b–2”.

(18) Section 5143(c)(2) is amended by striking “has a grade” and inserting “has the grade of”.

(19) Section 5144(c)(2) is amended by striking “has a grade” and inserting “has the grade of”.

(20) Section 10218 is amended—

(A) in subsections (a)(1), (b)(1), (b)(2)(A), and (b)(2)(B)(ii), by striking “the date of the enactment of this section” each place it appears and inserting “October 5, 1999,”;

(B) in subsections (a)(3)(B)(i) and (b)(2)(B)(i), by striking “the end of the one-year period beginning on the date of the enactment of this subsection” and inserting “October 5, 2000”;

(C) in subsection (b)(1), by striking “six months after the date of the enactment of this section” and inserting “April 5, 2000”; and

(D) in subsection (b)(3), by striking “within six months of the date of the enactment of this section” and inserting “during the period beginning on October 5, 1999, and ending on April 5, 2000”.

(21) Section 12552 is amended by inserting a period at the end.

(22) Section 18233a(b) is amended—

(A) in paragraph (1), by striking “section 2805(c)(1)” and inserting “section 2805(c)(1)(A)”; and

(B) in paragraph (2), by striking “section 2805(c)(2)” and inserting “section 2805(c)(1)(B)”.

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301b(j)(2) is amended by striking “section 301a(a)(6)(A)” and inserting “section 301a(a)(6)(B)”.

(2) Section 403(f)(3) is amended by striking “regulation” and inserting “regulations”.

(3) Section 404(b)(2) is amended by striking “section 402(e)” and inserting “section 403(f)(3)”.

(4) The section 435 added by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638) is redesignated as section 436, and the item relating to that section in the table of sections at the beginning of chapter 7 is revised to conform to such redesignation.

(5) Section 1012 is amended by striking “section 402(b)(3)” and inserting “section 402(e)”.

(c) PUBLIC LAW 106–65.—(1) Effective as of October 5, 1999, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 512 et seq) is amended as follows:

(A) Section 578 is amended—

(i) in subsection (j) (113 Stat. 630), by striking “Chapter 4” and inserting “Chapter 7”; and

(ii) in subsection (k)(4) (113 Stat. 631), by striking “chapter 4” and inserting “chapter 7”.

(B) Section 586(c)(2) (113 Stat. 639) is amended by striking “relating to section 434” and inserting “added by section 578(k)(4)”.

(C) Section 601(c) (113 Stat. 645; 37 U.S.C. 1009 note) is amended—

(i) in the first table, relating to commissioned officers, by striking “\$12,441.00” in footnote 2 and inserting “\$12,488.70”; and

(ii) in the fourth table, relating to enlisted members, by striking “\$4,701.00” in footnote 2 and inserting “\$4,719.00”.

(D) Section 657(a)(1)(A) (113 Stat. 668; 10 U.S.C. 1450 note) is amended by striking “August 21, 1983” and inserting “August 19, 1983”.

(2) In the case of any former spouse to whom paragraph (3) of section 1450(f) of title 10, United States Code, applies by reason of the amendment made by paragraph (1)(D), the provisions of subsection (b) of section 657 of the National Defense Authorization Act for Fiscal Year 2000 shall be applied by using the date of the enactment of this Act, rather than the date of the enactment of that Act.

(d) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 142 (112 Stat. 1943; 50 U.S.C. 1521 note) is amended—

(A) in subsection (e), by striking “1521(f))” and inserting “1521 note”); and

(B) by redesignating the second subsection (f) as subsection (g).

(2) Section 503(b)(1) (112 Stat. 2003) is amended by inserting “its” after “record of” in the first quoted matter therein.

(3) Section 645(b) (112 Stat. 2050) is amended by striking “a member” and inserting “member” in the quoted matter therein.

(4) Section 701 (112 Stat. 2056) is amended—

(A) in subsection (a), by inserting “(1)” before “Section 1076a(b)(2)”; and

(B) in subsection (b), by inserting “of such title” after “1076a”.

(5) Section 802(b) (112 Stat. 2081) is amended by striking “Administrative” in the first quoted matter therein and inserting “Administration”.

(6) Section 1101(e)(2)(C) (112 Stat. 2140; 5 U.S.C. 3104 note) is amended by striking “subsection (c)(1)” and inserting “subsection (c)(2)”.

(7) Section 1405(k)(2) (112 Stat. 2170; 50 U.S.C. 2301 note) is amended by striking “subchapter” and inserting “chapter”.

(e) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 602(d)(1)(A) (111 Stat. 1773; 37 U.S.C. 402 note) is amended by striking “of” the first place it appears in the matter preceding clause (i).

(2) Section 1221(a)(3) (22 U.S.C. 1928 note), as amended by section 1233(a)(2)(A) of Public Law 105–261 (112 Stat. 2156), is amended by striking the second close parenthesis after “relief efforts”.

(f) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 3329 is amended—

(A) in subsection (a), by striking “such term” and inserting “the term ‘military technician (dual status)’”; and

(B) in subsection (b), by striking “section 1332 of title 10” and inserting “section 12732 of title 10”.

(2) Section 5531 is amended by striking “sections 5532 and” in the matter preceding paragraph (1) and inserting “section”.

(3) Section 8116(a)(4) is amended by striking “, subject to” and all that follows through “United States Code”.

(4) Section 8339(g) is amended by striking “the application of the limitation in section 5532 of this title, or” in the third sentence.

(5) Section 8344(h)(1) is amended by inserting “(as in effect before the repeal of that section by section 651(a) of Public Law 106–65)” after “section 5532(f)(2) of this title”.

(g) OTHER LAWS.—

(1) Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking the second period after “2005”.

(2) Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by transferring subparagraph (G) so as to appear immediately before subparagraph (H), as added by section 2821(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 853).

(3) Section 686(b) of title 14, United States Code, is amended—

(A) in paragraph (1), by striking “section 403(b)” and inserting “section 403(e)”; and

(B) in paragraph (2), by striking “a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title” and inserting “a basic allowance for housing under section 403 of title 37”.

(4) Chapter 701 of title 36, United States Code, relating to the Federal charter of the Fleet Reserve Association, is amended in sections 70102(a) and 70108(a) by striking “Delaware” and inserting “Pennsylvania”.

(5) Section 7426 of title 38, United States Code, is amended by striking subsection (c).

(6) The item relating to chapter 112 in the table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by revising the second and third words so that the initial letter of each of those words is lower case.

(7) Section 405(f)(6)(B) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277; 112 Stat. 2681–430), is amended by striking “Act of title” in the first quoted matter therein and inserting “Act or title”.

(8) Section 1403(c)(6) of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 922(c)(6)) is amended by striking “the” before “Assistant Secretary of Defense”.

(9) Effective as of October 5, 1999, section 224 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2274(b)) is amended by striking “\$500,000” and inserting “\$50,000”.

(h) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1088. MAXIMUM SIZE OF PARCEL POST PACKAGES TRANSPORTED OVERSEAS FOR ARMED FORCES POST OFFICES.

Section 3401(b) of title 39, United States Code, is amended by striking “100 inches in length and girth combined” in paragraphs (2) and (3) and inserting “the maximum size allowed by the Postal Service for fourth class parcel post (known as ‘Standard Mail (B)’)”.

SEC. 1089. SENSE OF CONGRESS REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.

It is the sense of Congress that members of the Armed Forces who receive special pay under section 310 of title 37, United States Code, for duty subject to hostile fire or imminent danger should receive the same treatment under Federal income tax laws as members serving in combat zones.

SEC. 1090. ORGANIZATION AND MANAGEMENT OF CIVIL AIR PATROL.

(a) IN GENERAL.—Chapter 909 of title 10, United States Code, is amended to read as follows:

“CHAPTER 909—CIVIL AIR PATROL

“Sec.

“9441. Status as federally chartered corporation; purposes.

- “9442. Status as volunteer civilian auxiliary of the Air Force.
- “9443. Activities performed as federally chartered nonprofit corporation.
- “9444. Activities performed as auxiliary of the Air Force.
- “9445. Funds appropriated for the Civil Air Patrol.
- “9446. Miscellaneous personnel authorities.
- “9447. Board of Governors.
- “9448. Regulations.

“§ 9441. Status as federally chartered corporation; purposes

“(a) STATUS.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.

“(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.

“(b) PURPOSES.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.

“§ 9442. Status as volunteer civilian auxiliary of the Air Force

“(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.

“(b) USE BY AIR FORCE.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.

“(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.

“§ 9443. Activities performed as federally chartered nonprofit corporation

“(a) USE OF FEDERALLY PROVIDED RESOURCES.—In its status as a federally chartered nonprofit corporation, the Civil Air Patrol may use equipment, supplies, and other resources, including aircraft, motor vehicles, computers, and communications equipment, provided to the Civil Air Patrol by a department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds (or with funds of the Civil Air Patrol, but reimbursed from appropriated funds)—

“(1) to provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and nonemergency missions and activities; and

“(2) to fulfill its other purposes set forth in section 40302 of title 36.

“(b) USE SUBJECT TO APPLICABLE LAWS.—The use of equipment, supplies, or other resources under subsection (a) is subject to the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.

“(c) AUTHORITY NOT CONTINGENT ON REIMBURSEMENT.—The authority for the Civil Air Patrol to provide assistance under subsection (a)(1) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol elects to require reimbursement for the provision of assistance under such subsection, the Civil Air Patrol may establish

the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.

“(d) LIABILITY INSURANCE.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance to cover missions and activities carried out under this section.

“§ 9444. Activities performed as auxiliary of the Air Force

“(a) AIR FORCE SUPPORT FOR ACTIVITIES.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

“(b) FORMS OF AIR FORCE SUPPORT.—The Secretary of the Air Force may, under subsection (a)—

“(1) give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)—

“(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and

“(B) necessary related supplies and training aids that are excess to the military departments;

“(2) permit the use, with or without charge, of services and facilities of the Air Force;

“(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;

“(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;

“(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;

“(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;

“(7) authorize the payment of travel expenses and allowances, at rates not to exceed those paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;

“(8) provide funds for the national headquarters of the Civil Air Patrol, including—

“(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other operational expenses of the national headquarters; and

“(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

“(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

“(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

“(11) support the Civil Air Patrol cadet program by furnishing—

“(A) articles of the Air Force uniform to cadets without cost; and

“(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

“(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

“(c) ASSISTANCE BY OTHER AGENCIES.—(1) The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

“(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

“(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

“§ 9445. Funds appropriated for the Civil Air Patrol

“Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

“§ 9446. Miscellaneous personnel authorities

“(a) USE OF RETIRED AIR FORCE PERSONNEL.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and approved in accordance with regulations prescribed under section 9448 of this title.

“(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force.

“(3) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

“(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active duty and reserve component

forces to the extent and under conditions that the Secretary determines appropriate.

“§ 9447. Board of Governors

“(a) GOVERNING BODY.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

“(b) COMPOSITION.—The Board of Governors is composed of 11 members as follows:

“(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

“(2) Four members of the Civil Air Patrol, selected in accordance with the constitution and bylaws of the Civil Air Patrol.

“(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

“(c) APPOINTMENTS FROM INTERESTED ORGANIZATIONS.—(1) Subject to paragraph (2), the members of the Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

“(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

“(d) CHAIRMAN.—The Chairman of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board referred to in paragraphs (1) and (2) of subsection (b) and shall serve for a term of two years. The position of Chairman shall be held on a rotating basis between members of the Board appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and members of the Board selected under paragraph (2) of that subsection.

“(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted to the Civil Air Patrol under section 40304 of title 36.

“(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

“(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

“(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Subject to paragraph (2), the Board of Governors may take such action as is necessary to limit the personal liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

“(2) The Board may not limit the liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for any of the following:

“(A) A breach of the member’s duty of loyalty to the Civil Air Patrol or its members.

“(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

“(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

“(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

“(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—

(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

“(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

“(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

“(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

“§ 9448. Regulations

“(a) AUTHORITY.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

“(b) REQUIRED REGULATIONS.—The regulations shall include the following:

“(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

“(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

“(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

“(c) APPROVAL BY SECRETARY OF DEFENSE.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.”

(b) CONFORMING AMENDMENTS.—(1) Section 40302 of title 36, United States Code, is amended—

(A) by striking “to—” in the matter preceding paragraph (1) and inserting “as follows:”;

(B) by inserting “To” after the paragraph designation in each of paragraphs (1), (2), (3), and (4);

(C) by striking the semicolon at the end of paragraphs (1)(B) and (2) and inserting a period;

(D) by striking “; and” at the end of paragraph (3) and inserting a period; and

(E) by adding at the end the following:

“(5) To assist the Department of the Air Force in fulfilling its noncombat programs and missions.”.

(2)(A) Section 40303 of such title is amended—

(i) by inserting “(a) MEMBERSHIP.—” before “Eligibility”; and

(ii) by adding at the end the following:

“(b) GOVERNING BODY.—The Civil Air Patrol has a Board of Governors. The composition and responsibilities of the Board of Governors are set forth in section 9447 of title 10.”.

(B) The heading for such section is amended to read as follows:

“§ 40303. Membership and governing body”.

(C) The item relating to such section in the table of sections at the beginning of chapter 403 of title 36, United States Code, is amended to read as follows:

“40303. Membership and governing body.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

SEC. 1091. ADDITIONAL DUTIES FOR COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.

Section 1622(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 814; 10 U.S.C. 111 note) is amended by adding at the end the following new paragraph:

“(6) The advisability of—

“(A) various actions to eliminate the de facto requirement that specified officers in the United States Space Command be flight rated that results from the dual assignment of officers to that command and to one or more other commands in positions in which such officers are expressly required to be flight rated;

“(B) the establishment of a requirement that, as a condition of the assignment of a general or flag officer to the United States Space Command, the officer have experience in space, missile, or information operations that was gained through either acquisition or operational experience; and

“(C) rotating the command of the United States Space Command among the Armed Forces.”.

SEC. 1092. COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Commission on the Future of the United States Aerospace Industry” (in this section referred to as the “Commission”).

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed, not later than March 1, 2001, as follows:

(A) Up to six members shall be appointed by the President.

(B) Two members shall be appointed by the Speaker of the House of Representatives.

(C) Two members shall be appointed by the majority leader of the Senate.

(D) One member shall be appointed by the minority leader of the Senate.

(E) One member shall be appointed by the minority leader of the House of Representatives.

(2) The members of the Commission shall be appointed from among persons with extensive experience and national reputations in aerospace manufacturing, economics, finance, national security, international trade, or foreign policy and persons who are representative of labor organizations associated with the aerospace industry.

(3) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) The President shall designate one member of the Commission to serve as the chairman of the Commission.

(5) The Commission shall meet at the call of the chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings.

(c) DUTIES.—(1) The Commission shall—

(A) study the issues associated with the future of the United States aerospace industry in the global economy, particularly in relationship to United States national security; and

(B) assess the future importance of the domestic aerospace industry for the economic and national security of the United States.

(2) In order to fulfill its responsibilities, the Commission shall study the following:

(A) The budget process of the United States Government, particularly with a view to assessing the adequacy of projected budgets of the Federal departments and agencies for aerospace research and development and procurement.

(B) The acquisition process of the Government, particularly with a view to assessing—

(i) the adequacy of the current acquisition process of Federal departments and agencies; and

(ii) the procedures for developing and fielding aerospace systems incorporating new technologies in a timely fashion.

(C) The policies, procedures, and methods for the financing and payment of Government contracts.

(D) Statutes and regulations governing international trade and the export of technology, particularly with a view to assessing—

(i) the extent to which the current system for controlling the export of aerospace goods, services, and technologies reflects an adequate balance between the need to protect national security and the need to ensure unhindered access to the global marketplace; and

(ii) the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the United States aerospace industry.

(E) Policies governing taxation, particularly with a view to assessing the impact of current tax laws and practices on the international competitiveness of the aerospace industry.

(F) Programs for the maintenance of the national space launch infrastructure, particularly with a view to assessing

the adequacy of current and projected programs for maintaining the national space launch infrastructure.

(G) Programs for the support of science and engineering education, including current programs for supporting aerospace science and engineering efforts at institutions of higher learning, with a view to determining the adequacy of those programs.

(d) REPORT.—(1) Not later than March 1, 2002, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission's findings and conclusions.

(B) The Commission's recommendations for actions by Federal departments and agencies to support the maintenance of a robust aerospace industry in the United States in the 21st century and any recommendations for statutory and regulatory changes to support the implementation of the Commission's findings.

(C) A discussion of the appropriate means for implementing the Commission's recommendations.

(e) ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.—(1) The Director of the Office of Management and Budget shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary. Any expenses of the Commission shall be paid from funds available to the Director.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers advisable to carry out the purposes of this section.

(3) The Commission may request directly from any department or agency of the United States any information that the Commission considers necessary to carry out the provisions of this section. To the extent consistent with applicable requirements of law and regulations, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) COMMISSION PERSONNEL MATTERS.—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The chairman of the Commission may appoint staff of the Commission, request the detail of Federal employees, and accept temporary and intermittent services in accordance with section 3161 of title 5, United States Code (as added by section 1101 of this Act).

(g) TERMINATION.—The Commission shall terminate 30 days after the date of the submission of its report under subsection (d).

SEC. 1093. DRUG ADDICTION TREATMENT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking “(A) security” and inserting “(i) security”, and by striking “(B) the maintenance” and inserting “(ii) the maintenance”;

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting “(1)” after “(g)”;

(4) by striking “Practitioners who dispense” and inserting “Except as provided in paragraph (2), practitioners who dispense”; and

(5) by adding at the end the following paragraph:

“(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner, of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

“(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

“(i) The practitioner is a qualifying physician (as defined in subparagraph (G)).

“(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

“(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

“(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

“(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

“(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

“(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published

in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

“(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

“(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

“(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

“(ii) Upon receiving a notification under subparagraph (B), the Attorney General shall assign the practitioner involved an identification number under this paragraph for inclusion with the registration issued for the practitioner pursuant to subsection (f). The identification number so assigned shall be appropriate to preserve the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A).

“(iii) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of such 45-day period, the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

“(E)(i) If a practitioner is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

“(ii)(I) Upon the expiration of 45 days from the date on which the Secretary receives a notification under subparagraph (B), a practitioner who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary, except that such a practitioner may commence to prescribe or dispense such narcotic drugs for such purposes prior to the expiration of such 45-day period if it facilitates the treatment of an individual patient and both the Secretary and the Attorney General are notified by the practitioner of the intent to commence prescribing or dispensing such narcotic drugs.

“(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant

to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to practitioners, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

“(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

“(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

“(G) For purposes of this paragraph:

“(i) The term ‘group practice’ has the meaning given such term in section 1877(h)(4) of the Social Security Act.

“(ii) The term ‘qualifying physician’ means a physician who is licensed under State law and who meets one or more of the following conditions:

“(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

“(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

“(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

“(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

“(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

“(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

“(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause

shall be established by regulation. Any such criteria are effective only for 3 years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

“(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

“(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(ii) Not later than 120 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

“(I) During the 3-year period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, a State may not preclude a practitioner from dispensing or prescribing drugs in schedule III, IV, or V or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combinations of drug.

“(J)(i) This paragraph takes effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

“(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, make determinations in accordance with the following:

“(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A)

have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

“(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

“(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.”.

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking “section 303(g)” each place such term appears and inserting “section 303(g)(1)”; and

(2) in subsection (d), by striking “section 303(g)” and inserting “section 303(g)(1)”.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by this section, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for each of fiscal years 2001 through 2003.

(d) COORDINATION OF PROVISIONS.—(1) If the Drug Addiction Treatment Act of 2000 is enacted before this Act, the provisions of this section shall not take effect.

(2) If the Drug Addiction Treatment Act of 2000 is enacted after this Act, the amendments made by this section shall be deemed for all purposes to have been made by section 3502 of that Act and this section shall cease to be in effect as of that enactment.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SUBTITLE A—CIVILIAN PERSONNEL MANAGEMENT GENERALLY

- Sec. 1101. Employment and compensation of employees for temporary organizations established by law or Executive order.
- Sec. 1102. Assistive technology accommodations program.
- Sec. 1103. Extension of authority for voluntary separations in reductions in force.
- Sec. 1104. Electronic maintenance of performance appraisal systems.
- Sec. 1105. Study on civilian personnel services.

SUBTITLE B—DEMONSTRATION AND PILOT PROGRAMS

- Sec. 1111. Pilot program for reengineering the equal employment opportunity complaint process.
- Sec. 1112. Work safety demonstration program.
- Sec. 1113. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.
- Sec. 1114. Clarification of personnel management authority under personnel demonstration project.

SUBTITLE C—EDUCATIONAL ASSISTANCE

- Sec. 1121. Restructuring the restriction on degree training.
- Sec. 1122. Student loan repayment programs.
- Sec. 1123. Extension of authority for tuition reimbursement and training for civilian employees in the defense acquisition workforce.

SUBTITLE D—OTHER BENEFITS

- Sec. 1131. Additional special pay for foreign language proficiency beneficial for United States national security interests.
- Sec. 1132. Approval authority for cash awards in excess of \$10,000.
- Sec. 1133. Leave for crews of certain vessels.
- Sec. 1134. Life insurance for emergency essential Department of Defense employees.

SUBTITLE E—INTELLIGENCE CIVILIAN PERSONNEL

- Sec. 1141. Expansion of defense civilian intelligence personnel system positions.
- Sec. 1142. Increase in number of positions authorized for the Defense Intelligence Senior Executive Service.

SUBTITLE F—VOLUNTARY SEPARATION INCENTIVE PAY AND EARLY RETIREMENT AUTHORITY

- Sec. 1151. Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
- Sec. 1152. Department of Defense employee voluntary early retirement authority.
- Sec. 1153. Limitations.

Subtitle A—Civilian Personnel Management Generally

SEC. 1101. EMPLOYMENT AND COMPENSATION OF EMPLOYEES FOR TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER.

(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

“§ 3161. Employment and compensation of employees

“(a) DEFINITION OF TEMPORARY ORGANIZATION.—For the purposes of this subchapter, the term ‘temporary organization’ means a commission, committee, board, or other organization that—

“(1) is established by law or Executive order for a specific period not in excess of three years for the purpose of performing a specific study or other project; and

“(2) is terminated upon the completion of the study or project or upon the occurrence of a condition related to the completion of the study or project.

“(b) EMPLOYMENT AUTHORITY.—(1) Notwithstanding the provisions of chapter 51 of this title, the head of a temporary organization may appoint persons to positions of employment in a temporary organization in such numbers and with such skills as are necessary for the performance of the functions required of a temporary organization.

“(2) The period of an appointment under paragraph (1) may not exceed three years, except that under regulations prescribed by the Office of Personnel Management the period of appointment may be extended for up to an additional two years.

“(3) The positions of employment in a temporary organization are in the excepted service of the civil service.

“(c) DETAIL AUTHORITY.—Upon the request of the head of a temporary organization, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to that organization to assist in carrying out its duties.

“(d) COMPENSATION.—(1) The rate of basic pay for an employee appointed under subsection (b) shall be established under regulations prescribed by the Office of Personnel Management without regard to the provisions of chapter 51 and subchapter III of chapter 53 of this title.

“(2) The rate of basic pay for the chairman, a member, an executive director, a staff director, or another executive level position of a temporary organization may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of this title.

“(3) Except as provided in paragraph (4), the rate of basic pay for other positions in a temporary organization may not exceed the maximum rate of basic pay for grade GS-15 of the General Schedule under section 5332 of this title.

“(4) The rate of basic pay for a senior staff position of a temporary organization may, in a case determined by the head of the temporary organization as exceptional, exceed the maximum rate of basic pay authorized under paragraph (3), but may not exceed the maximum rate of basic pay authorized for an executive level position under paragraph (2).

“(5) In this subsection, the term ‘basic pay’ includes locality pay provided for under section 5304 of this title.

“(e) TRAVEL EXPENSES.—An employee of a temporary organization, whether employed on a full-time or part-time basis, may be allowed travel and transportation expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of this title, while traveling away from the employee’s regular place of business in the performance of services for the temporary organization.

“(f) BENEFITS.—An employee appointed under subsection (b) shall be afforded the same benefits and entitlements as are provided temporary employees under this title.

“(g) RETURN RIGHTS.—An employee serving under a career or career conditional appointment or the equivalent in an agency

who transfers to or converts to an appointment in a temporary organization with the consent of the head of the agency is entitled to be returned to the employee's former position or a position of like seniority, status, and pay without grade or pay retention in the agency if the employee—

“(1) is being separated from the temporary organization for reasons other than misconduct, neglect of duty, or malfeasance; and

“(2) applies for return not later than 30 days before the earlier of—

“(A) the date of the termination of the employment in the temporary organization; or

“(B) the date of the termination of the temporary organization.

“(h) TEMPORARY AND INTERMITTENT SERVICES.—The head of a temporary organization may procure for the organization temporary and intermittent services under section 3109(b) of this title.

“(i) ACCEPTANCE OF VOLUNTEER SERVICES.—(1) The head of a temporary organization may accept volunteer services appropriate to the duties of the organization without regard to section 1342 of title 31.

“(2) Donors of voluntary services accepted for a temporary organization under this subsection may include the following:

“(A) Advisors.

“(B) Experts.

“(C) Members of the commission, committee, board, or other temporary organization, as the case may be.

“(D) A person performing services in any other capacity determined appropriate by the head of the temporary organization.

“(3) The head of the temporary organization—

“(A) shall ensure that each person performing voluntary services accepted under this subsection is notified of the scope of the voluntary services accepted;

“(B) shall supervise the volunteer to the same extent as employees receiving compensation for similar services; and

“(C) shall ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

“(4) A person providing volunteer services accepted under this subsection shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

“(A) Chapter 81 of this title, relating to compensation for work-related injuries.

“(B) Chapter 171 of title 28, relating to tort claims.

“(C) Chapter 11 of title 18, relating to conflicts of interest.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW
OR EXECUTIVE ORDER

“Sec.

“3161. Employment and compensation of employees.”.

SEC. 1102. ASSISTIVE TECHNOLOGY ACCOMMODATIONS PROGRAM.

(a) **AUTHORITY TO PROVIDE TECHNOLOGY, DEVICES, AND SERVICES.**—Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

“§ 1582. Assistive technology, assistive technology devices, and assistive technology services

“(a) **AUTHORITY.**—The Secretary of Defense may provide assistive technology, assistive technology devices, and assistive technology services to the following:

“(1) Department of Defense employees with disabilities.

“(2) Organizations within the Department that have requirements to make programs or facilities accessible to, and usable by, persons with disabilities.

“(3) Any other department or agency of the Federal Government, upon the request of the head of that department or agency, for its employees with disabilities or for satisfying a requirement to make its programs or facilities accessible to, and usable by, persons with disabilities.

“(b) **DEFINITIONS.**—In this section, the terms ‘assistive technology’, ‘assistive technology device’, ‘assistive technology service’, and ‘disability’ have the meanings given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

“1582. Assistive technology, assistive technology devices, and assistive technology services.”.

SEC. 1103. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking “September 30, 2001” and inserting “September 30, 2005”.

SEC. 1104. ELECTRONIC MAINTENANCE OF PERFORMANCE APPRAISAL SYSTEMS.

Section 4302 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c) In accordance with regulations which the Office shall prescribe, the head of an agency may administer and maintain a performance appraisal system electronically.”.

SEC. 1105. STUDY ON CIVILIAN PERSONNEL SERVICES.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall assess the manner in which personnel services are provided for civilian personnel in the Department of Defense and determine whether—

(1) administration of such services should continue to be centralized in individual military services and Defense Agencies or whether such services should be centralized within designated geographical areas to provide services to all Department of Defense elements;

(2) offices that perform such services should be established to perform specific functions rather than cover an established geographical area;

(3) processes and functions of civilian personnel offices should be reengineered to provide greater efficiency and better

service to management and employees of the Department of Defense; and

(4) efficiencies could be gained by public-private competition of the delivery of any of the personnel services for civilian personnel of the Department of Defense.

(b) REPORT.—Not later than January 1, 2002, the Secretary of Defense shall submit a report on the study, including recommendations, to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the Secretary's assessment of the items described in subsection (a), and, if appropriate, a proposal for a demonstration program to test the concepts developed under the study. The Secretary may also include any recommendations for legislation or other actions that the Secretary considers appropriate to increase the effectiveness and efficiency of the delivery of personnel services with respect to civilian personnel of the Department of Defense.

Subtitle B—Demonstration and Pilot Programs

SEC. 1111. PILOT PROGRAM FOR REENGINEERING THE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS.

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of Defense. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations or other regulations, directives, or regulatory restrictions prescribed by the Equal Employment Opportunity Commission.

(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may carry out the pilot program for a period of three years, beginning on January 1, 2001.

(4)(A) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

(B) Subparagraph (A) shall apply to all cases—

(i) pending as of January 1, 2001, before the Equal Employment Opportunity Commission involving a civilian employee who filed a complaint under the pilot program of the Department of the Navy to improve processes for the resolution of equal employment opportunity complaints; and

(ii) hereinafter filed with the Commission under the pilot program established by this section.

(5) The pilot program shall be carried out in at least one military department and two Defense Agencies.

(b) REPORT.—Not later than 90 days following the end of the first and last full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to Congress a report on the pilot program. Such report shall contain the following:

(1) A description of the processes tested by the pilot program.

(2) The results of such testing.

(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

(4) A comparison of the processes used, and results obtained, under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry.

SEC. 1112. WORK SAFETY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a defense employees work safety demonstration program.

(b) PRIVATE SECTOR WORK SAFETY MODELS.—Under the demonstration program, the Secretary shall—

(1) adopt for use in the workplace of civilian employees of the Department of Defense such work safety models used by employers in the private sector that the Secretary considers as being representative of the best work safety practices in use by private sector employers; and

(2) determine whether the use of those practices in the Department of Defense improves the work safety record of Department of Defense employees.

(c) SITES.—(1) The Secretary shall carry out the demonstration program—

(A) at not fewer than two installations of each of the Armed Forces (other than the Coast Guard), for employees of the military department concerned; and

(B) in at least two Defense Agencies (as defined in section 101(a)(11) of title 10, United States Code).

(2) The Secretary shall select the installations and Defense Agencies from among the installations and Defense Agencies listed in the Federal Worker 2000 Presidential Initiative.

(d) PERIOD FOR PROGRAM.—The demonstration program shall begin not later than 180 days after the date of the enactment of this Act and shall terminate on September 30, 2002.

(e) REPORTS.—(1) The Secretary of Defense shall submit an interim report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than December 1, 2001. The interim report shall contain, at a minimum, for each site of the demonstration program the following:

(A) A baseline assessment of the lost workday injury rate.

(B) A comparison of the lost workday injury rate for fiscal year 2000 with the lost workday injury rate for fiscal year 1999.

(C) The direct and indirect costs associated with all lost workday injuries.

(2) The Secretary of Defense shall submit a final report on the demonstration program to the Committees on Armed Services of the Senate and the House of Representatives not later than December 1, 2002. The final report shall contain, at a minimum, for each site of the demonstration program the following:

(A) The Secretary's determination on the issue described in subsection (b)(2).

(B) A comparison of the lost workday injury rate under the program with the baseline assessment of the lost workday injury rate.

(C) The lost workday injury rate for fiscal year 2002.

(D) A comparison of the direct and indirect costs associated with all lost workday injuries for fiscal year 2002 with the direct and indirect costs associated with all lost workday injuries for fiscal year 2001.

(f) FUNDING.—Of the amount authorized to be appropriated under section 301(5), \$5,000,000 shall be available for the demonstration program under this section.

SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION OF PROGRAM.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139; 5 U.S.C. 3104 note) is amended—

(1) in subsection (a), by striking “the 5-year period beginning on the date of the enactment of this Act” and inserting “the program period specified in subsection (e)(1)”;

(2) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) The period for carrying out the program authorized under this section begins on October 17, 1998, and ends on October 16, 2005.”; and

(3) in subsection (f), by striking “on the day before the termination of the program” and inserting “on the last day of the program period specified in subsection (e)(1)”.

(b) EXPANSION OF SCOPE.—Subsection (a) of such section, as amended by subsection (a)(1) of this section, is further amended by inserting before the period at the end the following: “and research and development projects administered by laboratories designated for the program by the Secretary from among the laboratories of each of the military departments”.

(c) LIMITATION ON NUMBER OF APPOINTMENTS.—Subsection (b)(1) of such section is amended to read as follows:

“(1) without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service, appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of such title) to—

“(A) not more than 40 scientific and engineering positions in the Defense Advanced Research Projects Agency;

“(B) not more than 40 scientific and engineering positions in the designated laboratories of each of the military services; and

“(C) not more than a total of 10 scientific and engineering positions in the National Imagery and Mapping Agency and the National Security Agency;”

(d) **RATES OF PAY FOR APPOINTEES.**—Subsection (b)(2) of such section is amended by inserting after “United States Code,” the following: “as increased by locality-based comparability payments under section 5304 of such title,”.

(e) **COMMENSURATE EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.**—Subsection (g) of such section is amended by striking “2004” and inserting “2006”.

(f) **AMENDMENT OF SECTION HEADING.**—The heading for such section is amended to read as follows:

“SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.”

SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT AUTHORITY UNDER PERSONNEL DEMONSTRATION PROJECT.

(a) **ELIMINATION OF REQUIREMENT FOR OPM REVIEW AND APPROVAL.**—Section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721) is amended—

(1) in subsection (b)(1), by striking “, with the approval of the Director of the Office of Personnel Management,”; and

(2) in subsection (b)(3)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking “section 4703.” and inserting “section 4703; and” at the end of subparagraph (B); and

(C) by inserting at the end the following new subparagraph (C):

“(C) the Secretary shall exercise the authorities granted to the Office of Personnel Management under such section 4703.”.

(b) **INCREASE IN LEVEL OF AUTHORIZED PAY.**—Section 342(b) of such Act is further amended by adding at the end the following new paragraph:

“(5) The limitations in section 5373 of title 5, United States Code, do not apply to the authority of the Secretary under this section to prescribe salary schedules and other related benefits.”.

Subtitle C—Educational Assistance

SEC. 1121. RESTRUCTURING THE RESTRICTION ON DEGREE TRAINING.

Section 4107 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

(2) in subsection (b)(1), by striking “subsection (a)” and inserting “subsection (a) or (c)”;

(3) by adding at the end the following new subsection:

“(c) With respect to an employee of the Department of Defense—

“(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for—

“(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify

for appointment to a particular position for which the academic degree is a basic requirement; or

“(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

“(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting body, except in a case in which such standards do not exist or the use of such standards would not be appropriate.”.

SEC. 1122. STUDENT LOAN REPAYMENT PROGRAMS.

(a) COVERED STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting “(20 U.S.C. 1071 et seq.)” before the semicolon;

(2) in clause (ii), by striking “part E of title IV of the Higher Education Act of 1965” and inserting “part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)”; and

(3) in clause (iii), by striking “part C of title VII of Public Health Service Act or under part B of title VIII of such Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)”.

(b) PERSONNEL COVERED.—(1) Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

“(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

(2) Section 5379(b)(1) of title 5, United States Code, is amended by striking “professional, technical, or administrative”.

(c) REGULATIONS.—(1) Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) Not later than 240 days after the date of the enactment of this Act, the Director shall issue final regulations.

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

“(A) the number of Federal employees selected to receive benefits under this section;

“(B) the job classifications for the recipients; and

“(C) the cost to the Federal Government of providing the benefits.

“(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information

identifying the agencies that have provided benefits under this section.”.

SEC. 1123. EXTENSION OF AUTHORITY FOR TUITION REIMBURSEMENT AND TRAINING FOR CIVILIAN EMPLOYEES IN THE DEFENSE ACQUISITION WORKFORCE.

Section 1745(a)(2) of title 10, United States Code, is amended by striking “September 30, 2001” and inserting “September 30, 2010”.

Subtitle D—Other Benefits

SEC. 1131. ADDITIONAL SPECIAL PAY FOR FOREIGN LANGUAGE PROFICIENCY BENEFICIAL FOR UNITED STATES NATIONAL SECURITY INTERESTS.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1596 the following new section:

“§ 1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests

“(a) AUTHORITY.—The Secretary of Defense may pay special pay under this section to an employee of the Department of Defense who—

“(1) has been certified by the Secretary to be proficient in a foreign language identified by the Secretary as being a language in which proficiency by civilian personnel of the Department is necessary because of national security interests;

“(2) is assigned duties requiring proficiency in that foreign language during a contingency operation supported by the armed forces; and

“(3) is not receiving special pay under section 1596 of this title.

“(b) RATE.—The rate of special pay for an employee under this section shall be prescribed by the Secretary, but may not exceed five percent of the employee’s rate of basic pay.

“(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay under this section is in addition to any other pay or allowances to which the employee is entitled.

“(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.”.

(b) AMENDMENT TO DISTINGUISH OTHER FOREIGN LANGUAGE PROFICIENCY SPECIAL PAY.—The heading for section 1596 of title 10, United States Code, is amended to read as follows:

“§ 1596. Foreign language proficiency: special pay for proficiency beneficial for intelligence interests”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1596 and inserting the following new items:

“1596. Foreign language proficiency: special pay for proficiency beneficial for intelligence interests.

“1596a. Foreign language proficiency: special pay for proficiency beneficial for other national security interests.”.

SEC. 1132. APPROVAL AUTHORITY FOR CASH AWARDS IN EXCESS OF \$10,000.

Section 4502 of title 5, United States Code, is amended by adding at the end the following:

“(f) The Secretary of Defense may grant a cash award under subsection (b) of this section without regard to the requirements for certification and approval provided in that subsection.”.

SEC. 1133. LEAVE FOR CREWS OF CERTAIN VESSELS.

Section 6305(c)(2) of title 5, United States Code, is amended to read as follows:

“(2) may not be made the basis for a lump-sum payment, except that civil service mariners of the Military Sealift Command on temporary promotion aboard ship may be paid the difference between their temporary and permanent rates of pay for leave accrued under this section and section 6303 and not otherwise used during the temporary promotion upon the expiration or termination of the temporary promotion; and”.

SEC. 1134. LIFE INSURANCE FOR EMERGENCY ESSENTIAL DEPARTMENT OF DEFENSE EMPLOYEES.

(a) IN GENERAL.—Section 8702 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c) Notwithstanding a notice previously given under subsection (b), an employee of the Department of Defense who is designated as an emergency essential employee under section 1580 of title 10 shall be insured if the employee, within 60 days after the date of the designation, elects to be insured under a policy of insurance under this chapter. An election under the preceding sentence shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.”.

(b) APPLICABILITY.—For purposes of section 8702(c) of title 5, United States Code (as added by subsection (a)), an employee of the Department of Defense who is designated as an emergency essential employee under section 1580 of title 10, United States Code, before the date of the enactment of this Act shall be deemed to be so designated on the date of the enactment of this Act.

Subtitle E—Intelligence Civilian Personnel**SEC. 1141. EXPANSION OF DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM POSITIONS.**

(a) AUTHORITY FOR SENIOR DOD INTELLIGENCE POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—Section 1601(a)(1) of title 10, United States Code, is amended—

(1) by striking “in the intelligence components of the Department of Defense and the military departments” and inserting “in the Department of Defense”; and

(2) by striking “of those components and departments” and inserting “of the Department”.

(b) CONFORMING AMENDMENT FOR PERSONS ELIGIBLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611 of such title is amended—

(1) in subsection (a)(1), by striking “an intelligence component of the Department of Defense” and inserting “a defense intelligence position”;

(2) in subsection (b)—

(A) by striking “sensitive position in an intelligence component of the Department of Defense” in the matter preceding paragraph (1) and inserting “sensitive defense intelligence position”; and

(B) by striking “with the intelligence component” in paragraphs (1) and (2) and inserting “in a defense intelligence position”;

(3) in subsection (d), by striking “an intelligence component of the Department of Defense” and inserting “in a defense intelligence position”; and

(4) by striking subsection (f).

(c) CONFORMING AMENDMENT FOR DEFINITION OF DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of such title is amended by striking “of an intelligence component of the Department of Defense or of a military department” and inserting “of the Department of Defense”.

SEC. 1142. INCREASE IN NUMBER OF POSITIONS AUTHORIZED FOR THE DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.

Section 1606(a) of title 10, United States Code, is amended by striking “492” and inserting “517”.

Subtitle F—Voluntary Separation Incentive Pay and Early Retirement Authority

SEC. 1151. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of section 5597 of title 5, United States Code, is amended by inserting after “transfer of function,” the following: “workforce restructuring (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions),”.

(b) ELIGIBILITY.—Subsection (c) of such section is amended—
(1) in paragraph (2), by inserting “objective and nonpersonal” after “similar”; and

(2) by adding at the end the following:

“A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.”.

(c) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

(1) by striking paragraph (1) and inserting the following: “(1) shall be paid in a lump-sum or in installments;”;

(2) by striking “and” at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting “; and”; and

(4) by adding at the end the following:

“(5) if paid in installments, shall cease to be paid upon the recipient’s acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).”.

(d) **APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.**—Subsection (g)(1) of such section is amended by inserting after “employment with the Government of the United States” the following: “, or who commences work for an agency of the United States through a personal services contract with the United States,”.

SEC. 1152. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting “except in the case of an employee who is separated from the service under a program carried out under subsection (o),” after “(2)”; and

(2) by adding at the end the following:

“(o)(1) The Secretary of Defense may, during fiscal years 2002 and 2003, carry out a program under which an employee of the Department of Defense may be separated from the service entitled to an immediate annuity under this subchapter if the employee—

“(A) has—

“(i) completed 25 years of service; or

“(ii) become 50 years of age and completed 20 years of service; and

“(B) is eligible for the annuity under paragraph (2) or

(3).

“(2)(A) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee—

“(i) is separated from the service involuntarily other than for cause; and

“(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee’s grade (or pay level), and which is within the employee’s commuting area.

“(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

“(3) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

“(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

“(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee’s organization requests the determinations required under subparagraph (A).

“(C) The employee is serving under an appointment that is not limited by time.

“(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

- “(i) One or more organizational units.
- “(ii) One or more occupational groups, series, or levels.
- “(iii) One or more geographical locations.
- “(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

“(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

“(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

“(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

“(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

“(6) In this subsection, the term ‘major organizational adjustment’ means any of the following:

- “(A) A major reorganization.
- “(B) A major reduction in force.
- “(C) A major transfer of function.
- “(D) A workforce restructuring—
 - “(i) to meet mission needs;
 - “(ii) to achieve one or more reductions in strength;
 - “(iii) to correct skill imbalances; or
 - “(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.”.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting “except in the case of an employee who is separated from the service under a program carried out under subsection (d),” after “(B)”; and

(2) by adding at the end the following:

“(d)(1) The Secretary of Defense may, during fiscal years 2002 and 2003, carry out a program under which an employee of the Department of Defense may be separated from the service entitled to an immediate annuity under this subchapter if the employee—

“(A) has—

- “(i) completed 25 years of service; or
- “(ii) become 50 years of age and completed 20 years of service; and

“(B) is eligible for the annuity under paragraph (2) or

(3).

“(2)(A) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee—

“(i) is separated from the service involuntarily other than for cause; and

“(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee’s grade (or pay level), and which is within the employee’s commuting area.

“(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

“(3) For the purposes of paragraph (1), an employee referred to in that paragraph is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

“(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

“(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee’s organization requests the determinations required under subparagraph (A).

“(C) The employee is serving under an appointment that is not limited by time.

“(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

“(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

“(i) One or more organizational units.

“(ii) One or more occupational groups, series, or levels.

“(iii) One or more geographical locations.

“(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

“(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

“(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

“(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

“(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

“(6) In this subsection, the term ‘major organizational adjustment’ means any of the following:

“(A) A major reorganization.

“(B) A major reduction in force.

“(C) A major transfer of function.

“(D) A workforce restructuring—

“(i) to meet mission needs;

“(ii) to achieve one or more reductions in strength;

“(iii) to correct skill imbalances; or

“(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.”.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out “or (j)” in the first sentence and inserting “(j), or (o)”.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out “or (b)(1)(B)” and “; (b)(1)(B), or (d)”.

SEC. 1153. LIMITATIONS.

(a) FISCAL YEAR 2001 LIMITATIONS ON VSIP.—Section 5597 of title 5, United States Code, as amended by section 1151, is further amended by adding at the end the following new subsection:

“(i)(1) Notwithstanding any other provision of this section, during fiscal year 2001, separation pay may be offered under the program carried out under this section with respect to workforce restructuring only to persons who, upon separation, are entitled to an immediate annuity under section 8336, 8412, or 8414 of this title and are otherwise eligible for the separation pay under this section.

“(2) In the administration of the program under this section during fiscal year 2001, the Secretary shall ensure that not more than 1,000 employees are, as a result of workforce restructuring, separated from service in that fiscal year entitled to separation pay under this section.

“(3) Separation pay may not be offered as a result of workforce restructuring under the program carried out under this section after fiscal year 2003.”.

(b) LIMITATIONS FOR FISCAL YEARS 2002 AND 2003 ON VSIP AND VERA.—(1) Subject to paragraph (2), the Secretary of Defense shall ensure that, in each of fiscal years 2002 and 2003, not more than 4,000 employees of the Department of Defense are, as a result of workforce restructuring, separated from service entitled to one or more of the following benefits:

(A) Voluntary separation incentive pay under section 5597 of title 5, United States Code.

(B) Immediate annuity under section 8336(o) or 8414(d) of such title.

(2) Notwithstanding sections 5597(e), 8336(o), and 8414(d) of title 5, United States Code, the Secretary of Defense may carry out the programs authorized in those sections during fiscal years 2002 and 2003 with respect to workforce restructuring only to the extent provided in a law enacted by the One Hundred Seventh Congress.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SUBTITLE A—MATTERS RELATED TO ARMS CONTROL

Sec. 1201. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

Sec. 1202. Support of consultations on Arab and Israeli arms control and regional security issues.

Sec. 1203. Furnishing of nuclear test monitoring equipment to foreign governments.

Sec. 1204. Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern.

SUBTITLE B—MATTERS RELATING TO THE BALKANS

Sec. 1211. Annual report assessing effect of continued operations in the Balkans region on readiness to execute the national military strategy.

Sec. 1212. Situation in the Balkans.

Sec. 1213. Semiannual report on Kosovo peacekeeping.

SUBTITLE C—NORTH ATLANTIC TREATY ORGANIZATION AND UNITED STATES FORCES
IN EUROPE

- Sec. 1221. NATO fair burdensharing.
 Sec. 1222. Repeal of restriction preventing cooperative airlift support through acquisition and cross-servicing agreements.
 Sec. 1223. GAO study on the benefits and costs of United States military engagement in Europe.

SUBTITLE D—OTHER MATTERS

- Sec. 1231. Joint data exchange center with Russian Federation on early warning systems and notification of ballistic missile launches.
 Sec. 1232. Report on sharing and exchange of ballistic missile launch early warning data.
 Sec. 1233. Annual report of Communist Chinese military companies operating in the United States.
 Sec. 1234. Adjustment of composite theoretical performance levels of high performance computers.
 Sec. 1235. Increased authority to provide health care services as humanitarian and civic assistance.
 Sec. 1236. Sense of Congress regarding the use of children as soldiers.
 Sec. 1237. Sense of Congress regarding undersea rescue and recovery.
 Sec. 1238. United States-China Security Review Commission.

Subtitle A—Matters Related to Arms Control

SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed \$15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking “2000” and inserting “2001”.

SEC. 1202. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to \$1,000,000 is available for the support of programs to promote formal and informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

SEC. 1203. FURNISHING OF NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2555. Nuclear test monitoring equipment: furnishing to foreign governments

“(a) AUTHORITY TO CONVEY OR PROVIDE NUCLEAR TEST MONITORING EQUIPMENT.—Subject to subsection (b), the Secretary of Defense may—

- “(1) convey or otherwise provide to a foreign government
 (A) equipment for the monitoring of nuclear test explosions,
 and (B) associated equipment; and

“(2) as part of any such conveyance or provision of equipment, install such equipment on foreign territory or in international waters.

“(b) AGREEMENT REQUIRED.—Nuclear test explosion monitoring equipment may be conveyed or otherwise provided under subsection (a) only pursuant to the terms of an agreement between the United States and the foreign government receiving the equipment in which the recipient foreign government agrees—

“(1) to provide the United States with timely access to the data produced, collected, or generated by the equipment;

“(2) to permit the Secretary of Defense to take such measures as the Secretary considers necessary to inspect, test, maintain, repair, or replace that equipment, including access for purposes of such measures; and

“(3) to return such equipment to the United States (or allow the United States to recover such equipment) if either party determines that the agreement no longer serves its interests.

“(c) REPORT.—Promptly after entering into any agreement under subsection (b), the Secretary of Defense shall submit to Congress a report on the agreement. The report shall identify the country with which the agreement was made, the anticipated costs to the United States to be incurred under the agreement, and the national interest of the United States that is furthered by the agreement.

“(d) LIMITATION ON DELEGATION.—The Secretary of Defense may delegate the authority of the Secretary to carry out this section only to the Secretary of the Air Force. Such a delegation may be redelegated.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2555. Nuclear test monitoring equipment: furnishing to foreign governments.”.

SEC. 1204. ADDITIONAL MATTERS FOR ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

Section 1402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 798) is amended by adding at the end the following new paragraph:

“(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in a previous annual report under this section pursuant to paragraph (3).”.

Subtitle B—Matters Relating to the Balkans

SEC. 1211. ANNUAL REPORT ASSESSING EFFECT OF CONTINUED OPERATIONS IN THE BALKANS REGION ON READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 753) is amended—

(1) in subsection (a), by striking “Not later than 180 days after the date of the enactment of this Act,” and inserting

“Not later than April 1 each year (but subject to subsection (e)),”;

(2) in subsection (b), by striking “The report” in the matter preceding paragraph (1) and inserting “Each report”;

(3) in subsection (d), by striking “the report” and inserting “a report”; and

(4) by adding at the end the following new subsection:

“(e) TERMINATION WHEN UNITED STATES MILITARY OPERATIONS END.—(1) No report is required under this section after United States military operations in the Balkans region have ended.

“(2) After the requirement for an annual report under this section is terminated by operation of paragraph (1), but not later than the latest date on which the next annual report under this section would, except for paragraph (1), otherwise be due, the Secretary of Defense shall transmit to Congress a notification of the termination of the reporting requirement.”.

SEC. 1212. SITUATION IN THE BALKANS.

(a) ESTABLISHMENT OF NATO BENCHMARKS FOR WITHDRAWAL OF FORCES FROM KOSOVO.—The President shall develop, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. Congress urges the President to seek concurrence among member nations of the North Atlantic Treaty Organization in the development of those benchmarks.

(b) COMPREHENSIVE POLITICAL-MILITARY STRATEGY.—(1) The President—

(A) shall develop a comprehensive political-military strategy for addressing the political, economic, humanitarian, and military issues in the Balkans; and

(B) shall establish near-term, mid-term, and long-term objectives in the region.

(2) In developing that strategy and those objectives, the President shall take into consideration—

(A) the benchmarks relating to Kosovo developed as described in subsection (a); and

(B) the benchmarks relating to Bosnia that were detailed in the report accompanying the certification by the President to Congress on March 3, 1998 (printed as House Document 105–223), with respect to the continued presence of United States Armed Forces, after June 30, 1998, in Bosnia and Herzegovina, submitted to Congress pursuant to section 7 of title I of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 63).

(3) That strategy and those objectives shall be developed in consultation with appropriate regional and international entities.

(c) SEMI-ANNUAL REPORT ON BENCHMARKS.—Not later than June 30, 2001, and every six months thereafter, the President shall submit to Congress a report on the progress made in achieving the benchmarks developed pursuant to subsection (a). The President may submit a single report covering these benchmarks and the benchmarks relating to Bosnia referred to in subsection (b)(2)(B).

(d) SEMI-ANNUAL REPORT ON COMPREHENSIVE STRATEGY.—Not later than June 30, 2001, and every six months thereafter so long as United States forces are in the Balkans, the President shall submit to Congress a report on the progress being made

in developing and implementing a comprehensive political-military strategy as described in subsection (b)(1)(A).

SEC. 1213. SEMIANNUAL REPORT ON KOSOVO PEACEKEEPING.

(a) **REQUIREMENT FOR PERIODIC REPORT.**—The President shall submit to the specified congressional committees a semiannual report on the contributions of European nations and organizations to the peacekeeping operations in Kosovo. The first such report shall be submitted not later than December 1, 2000.

(b) **CONTENT OF REPORT.**—Each report shall contain detailed information on the following:

(1) The commitments and pledges made by the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization for—

(A) reconstruction assistance in Kosovo;

(B) humanitarian assistance in Kosovo;

(C) the Kosovo Consolidated Budget;

(D) police (including special police) for the United Nations international police force for Kosovo; and

(E) military personnel for peacekeeping operations in Kosovo.

(2) The amount of the assistance that has been provided in each category, and the number of police and military personnel that have been deployed to Kosovo, by each organization or nation referred to in paragraph (1).

(3) The full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(d) **SPECIFIED CONGRESSIONAL COMMITTEES.**—In the section, the term “specified congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Subtitle C—North Atlantic Treaty Organization and United States Forces in Europe

SEC. 1221. NATO FAIR BURDENSARING.

(a) **REPORT ON COSTS OF OPERATION ALLIED FORCE.**—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the costs to the United States of the 78-day air campaign known as Operation Allied Force conducted against the Federal Republic of Yugoslavia during the period from March 24 through June 9, 1999. The report shall include the following:

(1) The costs of ordnance expended, fuel consumed, and personnel.

(2) The estimated cost of the reduced service life of United States aircraft and other systems participating in the operation.

(b) **REPORT ON BURDENSARING OF FUTURE NATO OPERATIONS.**—Whenever the North Atlantic Treaty Organization undertakes a military operation, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing—

(1) the contributions to that operation made by each of the member nations of the North Atlantic Treaty Organization during that operation; and

(2) the contributions that each of the member nations of the North Atlantic Treaty Organization are making or have pledged to make during any follow-on operation.

(c) **TIME FOR SUBMISSION OF REPORT.**—A report under subsection (b) shall be submitted not later than 90 days after the completion of the military operation.

(d) **APPLICABILITY.**—Subsection (b) shall apply only with respect to military operations begun after the date of the enactment of this Act.

SEC. 1222. REPEAL OF RESTRICTION PREVENTING COOPERATIVE AIRLIFT SUPPORT THROUGH ACQUISITION AND CROSS-SERVICING AGREEMENTS.

Section 2350c of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1223. GAO STUDY ON THE BENEFITS AND COSTS OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE.

(a) **COMPTROLLER GENERAL STUDY.**—The Comptroller General shall conduct a study assessing the benefits and costs to the United States and United States national security interests of the engagement of United States forces in Europe and of United States military strategies used to shape the international security environment in Europe.

(b) **MATTERS TO BE INCLUDED.**—The study shall include an assessment of the following matters:

(1) The benefits and costs to the United States of having forces stationed in Europe and assigned to areas of regional conflict such as Bosnia and Kosovo.

(2) The benefits and costs associated with stationing United States forces in Europe and with assigning those forces to areas of regional conflict, including an analysis of the benefits and costs of deploying United States forces with the forces of European allies.

(3) The amount and type of the following kinds of contributions to European security made by European allies in 1999 and 2000:

(A) Financial contributions.

(B) Contributions of military personnel and units.

(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

(D) Contributions, including contributions in kind, for humanitarian and reconstruction assistance and infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

(4) The extent to which a forward United States military presence compensates for existing shortfalls of air and sea lift capability in the event of regional conflict in Europe or the Middle East.

(c) REPORT.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study not later than December 1, 2001.

Subtitle D—Other Matters

SEC. 1231. JOINT DATA EXCHANGE CENTER WITH RUSSIAN FEDERATION ON EARLY WARNING SYSTEMS AND NOTIFICATION OF BALLISTIC MISSILE LAUNCHES.

(a) AUTHORITY.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles.

(b) SPECIFIC ACTIONS.—The actions that the Secretary undertakes for the establishment of the center may include—

(1) subject to subsection (d), participating in the renovation of a mutually agreed upon facility to be made available by the Russian Federation; and

(2) the furnishing of such equipment and supplies as may be necessary to begin the operation of the center.

(c) REPORT REQUIRED.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on plans for the joint data exchange center.

(2) The report shall include the following:

(A) A detailed explanation as to why the particular facility intended to house the center was chosen.

(B) An estimate of the total cost of renovating that facility for use by the center.

(C) A description of the manner by which the United States proposes to meet its share of the costs of such renovation.

(d) LIMITATION.—(1) The Secretary of Defense may participate under subsection (b) in the renovation of the facility identified in the report under subsection (c) only if the United States and the Russian Federation enter into a cost-sharing arrangement that provides for an equal sharing between the two nations of the cost of establishing the center, including the costs of renovating and operating the facility.

(2) Not more than \$4,000,000 of funds appropriated for fiscal year 2001 may be obligated or expended after the date of the enactment of this Act by the Secretary of Defense for the renovation of such facility until 30 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives

a copy of a written agreement between the United States and the Russian Federation that provides details of the cost-sharing arrangement specified in paragraph (1), in accordance with the Memorandum of Agreement between the two nations signed in Moscow in June 2000.

SEC. 1232. REPORT ON SHARING AND EXCHANGE OF BALLISTIC MISSILE LAUNCH EARLY WARNING DATA.

Not later than March 15, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on current and planned activities of the Department of Defense with respect to the sharing and exchange with other countries of early warning data concerning ballistic missile launches. The report shall include the Secretary's assessment of the benefits and risks of sharing such data with other countries on a bilateral or multilateral basis.

SEC. 1233. ANNUAL REPORT OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

Section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note) is amended—

(1) by striking “PUBLICATION” in the subsection heading and inserting “REPORTING”; and

(2) by striking paragraphs (1) and (2) and inserting the following:

“(1) INITIAL DETERMINATION AND REPORTING.—Not later than March 1, 2001, the Secretary of Defense shall make a determination of those persons operating directly or indirectly in the United States or any of its territories and possessions that are Communist Chinese military companies and shall submit a list of those persons in classified and unclassified form to the following:

“(A) The Committee on Armed Services of the House of Representatives.

“(B) The Committee on Armed Services of the Senate.

“(C) The Secretary of State.

“(D) The Secretary of the Treasury.

“(E) The Attorney General.

“(F) The Secretary of Commerce.

“(G) The Secretary of Energy.

“(H) The Director of Central Intelligence.

“(2) ANNUAL REVISIONS TO THE LIST.—The Secretary of Defense shall make additions or deletions to the list submitted under paragraph (1) on an annual basis based on the latest information available and shall submit the updated list not later than February 1, each year to the committees and officers specified in paragraph (1).”.

SEC. 1234. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking “180” and inserting “60”; and

(2) by adding at the end the following new subsection:

“(h) **CALCULATION OF 60-DAY PERIOD.**—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

SEC. 1235. INCREASED AUTHORITY TO PROVIDE HEALTH CARE SERVICES AS HUMANITARIAN AND CIVIC ASSISTANCE.

Section 401(e)(1) of title 10, United States Code, is amended by striking “rural areas of a country” and inserting “areas of a country that are rural or are underserved by medical, dental, and veterinary professionals, respectively”.

SEC. 1236. SENSE OF CONGRESS REGARDING THE USE OF CHILDREN AS SOLDIERS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) In the year 2000, approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide.

(2) Many children participating in armed conflict in various countries around the world are forcibly conscripted through kidnapping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety.

(3) Many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children.

(4) Many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation.

(5) Child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections.

(6) Many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home.

(7) Children in northern Uganda continue to be kidnapped by the Lords Resistance Army (LRA), which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda.

(8) Children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country.

(9) An estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front.

(10) On January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than 80 governments including the United States, reached consensus on an international agreement, referred to in this case as an “optional protocol”, on the use of child soldiers.

(11) This optional protocol, upon entry into force, will—

(A) raise the international minimum age for conscription and will require governments to take all feasible measures to ensure that members of their armed forces under age 18 do not participate directly in combat;

(B) prohibit the recruitment and use in armed conflict of persons under the age of 18 by nongovernmental armed forces;

(C) encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15; and

(D) commit governments to support the demobilization and rehabilitation of child soldiers and, when possible, to allocate resources to this purpose.

(12) On October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations.

(13) The United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25 and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age.

(14) On August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts.

(15) In addressing the Security Council on August 26, 1999, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combatting the use of children in armed conflict that would—

(A) first, raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18;

(B) second, increase international pressure on armed groups which currently abuse children; and

(C) third, address the political, social, and economic factors that create an environment in which children are induced by appeal of ideology or by socio-economic collapse to become child soldiers.

(16) The United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol.

(17) On May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers.

(18) The optional protocol was opened for signature on June 5, 2000.

(19) The President signed the optional protocol on behalf of the United States on July 5, 2000.

(b) CONGRESSIONAL STATEMENTS ON CHILD SOLDIERS.—Congress joins the international community in—

(1) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide; and

(2) welcoming the optional protocol on the use of child soldiers adopted by the United Nations General Assembly on May 25, 2000, as a critical first step in ending the use of children as soldiers.

(c) SENSE OF CONGRESS ON FURTHER ACTIONS.—It is the sense of Congress that—

(1) it is essential that the President consult closely with the Senate with the objective of building support for ratification by the United States of the optional protocol and that the Senate move forward as expeditiously as possible;

(2) the United States should provide assistance, through a new fund to be established by law, for the rehabilitation and reintegration into their respective civilian societies of child soldiers of other nations; and

(3) the President, acting through the Secretaries of State and Defense and other appropriate officials, should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the optional protocol on the use of child soldiers.

SEC. 1237. SENSE OF CONGRESS REGARDING UNDERSEA RESCUE AND RECOVERY.

(a) FINDINGS.—Congress makes the following findings:

(1) The tragic loss in August 2000 of the Russian submarine Kursk resulted in the death of all 118 members of the submarine's crew.

(2) The Kursk is the third vessel of the submarine fleet of the Russian Federation and its predecessor, the Union of Soviet Socialist Republics, to be lost in an accident at sea with considerable loss of life of the officers and crews of those submarines.

(3) The United States submarines USS Thresher and USS Scorpion, with their officers and crews, were also lost at sea in tragic accidents, in 1963 and 1968, respectively.

(4) The United States, the Russian Federation, and other maritime nations possess extensive capabilities consisting of naval and research vessels and other assets that could be used to respond to accidents or incidents involving submarines or other undersea vessels.

(5) The United States Navy has rescue agreements with the navies of 14 countries from Europe, the Western Pacific, and the Americas, but not including the Russian Federation, and exercises regularly to train crews and practice submarine rescue procedures with the navies of participating nations.

(b) EXPRESSION OF SYMPATHY.—Congress expresses its sympathy and the sympathy of the American people to the people of the Russian Federation and joins the Russian people in mourning the death of the crewmen of the submarine Kursk.

(c) SENSE OF CONGRESS CONCERNING INTERNATIONAL COOPERATION.—It is the sense of Congress that when undersea accidents or incidents involving submarines or other undersea vessels occur,

it is in the best interests of all nations to work together to respond promptly to the accident or incident, rescue and recover the crew of the vessel, minimize the loss of life, and prevent damage to the oceans.

(d) ESTABLISHMENT OF PLAN FOR RESPONDING TO UNDERSEA ACCIDENTS OR INCIDENTS.—Congress urges the President of the United States and the President of the Russian Federation, in coordination with the leaders of other maritime nations that possess undersea naval and research vessels and undersea rescue capabilities, to cooperate in establishing a plan for—

- (1) responding to accidents or incidents involving submarines or other undersea vessels; and
- (2) rescue and recovery of the crew of the vessels involved in such accidents or incidents.

SEC. 1238. UNITED STATES-CHINA SECURITY REVIEW COMMISSION.

(a) PURPOSES.—The purposes of this section are as follows:

(1) To establish the United States-China Security Review Commission to review the national security implications of trade and economic ties between the United States and the People's Republic of China.

(2) To facilitate the assumption by the United States-China Security Review Commission of its duties regarding the review referred to in paragraph (1) by providing for the transfer to that Commission of staff, materials, and infrastructure (including leased premises) of the Trade Deficit Review Commission that are appropriate for the review upon the submittal of the final report of the Trade Deficit Review Commission.

(b) ESTABLISHMENT OF UNITED STATES-CHINA SECURITY REVIEW COMMISSION.—

(1) IN GENERAL.—There is hereby established a commission to be known as the United States-China Security Review Commission (in this section referred to as the “Commission”).

(2) PURPOSE.—The purpose of the Commission is to monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

(3) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed in the same manner provided for the appointment of members of the Trade Deficit Review Commission under section 127(c)(3) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), except that—

(A) appointment of members by the Speaker of the House of Representatives shall be made after consultation with the chairman of the Committee on Armed Services of the House of Representatives, in addition to consultation with the chairman of the Committee on Ways and Means of the House of Representatives provided for under clause (iii) of subparagraph (A) of that section;

(B) appointment of members by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate shall be made after consultation with the chairman of the Committee on Armed Services of the Senate, in addition to consultation with the chairman of the Committee on Finance of the Senate provided for under clause (i) of that subparagraph;

(C) appointment of members by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate shall be made after consultation with the ranking minority member of the Committee on Armed Services of the Senate, in addition to consultation with the ranking minority member of the Committee on Finance of the Senate provided for under clause (ii) of that subparagraph;

(D) appointment of members by the minority leader of the House of Representatives shall be made after consultation with the ranking minority member of the Committee on Armed Services of the House of Representatives, in addition to consultation with the ranking minority member of the Committee on Ways and Means of the House of Representatives provided for under clause (iv) of that subparagraph;

(E) persons appointed to the Commission shall have expertise in national security matters and United States-China relations, in addition to the expertise provided for under subparagraph (B)(i)(I) of that section;

(F) members shall be appointed to the Commission not later than 30 days after the date on which each new Congress convenes;

(G) members of the Commission may be reappointed for additional terms of service as members of the Commission; and

(H) members of the Trade Deficit Review Commission as of the date of the enactment of this Act shall serve as members of the Commission until such time as members are first appointed to the Commission under this paragraph.

(4) RETENTION OF SUPPORT.—The Commission shall retain and make use of such staff, materials, and infrastructure (including leased premises) of the Trade Deficit Review Commission as the Commission determines, in the judgment of the members of the Commission, are required to facilitate the ready commencement of activities of the Commission under subsection (c) or to carry out such activities after the commencement of such activities.

(5) CHAIRMAN AND VICE CHAIRMAN.—The members of the Commission shall select a Chairman and Vice Chairman of the Commission from among the members of the Commission.

(6) MEETINGS.—

(A) MEETINGS.—The Commission shall meet at the call of the Chairman of the Commission.

(B) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business of the Commission.

(7) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(c) DUTIES.—

(1) ANNUAL REPORT.—Not later than March 1 each year (beginning in 2002), the Commission shall submit to Congress a report, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States

and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, if any, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include, at a minimum, a full discussion of the following:

(A) The portion of trade in goods and services with the United States that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

(B) The acquisition by the People's Republic of China of advanced military or dual-use technologies from the United States by trade (including procurement) and other technology transfers, especially those transfers, if any, that contribute to the proliferation of weapons of mass destruction or their delivery systems, or that undermine international agreements or United States laws with respect to nonproliferation.

(C) Any transfers, other than those identified under subparagraph (B), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

(D) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions, if any, of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, or cooperation with, the United States and the Asian allies of the United States.

(E) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the regional stability of the Asian allies of the United States.

(F) The effects, if any, on the national security interests of the United States of the use by the People's Republic of China of financial transactions and capital flow and currency manipulations.

(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse or favorable to the United States national security interests.

(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences have any national security implications for the United States.

(I) The extent to which the trade surplus of the People's Republic of China with the United States enhances the military budget of the People's Republic of China.

(J) An overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

(3) RECOMMENDATIONS OF REPORT.—Each report under paragraph (1) shall also include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.

(d) HEARINGS.—

(1) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this section, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(2) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its duties under this section, except the provision of intelligence information to the Commission shall be made with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, under procedures approved by the Director of Central Intelligence.

(3) SECURITY.—The Office of Senate Security shall—

(A) provide classified storage and meeting and hearing spaces, when necessary, for the Commission; and

(B) assist members and staff of the Commission in obtaining security clearances.

(4) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Members of the Commission shall be compensated in the same manner provided for the compensation of members of the Trade Deficit Review Commission under section 127(g)(1) and section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note).

(2) TRAVEL EXPENSES.—Travel expenses of the Commission shall be allowed in the same manner provided for the allowance of the travel expenses of the Trade Deficit Review Commission under section 127(g)(2) of the Trade Deficit Review Commission Act.

(3) STAFF.—An executive director and other additional personnel for the Commission shall be appointed, compensated, and terminated in the same manner provided for the appointment, compensation, and termination of the executive director and other personnel of the Trade Deficit Review Commission under section 127(g)(3) and section 127(g)(6) of the Trade Deficit Review Commission Act.

(4) **DETAIL OF GOVERNMENT EMPLOYEES.**—Federal Government employees may be detailed to the Commission in the same manner provided for the detail of Federal Government employees to the Trade Deficit Review Commission under section 127(g)(4) of the Trade Deficit Review Commission Act.

(5) **FOREIGN TRAVEL FOR OFFICIAL PURPOSES.**—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman of the Commission.

(6) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services for the Commission in the same manner provided for the procurement of temporary and intermittent services for the Trade Deficit Review Commission under section 127(g)(5) of the Trade Deficit Review Commission Act.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Commission for fiscal year 2001, and for each fiscal year thereafter, such sums as may be necessary to enable the Commission to carry out its functions under this section.

(2) **AVAILABILITY.**—Amounts appropriated to the Commission shall remain available until expended.

(g) **FEDERAL ADVISORY COMMITTEE ACT.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **EFFECTIVE DATE.**—This section shall take effect on the first day of the 107th Congress.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Prohibition on use of funds for elimination of conventional weapons.

Sec. 1304. Limitations on use of funds for fissile material storage facility.

Sec. 1305. Limitation on use of funds to support warhead dismantlement processing.

Sec. 1306. Agreement on nuclear weapons storage sites.

Sec. 1307. Limitation on use of funds for construction of fossil fuel energy plants; report.

Sec. 1308. Reports on activities and assistance under Cooperative Threat Reduction programs.

Sec. 1309. Russian chemical weapons elimination.

Sec. 1310. Limitation on use of funds for elimination of weapons grade plutonium program.

Sec. 1311. Report on audits of Cooperative Threat Reduction programs.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) **SPECIFICATION OF CTR PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2001 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$443,400,000 authorized to be appropriated to the Department of Defense for fiscal year 2001 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

- (1) For strategic offensive arms elimination in Russia, \$177,800,000.
- (2) For strategic nuclear arms elimination in Ukraine, \$29,100,000.
- (3) For activities to support warhead dismantlement processing in Russia, \$9,300,000.
- (4) For weapons transportation security in Russia, \$14,000,000.
- (5) For planning, design, and construction of a storage facility for Russian fissile material, \$57,400,000.
- (6) For weapons storage security in Russia, \$89,700,000.
- (7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, \$32,100,000.
- (8) For biological weapons proliferation prevention activities in the former Soviet Union, \$12,000,000.
- (9) For activities designated as Other Assessments/Administrative Support, \$13,000,000.
- (10) For defense and military contacts, \$9,000,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2001 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2001 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraph (4), (5), (7), (9), or (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.

No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS.—No fiscal year 2001 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(5); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides for verification that material stored at the facility is of weapons origin.

(b) ESTABLISHMENT OF FUNDING CAP FOR FIRST WING OF STORAGE FACILITY.—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than \$412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).

SEC. 1305. LIMITATION ON USE OF FUNDS TO SUPPORT WARHEAD DISMANTLEMENT PROCESSING.

No fiscal year 2001 Cooperative Threat Reduction funds may be used for activities to support warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, which shall provide for appropriate transparency measures, regarding assistance by the United States with respect to such processing.

SEC. 1306. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.

The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

SEC. 1307. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF FOSSIL FUEL ENERGY PLANTS; REPORT.

(a) **IN GENERAL.**—No fiscal year 2001 Cooperative Threat Reduction funds may be used for the construction of a fossil fuel energy plant intended to provide power to local communities that already receive power from nuclear energy plants that produce plutonium.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing options for assisting Russia in the development of alternative energy sources to the three plutonium production reactors remaining in operation in Russia. The report shall include—

- (1) an assessment of the costs of building fossil fuel plants in Russia to replace the existing plutonium production reactors; and
- (2) an identification of funding sources, other than Cooperative Threat Reduction funds, that could possibly be used for the construction of such plants in the event that the option to use fossil fuel energy is chosen as part of a plan to shut down Russia's nuclear plutonium production reactors at Seversk and Zelenogorsk.

SEC. 1308. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) **ANNUAL REPORT.**—In any year in which the budget of the President under section 1105 of title 31, United States Code, for the fiscal year beginning in such year requests funds for the Department of Defense for assistance or activities under Cooperative Threat Reduction programs with the states of the former Soviet Union, the Secretary of Defense shall submit to Congress a report on activities and assistance during the preceding fiscal year under Cooperative Threat Reduction programs setting forth the matters in subsection (c).

(b) **DEADLINE FOR REPORT.**—The report under subsection (a) shall be submitted not later than the first Monday in February of a year.

(c) **MATTERS TO BE INCLUDED.**—The report under subsection (a) in a year shall set forth the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of the Cooperative Threat Reduction programs.

(2) A five-year plan setting forth the amount of funds and other resources proposed to be provided by the United States for Cooperative Threat Reduction programs over the term of the plan, including the purpose for which such funds and resources will be used, and to provide guidance for the preparation of annual budget submissions with respect to Cooperative Threat Reduction programs.

(3) A description of the Cooperative Threat Reduction activities carried out during the fiscal year ending in the year preceding the year of the report, including—

- (A) the amounts notified, obligated, and expended for such activities and the purposes for which such amounts were notified, obligated, and expended for such fiscal year and cumulatively for Cooperative Threat Reduction programs;

(B) a description of the participation, if any, of each department and agency of the United States Government in such activities;

(C) a description of such activities, including the forms of assistance provided;

(D) a description of the United States private sector participation in the portion of such activities that were supported by the obligation and expenditure of funds for Cooperative Threat Reduction programs; and

(E) such other information as the Secretary of Defense considers appropriate to inform Congress fully of the operation of Cooperative Threat Reduction programs and activities, including with respect to proposed demilitarization or conversion projects, information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(4) A description of the audits, examinations, and other efforts, such as on-site inspections, conducted by the United States during the fiscal year ending in the year preceding the year of the report to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purpose, including—

(A) if such assistance consisted of equipment, a description of the current location of such equipment and the current condition of such equipment;

(B) if such assistance consisted of contracts or other services, a description of the status of such contracts or services and the methods used to ensure that such contracts and services are being used for their intended purpose;

(C) a determination whether the assistance described in subparagraphs (A) and (B) has been used for its intended purpose; and

(D) a description of the audits, examinations, and other efforts planned to be carried out during the fiscal year beginning in the year of the report to ensure that Cooperative Threat Reduction assistance provided during such fiscal year is fully accounted for and is used for its intended purpose.

(5) A current description of the tactical nuclear weapons arsenal of Russia, including—

(A) an estimate of the current types, numbers, yields, viability, locations, and deployment status of the nuclear warheads in that arsenal;

(B) an assessment of the strategic relevance of such warheads;

(C) an assessment of the current and projected threat of theft, sale, or unauthorized use of such warheads; and

(D) a summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile materials.

(d) INPUT OF DCI.—The Director of Central Intelligence shall submit to the Secretary of Defense the views of the Director on any matters covered by subsection (c)(5) in a report under subsection (a). Such views shall be included in such report as a classified annex to such report.

(e) **COMPTROLLER GENERAL ASSESSMENT.**—Not later than 90 days after the date on which a report is submitted to Congress under subsection (a), the Comptroller General shall submit to Congress a report setting forth the Comptroller General's assessment of the information described in paragraphs (2) and (4) of subsection (c).

(f) **FIRST REPORT.**—The first report submitted under subsection (a) shall be submitted in 2001.

(g) **REPEAL OF SUPERSEDED REPORTING REQUIREMENTS.**—(1) The following provisions of law are repealed:

(A) Section 1207 of the Cooperative Threat Reduction Act of 1994 (title XII of Public Law 103-160; 107 Stat. 1782; 22 U.S.C. 5956), relating to semiannual reports on Cooperative Threat Reduction.

(B) Section 1203 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2882), relating to a report accounting for United States assistance for Cooperative Threat Reduction.

(C) Section 1206 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 22 U.S.C. 5955 note), relating to accounting for United States assistance for Cooperative Threat Reduction.

(D) Section 1307 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 795), relating to a limitation on use of funds for Cooperative Threat Reduction pending submittal of a multiyear plan.

(2) Effective on the date the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 as described in subsection (h), section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2883; 10 U.S.C. 5952 note), relating to multiyear planning and Allied support for Cooperative Threat Reduction, is repealed.

(3) Section 1312 of the National Defense Authorization Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C. 5955 note), relating to Russian nonstrategic nuclear arms, is amended—

(A) by striking “(a) SENSE OF CONGRESS.—”; and

(B) by striking subsections (b) and (c).

(h) **LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.**—Not more than 10 percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 22 U.S.C. 5952 note).

(i) **REPORT ON RUSSIAN NONSTRATEGIC NUCLEAR ARMS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(1) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(2) An assessment of the strategic relevance of the warheads.

(3) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(4) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

SEC. 1309. RUSSIAN CHEMICAL WEAPONS ELIMINATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should, when practicable, assist Russia in eliminating its chemical weapons stockpile in accordance with Russia's obligations under the Chemical Weapons Convention, and that the level of such assistance should be based on—

(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

(2) a demonstrated annual commitment by Russia to allocate at least \$25,000,000 to chemical weapons elimination;

(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; and

(5) an agreement by Russia to destroy its chemical weapons production facilities at Volgograd and Novocheboksark.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that identifies—

(1) the amount spent by Russia for chemical weapons elimination during fiscal year 2000;

(2) the specific assistance being provided to Russia by the international community for the safe storage and elimination of Russia's stockpile of nerve agents, including those nerve agents located at the Shchuch'ye depot;

(3) the countries providing the assistance identified in paragraph (2); and

(4) the value of the assistance that the international community has already provided and has committed to provide in future years for the purpose described in paragraph (2).

(c) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

SEC. 1310. LIMITATION ON USE OF FUNDS FOR ELIMINATION OF WEAPONS GRADE PLUTONIUM PROGRAM.

Of the amounts authorized to be appropriated by this Act for fiscal year 2001 for the Elimination of Weapons Grade Plutonium Program, not more than 50 percent of such amounts may be obligated or expended for the program in fiscal year 2001 until 30 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report on an agreement between the United States Government and the Government of the Russian Federation regarding a new option selected for the shut down or conversion of the reactors of the Russian Federation that produce weapons grade plutonium, including—

(1) the new date on which such reactors will cease production of weapons grade plutonium under such agreement by reason of the shut down or conversion of such reactors; and

(2) any cost-sharing arrangements between the United States Government and the Government of the Russian Federation in undertaking activities under such agreement.

SEC. 1311. REPORT ON AUDITS OF COOPERATIVE THREAT REDUCTION PROGRAMS.

Not later than March 31, 2001, the Comptroller General shall submit to Congress a report examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs. The report shall examine the following:

(1) Whether the audits being conducted by the Department of Defense are producing necessary information regarding whether assistance under such programs, including equipment provided and services furnished, is being used as intended.

(2) Whether the audit procedures of the Department of Defense are adequate, including whether random samplings are used.

**TITLE XIV—COMMISSION TO ASSESS
THE THREAT TO THE UNITED STATES
FROM ELECTROMAGNETIC PULSE
(EMP) ATTACK**

Sec. 1401. Establishment of commission.

Sec. 1402. Duties of commission.

Sec. 1403. Reports.

Sec. 1404. Powers.

Sec. 1405. Commission procedures.

Sec. 1406. Personnel matters.

Sec. 1407. Miscellaneous administrative provisions.

Sec. 1408. Funding.

Sec. 1409. Termination of the commission.

SEC. 1401. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the “Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack” (hereafter in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of nine members. Seven of the members shall be appointed by the Secretary of Defense and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

(c) **QUALIFICATIONS.**—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse (hereafter in this title referred to as “EMP”) effects resulting from the detonation of a nuclear weapon or weapons at high altitude, sometimes referred to as high-altitude electromagnetic pulse effects (HEMP).

(d) **CHAIRMAN OF COMMISSION.**—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1402. DUTIES OF COMMISSION.

(a) REVIEW OF EMP THREAT.—The Commission shall assess—

(1) the nature and magnitude of potential high-altitude EMP threats to the United States from all potentially hostile states or non-state actors that have or could acquire nuclear weapons and ballistic missiles enabling them to perform a high-altitude EMP attack against the United States within the next 15 years;

(2) the vulnerability of United States military and especially civilian systems to an EMP attack, giving special attention to vulnerability of the civilian infrastructure as a matter of emergency preparedness;

(3) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by an EMP attack; and

(4) the feasibility and cost of hardening select military and civilian systems against EMP attack.

(b) RECOMMENDATION.—The Commission shall recommend any steps it believes should be taken by the United States to better protect its military and civilian systems from EMP attack.

(c) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of the Federal Emergency Management Agency, and any other United States Government official serving in the Department of Defense or Armed Forces in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1403. REPORTS.

(a) COMMISSION REPORT.—The Commission shall, not later than one year after the date of its first meeting, submit to Congress, the Secretary of Defense, and the Director of the Federal Emergency Management Agency a report on the Commission's findings and conclusions.

(b) SECRETARY OF DEFENSE REPORT.—Not later than one year after the date of the Commission's report under subsection (a), the Secretary of Defense shall submit to Congress a report—

(1) commenting on the Commission's findings and conclusions;

(2) describing political-military scenarios that could possibly lead to an EMP attack against the United States;

(3) evaluating the relative likelihood of an EMP attack against the United States compared to other threats involving nuclear weapons; and

(4) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and the Secretary's reasons for doing so.

SEC. 1404. POWERS.

(a) **HEARINGS.**—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) **INFORMATION.**—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 1405. COMMISSION PROCEDURES.

(a) **MEETINGS.**—The Commission shall meet at the call of the Chairman.

(b) **QUORUM.**—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) **COMMISSION.**—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.**—Any agent or member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1406. PERSONNEL MATTERS.

(a) **PAY OF MEMBERS.**—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such

title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) **POSTAL AND PRINTING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.**—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1408. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2001. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1409. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report under section 1403(a).

TITLE XV—NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO

Sec. 1501. Assistance for economic growth on Vieques.

Sec. 1502. Conveyance of Naval Ammunition Support Detachment, Vieques Island.

Sec. 1503. Determination regarding continuation of Navy training.

Sec. 1504. Actions if training is approved.

Sec. 1505. Requirements if training is not approved or mandate for referendum is initiated.

Sec. 1506. Certain properties exempt from conveyance or transfer.

Sec. 1507. Moratorium on improvements at Fort Buchanan.

Sec. 1508. Transfer and management of Conservation Zones.

SEC. 1501. ASSISTANCE FOR ECONOMIC GROWTH ON VIEQUES.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Defense for fiscal year 2000, \$40,000,000 to be used to provide economic assistance for the people and communities of the island of Vieques, Puerto Rico, in accordance with the terms and conditions of the Vieques supplemental appropriation.

(b) **TRANSFER AUTHORITY.**—The Secretary of Defense may transfer amounts of authorizations made available to the Department of Defense in subsection (a) to any agency or office of the United States Government in order to implement the projects for which the Vieques supplemental appropriation is made available. The transfer authority under this section is in addition to any transfer authority provided in Public Law 106–65 or any other Act.

(c) **NOTICE TO CONGRESS.**—The advance notice required by the Vieques supplemental appropriation of each proposed transfer shall also be submitted to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(d) **DEFINITION.**—In this section, the term “Vieques supplemental appropriation” means the paragraph under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” in chapter 1 of title I of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 525).

SEC. 1502. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) **CONVEYANCE REQUIRED.**—

(1) **PROPERTY TO BE CONVEYED.**—The Secretary of the Navy shall convey, without consideration, to the Municipality of Vieques, Puerto Rico, all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support Detachment located on the western end of the island of Vieques, Puerto Rico, except for—

(A) the property that is exempt from conveyance under section 1506;

(B) the property that is required to be transferred to the Secretary of the Interior under section 1508(a); and

(C) any property that is conveyed pursuant to section 1508(b).

(2) **TIME FOR CONVEYANCE.**—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than May 1, 2001.

(b) **DESCRIPTION OF PROPERTY.**—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under section 1508, shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to section 1506.

(c) **ENVIRONMENTAL RESTORATION.**—

(1) **OBJECTIVE OF CONVEYANCE.**—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of the island of Vieques.

(2) **CONVEYANCE DESPITE RESPONSE NEED.**—If the Secretary of the Navy, by May 1, 2001, is unable to provide the covenant required by subparagraph (A)(ii)(I) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) with respect to the property to be conveyed, the Secretary shall still complete

the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. Upon completion of such response actions, the Secretary shall execute and deliver to the transferee the warranty referred to in subparagraph (C)(iii) of such section. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—Consistent with existing Navy and legal requirements, the Secretary of the Navy shall remain responsible for the environmental condition of the property, and neither the Commonwealth of Puerto Rico nor the Municipality of Vieques shall be responsible for such condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(d) CONTROL OF CONVEYED PROPERTY.—The government of the Municipality of Vieques, acting through the elected officials of that government, shall have the power to administer, manage, and control the property conveyed under subsection (a) in any manner determined by the government of the Municipality of Vieques as being most advantageous to the majority of the residents of the island of Vieques (consistent with the laws of the United States).

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EXTENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release (after the conveyance is made under subsection (a)) of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico).

(ii) The Municipality of Vieques, Puerto Rico, and any other political subdivision of the Commonwealth of Puerto Rico that acquires such ownership or control (including any officer, agent, or employee of that Municipality or other political subdivision).

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) ACCRUAL OF ACTION.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms “hazardous substance”, “release”, and “pollutant or contaminant” have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

SEC. 1503. DETERMINATION REGARDING CONTINUATION OF NAVY TRAINING.

(a) REFERENDUM.—

(1) REQUIREMENT.—Except as provided in paragraph (2), the President shall provide for a referendum to be conducted on the island of Vieques, Puerto Rico, to determine by a majority

of the votes cast in the referendum by the Vieques electorate whether the people of Vieques approve or disapprove of the continuation of the conduct of live-fire training, and any other types of training, by the Armed Forces at the Navy's training sites on the island under the conditions described in subsection (d).

(2) EXCEPTION.—If the Chief of Naval Operations and the Commandant of the Marine Corps jointly submit to the congressional defense committees, after the date of the enactment of this Act and before the date set forth in subsection (c), their certification that the Vieques Naval Training Range is no longer needed for training by the Navy and the Marine Corps, then the requirement for a referendum under paragraph (1) shall cease to be effective on the date on which the certification is submitted.

(b) PROHIBITION OF OTHER PROPOSITIONS.—In the referendum under this section, no proposition or option may be presented as an alternative to the propositions of approval and of disapproval of the continuation of the conduct of training as described in subsection (a)(1).

(c) TIME FOR REFERENDUM.—The referendum required under this section shall be held on May 1, 2001, or within 270 days before such date or 270 days after such date. The Secretary of the Navy shall publicize the date set for the referendum 90 days before that date.

(d) REQUIRED TRAINING CONDITIONS.—For the purposes of the referendum under this section, the conditions for the continuation of the conduct of training are those that are proposed by the Secretary of the Navy and publicized on the island of Vieques in connection with, and for a reasonable period in advance of, the referendum. The conditions shall include the following:

(1) LIVE-FIRE TRAINING.—A condition that the training may include live-fire training.

(2) MAXIMUM ANNUAL DAYS OF USE.—A condition that the training may be conducted on not more than 90 days each year.

(e) PROCLAMATION OF OUTCOME.—Promptly after the referendum is completed under this section, the President shall determine, and issue a proclamation declaring, the outcome of the referendum. The President's determination shall be final, and the outcome of the referendum (as so determined) shall be binding.

(f) VIEQUES ELECTORATE DEFINED.—

(1) REGISTERED VOTERS.—In this section, the term "Vieques electorate", with respect to a referendum under this section, means the residents of the island of Vieques, Puerto Rico, who, on both dates specified in paragraph (2), are registered to vote in a general election held for casting ballots for the election of the Resident Commissioner of the Commonwealth of Puerto Rico.

(2) REGISTRATION DATES.—The dates referred to in paragraph (1) are as follows:

(A) November 7, 2000.

(B) The date that is 180 days before the date of the referendum under this section.

SEC. 1504. ACTIONS IF TRAINING IS APPROVED.

(a) **CONDITION FOR EFFECTIVENESS.**—This section shall take effect on the date on which the President issues a proclamation under subsection (e) of section 1503 declaring that the continuation of the conduct of training (including live-fire training) by the Armed Forces at the Navy's training sites on the island of Vieques, Puerto Rico, under the conditions described in subsection (d) of such section, has been approved in the referendum conducted under such section.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ECONOMIC ASSISTANCE.**—There is authorized to be appropriated to the President \$50,000,000 to provide economic assistance for the people and communities of the island of Vieques. This authorization of appropriations is in addition to the amount authorized to appropriated to provide economic assistance under section 1501.

(c) **TRAINING RANGE TO REMAIN OPEN.**—The Vieques Naval Training Range shall remain available for the use of the Armed Forces, including for live-fire training.

SEC. 1505. REQUIREMENTS IF TRAINING IS NOT APPROVED OR MAN-DATE FOR REFERENDUM IS VITIATED.

(a) **CONDITIONS FOR EFFECTIVENESS.**—This section shall take effect on the date on which either of the following occurs:

(1) The President issues a proclamation under subsection (e) of section 1503 declaring that the continuation of the conduct of training (including live-fire training) by the Armed Forces at the Navy's training sites on the island of Vieques, Puerto Rico, under the conditions described in subsection (d) of such section, has not been approved in the referendum conducted under such section.

(2) The requirement for a referendum under section 1503 ceases to be effective pursuant to subsection (a)(2) of such section.

(b) **ACTIONS REQUIRED OF SECRETARY OF DEFENSE.**—

(1) **TERMINATION OF OPERATION.**—Not later than May 1, 2003, the Secretary of Defense shall—

(A) terminate all Navy and Marine Corps training operations on the island of Vieques; and

(B) terminate all Navy and Marine Corps operations at Naval Station Roosevelt Roads, Puerto Rico, that are related exclusively to the use of the training range on the island of Vieques by the Navy and the Marine Corps.

(2) **RELOCATION OF UNITS.**—The Secretary of Defense may relocate the units of the Armed Forces (other than those of the reserve components) and activities of the Department of Defense (including nonappropriated fund activities) at Fort Buchanan, Puerto Rico, to Naval Station Roosevelt Roads, Puerto Rico, to ensure maximum utilization of capacity.

(3) **CLOSURE OF INSTALLATIONS AND FACILITIES.**—The Secretary of Defense shall close the Department of Defense installations and facilities on the island of Vieques, other than properties exempt from conveyance and transfer under section 1506.

(c) **ACTIONS REQUIRED OF SECRETARY OF THE NAVY.**—The Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior—

(1) the Live Impact Area on the island of Vieques;

(2) all Department of Defense real properties on the eastern side of the island that are identified as conservation zones; and

(3) all other Department of Defense real properties on the eastern side of the island.

(d) ACTIONS REQUIRED OF SECRETARY OF THE INTERIOR.—

(1) RETENTION AND ADMINISTRATION.—The Secretary of the Interior shall retain, and may not dispose of any of, the properties transferred under paragraphs (2) and (3) of subsection (c) and shall administer such properties as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) pending the enactment of a law that addresses the disposition of such properties.

(2) RESPONSIBILITY FOR LIVE IMPACT AREA.—Upon a termination of Navy and Marine Corps training operations on the island of Vieques under subsection (b)(1), the Secretary of the Interior shall assume responsibility for the administration of the Live Impact Area, administer that area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), and deny public access to the area.

(3) LIVE IMPACT AREA DEFINED.—In this section, the term “Live Impact Area” means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.

(e) GAO REVIEW.—

(1) REQUIREMENT FOR REVIEW.—The Comptroller General shall review the requirement for the continued use of Fort Buchanan, Puerto Rico, by active Army forces and shall submit to the congressional defense committees a report containing—

(A) the findings resulting from the review; and

(B) recommendations regarding the closure of Fort Buchanan and the consolidation of units of the Armed Forces to Naval Station Roosevelt Roads, Puerto Rico.

(2) TIME FOR SUBMITTAL OF REPORT.—The Comptroller General shall submit the report under paragraph (1) not later than one year after the date on which the referendum under section 1503 is conducted or one year after the date on which a certification is submitted to the congressional defense committees under subsection (a)(2) of such section, as the case may be.

SEC. 1506. CERTAIN PROPERTIES EXEMPT FROM CONVEYANCE OR TRANSFER.

(a) EXEMPT PROPERTY.—The Department of Defense properties and property interests described in subsection (b) may not be conveyed or transferred out of the Department of Defense under this title.

(b) PROPERTIES DESCRIBED.—The exemption under subsection (a) applies to the following Department of Defense properties and property interests on the island of Vieques, Puerto Rico:

(1) ROTHRSITE.—The site for relocatable over-the-horizon radar.

(2) TELECOMMUNICATIONS SITES.—The Mount Pirata telecommunications sites.

(3) ASSOCIATED INTERESTS.—Any easements, rights-of-way, and other interests in property that the Secretary of the Navy determines necessary for—

- (A) ensuring access to the properties referred to in paragraphs (1) and (2);
- (B) providing utilities for such properties;
- (C) ensuring the security of such properties; and
- (D) ensuring effective maintenance and operations on such properties.

(4) REMEDIATION ACTIVITIES.—Any easements, rights-of-way, and other interests in property that the Secretary of the Navy determines necessary for protecting human health and the environment in the discharge of the Secretary's responsibilities for environmental remediation under section 1502(c), until such time as these responsibilities are completed.

SEC. 1507. MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN.

(a) IN GENERAL.—Except as provided in subsection (b), no acquisition, construction, conversion, rehabilitation, extension, or improvement of any facility at Fort Buchanan, Puerto Rico, may be initiated or continued on or after the date of the enactment of this Act.

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Actions necessary to maintain the existing facilities (including utilities) at Fort Buchanan.

(2) The construction of reserve component and non-appropriated fund facilities authorized before the date of the enactment of this Act.

(c) TERMINATION.—This section shall cease to be effective upon the issuance of a proclamation described in section 1504(a) or the enactment of a law, after the date of the enactment of this Act, that authorizes any acquisition, construction, conversion, rehabilitation, extension, or improvement of any facility at Fort Buchanan, Puerto Rico.

SEC. 1508. TRANSFER AND MANAGEMENT OF CONSERVATION ZONES.

(a) TRANSFER TO SECRETARY OF THE INTERIOR.—

(1) TRANSFER REQUIRED.—Except as provided in section 1506, the Secretary of the Navy shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior all Department of Defense real properties on the western end of the Vieques Island, consisting of a total of approximately 3,100 acres, that are designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy.

(2) TIME FOR TRANSFER.—The Secretary of the Navy shall complete the transfer required by paragraph (1) not later than May 1, 2001.

(b) CONVEYANCE TO CONSERVATION TRUST.—

(1) CONVEYANCE REQUIRED.—Except as provided in section 1506 and subject to paragraph (2), the Secretary of the Navy shall convey, without consideration, to the Puerto Rico Conservation Trust the additional Conservation Zones, consisting of a total of approximately 800 acres, identified in Alternative 1 in the Draft Environmental Assessment for the proposed transfer of Naval Ammunition Support Detachment property,

Vieques, Puerto Rico, prepared by the Department of the Navy, as described in the Federal Register of August 28, 2000 (65 Fed. Reg. 52100).

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than May 1, 2001, except that paragraph (1) shall apply only to those portions of the lands described in such paragraph that the Commonwealth of Puerto Rico, the Secretary of the Interior, and the Puerto Rico Conservation Trust mutually agree, before that date, to—

(A) include in the cooperative agreement under subsection (d)(2); and

(B) manage under standards consistent with the standards in subsection (c) applicable to the lands transferred under subsection (a).

(c) ADMINISTRATION OF PROPERTIES AS WILDLIFE REFUGES.—The Secretary of the Interior shall administer as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) the Conservation Zones transferred to the Secretary under subsection (a).

(d) COOPERATIVE AGREEMENT.—

(1) REQUIRED; PARTIES.—The Secretary of the Interior shall manage the Conservation Zones transferred under subsection (a) pursuant to a cooperative agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(2) INCLUSION OF ADJACENT AREAS.—Areas adjacent to the Conservation Zones transferred under subsection (a) shall be considered for inclusion under the cooperative agreement. Subject to the mutual agreement of the Commonwealth of Puerto Rico, the Secretary of the Interior, and the Puerto Rico Conservation Trust, such adjacent areas may be included under the cooperative agreement, except that the total acreage so included under this paragraph may not exceed 800 acres. This determination of inclusion of lands shall be incorporated into the cooperative agreement process as set forth in paragraph (4).

(3) SEA GRASS AREA.—The Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy, shall be included in the cooperative agreement to be protected under the laws of the United States and the laws of the Commonwealth of Puerto Rico.

(4) MANAGEMENT PURPOSES.—All lands covered by the cooperative agreement shall be managed to protect and preserve the natural resources of the lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the cooperative agreement, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(5) COMPLETION AND IMPLEMENTATION.—The cooperative agreement shall be completed not later than May 1, 2001. The Secretary of the Interior shall implement the terms and

conditions of the cooperative agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

TITLE XVI—GI BILL EDUCATIONAL ASSISTANCE AND VETERANS CLAIMS ASSISTANCE

SUBTITLE A—VETERANS EDUCATION BENEFITS

Sec. 1601. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.

Sec. 1602. Modification of authority to pay tuition for off-duty training and education.

SUBTITLE B—VETERANS CLAIMS ASSISTANCE

Sec. 1611. Clarification of Department of Veterans Affairs duty to assist.

Subtitle A—Veterans Education Benefits

SEC. 1601. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

“(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

“(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

“(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

“(C) The individual meets the requirements of subsection (a)(3).

“(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

“(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

“(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is \$2,700; and

“(ii) to the extent that basic pay is not so reduced before the qualified individual’s discharge or release from active duty

as specified in subsection (a)(4), at the election of the qualified individual—

“(I) the Secretary concerned shall collect from the qualified individual, or

“(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by, an amount equal to the difference between \$2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

“(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

“(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

“(C) The provisions of subsection (c) shall apply to individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

“(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

“(A) the Secretary concerned collects the applicable amount under subparagraph (I) of such paragraph, or

“(B) the retired or retainer pay of the qualified individual is first reduced under subparagraph (II) of such paragraph.

“(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.”.

(b) CONFORMING AMENDMENT.—Section 3018C(b) of such title is amended by striking “subsection (a)” and inserting “subsection (a) or (e)”.

SEC. 1602. MODIFICATION OF AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING AND EDUCATION.

(a) AUTHORITY TO PAY ALL CHARGES.—Section 2007 of title 10, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) Subject to subsection (b), the Secretary of a military department may pay all or a portion of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such educational institution for education or training during the member’s off-duty periods.

“(b) In the case of a commissioned officer on active duty, the Secretary of the military department concerned may not pay charges under subsection (a) unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education for which the charges are paid.”; and

(2) in subsection (d)—

(A) by striking “(within the limits set forth in subsection (a))” in the matter preceding paragraph (1); and

(B) in paragraph (3), by striking “subsection (a)(3)” and inserting “subsection (b)”.

(b) USE OF ENTITLEMENT TO ASSISTANCE UNDER MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.—(1) That section is further amended by adding at the end the following new subsection:

“(e)(1) A member of the armed forces who is entitled to basic educational assistance under chapter 30 of title 38 may use such entitlement for purposes of paying any portion of the charges described in subsection (a) or (c) that are not paid for by the Secretary of the military department concerned under such subsection.

“(2) The use of entitlement under paragraph (1) shall be governed by the provisions of section 3014(b) of title 38.”.

(2) Section 3014 of title 38, United States Code, is amended—

(A) by inserting “(a)” before “The Secretary”; and

(B) by adding at the end the following new subsection:

“(b)(1) In the case of an individual entitled to basic educational assistance who is pursuing education or training described in subsection (a) or (c) of section 2007 of title 10, the Secretary shall, at the election of the individual, pay the individual a basic educational assistance allowance to meet all or a portion of the charges of the educational institution for the education or training that are not paid by the Secretary of the military department concerned under such subsection.

“(2)(A) The amount of the basic educational assistance allowance payable to an individual under this subsection for a month shall be the amount of the basic educational assistance allowance to which the individual would be entitled for the month under section 3015 of this title (without regard to subsection (g) of that section) were payment made under that section instead of under this subsection.

“(B) The maximum number of months for which an individual may be paid a basic educational assistance allowance under paragraph (1) is 36.”.

(3) Section 3015 of title 38, United States Code, is amended—

(A) by striking “subsection (g)” each place it appears in subsections (a) and (b);

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

“(g) In the case of an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title, the rate of the basic educational assistance allowance applicable to the individual under this section shall be the rate otherwise applicable to the individual under this section reduced by an amount equal to—

“(1) the aggregate amount of such allowances paid the individual under such section 3014(b); divided by

“(2) 36.”.

Subtitle B—Veterans Claims Assistance

SEC. 1611. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

“§ 5107 Assistance to claimants; benefit of the doubt; burden of proof

“(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

“(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

“(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

“5107 Assistance to claimants; benefit of the doubt; burden of proof.”.

TITLE XVII—ASSISTANCE TO FIREFIGHTERS

Sec. 1701. Firefighter assistance.

Sec. 1702. Volunteer fire assistance program.

Sec. 1703. Burn research.

Sec. 1704. Study and demonstration projects regarding cases of hepatitis C among certain emergency response employees.

Sec. 1705. Report on progress on spectrum sharing.

Sec. 1706. Sale or donation of excess defense property to assist firefighting agencies.

Sec. 1707. Identification of defense technologies suitable for use, or conversion for use, in providing fire and emergency medical services.

SEC. 1701. FIREFIGHTER ASSISTANCE.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

“SEC. 33. FIREFIGHTER ASSISTANCE.

“(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In this section, the term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Director may—

“(A) make grants on a competitive basis directly to fire departments of a State, in consultation with the chief executive of the State, for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards; and

“(B) provide assistance for fire prevention programs in accordance with paragraph (4).

“(2) OFFICE FOR ADMINISTRATION OF ASSISTANCE.—

“(A) ESTABLISHMENT.—Before providing assistance under paragraph (1), the Director shall establish an office in the Federal Emergency Management Agency to administer the assistance under this section.

“(B) INCLUDED DUTIES.—The duties of the office shall include the following:

“(i) RECIPIENT SELECTION CRITERIA.—To establish specific criteria for the selection of recipients of the assistance under this section.

“(ii) GRANT-WRITING ASSISTANCE.—To provide grant-writing assistance to applicants.

“(3) USE OF FIRE DEPARTMENT GRANT FUNDS.—The Director may make a grant under paragraph (1)(A) only if the applicant for the grant agrees to use the grant funds—

“(A) to hire additional firefighting personnel;

“(B) to train firefighting personnel in firefighting, emergency response, arson prevention and detection, or the handling of hazardous materials, or to train firefighting personnel to provide any of the training described in this subparagraph;

“(C) to fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies;

“(D) to certify fire inspectors;

“(E) to establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel can carry out their duties;

“(F) to fund emergency medical services provided by fire departments;

“(G) to acquire additional firefighting vehicles, including fire trucks;

“(H) to acquire additional firefighting equipment, including equipment for communications and monitoring;

“(I) to acquire personal protective equipment required for firefighting personnel by the Occupational Safety and Health Administration, and other personal protective equipment for firefighting personnel;

“(J) to modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel;

“(K) to enforce fire codes;

“(L) to fund fire prevention programs;

“(M) to educate the public about arson prevention and detection; or

“(N) to provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(4) FIRE PREVENTION PROGRAMS.—

“(A) IN GENERAL.—For each fiscal year, the Director shall use not less than 5 percent of the funds made available under subsection (e)—

“(i) to make grants to fire departments for the purpose described in paragraph (3)(L); and

“(ii) to make grants to, or enter into contracts or cooperative agreements with, national, State, local, or community organizations that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities, for the purpose of carrying out fire prevention programs.

“(B) PRIORITY.—In selecting organizations described in subparagraph (A)(ii) to receive assistance under this paragraph, the Director shall give priority to organizations that focus on prevention of injuries to children from fire.

“(5) APPLICATION.—The Director may provide assistance to a fire department or organization under this subsection only if the fire department or organization seeking the assistance submits to the Director an application that meets the following requirements:

“(A) FORM.—The application shall be in such form as the Director may require.

“(B) INFORMATION.—The application shall include the following information:

“(i) FINANCIAL NEED.—Information that demonstrates the financial need of the applicant for the assistance for which applied.

“(ii) COST-BENEFIT ANALYSIS.—An analysis of the costs and benefits, with respect to public safety, of the use of the assistance.

“(iii) REPORTING SYSTEMS DATA.—An agreement to provide information to the national fire incident reporting system for the period covered by the assistance.

“(iv) OTHER INFORMATION.—Any other information that the Director may require.

“(6) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Director may provide assistance under this subsection only if the applicant for the assistance agrees to match with an equal amount of non-Federal funds 30 percent of the assistance received under this subsection for any fiscal year.

“(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent.

“(7) MAINTENANCE OF EXPENDITURES.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to maintain in the fiscal year for which the assistance will be received the applicant’s aggregate expenditures for the uses described in paragraph (3) or (4) at or above the average level of such expenditures in the two fiscal years preceding the fiscal year for which the assistance will be received.

“(8) REPORT TO THE DIRECTOR.—The Director may provide assistance under this subsection only if the applicant for the assistance agrees to submit to the Director a report, including a description of how the assistance was used, with respect to each fiscal year for which the assistance was received.

“(9) VARIETY OF FIRE DEPARTMENT GRANT RECIPIENTS.—The Director shall ensure that grants under paragraph (1)(A)

for a fiscal year are made to a variety of fire departments, including, to the extent that there are eligible applicants—

“(A) paid, volunteer, and combination fire departments;

“(B) fire departments located in communities of varying sizes; and

“(C) fire departments located in urban, suburban, and rural communities.

“(10) GRANT LIMITATIONS.—

“(A) RECIPIENT LIMITATION.—A grant recipient under this section may not receive more than \$750,000 under this section for any fiscal year.

“(B) LIMITATION ON EXPENDITURES FOR FIREFIGHTING VEHICLES.—Not more than 25 percent of the funds appropriated to provide grants under this section for a fiscal year may be used to assist grant recipients to purchase vehicles, as authorized by paragraph (3)(G).

“(11) RESERVATION OF GRANT FUNDS FOR VOLUNTEER DEPARTMENTS.—In making grants to firefighting departments, the Director shall ensure that those firefighting departments that have either all-volunteer forces of firefighting personnel or combined forces of volunteer and professional firefighting personnel receive a proportion of the total grant funding that is not less than the proportion of the United States population that those firefighting departments protect.

“(c) AUDITS.—A recipient of a grant under this section shall be subject to audits to ensure that the grant proceeds are expended for the intended purposes and that the grant recipient complies with the requirements of paragraphs (6) and (7) of subsection (b).

“(d) STATE DEFINED.—In this section, the term ‘State’ includes the District of Columbia and the Commonwealth of Puerto Rico.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section amounts as follows:

“(1) \$100,000,000 for fiscal year 2001.

“(2) \$300,000,000 for fiscal year 2002.”.

(b) STUDY ON NEED FOR FEDERAL ASSISTANCE TO STATE AND LOCAL COMMUNITIES TO FUND FIREFIGHTING AND EMERGENCY RESPONSE ACTIVITIES.—

(1) REQUIREMENT FOR STUDY.—The Director of the Federal Emergency Management Agency shall conduct a study in conjunction with the National Fire Protection Association to—

(A) define the current role and activities associated with the fire services;

(B) determine the adequacy of current levels of funding; and

(C) provide a needs assessment to identify shortfalls.

(2) TIME FOR COMPLETION OF STUDY; REPORT.—The Director shall complete the study under paragraph (1), and submit a report on the results of the study to Congress, within 18 months after the date of the enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency \$300,000 for fiscal year 2001 to carry out the study required by paragraph (1).

SEC. 1702. VOLUNTEER FIRE ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Agriculture for carrying out paragraphs (1) through (3) of section 10(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(1)–(3)) amounts as follows:

- (1) \$10,000,000 for fiscal year 2001.
- (2) \$20,000,000 for fiscal year 2002.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of Agriculture shall submit a report to Congress on the results of the assistance provided under the provisions of law for which funds are authorized for appropriations under subsection (a).

(2) **CONTENT.**—The report shall contain the following:

(A) A list of the organizations that received funds authorized for appropriations under subsection (a) and the purpose for which those organizations were provided the funds.

(B) Efforts taken to ensure that potential recipients are provided with information necessary to develop an effective application.

(C) The Secretary's assessment regarding the appropriate level of funding that should be provided annually through the assistance program.

(D) The Secretary's assessment regarding the appropriate purposes for such assistance.

(E) Any other information the Secretary determines necessary.

(3) **SUBMISSION DATE.**—The report shall be submitted not later than February 1, 2002.

SEC. 1703. BURN RESEARCH.

(a) **OFFICE.**—The Director of the Federal Emergency Management Agency shall establish an office in the Agency to establish specific criteria of grant recipients and to administer grants under this section.

(b) **SAFETY ORGANIZATION GRANTS.**—The Director may make grants, on a competitive basis, to safety organizations that have experience in conducting burn safety programs for the purpose of assisting those organizations in conducting burn prevention programs or augmenting existing burn prevention programs.

(c) **HOSPITAL GRANTS.**—The Director may make grants, on a competitive basis, to hospitals that serve as regional burn centers to conduct acute burn care research.

(d) **OTHER GRANTS.**—The Director may make grants, on a competitive basis, to governmental and nongovernmental entities to provide after-burn treatment and counseling to individuals that are burn victims.

(e) **REPORT.**—

(1) **IN GENERAL.**—The Director of the Federal Emergency Management Agency shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the grants provided under this section.

(2) **CONTENT.**—The report shall contain the following:

(A) A list of the organizations, hospitals, or other entities to which the grants were provided and the purpose for which those entities were provided grants.

(B) Efforts taken to ensure that potential grant applicants are provided with information necessary to develop an effective application.

(C) The Director's assessment regarding the appropriate level of funding that should be provided annually through the grant program.

(D) The Director's assessment regarding the appropriate purposes for such grants.

(E) Any other information the Director determines necessary.

(3) SUBMISSION DATE.—The report shall be submitted not later than February 1, 2002.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section amounts as follows:

(1) \$10,000,000 for fiscal year 2001.

(2) \$20,000,000 for fiscal year 2002.

SEC. 1704. STUDY AND DEMONSTRATION PROJECTS REGARDING CASES OF HEPATITIS C AMONG CERTAIN EMERGENCY RESPONSE EMPLOYEES.

(a) STUDY REGARDING PREVALENCE AMONG CERTAIN EMERGENCY RESPONSE EMPLOYEES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), in consultation with the Secretary of Labor, shall conduct a study to determine—

(A) an estimate of the prevalence of hepatitis C among designated emergency response employees in the United States; and

(B) the likely means through which such employees become infected with such disease in the course of performing their duties as such employees.

(2) DESIGNATED EMERGENCY RESPONSE EMPLOYEES.—For purposes of this section, the term “designated emergency response employees” means firefighters, paramedics, and emergency medical technicians who are employees or volunteers of units of local government.

(3) DATE CERTAIN FOR COMPLETION; REPORT TO CONGRESS.—The Secretary shall commence the study under paragraph (1) not later than 90 days after the date of the enactment of this Act. Not later than one year after such date, the Secretary shall complete the study and submit to the Congress a report describing the findings of the study.

(b) DEMONSTRATION PROJECTS REGARDING TRAINING AND TREATMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall make grants to qualifying local governments for the purpose of carrying out demonstration projects that (directly or through arrangements with nonprofit private entities) carry out each of the following activities:

(A) Training designated emergency response employees in minimizing the risk of infection with hepatitis C in performing their duties as such employees.

(B) Testing such employees for infection with the disease.

(C) Treating the employees for the disease.

(2) QUALIFYING LOCAL GOVERNMENTS.—For purposes of this section, the term “qualifying local government” means a unit of local government whose population of designated emergency response employees has a prevalence of hepatitis C that is not less than 200 percent of the national average for the prevalence of such disease in such populations.

(3) CONFIDENTIALITY.—A grant may be made under paragraph (1) only if the qualifying local government involved agrees to ensure that information regarding the testing or treatment of designated emergency response employees pursuant to the grant is maintained confidentially in a manner not inconsistent with applicable law.

(4) EVALUATIONS.—The Secretary shall provide for an evaluation of each demonstration project under paragraph (1) in order to determine the extent to which the project has been effective in carry out the activities described in such paragraph.

(5) REPORT TO CONGRESS.—Not later than 180 days after the date on which all grants under paragraph (1) have been expended, the Secretary shall submit to Congress a report providing—

(A) a summary of evaluations under paragraph (4); and

(B) the recommendations of the Secretary for administrative or legislative initiatives regarding the activities described in paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated to the Department of Health and Human Services and the Department of Labor \$10,000,000 for fiscal year 2001.

SEC. 1705. REPORT ON PROGRESS ON SPECTRUM SHARING.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Attorney General and the Secretary of Commerce, shall provide for the conduct of an engineering study to identify—

(1) any portion of the 138–144 megahertz band that the Department of Defense can share in various geographic regions with public safety radio services;

(2) any measures required to prevent harmful interference between Department of Defense systems and the public safety systems proposed for operation on those frequencies; and

(3) a reasonable schedule for implementation of such sharing of frequencies.

(b) SUBMISSION OF INTERIM REPORT.—Within one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an interim report on the progress of the study conducted pursuant to subsection (a).

(c) REPORT.—Not later than January 1, 2002, the Secretary of Commerce and the Chairman of the Federal Communications Commission shall jointly submit a report to Congress on alternative frequencies available for use by public safety systems.

SEC. 1706. SALE OR DONATION OF EXCESS DEFENSE PROPERTY TO ASSIST FIREFIGHTING AGENCIES.

(a) TRANSFER AUTHORIZED.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2576a the following new section:

“§ 2576b. Excess personal property: sale or donation to assist firefighting agencies

“(a) TRANSFER AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may transfer to a firefighting agency in a State any personal property of the Department of Defense that the Secretary determines is—

“(1) excess to the needs of the Department of Defense; and

“(2) suitable for use in providing fire and emergency medical services, including personal protective equipment and equipment for communication and monitoring.

“(b) CONDITIONS FOR TRANSFER.—The Secretary of Defense may transfer personal property under this section only if—

“(1) the property is drawn from existing stocks of the Department of Defense;

“(2) the recipient firefighting agency accepts the property on an as-is, where-is basis;

“(3) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

“(4) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

“(c) CONSIDERATION.—Subject to subsection (b)(4), the Secretary may transfer personal property under this section without charge to the recipient firefighting agency.

“(d) DEFINITIONS.—In this section:

“(1) STATE.—The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

“(2) FIREFIGHTING AGENCY.—The term ‘firefighting agency’ means any volunteer, paid, or combined departments that provide fire and emergency medical services.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2576a the following new item:

“2576b. Excess personal property: sale or donation to assist firefighting agencies.”.

SEC. 1707. IDENTIFICATION OF DEFENSE TECHNOLOGIES SUITABLE FOR USE, OR CONVERSION FOR USE, IN PROVIDING FIRE AND EMERGENCY MEDICAL SERVICES.

(a) APPOINTMENT OF TASK FORCE; PURPOSE.—The Secretary of Defense shall appoint a task force consisting of representatives from the Department of Defense and each of the seven major fire organizations identified in subsection (b) to identify defense technologies and equipment that—

(1) can be readily put to civilian use by fire service and the emergency response agencies; and

(2) can be transferred to these agencies using the authority provided by section 2576b of title 10, United States Code, as added by section 1706 of this Act.

(b) PARTICIPATING MAJOR FIRE ORGANIZATIONS.—Members of the task force shall be appointed from each of the following:

- (1) The International Association of Fire Chiefs.
- (2) The International Association of Fire Fighters.
- (3) The National Volunteer Fire Council.
- (4) The International Association of Arson Investigators.
- (5) The International Society of Fire Service Instructors.
- (6) The National Association of State Fire Marshals.
- (7) The National Fire Protection Association.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Defense for activities of the task force \$1,000,000 for fiscal year 2001.

TITLE XVIII—IMPACT AID

Sec. 1801. Short title.

Sec. 1802. Purpose.

Sec. 1803. Payments relating to Federal acquisition of real property.

Sec. 1804. Payments for eligible federally connected children.

Sec. 1805. Maximum amount of basic support payments.

Sec. 1806. Basic support payments for heavily impacted local educational agencies.

Sec. 1807. Basic support payments for local educational agencies affected by removal of Federal property.

Sec. 1808. Additional payments for local educational agencies with high concentrations of children with severe disabilities.

Sec. 1809. Application for payments under sections 8002 and 8003.

Sec. 1810. Payments for sudden and substantial increases in attendance of military dependents.

Sec. 1811. Construction.

Sec. 1812. State consideration of payments in providing State aid.

Sec. 1813. Federal administration.

Sec. 1814. Administrative hearings and judicial review.

Sec. 1815. Forgiveness of overpayments.

Sec. 1816. Definitions.

Sec. 1817. Authorization of appropriations.

Sec. 1818. Effective date.

SEC. 1801. SHORT TITLE.

This title may be cited as the “Impact Aid Reauthorization Act of 2000”.

SEC. 1802. PURPOSE.

Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting after “educational services to federally connected children” the following: “in a manner that promotes control by local educational agencies with little or no Federal or State involvement”; and

(B) by inserting after “certain activities of the Federal Government” the following: “, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 514 of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 574),”;

(2) in paragraph (4), by adding “or” at the end;

(3) by striking paragraph (5);

(4) by redesignating paragraph (6) as paragraph (5); and

(5) in paragraph (5) (as redesignated), by inserting before the period at the end the following: “and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property”.

SEC. 1803. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) **FISCAL YEAR REQUIREMENT.**—Section 8002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)) is amended in the matter preceding paragraph (1) by striking “1999” and inserting “2003”.

(b) **AMOUNT.**—

(1) **PROHIBITION ON REDUCTION IN AMOUNT OF PAYMENT.**—Section 8002(b)(1)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(A)(i)) is amended—

(A) by striking “(i) The amount” and inserting “(i)(I) Subject to subclauses (II) and (III), the amount”;

(B) by striking “, except that” and all that follows through “Federal property”; and

(C) by adding at the end the following:

“(II) Except as provided in subclause (III), the Secretary may not reduce the amount of a payment under this section to a local educational agency for a fiscal year by (aa) the amount equal to the amount of revenue, if any, the agency received during the previous fiscal year from activities conducted on Federal property eligible under this section and located in a school district served by the agency, including amounts received from any Federal department or agency (other than the Department of Education) from such activities, by reason of receipt of such revenue, or (bb) any other amount by reason of receipt of such revenue.

“(III) If the amount equal to the sum of (aa) the proposed payment under this section to a local educational agency for a fiscal year and (bb) the amount of revenue described in subclause (II)(aa) received by the agency during the previous fiscal year, exceeds the maximum amount the agency is eligible to receive under this section for the fiscal year involved, then the Secretary shall reduce the amount of the proposed payment under this section by an amount equal to such excess amount.”.

(2) **INSUFFICIENT FUNDS.**—Section 8002(b)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(B)) is amended by striking “shall ratably reduce the payment to each eligible local educational agency” and inserting “shall calculate the payment for each eligible local educational agency in accordance with subsection (h)”.

(3) **MAXIMUM AMOUNT.**—Section 8002(b)(1)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(C)) is amended by adding at the end before the period the following: “, or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater”.

(c) **PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.**—Section 8002(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)) is amended to read as follows:

“(h) **PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.**—For any fiscal year for which the amount appropriated under section 8014(a) is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

“(1) **FOUNDATION PAYMENTS FOR PRE-1995 RECIPIENTS.**—

“(A) IN GENERAL.—The Secretary shall first make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved and was eligible to receive a payment under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of the enactment of the Improving America’s Schools Act of 1994) for any of the fiscal years 1989 through 1994.

“(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to 38 percent of the local educational agency’s maximum entitlement amount under section 2 of the Act of September 30, 1950, for fiscal year 1994 (or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994, the local educational agency’s maximum entitlement amount under such section 2 for the most recent fiscal year preceding 1994).

“(C) INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(2) PAYMENTS FOR 1995 RECIPIENTS.—

“(A) IN GENERAL.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment to each eligible local educational agency that received a payment under this section for fiscal year 1995.

“(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

“(i) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year.

“(ii) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995 determined in accordance with subsection (b)(3), by the total eligible national assessed value of the eligible Federal property of all such local educational agencies for fiscal year 1995, as so determined.

“(iii) Multiply the percentage share described in clause (ii) for the local educational agency by the amount determined under clause (i).

“(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make payments in accordance with subsection (i).

“(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year involved—

“(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year involved in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year involved bears to the amount all local educational agencies received under paragraph (1) for the fiscal year involved; and

“(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for the purpose of calculating a local educational agency’s assessed value of the Federal property, data from the most current fiscal year shall be used.”.

(d) SPECIAL PAYMENTS.—

(1) IN GENERAL.—Section 8002(i)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)(1)) is amended to read as follows:

“(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).”.

(2) CONFORMING AMENDMENT.—The heading of section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended by striking “PRIORITY” and inserting “SPECIAL”.

(e) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—Section 8002(j)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(j)(2)) is amended—

(1) by striking “(A) A local educational agency” and inserting “A local educational agency”;

(2) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(3) in subparagraph (C) (as redesignated), by adding at the end before the semicolon the following: “and, at the time at which the agency is applying for a payment under this subsection, the agency does not have a military installation located within its geographic boundaries”.

(f) PRIOR YEAR DATA.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following:

“(1) PRIOR YEAR DATA.—Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or (h)(4)(B) of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

“(1) shall use data from the prior fiscal year with respect to the Federal property involved, including data with respect to the assessed value of the property and the real property tax rate for current expenditures levied against or imputed to the property; and

“(2) shall use data from the second prior fiscal year with respect to determining the amount of revenue referred to in subsection (b)(1)(A)(i).”.

(g) ELIGIBILITY.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702), as amended by this section, is further amended by adding at the end the following:

“(m) ELIGIBILITY.—

“(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government, before the date of the enactment of the Impact Aid Reauthorization Act of 2000, shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of the enactment of such Act.

“(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment if—

“(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government after the date of the enactment of such Act, meets the requirements of subsection (a); and

“(B) the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition of the Federal property acquired after the date of the enactment of such Act.

“(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 5 years after the date of acquisition.”.

SEC. 1804. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) GENERAL AMENDMENTS.—Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (E) as subparagraph (F);

(B) in subparagraph (D), by striking “subparagraphs (D) and (E) of paragraph (1) by a factor of .10” and inserting “subparagraph (D) of paragraph (1) by a factor of .20”; and

(C) by inserting after subparagraph (D) the following:

“(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.”; (2) in subsection (b)(1), by adding at the end the following:

“(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

“(E) SPECIAL RULE.—For purposes of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine such comparable local contribution rate as the rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.”; and (3) by amending subsection (e) to read as follows:

“(e) HOLD HARMLESS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount the Secretary shall pay a local educational agency under subsection (b)—

“(A) for fiscal year 2001 shall not be less than 85 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000; and

“(B) for fiscal year 2002 shall not be less than 70 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000.

“(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A) or (B) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be.

“(3) RATABLE REDUCTIONS.—

“(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably reduce the payments to all such agencies for such year.

“(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.”.

(b) MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION OR REBUILDING.—

(1) IN GENERAL.—Section 8003(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended—

(A) in the heading—

(i) by inserting “AND INDIAN” after “MILITARY INSTALLATION”; and

(ii) by inserting “OR REBUILDING” after “RENOVATION”;

(B) by striking “For purposes” and inserting the following:

“(A) IN GENERAL.—(i) For purposes”;

(C) in subparagraph (A)(i) (as designated by subparagraph (B)), by inserting “or rebuilding” after “undergoing renovation”; and

(D) by adding at the end the following:

“(ii) For purposes of computing the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider such children to be children described in paragraph (1)(C) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development, that such children would have resided in housing on Indian lands in accordance with paragraph (1)(C) except that such housing was undergoing renovation or rebuilding on the date for which the Secretary determines the number of children under paragraph (1).

“(B) LIMITATIONS.—(i)(I) Children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for a period not to exceed 3 fiscal years.

“(II) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

“(ii)(I) Children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application may be deemed to be children described in paragraph (1)(C) with respect to housing on

Indian lands undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for a period not to exceed 3 fiscal years.

“(II) The number of children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to payments to a local educational agency for fiscal years beginning before, on, or after the date of the enactment of this Act.

(c) MILITARY “BUILD TO LEASE” PROGRAM HOUSING.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

“(5) MILITARY ‘BUILD TO LEASE’ PROGRAM HOUSING.—

“(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the ‘Build to Lease’ program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

“(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

“(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

“(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.”.

SEC. 1805. MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENTS.

Section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)), as amended by this Act, is further amended by adding at the end the following:

“(F) INCREASE IN LOCAL CONTRIBUTION RATE DUE TO UNUSUAL GEOGRAPHIC FACTORS.—If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subparagraph (C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency under subparagraph (C)(iii) by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.”.

SEC. 1806. BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

“(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

“(B) ELIGIBILITY FOR CONTINUING HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—

(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000; and

“(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

“(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which

is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;

“(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;

“(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or

“(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000).

“(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

“(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

“(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional

assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or the agency—

“(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—

“(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or

“(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

“(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

“(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local educational agency in the State in which the agency is located; and

“(III) has a tax rate for general fund purposes that is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State.

“(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation, or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

“(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal

years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

“(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

“(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

“(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

“(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

“(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

“(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

“(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

“(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

“(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

“(F) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use student, revenue,

expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.”

(b) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—Section 8003(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(3)) (as so redesignated) is amended—

(1) in subparagraph (A), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”;

(2) in subparagraph (B)—

(A) in the heading, by inserting after “PAYMENTS” the following: “IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)”;

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting before “by multiplying” the following: “in lieu of basic support payments under paragraph (1)”;

(ii) in subclause (II), by striking “(not including amounts received under subsection (f))”; and

(C) by adding at the end the following:

“(iv) In the case of a local educational agency that has a total student enrollment of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.”;

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

“(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be.”; and

(5) in subparagraph (D) (as so redesignated), by striking “computation made under subparagraph (B)” and inserting “computations made under subparagraphs (B) and (C)”.

(c) CONFORMING AMENDMENTS.—Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in the matter preceding subparagraph (A) of subsection (a)(1), by striking “subsection (b), (d), or (f)” and inserting “subsection (b) or (d)”;

(2) in subsection (b)—

(A) in paragraph (1)(C), in the matter preceding clause (i), by striking “this subsection” and inserting “this paragraph”; and

(B) in paragraph (4) (as so redesignated)—

(i) in subparagraph (A), by striking “paragraphs (1)(B), (1)(C), and (2) of this subsection” and inserting “subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection”; and

(ii) in subparagraph (B)—

(I) by inserting after “paragraph (1)(C)” the following: “or subparagraph (D) or (E) of paragraph (2), as the case may be,”; and

(II) by striking “paragraph (2)(B)” and inserting “subparagraph (B) or (C) of paragraph (3), as the case may be,”;

(3) in subsection (c)(1), by striking “paragraph (2) and subsection (f)” and inserting “subsections (b)(1)(D), (b)(2), and paragraph (2)”;

(4) by striking subsection (f); and

(5) in subsection (h), by striking “section 6” and all that follows through “1994)” and inserting “section 386 of the National Defense Authorization Act for Fiscal Year 1993”.

SEC. 1807. BASIC SUPPORT PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY REMOVAL OF FEDERAL PROPERTY.

Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)), as amended by this Act, is further amended by adding at the end the following:

“(5) LOCAL EDUCATIONAL AGENCIES AFFECTED BY REMOVAL OF FEDERAL PROPERTY.—

“(A) IN GENERAL.—In computing the amount of a basic support payment under this subsection for a fiscal year for a local educational agency described in subparagraph (B), the Secretary shall meet the additional requirements described in subparagraph (C).

“(B) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this subparagraph is a local educational agency with respect to which Federal property (i) located within the boundaries of the agency, and (ii) on which one or more children reside who are receiving a free public education at a school of the agency, is transferred by the Federal Government to another entity in any fiscal year beginning on or after the date of the enactment of the Impact Aid Reauthorization Act of 2000 so that the property is subject to taxation by the State or a political subdivision of the State.

“(C) ADDITIONAL REQUIREMENTS.—The additional requirements described in this subparagraph are the following:

“(i) For each fiscal year beginning after the date on which the Federal property is transferred, a child described in subparagraph (B) who continues to reside on such property and who continues to receive a free public education at a school of the agency shall be deemed to be a child who resides on Federal property for purposes of computing under the applicable subparagraph of subsection (a)(1) the amount that the agency is eligible to receive under this subsection.

“(ii)(I) For the third fiscal year beginning after the date on which the Federal property is transferred, and for each fiscal year thereafter, the Secretary shall, after computing the amount that the agency is otherwise eligible to receive under this subsection for the fiscal year involved, deduct from such amount an amount equal to the revenue received by the agency

for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

“(II) For purposes of determining the amount of revenue to be deducted in accordance with subclause (I), the local educational agency—

“(aa) shall provide for a review and certification of such amount by an appropriate local tax authority; and

“(bb) shall submit to the Secretary a report containing the amount certified under item (aa).”.

SEC. 1808. ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.

(a) REPEAL.—Subsection (g) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(g)) is repealed.

(b) CONFORMING AMENDMENTS.—(1) Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(2) Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking “subsections (d) and (g) of section 8003 of such Act” and inserting “section 8003(d) of such Act”.

SEC. 1809. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)) is amended—

(1) in paragraph (2), by inserting after “not more than 60 days after a deadline established under subsection (c)” the following: “, or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be,”; and

(2) in paragraph (3) to read as follows:

“(3) LATE APPLICATIONS.—

“(A) NOTICE.—The Secretary shall, as soon as practicable after the deadline established under subsection (c), provide to each local educational agency that applied for a payment under section 8002 or 8003 for the prior fiscal year, and with respect to which the Secretary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

“(B) ACCEPTANCE AND APPROVAL OF LATE APPLICATIONS.—The Secretary shall not accept or approve any application of a local educational agency that is filed more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to subparagraph (A).”.

**SEC. 1810. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES
IN ATTENDANCE OF MILITARY DEPENDENTS.**

Section 8006 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7706) is repealed.

SEC. 1811. CONSTRUCTION.

Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

“SEC. 8007. CONSTRUCTION.

“(a) CONSTRUCTION PAYMENTS AUTHORIZED.—

“(1) IN GENERAL.—From 40 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under section 8003(b) for that fiscal year.

“(2) ADDITIONAL REQUIREMENTS.—A local educational agency that receives a basic support payment under section 8003(b)(1) shall also meet at least one of the following requirements:

“(A) The number of children determined under section 8003(a)(1)(C) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

“(B) The number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

“(3) AMOUNT OF PAYMENTS.—

“(A) LOCAL EDUCATIONAL AGENCIES IMPACTED BY MILITARY DEPENDENT CHILDREN.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

“(i)(I) 20 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

“(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of section 8003(a)(1) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)), including the number of weighted student units of such children attending a school facility described in section 8008(a) if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

“(ii) the total number of such weighted student units for the agency.

“(B) LOCAL EDUCATIONAL AGENCIES IMPACTED BY CHILDREN WHO RESIDE ON INDIAN LANDS.—The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

“(i)(I) 20 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

“(II) the total number of weighted student units of children described in section 8003(a)(1)(C) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)); multiplied by

“(ii) the total number of such weighted student units for the agency.

“(4) USE OF FUNDS.—Any local educational agency that receives funds under this subsection shall use such funds for construction, as defined in section 8013(3).

“(b) SCHOOL FACILITY MODERNIZATION GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall award grants in accordance with this subsection to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

“(2) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this subsection only if—

“(A) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency’s fiscal agent) has no capacity to issue bonds or is at such agency’s limit in bonded indebtedness for the purposes of generating funds for capital expenditures, except that a local educational agency that is eligible to receive funds under section 8003(b)(2) shall be deemed to meet the requirements of this subparagraph; and

“(B)(i) such agency received assistance under section 8002(a) for the fiscal year and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

“(ii) such agency received assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

“(3) AWARD CRITERIA.—In awarding grants under this subsection the Secretary shall consider one or more of the following factors:

“(A) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

“(B) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

“(C) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

“(D) The need for modernization to meet—

“(i) the threat that the condition of the school facility poses to the health, safety, and well-being of students;

“(ii) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

“(iii) facility needs resulting from actions of the Federal Government.

“(E) The age of the school facility to be modernized.

“(4) OTHER AWARD PROVISIONS.—

“(A) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency described in subparagraph (C) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

“(B) MAXIMUM GRANT.—A local educational agency described in subparagraph (C) may not receive a grant under this subsection in an amount that exceeds \$3,000,000 during any 5-year period.

“(C) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this subparagraph is a local educational agency that has the authority to issue bonds but is at such agency’s limit in bonded indebtedness for the purposes of generating funds for capital expenditures.

“(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

“(A) documentation certifying such agency’s lack of bonding capacity;

“(B) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

“(C) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

“(D) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

“(E) a description of the modernization to be supported with funds provided under this subsection;

“(F) a cost estimate of the proposed modernization; and

“(G) such other information and assurances as the Secretary may reasonably require.

“(6) EMERGENCY GRANTS.—

“(A) APPLICATIONS.—Each local educational agency described in paragraph (2)(B)(ii) that desires a grant under this subsection shall include in the application submitted under paragraph (5) a signed statement from an appropriate local official certifying that a health or safety deficiency exists.

“(B) PRIORITY.—If the Secretary receives more than one application from local educational agencies described in paragraph (2)(B)(ii) for grants under this subsection for any fiscal year, the Secretary shall give priority to local educational agencies based on the severity of the

emergency, as determined by the Secretary, and when the application was received.

“(C) ALLOCATION; REPORTING REQUIREMENT.—

“(i) ALLOCATION.—In awarding grants under this subsection to local educational agencies described in paragraph (2)(B)(ii), the Secretary shall consider all applications received from local educational agencies that meet the requirement of subsection (a)(2)(A) and local educational agencies that meet the requirement of subsection (a)(2)(B).

“(ii) REPORTING REQUIREMENT.—

“(I) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

“(II) DEFINITION.—In this clause, the term ‘appropriate congressional committees’ means the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives and the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate.

“(D) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in paragraph (2)(B)(ii) that applies for a grant under this subsection for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in subparagraph (B).

“(7) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.”.

SEC. 1812. STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

Section 8009 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709) is amended—

(1) in subsection (a)(1), by striking “or under” and all that follows through “of 1994”;

(2) by amending subsection (b)(1) to read as follows:

“(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.”; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking “or under” and all that follows through “of 1994”; and

- (ii) in subparagraph (B), by striking “or under” and all that follows through “of 1994”; and
- (B) in paragraph (2), by striking “or under” and all that follows through “of 1994”.

SEC. 1813. FEDERAL ADMINISTRATION.

Section 8010(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7710(c)) is amended—

- (1) by striking paragraph (1);
- (2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and
- (3) in paragraph (2) (as redesignated)—
 - (A) in subparagraph (D), by striking “section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America’s Schools Act of 1994) or”; and
 - (B) in subparagraph (E)—
 - (i) by striking “1994” and inserting “1999”;
 - (ii) by striking “(or such section’s predecessor authority)”; and
 - (iii) by striking “paragraph (2)” and inserting “paragraph (1)”.

SEC. 1814. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE HEARINGS.—

(1) IN GENERAL.—Section 8011(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711) is amended by adding at the end before the period the following: “if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this title”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to an action of the Secretary under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) initiated on or after the date of the enactment of this Act.

(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—Section 8011(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711(b)(1)) is amended by striking “60 days” and inserting “30 working days (as determined by the local educational agency or State)”.

SEC. 1815. FORGIVENESS OF OVERPAYMENTS.

The matter preceding paragraph (1) of section 8012 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7712) is amended by striking “under the Act” and all that follows through “of 1994” and inserting “under this title’s predecessor authorities”.

SEC. 1816. DEFINITIONS.

Section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713) is amended—

- (1) in paragraph (5)—
 - (A) in subparagraph (A)(iii)—
 - (I) in subclause (I), by striking “or” after the semicolon; and
 - (II) by adding at the end the following:

- “(III) used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or”; and
- (B) in subparagraph (F)(i), by striking “the mutual” and all that follows through “1937” and inserting “or authorized by the Native American Housing Assistance and Self-Determination Act of 1996”;
- (2) in paragraph (8)(B), by striking “all States” and inserting “the 50 States and the District of Columbia”;
- (3) by redesignating paragraphs (11) and (12) as paragraphs (12) and (13), respectively; and
- (4) by inserting after paragraph (10) the following:
 - “(11) MODERNIZATION.—The term ‘modernization’ means repair, renovation, alteration, or construction, including—
 - “(A) the concurrent installation of equipment; and
 - “(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.”.

SEC. 1817. AUTHORIZATION OF APPROPRIATIONS.

- (a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—Section 8014(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(a)) is amended—
 - (1) by striking “\$16,750,000 for fiscal year 1995” and inserting “\$32,000,000 for fiscal year 2000”; and
 - (2) by striking “four” and inserting “three”.
- (b) BASIC PAYMENTS.—Section 8014(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(b)) is amended—
 - (1) by striking “subsections (b) and (f) of section 8003” and inserting “section 8003(b)”;
 - (2) by striking “\$775,000,000 for fiscal year 1995” and inserting “\$809,400,000 for fiscal year 2000”;
 - (3) by striking “four” and inserting “three”; and
 - (4) by striking “, of which 6 percent” and all that follows and inserting a period.
- (c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—Section 8014(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(c)) is amended—
 - (1) by striking “\$45,000,000 for fiscal year 1995” and inserting “\$50,000,000 for fiscal year 2000”; and
 - (2) by striking “four” and inserting “three”.
- (d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—Subsection (d) of section 8014 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714) is repealed.
- (e) CONSTRUCTION.—Section 8014(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(e)) is amended—
 - (1) by striking “\$25,000,000 for fiscal year 1995” and inserting “\$10,052,000 for fiscal year 2000”; and
 - (2) by striking “four” and inserting “three”.
- (f) FACILITIES MAINTENANCE.—Section 8014(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(f)) is amended—
 - (1) by striking “\$2,000,000 for fiscal year 1995” and inserting “\$5,000,000 for fiscal year 2000”; and
 - (2) by striking “four” and inserting “three”.

(g) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—Section 8014(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(g)) is amended—

(1) in the heading, by striking “FEDERAL PROPERTY LOCAL EDUCATIONAL AGENCIES” and inserting “LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION”; and

(2) by striking “such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year” and inserting “\$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the three succeeding fiscal years”.

SEC. 1818. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 2000, or the date of the enactment of this Act, whichever occurs later.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2001”.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2000 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 1999 projects.

Sec. 2107. Modification of authority to carry out fiscal year 1998 project.

Sec. 2108. Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$39,000,000
Alaska	Fort Richardson	\$3,000,000
Arizona	Fort Huachuca	\$4,600,000
Arkansas	Pine Bluff Arsenal	\$2,750,000
California	Fort Irwin	\$31,000,000
	Presidio, Monterey	\$2,600,000
Georgia	Fort Benning	\$15,800,000
	Fort Gordon	\$2,600,000
Hawaii	Pohakoula Training Facility	\$32,000,000
	Schofield Barracks	\$43,800,000

Army: Inside the United States—Continued

State	Installation or location	Amount
Kansas	Fort Riley	\$22,000,000
Kentucky	Fort Knox	\$550,000
Maryland	Fort Meade	\$19,000,000
Missouri	Fort Leonard Wood	\$65,400,000
New Jersey	Picatinny Arsenal	\$5,600,000
New York	Fort Drum	\$18,000,000
North Carolina	Fort Bragg	\$222,200,000
	Sunny Point Army Terminal	\$2,300,000
Ohio	Columbus	\$1,832,000
Pennsylvania	Carlisle Barracks	\$10,500,000
	New Cumberland Army Depot	\$3,700,000
Texas	Fort Bliss	\$26,000,000
	Fort Hood	\$36,492,000
	Red River Army Depot	\$800,000
Virginia	Fort Evans	\$4,450,000
	Total:	\$615,974,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Area Support Group, Bamberg	\$11,650,000
	Area Support Group, Darmstadt	\$11,300,000
	Kaiserslautern	\$3,400,000
	Mannheim	\$4,050,000
Korea	Camp Carroll	\$10,000,000
	Camp Hovey	\$30,200,000
	Camp Humphreys	\$14,200,000
	Camp Page	\$19,500,000
	Yongpyong	\$11,850,000
Puerto Rico	Fort Buchanan	\$3,700,000
	Total:	\$119,850,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide ...	Classified Location	\$11,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire

family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Wainwright	75 Units	\$24,000,000
Arizona	Fort Huachuca	110 Units	\$16,224,000
California	Fort Irwin	24 Units	\$4,700,000
Hawaii	Schofield Barracks	72 Units	\$15,500,000
Kentucky	Fort Campbell	184 Units	\$27,800,000
Maryland	Fort Detrick	48 Units	\$5,600,000
Missouri	Fort Leonard Wood ...	24 Units	\$4,150,000
North Carolina	Fort Bragg	160 Units	\$22,000,000
South Carolina	Fort Jackson	1 Unit	\$250,000
Texas	Fort Bliss	64 Units	\$10,200,000
Virginia	Fort Lee	52 Units	\$8,600,000
Korea	Camp Humphreys	60 Units	\$21,800,000
Puerto Rico	Fort Buchanan	31 Units	\$5,000,000
	Total:	\$165,824,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$6,542,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$63,590,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$1,925,344,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$419,374,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$119,850,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), \$11,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$20,700,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$109,306,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$235,956,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$971,704,000.

(7) For the construction of phase 1C of a barracks complex, Infantry Drive, Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$10,000,000.

(8) For the construction of a railhead facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2182), as amended by section 2106 of this Act, \$9,800,000.

(9) For the construction of a chemical defense qualification facility, Pine Bluff Arsenal, Arkansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 825), \$2,592,000.

(10) For the construction of phase 1B of a barracks complex, Wilson Street, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), \$22,400,000.

(11) For the construction of phase 2B of a barracks complex, Tagaytay Street, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), \$3,108,000.

(12) For the construction of phase 2 of a tactical equipment shop, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), \$10,100,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$22,600,000 (the balance of the amount authorized under section 2101(a) for the construction of a Basic Training Complex at Fort Leonard Wood, Missouri);

(3) \$10,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Multipurpose Digital Training Range at Fort Hood, Texas);

(4) \$34,000,000 (the balance of the amount authorized under section 2101(a) for construction of phase I of a barracks complex, Longstreet Road, Fort Bragg, North Carolina);

(5) \$104,000,000 (the balance of the amount authorized under section 2101(a) for the construction phase I of a barracks complex, Bunter Road, Fort Bragg, North Carolina);

(6) \$6,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a battle simulation center at Fort Drum, New York); and

(7) \$20,000,000 (the balance of the amount authorized under section 2101(a) for the construction of Saddle Access Road, Pohakuloa Training Facility, Hawaii).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$635,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) \$19,911,000 which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) CONSTRUCTION PROJECTS INSIDE THE UNITED STATES.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 825) is amended—

(1) in the item relating to Fort Stewart, Georgia, by striking “\$71,700,000” in the amount column and inserting “\$25,700,000”;

(2) by striking the item relating to Fort Riley, Kansas;

(3) in the item relating to CONUS Various, by striking “\$36,400,000” in the amount column and inserting “\$138,900,000”; and

(4) by striking the amount identified as the total in the amount column and inserting “\$1,059,250,000”.

(b) UNSPECIFIED MINOR CONSTRUCTION PROJECTS.—Subsection (a)(3) of section 2104 of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 826) is amended by striking “\$9,500,000” and inserting “\$14,600,000”.

(c) CONFORMING AMENDMENTS.—Section 2104 of the Military Construction Authorization Act for Fiscal Year 2000 is further amended—

(1) in the matter preceding subsection (a), by striking “\$2,353,231,000” and inserting “\$2,358,331,000”; and

(2) in subsection (b), by striking paragraph (7) and inserting the following new paragraph:

“(7) \$102,500,000 (the balance of the amount authorized under section 2101(a) for Army construction and land acquisition projects covered under the item relating to CONUS Various, as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2001).

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) MODIFICATION.—The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182) is amended—

(1) in the item relating to Fort Hood, Texas, by striking “\$32,500,000” in the amount column and inserting “\$45,300,000”;

(2) in the item relating to Fort Riley, Kansas, by striking “\$41,000,000” in the amount column and inserting “\$44,500,000”; and

(3) by striking the amount identified as the total in the amount column and inserting “\$785,081,000”.

(b) CONFORMING AMENDMENTS.—Section 2104 of that Act (112 Stat. 2184) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “\$2,098,713,000” and inserting “\$2,111,513,000”; and

(B) in paragraph (1), by striking “\$609,781,000” and inserting “\$622,581,000”; and
 (2) in subsection (b)(7), by striking “\$24,500,000” and inserting “\$28,000,000”.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1998 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1967), as amended by section 2105(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2185), is amended—

(1) in the item relating to Hunter Army Airfield, Fort Stewart, Georgia, by striking “\$54,000,000” in the amount column and inserting “\$57,500,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$606,250,000”.

(b) CONFORMING AMENDMENT.—Section 2104(b)(5) of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 1969) is amended by striking “\$42,500,000” and inserting “\$46,000,000”.

SEC. 2108. AUTHORITY TO ACCEPT FUNDS FOR REALIGNMENT OF CERTAIN MILITARY CONSTRUCTION PROJECT, FORT CAMPBELL, KENTUCKY.

(a) AUTHORITY TO ACCEPT FUNDS.—(1) The Secretary of the Army may accept funds from the Federal Highway Administration or the Commonwealth of Kentucky for purposes of funding all costs associated with the realignment of the military construction project involving a rail connector located at Fort Campbell, Kentucky, as authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763).

(2) Any funds accepted under paragraph (1) shall be credited to the account of the Department of the Army from which the costs of the realignment of the military construction project described in that paragraph are to be paid.

(b) USE OF FUNDS.—(1) The Secretary may use funds accepted under subsection (a) for any costs associated with the realignment of the military construction project described in that subsection in addition to any amounts authorized and appropriated for the military construction project.

(2) For purposes of paragraph (1), the costs associated with the realignment of the military construction project described in subsection (a) include redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(3) Funds accepted under subsection (a) shall remain available for use under paragraph (1) until expended.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$8,200,000
	Navy Detachment, Camp Navajo	\$2,940,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	\$23,870,000
	Marine Corps Air Station, Miramar ..	\$13,740,000
	Marine Corps Base, Camp Pendleton	\$8,100,000
	Marine Corps Logistics Base, Barstow	\$6,660,000
	Naval Air Station, Lemoore	\$12,050,000
	Naval Air Warfare Center Weapons Division, Point Mugu	\$11,400,000
	Naval Aviation Depot, North Island ..	\$4,340,000
	Naval Facility, San Clemente Island	\$8,860,000
	Naval Postgraduate School, Monterey	\$5,280,000
	Naval Ship Weapons Systems Engineering Station, Port Hueneme	\$10,200,000
	Naval Station, San Diego	\$53,200,000
Connecticut	Naval Submarine Base, New London	\$3,100,000
CONUS Various	CONUS Various	\$11,500,000
District of Columbia	Marine Corps Barracks	\$24,597,000
	Naval District, Washington	\$2,450,000
	Naval Research Laboratory, Washington	\$12,390,000
Florida	Naval Air Station, Whiting Field	\$5,130,000
	Naval Surface Warfare Center Wastal Systems Station, Panama City	\$9,960,000
	Naval Station, Mayport	\$6,830,000
	Naval Surface Warfare Center Detachment, Ft. Lauderdale	\$3,570,000
Georgia	Marine Corps Logistics Base, Albany	\$1,100,000
	Navy Supply Corps School, Athens	\$2,950,000
	Trident Refit Facility, Kings Bay	\$5,200,000
Hawaii	Fleet Industrial Supply Center, Pearl Harbor	\$12,000,000
	Naval Undersea Weapons Station Detachment, Lualualei	\$2,100,000
	Marine Corps Air Station, Kaneohe ..	\$18,400,000
	Naval Station, Pearl Harbor	\$37,600,000
Illinois	Naval Training Center, Great Lakes	\$121,400,000
Maine	Naval Air Station, Brunswick	\$2,450,000
	Naval Shipyard, Portsmouth	\$4,960,000
Maryland	Naval Explosive Ordnance Disposal Technology Center, Indian Head	\$6,430,000
	Naval Air Station, Patuxent River	\$8,240,000
Mississippi	Naval Air Station, Meridian	\$4,700,000
	Naval Oceanographic Office, Stennis Space Center	\$6,950,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Nevada	Naval Air Station, Fallon	\$6,280,000
New Jersey	Naval Weapons Station, Earle	\$2,420,000
North Carolina	Marine Corps Air Station, Cherry Point	\$8,480,000
	Marine Corps Air Station, New River	\$3,400,000
	Marine Corps Base, Camp Lejeune ...	\$45,870,000
	Naval Aviation Depot, Cherry Point ..	\$7,540,000
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	\$10,680,000
Rhode Island	Naval Undersea Warfare Center Division, Newport	\$4,150,000
South Carolina	Marine Corps Air Station, Beaufort ..	\$3,140,000
	Marine Corps Recruit Depot, Parris Island	\$2,660,000
Texas	Naval Air Station, Corpus Christi	\$4,850,000
	Naval Air Station, Kingsville	\$2,670,000
	Naval Station, Ingleside	\$2,420,000
Virginia	AEGIS Combat Systems Center, Wallops Island	\$3,300,000
	Marine Corps Combat Development Command, Quantico	\$8,590,000
	Naval Air Station, Norfolk	\$31,450,000
	Naval Air Station, Oceana	\$5,250,000
	Naval Amphibious Base, Little Creek ..	\$2,830,000
	Naval Shipyard, Norfolk, Portsmouth ..	\$16,100,000
	Naval Station, Norfolk	\$4,700,000
	Naval Surface Warfare Center, Dahlgren	\$30,700,000
Washington	Naval Shipyard, Bremerton, Puget Sound	\$100,740,000
	Naval Station, Bremerton	\$11,930,000
	Naval Station, Everett	\$5,500,000
	Naval Submarine Base, Bangor	\$4,600,000
	Strategic Weapons Facility Pacific, Bremerton	\$1,400,000
	Total:	\$811,497,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit	\$19,400,000
Italy	Naval Air Station, Sigonella	\$32,969,000
	Naval Support Activity, Naples	\$15,000,000
Various Locations	Host Nation Infrastructure Support ..	\$142,000
	Total:	\$67,511,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section

2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	79 Units	\$13,923,000
	Naval Air Station, Lemoore	260 Units	\$47,871,000
Hawaii	Commander Naval Base, Pearl Harbor	112 Units	\$23,654,000
	Commander Naval Base, Pearl Harbor	62 Units	\$14,237,000
	Commander Naval Base, Pearl Harbor	98 Units	\$22,230,000
	Marine Corps Air Station, Kaneohe Bay	84 Units	\$21,910,000
Louisiana	Naval Air Station, New Orleans	34 Units	\$5,000,000
Maine	Naval Air Station, Brunswick	168 Units	\$18,722,000
Mississippi	Naval Construction Battalion Center, Gulfport	157 Units	\$20,700,000
Washington	Naval Air Station, Whidbey Island	98 Units	\$16,873,000
		Total:	\$205,120,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$19,958,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$193,077,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,227,995,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$750,257,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$67,511,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$11,659,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$73,335,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$418,155,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$882,638,000.

(6) For construction of a berthing wharf at Naval Air Station, North Island, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828), \$12,800,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000, \$35,600,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$17,500,000 (the balance of the amount authorized under section 2201(a) for repair of a pier at Naval Station, San Diego, California);

(3) \$24,460,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier at Naval Shipyard, Bremerton, Puget Sound, Washington); and

(4) \$10,280,000 (the balance of the amount authorized under section 2201(a) for construction of an industrial skills center at Naval Shipyard, Bremerton, Puget Sound, Washington).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$2,889,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States;

(2) \$20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes; and

(3) \$1,071,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing support outside the United States.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT AT MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount

of \$8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767) and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842) and section 2703 of this Act.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$3,825,000
Alaska	Cape Romanzof	\$3,900,000
	Eielson Air Force Base	\$40,990,000
	Elmendorf Air Force Base	\$35,186,000
Arizona	Davis-Monthan Air Force Base	\$7,900,000
Arkansas	Little Rock Air Force Base	\$18,319,000
California	Beale Air Force Base	\$10,099,000
	Los Angeles Air Force Base	\$6,580,000
	Vandenberg Air Force Base	\$4,650,000
Colorado	Buckley Air National Guard Base	\$2,750,000
	Peterson Air Force Base	\$22,396,000
	Schriever Air Force Base	\$8,450,000
	United States Air Force Academy	\$18,960,000
CONUS Classified	Classified Location	\$1,810,000
District of Columbia	Bolling Air Force Base	\$4,520,000
Florida	Eglin Air Force Base	\$8,940,000
	Eglin Auxiliary Field 9	\$7,960,000
	Patrick Air Force Base	\$12,970,000
	Tyndall Air Force Base	\$31,495,000
Georgia	Fort Stewart/Hunter Army Air Field	\$4,920,000
	Moody Air Force Base	\$11,318,000
	Robins Air Force Base	\$15,857,000
Hawaii	Hickam Air Force Base	\$4,620,000
Idaho	Mountain Home Air Force Base	\$10,125,000
Illinois	Scott Air Force Base	\$3,830,000
Kansas	McConnell Air Force Base	\$11,864,000
Louisiana	Barksdale Air Force Base	20,464,000
Massachusetts	Hanscom Air Force Base	\$12,000,000
Mississippi	Columbus Air Force Base	\$4,828,000
	Keesler Air Force Base	\$15,040,000
Missouri	Whiteman Air Force Base	\$12,050,000
Montana	Malmstrom Air Force Base	\$11,179,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
New Jersey	McGuire Air Force Base	\$29,772,000
New Mexico	Cannon Air Force Base	\$4,934,000
	Holloman Air Force Base	\$18,380,000
	Kirtland Air Force Base	\$7,350,000
North Carolina	Pope Air Force Base	\$24,570,000
	Seymour Johnson Air Force Base	\$7,141,000
Ohio	Wright-Patterson Air Force Base	\$37,508,000
Oklahoma	Altus Air Force Base	\$2,939,000
	Tinker Air Force Base	,895,000
	Vance Air Force Base	\$10,504,000
South Carolina	Charleston Air Force Base	\$22,238,000
	Shaw Air Force Base	\$8,102,000
South Dakota	Ellsworth Air Force Base	\$10,290,000
Texas	Dyess Air Force Base	\$24,988,000
	Lackland Air Force Base	\$10,330,000
	Laughlin Air Force Base	\$11,973,000
	Sheppard Air Force Base	\$6,450,000
Utah	Hill Air Force Base	\$28,050,000
Virginia	Langley Air Force Base	\$19,650,000
Washington	Fairchild Air Force Base	\$7,926,000
	McChord Air Force Base	\$10,250,000
Wyoming	F.E. Warren Air Force Base	\$25,720,000
	Total:	\$745,755,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	\$5,475,000
Italy	Aviano Air Base	\$8,000,000
Korea	Kunsan Air Base	\$6,400,000
	Osan Air Base	\$21,948,000
Spain	Naval Station, Rota	\$5,052,000
Turkey	Incirlik Air Base	\$1,000,000
	Total:	\$47,875,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
California	Edwards Air Force Base	57 Units	\$9,870,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
District of Columbia ...	Travis Air Force Base	64 Units	\$9,870,000
	Bolling Air Force Base.	136 Units	\$17,137,000
Idaho	Mountain Home Air Force Base	119 Units	\$10,598,000
Nevada	Nellis Air Force Base	26 Units	\$5,000,000
North Dakota	Cavalier Air Force Station	2 Units	\$443,000
	Minot Air Force Base	134 Units	\$19,097,000
	Total:		\$72,015,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$12,760,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$174,046,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,943,069,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$736,355,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$47,875,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$11,350,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$74,628,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$258,821,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$826,271,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) \$9,400,000 (the balance of the amount authorized under section 2301(a) for the construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$12,231,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 1990 project.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Aberdeen Proving Ground	\$3,100,000
Defense Education Activity	Camp Lejeune, North Carolina	\$5,914,000
	Laurel Bay, South Carolina	\$804,000
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	\$17,700,000
	Defense Fuel Support Point, Cherry Point, North Carolina	\$5,700,000
	Defense Fuel Support Point, MacDill Air Force Base, Florida	\$16,956,000
	Defense Fuel Support Point, McConnell Air Force Base, Kansas	\$11,000,000
	Defense Fuel Support Point, Naval Air Station, Fallon, Nevada	\$5,000,000
	Defense Fuel Support Point, North Island, California	\$5,900,000
	Defense Fuel Support Point, Oceana Naval Air Station, Virginia	\$2,000,000
	Defense Fuel Support Point, Patuxent River, Maryland	\$8,300,000
	Defense Fuel Support Point, Twentynine Palms, California	\$2,200,000
	Defense Supply Center, Richmond, Virginia	\$4,500,000
National Security Agency	Fort Meade, Maryland	\$4,228,000
Special Operations Command	Eglin Auxiliary Field 9, Florida	\$23,204,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
TRICARE Management Activity	Fleet Combat Training Center, Dam Neck, Virginia	\$5,500,000
	Fort Bragg, North Carolina	\$8,600,000
	Fort Campbell, Kentucky	\$16,300,000
	Naval Air Station, North Island, California	\$1,350,000
	Naval Air Station, Oceana, Virginia ..	\$3,400,000
	Naval Amphibious Base, Coronado, California	\$4,300,000
	Naval Amphibious Base, Little Creek, Virginia	\$5,400,000
	Pearl Harbor, Hawaii	\$9,900,000
	Edwards Air Force Base, California ..	\$17,900,000
	Marine Corps Base, Camp Pendleton, California	\$14,150,000
	Eglin Air Force Base, Florida	\$37,600,000
	Fort Drum, New York	\$1,400,000
	Patrick Air Force Base, Florida	\$2,700,000
	Tyndall Air Force Base, Florida	\$7,700,000
	William Beaumont Medical Center, Texas	\$4,200,000
	Total:	\$256,906,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity	Hanau, Germany	\$2,030,000
	Hohenfels, Germany	\$13,774,000
	Osan, Korea	\$892,000
	Royal Air Force, Feltwell, United Kingdom	\$1,800,000
	Royal Air Force, Lakenheath, United Kingdom	\$5,650,000
	Schweinfurt, Germany	\$1,750,000
	Seoul, Korea	\$2,451,000
	Sigonella, Italy	\$3,450,000
	Taegu, Korea	\$806,000
	Wuerzburg, Germany	\$2,635,000
Defense Finance and Accounting Service Defense Logistics Agency	Kleber Kaserne, Germany	\$7,500,000
	Defense Fuel Support Point, Andersen Air Force Base, Guam	\$36,000,000
	Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan	\$22,400,000
	Defense Fuel Support Point, Misawa Air Base, Japan	\$26,400,000
	Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom	\$10,000,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Defense Threat Reduction Agency	Defense Fuel Support Point, Sigonella, Italy	\$16,300,000
	Darmstadt, Germany	\$2,450,000
	Roosevelt Roads, Puerto Rico	\$1,241,000
	Special Operations Command	\$1,450,000
TRICARE Management Agency	Taegu, Korea	\$1,400,000
	Kitzingen, Germany	\$7,187,000
	Wiesbaden Air Base, Germany	
Total:		\$167,566,000

(c) **UNSPECIFIED WORLDWIDE.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
Unspecified Worldwide ...	Unspecified Worldwide	\$451,135,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$15,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **IN GENERAL.**—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$1,883,902,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$256,906,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$167,566,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2401(c), \$85,095,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$17,390,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$6,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$77,505,000.

(7) For energy conservation projects authorized by section 2402 of this Act, \$15,000,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of

1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$1,024,369,000.

(9) For military family housing functions, for support of military housing (including functions described in section 2833 of title 10, United States Code), \$44,886,000 of which not more than \$38,478,000 may be obligated or expended for the leasing of military family housing units worldwide.

(10) For the construction of an ammunition demilitarization facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), \$43,600,000.

(11) For the construction of phase 6 of an ammunition demilitarization facility, Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, \$9,400,000.

(12) For the construction of phase 2 of an ammunition demilitarization facility, Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), \$10,700,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility, Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), \$54,400,000.

(14) For the construction of phase 3 of an ammunition demilitarization facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999, \$45,700,000.

(15) For construction of a replacement hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 836), \$44,000,000.

(16) For the construction of the Ammunition Demilitarization Support Phase 2, Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Act for Fiscal Year 2000, \$8,500,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) \$366,040,000 (the balance of the amount authorized under section 2401(c) for construction of National Missile Defense Initial Deployment Facilities, Unspecified Worldwide locations).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (16) of subsection (a) is the sum of the amounts authorized to be appropriated by such paragraphs, reduced by—

(1) \$7,115,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) \$20,000,000, which represents the combination of project savings in military construction for chemical demilitarization resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1990 PROJECT.

(a) MODIFICATION.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking “\$351,354,000” and inserting “\$359,854,000”.

(b) CONFORMING AMENDMENT.—Section 2405(b)(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999, is amended by striking “\$342,854,000” and inserting “\$351,354,000”.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects

for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of \$172,000,000.

TITLE XXVI—GUARD AND RESERVE FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Authority to contribute to construction of airport tower, Cheyenne Airport, Cheyenne, Wyoming.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2000, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

- (1) For the Department of the Army—
 - (A) for the Army National Guard of the United States, \$266,531,000; and
 - (B) for the Army Reserve, \$108,738,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$62,073,000.
- (3) For the Department of the Air Force—
 - (A) for the Air National Guard of the United States, \$194,929,000; and
 - (B) for the Air Force Reserve, \$36,591,000.

SEC. 2602. AUTHORITY TO CONTRIBUTE TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

The Secretary of the Air Force may use up to \$1,450,000 of the amounts appropriated pursuant to the authorization of appropriations in section 2601(3)(A) to make a contribution to the Cheyenne Airport Authority, consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2004 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Fort Meade	Family Housing Construction (56 units)	\$7,900,000
Texas	Fort Hood	Family Housing Construction (130 units)	\$18,800,000

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
California	Naval Complex, San Diego	Replacement Family Housing Construction (94 units)	\$13,500,000
California	Marine Corps Air Station, Miramar ...	Family Housing Construction (166 units)	\$28,881,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Replacement Family Housing Construction (132 units)	\$23,891,000

Navy: Extension of 1998 Project Authorizations—Continued

State	Installation or location	Project	Amount
Louisiana	Naval Complex, New Orleans	Replacement Family Housing Construction (100 units)	\$11,930,000
Texas	Naval Air Station, Corpus Christi	Family Housing Construction (212 units)	\$22,250,000
Washington	Naval Air Station, Whidbey Island	Replacement Family Housing Construction (102 units)	\$16,000,000

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
Georgia	Robins Air Force Base	Replace Family Housing (60 units)	\$6,800,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (60 units)	\$11,032,000
New Mexico	Kirtland Air Force Base	Replace Family Housing (180 units)	\$20,900,000
Texas	Dyess Air Force Base	Construct Family Housing (70 units)	\$10,503,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations set forth in the tables in subsection (b), as provided in section 2201, 2202, or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842), shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) **TABLES.**—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1997 Project Authorizations

State	Installation or location	Project	Amount
Florida	Navy Station, Mayport	Family Housing Construction (100 units)	\$10,000,000
North Carolina	Marine Corps Base, Camp Lejeune	Family Housing Construction (94 units)	\$10,110,000
South Carolina	Marine Corps Air Station, Beaufort ...	Family Housing Construction (140 units)	\$14,000,000
Texas	Naval Complex, Cor- pus Christi	Family Housing Replacement (104 units)	\$11,675,000
	Naval Air Station, Kingsville	Family Housing Replacement (48 units)	\$7,550,000
Virginia	Marine Corps Combat Development Com- mand, Quantico	Sanitary land- fill	\$8,900,000
Washington	Naval Station, Ever- ett	Family Housing Construction (100 units)	\$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Com- plex (Phase II)	\$5,000,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 2000; or
- (2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS**SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES**

Sec. 2801. Joint use military construction projects.

Sec. 2802. Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing.

Sec. 2803. Revision of space limitations for military family housing.

Sec. 2804. Modification of lease authority for high-cost military family housing.

Sec. 2805. Provision of utilities and services under alternative authority for acquisition and improvement of military housing.

Sec. 2806. Extension of alternative authority for acquisition and improvement of military housing.

Sec. 2807. Expansion of definition of armory to include readiness centers.

SUBTITLE B—REAL PROPERTY AND FACILITIES ADMINISTRATION

- Sec. 2811. Increase in threshold for notice and wait requirements for real property transactions.
- Sec. 2812. Enhancement of authority of military departments to lease non-excess property.
- Sec. 2813. Conveyance authority regarding utility systems of military departments.
- Sec. 2814. Permanent conveyance authority to improve property management.

SUBTITLE C—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2821. Scope of agreements to transfer property to redevelopment authorities without consideration under the base closure laws.

SUBTITLE D—LAND CONVEYANCES

PART I—ARMY CONVEYANCES

- Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.
- Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
- Sec. 2833. Land conveyance, Charles Melvin Price Support Center, Illinois.
- Sec. 2834. Land conveyance, Fort Riley, Kansas.
- Sec. 2835. Land conveyance, Fort Polk, Louisiana.
- Sec. 2836. Land conveyance, Army Reserve Center, Winona, Minnesota.
- Sec. 2837. Land conveyance, Fort Dix, New Jersey.
- Sec. 2838. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
- Sec. 2839. Land exchange, Army Reserve Local Training Center, Chattanooga, Tennessee.
- Sec. 2840. Land exchange, Fort Hood, Texas.
- Sec. 2841. Land conveyance, Fort Pickett, Virginia.
- Sec. 2842. Land conveyance, Fort Lawton, Washington.
- Sec. 2843. Land conveyance, Vancouver Barracks, Washington.

PART II—NAVY CONVEYANCES

- Sec. 2846. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
- Sec. 2847. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.
- Sec. 2848. Transfer of jurisdiction, Marine Corps Air Station, Miramar, California.
- Sec. 2849. Land exchange, Marine Corps Recruit Depot, San Diego, California.
- Sec. 2850. Lease of property, Naval Air Station, Pensacola, Florida.
- Sec. 2851. Land conveyance, Naval Reserve Center, Tampa, Florida.
- Sec. 2852. Modification of land conveyance, Defense Fuel Supply Point, Casco Bay, Maine.
- Sec. 2853. Land conveyance, Naval Computer and Telecommunications Station, Cutler, Maine.
- Sec. 2854. Modification of land conveyance authority, former Naval Training Center, Bainbridge, Cecil County, Maryland.
- Sec. 2855. Land conveyance, Marine Corps Base, Camp Lejeune, North Carolina.
- Sec. 2856. Land exchange, Naval Air Reserve Center, Columbus, Ohio.
- Sec. 2857. Land conveyance, Naval Station, Bremerton, Washington.

PART III—AIR FORCE CONVEYANCES

- Sec. 2861. Land conveyance, Los Angeles Air Force Base, California.
- Sec. 2862. Land conveyance, Point Arena Air Force Station, California.
- Sec. 2863. Land conveyance, Lowry Air Force Base, Colorado.
- Sec. 2864. Land conveyance, Wright-Patterson Air Force Base, Ohio.
- Sec. 2865. Modification of land conveyance, Ellsworth Air Force Base, South Dakota.
- Sec. 2866. Land conveyance, Mukilteo Tank Farm, Everett, Washington.

PART IV—OTHER CONVEYANCES

- Sec. 2871. Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas.
- Sec. 2872. Land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia.

SUBTITLE E—OTHER MATTERS

- Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
- Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2883. Acceptance and use of gifts for construction of third building at United States Air Force Museum, Wright-Patterson Air Force Base, Ohio.

- Sec. 2884. Development of Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia.
- Sec. 2885. Activities relating to greenbelt at Fallon Naval Air Station, Nevada.
- Sec. 2886. Establishment of World War II memorial on Guam.
- Sec. 2887. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
- Sec. 2888. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
- Sec. 2889. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former member of the House of Representatives.
- Sec. 2890. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.
- Sec. 2891. Sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. JOINT USE MILITARY CONSTRUCTION PROJECTS.

(a) SENSE OF CONGRESS ON JOINT USE PROJECTS.—It is the sense of Congress that when the Secretary of Defense assists the President in preparing the budget for the Department of Defense for a fiscal year for submission to Congress under section 1105 of title 31, United States Code, the Secretary of Defense should—

(1) seek to identify military construction projects that are suitable as joint use military construction projects;

(2) specify in the budget for the fiscal year the military construction projects that are identified under paragraph (1); and

(3) give priority in the budget for the fiscal year to the military construction projects specified under paragraph (2).

(b) ANNUAL EVALUATION OF JOINT USE PROJECTS.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2815. Joint use military construction projects: annual evaluation

“(a) JOINT USE MILITARY CONSTRUCTION PROJECT DEFINED.—In this section, the term ‘joint use military construction project’ means a military construction project for a facility intended to be used by—

“(1) both the active and a reserve component of a single armed force; or

“(2) two or more components (whether active or reserve components) of the armed forces.

“(b) ANNUAL EVALUATION.—In the case of the budget submitted under section 1105 of title 31 for fiscal year 2003 and each fiscal year thereafter, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the budget a certification by each Secretary concerned that, in evaluating military construction projects for inclusion in the budget for that fiscal year, the Secretary concerned evaluated the feasibility of carrying out the projects as joint use military construction projects.”

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2815. Joint use military construction projects: annual evaluation.”.

SEC. 2802. EXCLUSION OF CERTAIN COSTS FROM DETERMINATION OF APPLICABILITY OF LIMITATION ON USE OF FUNDS FOR IMPROVEMENT OF FAMILY HOUSING.

Section 2825(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) In determining the applicability of the limitation contained in paragraph (1), the Secretary concerned shall not include as part of the cost of the improvement of the unit or units concerned the following:

“(A) The cost of the installation of communications, security, or antiterrorism equipment required by an occupant of the unit or units to perform duties assigned to the occupant as a member of the armed forces.

“(B) The cost of the maintenance or repair of equipment described in subparagraph (A) installed for the purpose specified in such subparagraph.”.

SEC. 2803. REVISION OF SPACE LIMITATIONS FOR MILITARY FAMILY HOUSING.

(a) IN GENERAL.—(1) Section 2826 of title 10, United States Code, is amended to read as follows:

“§ 2826. Military family housing: local comparability of room patterns and floor areas

“(a) LOCAL COMPARABILITY.—In the construction, acquisition, and improvement of military family housing, the Secretary concerned shall ensure that the room patterns and floor areas of military family housing in a particular locality (as designated by the Secretary concerned for purposes of this section) are similar to room patterns and floor areas of similar housing in the private sector in that locality.

“(b) REQUESTS FOR AUTHORITY FOR MILITARY FAMILY HOUSING.—(1) In submitting to Congress a request for authority to carry out the construction, acquisition, or improvement of military family housing, the Secretary concerned shall include in the request information on the net floor area of each unit of military family housing to be constructed, acquired, or improved under the authority.

“(2) In this subsection, the term ‘net floor area’, in the case of a military family housing unit, means the total number of square feet of the floor space inside the exterior walls of the unit, excluding the floor area of an unfinished basement, an unfinished attic, a utility space, a garage, a carport, an open or insect-screened porch, a stairwell, and any space used for a solar-energy system.”.

(2) The table of sections at the beginning of subchapter II of chapter 169 of that title is amended by striking the item relating to section 2826 and inserting the following new item:

“2826. Military family housing: local comparability of room patterns and floor areas.”.

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001, but the Secretary of Defense shall anticipate the requirements of section 2826 of title 10, United States Code, as added by such subsection, when preparing the

budget request for new construction, acquisition, or improvement of military family housing for fiscal year 2002.

(2) Section 2826 of title 10, United States Code, as in effect on September 30, 2001, shall continue to apply with respect to the construction, acquisition, or improvement of military family housing commenced on or before that date.

SEC. 2804. MODIFICATION OF LEASE AUTHORITY FOR HIGH-COST MILITARY FAMILY HOUSING.

(a) **LEASES FOR UNITED STATES SOUTHERN COMMAND.**—Paragraph (4) of section 2828(b) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(4)”;

(2) by striking the second sentence; and

(3) by adding at the end the following new subparagraphs:

“(B) The amount of all leases under this paragraph may not exceed \$280,000 per year, as adjusted from time to time under paragraph (6).

“(C) The term of any lease under this paragraph may not exceed 5 years.”.

(b) **ANNUAL ADJUSTMENT OF MAXIMUM LEASE AMOUNTS.**—Such section is further amended by striking paragraph (5) and inserting the following new paragraphs:

“(5) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for leases under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the national average monthly cost of housing (as calculated for purposes of determining rates of basic allowance for housing under section 403 of title 37) for the preceding fiscal year exceeds the national average monthly cost of housing (as so calculated) for the fiscal year before such preceding fiscal year.

“(6) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum aggregate amount for leases under paragraph (4) for the previous fiscal year by the percentage (if any) by which the annual average cost of housing for the Miami Military Housing Area (as calculated for purposes of determining rates of basic allowance for housing under section 403 of title 37) for the preceding fiscal year exceeds the annual average cost of housing for the Miami Military Housing Area (as so calculated) for the fiscal year before such preceding fiscal year.”.

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in paragraph (2), by inserting after “per year” the following: “, as adjusted from time to time under paragraph (5)”;

and

(2) in paragraph (3), by striking “\$12,000 per unit per year but does not exceed \$14,000 per unit per year” and inserting “the maximum amount per unit per year in effect under paragraph (2) but does not exceed \$14,000 per unit per year, as adjusted from time to time under paragraph (5)”.

SEC. 2805. PROVISION OF UTILITIES AND SERVICES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) **AUTHORITY TO FURNISH ON REIMBURSABLE BASIS.**—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872 the following new section:

“§ 2872a. Utilities and services

“(a) **AUTHORITY TO FURNISH.**—The Secretary concerned may furnish utilities and services referred to in subsection (b) in connection with any military housing acquired or constructed pursuant to the exercise of any authority or combination of authorities under this subchapter if the military housing is located on a military installation.

“(b) **COVERED UTILITIES AND SERVICES.**—The utilities and services that may be furnished under subsection (a) are the following:

- “(1) Electric power.
- “(2) Steam.
- “(3) Compressed air.
- “(4) Water.
- “(5) Sewage and garbage disposal.
- “(6) Natural gas.
- “(7) Pest control.
- “(8) Snow and ice removal.
- “(9) Mechanical refrigeration.
- “(10) Telecommunications service.

“(c) **REIMBURSEMENT.**—(1) The Secretary concerned shall be reimbursed for any utilities or services furnished under subsection (a).

“(2) The amount of any cash payment received under paragraph (1) shall be credited to the appropriation or working capital account from which the cost of furnishing the utilities or services concerned was paid. Amounts so credited to an appropriation or account shall be merged with funds in such appropriation or account, and shall be available to the same extent, and subject to the same terms and conditions, as such funds.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872 the following new item:

“2872a. Utilities and services.”.

SEC. 2806. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2885 of title 10, United States Code, is amended by striking “February 10, 2001” and inserting “December 31, 2004”.

SEC. 2807. EXPANSION OF DEFINITION OF ARMORY TO INCLUDE READINESS CENTERS.

(a) **DEFINITION.**—Section 18232(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking “The term ‘armory’ means” and inserting “The terms ‘armory’ and ‘readiness center’ mean”; and

(2) in the second sentence, by striking “It includes” and inserting “Such terms include”.

(b) **CONFORMING AMENDMENTS.**—(1) Section 18232(2) of such title is amended by striking “armory or other structure” and inserting “armory, readiness center, or other structure”.

(2) Section 18236(b) of such title by inserting “or readiness center” after “armory”.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND WAIT REQUIREMENTS FOR REAL PROPERTY TRANSACTIONS.

(a) **INCREASED THRESHOLD.**—Section 2662 of title 10, United States Code, is amended by striking “\$200,000” each place it appears and inserting “\$500,000”.

(b) **REFERENCE TO SIMPLIFIED ACQUISITION THRESHOLD.**—Subsection (b) of such section is amended by striking “under section 2304(g) of this title” and inserting “specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),”.

SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DEPARTMENTS TO LEASE NON-EXCESS PROPERTY.

(a) **PROPERTY AVAILABLE FOR LEASE.**—Subsection (a) of section 2667 of title 10, United States Code, is amended—

- (1) by inserting “and” at the end of paragraph (1);
- (2) by striking paragraph (2); and
- (3) by redesignating paragraph (3) as paragraph (2).

(b) **ACCEPTANCE OF IN-KIND CONSIDERATION.**—Such section is further amended—

- (1) in subsection (b)(5)—

(A) by striking “improvement, maintenance, protection, repair, or restoration,” and inserting “alteration, repair, or improvement,”; and

(B) by striking “, or of the entire unit or installation where a substantial part of it is leased,”;

(2) by transferring subsection (c) to the end of the section and redesignating such subsection, as so transferred, as subsection (i);

(3) by inserting after subsection (b) the following new subsection (c):

“(c)(1) In addition to any in-kind consideration accepted under subsection (b)(5), in-kind consideration accepted with respect to a lease under this section may include the following:

“(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.

“(B) Construction of new facilities for the Secretary concerned.

“(C) Provision of facilities for use by the Secretary concerned.

“(D) Facilities operation support for the Secretary concerned.

“(E) Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.

“(2) In-kind consideration under paragraph (1) may be accepted at any property or facilities under the control of the Secretary concerned that are selected for that purpose by the Secretary concerned.

“(3) Sections 2662 and 2802 of this title shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

“(4) In the case of a lease for which all or part of the consideration proposed to be accepted by the Secretary concerned under this subsection is in-kind consideration with a value in excess of \$500,000, the Secretary concerned may not enter into the lease until 30 days after the date on which a report on the facts of the lease is submitted to the congressional defense committees.”; and

(4) in subsection (f)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(c) USE OF PROCEEDS.—Subsection (d)(1) of such section is amended to read as follows:

“(d)(1)(A) The Secretary of a military department shall deposit in a special account in the Treasury established for such military department the following:

“(i) All money rentals received pursuant to leases entered into by that Secretary under this section.

“(ii) All proceeds received pursuant to the granting of easements by that Secretary under sections 2668 and 2669 of this title.

“(iii) All proceeds received by that Secretary from authorizing the temporary use of other property under the control of that military department.

“(B) Subparagraph (A) does not apply to the following proceeds:

“(i) Amounts paid for utilities and services furnished lessees by the Secretary of a military department pursuant to leases entered into under this section.

“(ii) Money rentals referred to in paragraph (4) or (5).

“(C) Subject to subparagraphs (D) and (E), the proceeds deposited in the special account of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department, in such amounts as provided in appropriation Acts, for the following:

“(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.

“(ii) Construction or acquisition of new facilities.

“(iii) Lease of facilities.

“(iv) Facilities operation support.

“(D) At least 50 percent of the proceeds deposited in the special account of a military department under subparagraph (A) shall be available for activities described in subparagraph (C) only at the military installation where the proceeds were derived.

“(E) The Secretary concerned may not expend under subparagraph (C) an amount in excess of \$500,000 at a single installation until 30 days after the date on which a report on the facts of the proposed expenditure is submitted to the congressional defense committees.”.

(d) CONGRESSIONAL NOTIFICATION.—Subsection (d)(3) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking “As part” and all that follows through “Secretary of Defense” and inserting “Not later than March 15 each year, the Secretary of Defense shall submit to the congressional defense committees a report which”; and

(2) in subparagraph (A), by striking “request” and inserting “report”.

(e) DEFINITIONS.—Subsection (h) of such section is amended to read as follows:

“(h) In this section:

“(1) The term ‘congressional defense committees’ means:

“(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.

“(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(2) The term ‘base closure law’ means the following:

“(A) Section 2687 of this title.

“(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

“(3) The term ‘military installation’ has the meaning given such term in section 2687(e)(1) of this title.”.

(f) CONFORMING AMENDMENTS.—(1) Section 2668 of such title is amended by adding at the end the following new subsection:

“(e) Subsection (d) of section 2667 of this title shall apply with respect to proceeds received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to money rentals received pursuant to leases entered into by that Secretary under such section.”.

(2) Section 2669 of such title is amended by adding at the end the following new subsection:

“(e) Subsection (d) of section 2667 of this title shall apply with respect to proceeds received by the Secretary of a military department in connection with an easement granted under this section in the same manner as such subsection applies to money rentals received pursuant to leases entered into by that Secretary under such section.”.

SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY SYSTEMS OF MILITARY DEPARTMENTS.

(a) SELECTION OF CONVEYEE.—Subsection (b) of section 2688 of title 10, United States Code, is amended—

(1) by inserting “(1)” before “If more than one”; and

(2) by adding at the end the following new paragraphs:

“(2) Notwithstanding paragraph (1), the Secretary concerned may use procedures other than competitive procedures, but only in accordance with subsections (c) through (f) of section 2304 of this title, to select the conveyee of a utility system (or part of a utility system) under subsection (a).

“(3) With respect to the solicitation process used in connection with the conveyance of a utility system (or part of a utility system) under subsection (a), the Secretary concerned shall ensure that the process is conducted in a manner consistent with the laws and regulations of the State in which the utility system is located to the extent necessary to ensure that all interested regulated and unregulated utility companies and other interested entities receive an opportunity to acquire and operate the utility system to be conveyed.”.

(b) **APPLICABILITY OF REGULATORY REQUIREMENTS.**—Subsection (f) of such section is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary concerned shall require in any contract for the conveyance of a utility system (or part of a utility system) under subsection (a) that the conveyee manage and operate the utility system in a manner consistent with applicable Federal and State regulations pertaining to health, safety, fire, and environmental requirements.”.

SEC. 2814. PERMANENT CONVEYANCE AUTHORITY TO IMPROVE PROPERTY MANAGEMENT.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

“(B) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

“(i) law enforcement purposes, as determined by the Attorney General; or

“(ii) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.”.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. SCOPE OF AGREEMENTS TO TRANSFER PROPERTY TO REDEVELOPMENT AUTHORITIES WITHOUT CONSIDERATION UNDER THE BASE CLOSURE LAWS.

(a) **1990 LAW.**—Section 2905(b)(4)(B)(i) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking “the transfer” and inserting “the initial transfer of property”.

(b) **1988 LAW.**—Section 204(b)(4)(B)(i) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking “the transfer” and inserting “the initial transfer of property”.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND ARSENAL, ILLINOIS.

(a) **TRANSFER AUTHORIZED.**—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 23 acres and comprising a portion of the Rock Island Arsenal, Illinois.

(b) **USE OF LAND.**—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Rock Island National Cemetery and use the transferred property

as a national cemetery under chapter 24 of title 38, United States Code.

(c) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, GALESBURG, ILLINOIS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to Knox County, Illinois (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Galesburg, Illinois, consisting of approximately 4.65 acres and containing an Army Reserve Center for the purpose of permitting the County to use the parcel for municipal office space.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.

(a) **CONVEYANCE AUTHORIZED.**—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the “Port District”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 752 acres and known as the Charles Melvin Price Support Center, for the purpose of permitting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to provide members of the Armed Forces first priority in leasing the housing at a rental rate not to exceed the member’s basic allowance for housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Army agrees is excess to the needs of the Army.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Army may lease the property to the Port District.

(c) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port District satisfies the criteria specified in section 203(q) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(q)) and regulations prescribed to implement such section. If the Secretary determines that the Port District fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port District shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary of the Army.

(2) The Secretary of the Army may accept as consideration for a lease of the property under subsection (b) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(d) ARMY RESERVE ACTIVITIES.—(1) Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain up to 50 acres of the parcel for use by the Army Reserve. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed for Army Reserve activities, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(e) FEDERAL LEASE OF FACILITIES.—(1) As a condition for the conveyance under subsection (a), the Secretary of the Army may require that the Port District lease to the Department of Defense or any other Federal agency facilities for use by the agency on the property being conveyed. Any lease under this subsection shall be made under terms and conditions satisfactory to the Secretary and the Port District.

(2) The agency leasing a facility under this subsection shall provide for the maintenance of the facility or pay the Port District to maintain the facility. Maintenance of the leased facilities performed by the Port District shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State, and local laws and ordinances.

(3) At the end of a lease under this subsection, the facility covered by the lease shall revert to the Port District.

(f) FLOOD CONTROL EASEMENT.—The Port District shall grant to the Secretary of the Army an easement on the property conveyed under subsection (a) for the purpose of permitting the Secretary to implement and maintain flood control projects. The Secretary of the Army, acting through the Corps of Engineers, shall be responsible for the maintenance of any flood control project built on the property pursuant to the easement.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port District. The cost of such survey shall be borne by the Port District.

(h) **ADDITIONAL TERMS.**—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, FORT RILEY, KANSAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the State of Kansas (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) **CONDITIONS OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the conditions that—

(1) the State use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery; and

(2) all costs associated with the conveyance, including the cost of relocating water and electric utilities should the Secretary determine that such relocations are necessary, be borne by the State.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Director of the Kansas Commission on Veterans Affairs.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCE, FORT POLK, LOUISIANA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 200 acres at Fort Polk, Louisiana, for the purpose of permitting the State to establish a State-run cemetery for veterans.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the “Foundation”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Winona, Minnesota, containing an Army Reserve Center

for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Pemberton Township, New Jersey (in this section referred to as the “Township”), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately 2 acres and containing a parking lot inadvertently constructed on the parcel by the Township.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that—

(1) the Township accept the property as is; and

(2) the Township assume responsibility for any environmental restoration or remediation required with respect to the property under applicable law.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, NIKE SITE 43, ELRAMA, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Board of Supervisors of Union Township, Pennsylvania (in this section referred to as the “Township”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Elrama, Pennsylvania, consisting of approximately 160 acres, which is known as Nike Site 43 and was more recently used by the Pennsylvania Army National Guard, for the purpose of permitting the Township to use the parcel for municipal storage and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, ARMY RESERVE LOCAL TRAINING CENTER, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Medal of Honor Museum,

Inc., a nonprofit corporation organized in the State of Tennessee (in this section referred to as the “Corporation”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres at the Army Reserve Local Training Center located on Bonny Oaks Drive, Chattanooga, Tennessee, for the purpose of permitting the Corporation to develop and use the parcel as a museum and for other educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 100 acres at Fort Hood, Texas, in exchange for the City’s conveyance to the Secretary of all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary and consist of a total of approximately 300 acres.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the “Commonwealth”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 700 acres at Fort Pickett, Virginia, for the purpose of permitting the Commonwealth to develop and operate a public safety training facility.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, FORT LAWTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Seattle, Washington (in this section referred to as the “City”), all right, title, and interest

of the United States in and to the real property at Fort Lawton, Washington, consisting of Area 500 and Government Way from 36th Avenue to Area 500, for purposes of the inclusion of the property in Discovery Park, Seattle, Washington.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, VANCOUVER BARRACKS, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Vancouver, Washington (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, encompassing 19 structures at Vancouver Barracks, Washington, which are identified by the Army using numbers between 602 and 676, and are known as the west barracks.

(b) PURPOSE.—The purpose of the conveyance authorized by subsection (a) shall be to include the property described in that subsection in the Vancouver National Historic Reserve, Washington.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2846. MODIFICATION OF LAND CONVEYANCE, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

(a) USE OF CONSIDERATION.—Subsection (a)(2) of section 2811 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1650) is amended by striking “of additional military family housing units at Marine Corps Air Station, Tustin, California.” and inserting “and repair of roads and development of Aerial Port of Embarkation facilities at Marine Corps Air Station, Miramar, California.”.

(b) CONFORMING AMENDMENT.—The section heading of such section is amended by striking “, AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA”.

SEC. 2847. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3067) is amended to read as follows:

“(c) RESTRICTIONS ON USE.—The District’s use of the property covered by an agreement under subsection (a) is subject to the following conditions:

“(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

“(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

“(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.”.

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

“(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District’s use of the property.

“(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

“(A) the District’s maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

“(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

“(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

“(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.”.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 2848. TRANSFER OF JURISDICTION, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior a parcel of real property, including

any improvements thereon, consisting of approximately 250 acres and known as the Teacup Parcel, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(b) **USE OF LAND.**—The Secretary of the Interior shall include the real property transferred under subsection (a) in the Vernal Pool Unit of the San Diego National Wildlife Refuge and administer the property for the conservation of fish and wildlife. All current and future military aviation and related activities at the Marine Corps Air Station, Miramar, are deemed to be compatible with the refuge purposes for which the property is transferred, and with any secondary uses that may be established on the transferred property.

(c) **CONDITION ON TRANSFER.**—The transfer authorized under subsection (a) shall be subject to the condition that the Secretary of the Interior make the transferred property available to the Secretary of the Navy for any habitat restoration or preservation project that may be required for mitigation of military activities occurring at the Marine Corps Air Station, Miramar, unless the Secretary of the Interior determines that the project will adversely affect the property's sensitive wildlife and habitat resource values.

(d) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2849. LAND EXCHANGE, MARINE CORPS RECRUIT DEPOT, SAN DIEGO, CALIFORNIA.

(a) **EXCHANGE AUTHORIZED.**—The Secretary of the Navy may convey to the San Diego Unified Port District of San Diego, California (in this section referred to as the "Port District"), all right, title, and interest of the United States in and to three parcels of real property, including any improvements thereon, consisting of approximately 44.5 acres and comprising a portion of the Marine Corps Recruit Depot, San Diego, California, in exchange for the Port District's—

(1) conveyance to the Secretary of all right, title, and interest of Port District in and to a parcel of real property that is acceptable to the Secretary and contiguous to the Marine Corps Recruit Depot; and

(2) construction of suitable replacement facilities and necessary supporting structures on the parcel or other property comprising the Marine Corps Recruit Depot, as determined necessary by the Secretary.

(b) **TIME FOR CONVEYANCE.**—The Secretary may not make the conveyance to the Port District authorized by subsection (a) until the Secretary determines that the replacement facilities have been constructed and are ready for occupancy.

(c) **ADMINISTRATIVE EXPENSES.**—The Port District shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the exchange under subsection (a),

including expenses related to the planning, design, survey, environmental compliance, and supervision and inspection of construction of the replacement facilities. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) **CONSTRUCTION SCHEDULE.**—The Port District shall construct the replacement facilities pursuant to such schedule and in such a manner so as to not interrupt or adversely affect the capability of the Marine Corps Recruit Depot to accomplish its mission.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port District.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2850. LEASE OF PROPERTY, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) **AUTHORITY TO LEASE.**—The Secretary of the Navy may lease, without consideration, to the Naval Aviation Museum Foundation (in this section referred to as the “Foundation”) real property improvements constructed by the Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, for the purpose of permitting the Foundation to operate a National Flight Academy to encourage and assist American young people to develop an interest in naval aviation and to preserve and enhance the image and heritage of naval aviation.

(b) **CONSTRUCTION.**—The Foundation shall be solely responsible for the design and construction of the real property improvements referred to in subsection (a). Upon completion, the improvements shall be donated to and become the property of the United States, subject to the terms of the lease under subsection (a).

(c) **TERM OF LEASE.**—(1) The lease authorized by subsection (a) may be for a term of up to 50 years, with an option to renew for an additional 50 years.

(2) In the event that the National Flight Academy ceases operation for a period in excess of 1 year during the leasehold period, or any extension thereof, the lease shall immediately terminate without cost or future liability to the United States.

(d) **USE BY NAVY.**—The Secretary may use all or a portion of the leased property when the National Flight Academy is not in session or whenever the use of the property would not conflict with operation of the Academy. The Foundation shall permit such use at no cost to the Navy.

(e) **MAINTENANCE AND REPAIR.**—The Foundation shall be solely responsible during the leasehold period, and any extension thereof, for the operation, maintenance, and repair or replacement of the real property improvements authorized for lease under this section.

(f) **ASSISTANCE.**—(1) Subject to subsection (e), the Secretary may assist the Foundation in implementing the National Flight Academy by furnishing facilities, utilities, maintenance, and other services within the boundaries of Naval Air Station, Pensacola. The Secretary may require the Foundation to reimburse the Secretary for the facilities, utilities, maintenance, or other services

so provided or may provide the facilities, utilities, maintenance, or other services without reimbursement by the Foundation.

(2) Any assistance provided the Foundation pursuant to paragraph (1) may be terminated by the Secretary without notice, cause, or liability to the United States.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2851. LAND CONVEYANCE, NAVAL RESERVE CENTER, TAMPA, FLORIDA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the Tampa Port Authority of Tampa, Florida (in this section referred to as the “Port Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, for the purpose of permitting the Port Authority to use the parcel to facilitate the expansion of the Port of Tampa.

(b) **CONDITIONS OF CONVEYANCE.**—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) The Port Authority will accept the Naval Reserve Center as is.

(2) The Port Authority will provide a replacement facility for the Naval Reserve Center on a site of comparable size and consisting of comparable improvements on port property or other public land acceptable to the Secretary. In the event that a federally owned site acceptable to the Secretary is not available for the construction of the replacement facility, the Port Authority will provide a site for the replacement facility acceptable to the Secretary and convey it in fee title to the United States.

(3) The Port Authority will procure all necessary funding and the planning and design necessary to construct a replacement facility that is fully operational and satisfies the Base Facilities Requirements plan, as provided by the Naval Reserve.

(4) The Port Authority will bear all reasonable costs that the Navy may incur in the relocating to the replacement facility.

(c) **TIME FOR CONVEYANCE.**—The Secretary may not make the conveyance authorized under subsection (a) until all of the conditions specified in subsection (b) have been met to the satisfaction of the Secretary.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port Authority.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION OF LAND CONVEYANCE, DEFENSE FUEL SUPPLY POINT, CASCO BAY, MAINE.

Section 2839 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3065) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) REPLACEMENT OF REMOVED ELECTRIC UTILITY SERVICE.—

(1) The Secretary of Defense shall replace the electric utility service removed during the course of environmental remediation carried out with respect to the property to be conveyed under subsection (a), including the procurement and installation of electrical cables, switch cabinets, and transformers associated with the service.

“(2) As part of the replacement of the electric utility service under paragraph (1), the Secretary of Defense may, at the request of the Town, improve the electric utility service and install telecommunications service. The Secretary shall determine, in consultation with the Town, the additional costs that would be associated with the improvement of the electric utility service and the installation of telecommunications service under this paragraph, and the Town shall be responsible for the payment of such costs.”.

SEC. 2853. LAND CONVEYANCE, NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 263 acres located in Washington County, Maine, and known as the Naval Computer and Telecommunications Station, Cutler, Maine.

(b) REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.—(1) The Secretary may require the recipient of the property conveyed under this section to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessments and other studies and analyses carried out by the Secretary with respect to the property to be conveyed under this section before the conveyance of the property under this section.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary and may not exceed the cost of the assessments, studies, and analyses for which reimbursement is required under that paragraph.

(3) Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(c) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a)

shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99-596 (100 Stat. 3349) is amended—

(1) in subsection (a), by striking “subsections (b) through (f)” and inserting “subsections (b) through (e)”;

(2) by striking subsection (b) and inserting the following new subsection:

“(b) **CONSIDERATION.**—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

“(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the historic buildings on the property. The total amount of the reduction of consideration under this paragraph may not exceed \$500,000.”;

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 2855. LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to the City of Jacksonville, North Carolina (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that is currently leased to Norfolk Southern Corporation and consists of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary (in such amounts as the Secretary may determine) for the expenses incurred by the Secretary in making the conveyance, including costs related to planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(c) **CONDITION OF CONVEYANCE.**—The Secretary may retain such easements, rights-of-way, and other interests in the property to be conveyed under subsection (a) and impose such restrictions on the use of the conveyed property as the Secretary considers necessary to ensure the effective security, maintenance, and operations

of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, NAVAL AIR RESERVE CENTER, COLUMBUS, OHIO.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Navy may convey to the Rickenbacker Port Authority of Columbus, Ohio (in this section referred to as the “Authority”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 24 acres comprising the civilian facilities of the Naval Air Reserve at Rickenbacker International Airport in Franklin County, Ohio, in exchange for the Authority’s conveyance to the Secretary of all right, title, and interest of the Authority in and to a parcel of real property consisting of approximately 10 to 15 acres acceptable to the Secretary at Rickenbacker International Airport.

(b) USE OF ACQUIRED PROPERTY.—The Secretary shall use the real property acquired from the Authority in the exchange as the site for a replacement facility that will house both the Naval Air Reserve Center at Rickenbacker International Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio.

(c) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Authority authorized by subsection (a) until the Secretary determines that the replacement facility described in subsection (b) has been constructed and is ready for occupancy.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, NAVAL STATION, BREMERTON, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Bremerton, Washington (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 45.8 acres and comprising the former East Park Transient Family Accommodations, which was an off-site housing facility for Naval Station, Bremerton, Washington.

(b) CONSIDERATION.—(1) The conveyance under subsection (a) may be made without consideration to the extent the real property to be conveyed will be used by the City, directly or through an agreement with a public or private entity, for public health, public safety, education, affordable housing, or public recreation.

(2) If the City intends to use a portion of the conveyed property for a purpose not specified in paragraph (1), the City shall pay to the United States an amount equal to the fair market value of that portion of the property. The fair market value shall be determined by an appraisal acceptable to the Secretary.

(c) ADMINISTRATIVE EXPENSES.—The City shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the conveyance under subsection (a), including expenses related to planning, design, survey, environmental compliance, and other prudent and necessary actions. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including any improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than to the other party to a conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE STATION, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Mendocino County, California (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 82 acres at the Point Arena Air Force Station, California, for the purpose of permitting the County to use the parcel for municipal and other public purposes.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the County—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for municipal and other public purposes;

(2) convey the property to an appropriate public or private entity that will use the conveyed property for such purposes; or

(3) convey the property by sale or exchange and—

(A) if conveyed by exchange, use the property acquired in the exchange for such purposes; or

(B) if conveyed by sale, use the proceeds to acquire property that will be used for such purposes.

(c) CONSIDERATION.—If the Secretary determines at any time that the County, or a public or private entity to which the property is reconveyed as authorized by paragraph (2) of subsection (b), has failed to comply with the conditions specified in such subsection, the County shall pay the United States an amount equal to the fair market value of the property conveyed under subsection (a), as determined by an appraisal satisfactory to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, or lease upon such terms as the Secretary considers appropriate, to the Lowry Redevelopment Authority (in this section referred to as the “Authority”) all right, title, and interest of the United States in and to seven parcels of real property, including any improvements thereon, consisting of approximately 23 acres at the former Lowry Air Force Base, Colorado, for the purpose of permitting the Authority to use the property in furtherance of economic development and other public purposes.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of real property to be conveyed or leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to Greene County, Ohio (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 92 acres comprising the communications test annex at Wright-Patterson Air Force Base, Ohio, for the purpose of permitting the County to use the parcel for recreational purposes.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2865. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) **CHANGE IN RECIPIENT.**—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010) is amended by striking “Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the ‘Corporation’)” and inserting “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)”.

(b) **CONFORMING AMENDMENTS.**—Such section is further amended by striking “Corporation” each place it appears in subsections (c) and (e) and inserting “Foundation”.

SEC. 2866. LAND CONVEYANCE, MUKILTEO TANK FARM, EVERETT, WASHINGTON.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the Port of Everett, Washington (in this section referred to as the “Port”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 22 acres and known as the Mukilteo Tank Farm for the purpose of permitting the Port to use the parcel for the development and operation of a port facility and for other public purposes.

(b) **PERSONAL PROPERTY.**—The Secretary of the Air Force may include as part of the conveyance authorized by subsection (a) any personal property at the Mukilteo Tank Farm that is excess to the needs of the Air Force if the Secretary of Transportation determines that such personal property is appropriate for the development or operation of the Mukilteo Tank Farm as a port facility.

(c) **INTERIM LEASE.**—(1) Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Air Force may lease all or part of the real property to the Port if the Secretary determines that the real property is suitable for lease and the lease of the property under this subsection will not interfere with any environmental remediation activities or schedules under applicable law or agreements.

(2) The determination under paragraph (1) whether the lease of the real property will interfere with environmental remediation activities or schedules referred to in that paragraph shall be based upon an environmental baseline survey conducted in accordance with applicable Air Force regulations and policy.

(3) Except as provided by paragraph (4), as consideration for the lease under this subsection, the Port shall pay the Secretary an amount equal to the fair market of the lease, as determined by the Secretary.

(4) The amount of consideration paid by the Port for the lease under this subsection may be an amount, as determined by the Secretary, less than the fair market value of the lease if the Secretary determines that—

(A) the public interest will be served by an amount of consideration for the lease that is less than the fair market value of the lease; and

(B) payment of an amount equal to the fair market value of the lease is unobtainable.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Port.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Air Force, in consultation with the Secretary of Transportation, may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

PART IV—OTHER CONVEYANCES**SEC. 2871. LAND CONVEYANCE, ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, FARMERS BRANCH, TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.

(b) **CONSIDERATION.**—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(c) **CONGRESSIONAL REPORT.**—Within 30 days after the sale of the property under subsection (a), the Secretary shall submit to Congress a report detailing the particulars of the sale.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) **CONVEYANCE AUTHORIZED.**—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property, for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(b) **AUTHORITY TO CONVEY WITHOUT CONSIDERATION.**—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that conveyance on that basis would be in the best interests of the United States.

(c) **REVERSIONARY INTEREST.**—During the five-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), if the Administrator determines that the conveyed real property is not being used in accordance with the purpose specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(d) **LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.**—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a

private entity, the City shall pay to the United States an amount equal to—

(A) the fair market value (as determined by the Administrator) of the portion conveyed at the time of the conveyance; less

(B) the cost of any improvements to the property made by the City.

(2) Paragraph (1) applies to a conveyance described in such paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of such section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED PARKLAND, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2219) is amended by adding at the end the following new subsection:

“(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1) Section 303 of title 49, and section 138 of title 23, United States Code, shall not apply to any approval by the Secretary of Transportation of the use by State Route 241 of parkland within Camp Pendleton that is leased by the State of California, where the lease reserved to the United States the right to establish rights-of-way.

“(2) The Agency shall be responsible for the implementation of any measures required by the Secretary of Transportation to mitigate the impact of the Agency’s use of parkland within Camp Pendleton for State Route 241. With the exception of those mitigation measures directly related to park functions, the measures shall be located outside the boundaries of Camp Pendleton. The required mitigation measures related to park functions shall be implemented in accordance with the terms of the lease referred to in paragraph (1).”.

SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2820), as added

by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2225), is amended by striking “2000” and inserting “2001”.

SEC. 2883. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) **ACCEPTANCE AUTHORIZED.**—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The terms of the gift may specify that all or a part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building.

(b) **DEPOSIT IN ESCROW ACCOUNT.**—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) **INVESTMENT.**—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) **UTILIZATION.**—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) **LIMITATION ON CONTRACTS.**—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) **LIQUIDATION OF ESCROW ACCOUNT.**—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b). Any amounts in the account upon final payment of invoices and claims shall be available to the Secretary for such purposes as the Secretary considers appropriate.

SEC. 2884. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) **AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.**—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) **AUTHORITY TO ACCEPT CERTAIN LAND.**—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)) or under any other provision of law.

(c) **DESIGN AND CONSTRUCTION.**—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) **ACCEPTANCE AUTHORITY.**—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) **LEASE OF FACILITY.**—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph

(1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2885. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) **IN GENERAL.**—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

SEC. 2886. ESTABLISHMENT OF WORLD WAR II MEMORIAL ON GUAM.

(a) **ESTABLISHMENT REQUIRED.**—The Secretary of Defense shall establish on Federal lands near the Fena Caves in Guam a suitable memorial intended to honor those Guamanian civilians who were killed during the occupation of Guam during World War II and to commemorate the liberation of Guam by the United States Armed Forces in 1944.

(b) **MAINTENANCE OF MEMORIAL.**—The Secretary of Defense shall be responsible for the maintenance of the memorial established pursuant to subsection (a).

(c) **CONSULTATION.**—In designing and building the memorial and selecting the specific location for the memorial, the Secretary of Defense shall consult with the American Battle Monuments Commission established under chapter 21 of title 36, United States Code.

SEC. 2887. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall after the date of the enactment of this Act be known and designated as the “Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll”. Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

SEC. 2888. DESIGNATION OF BUILDING AT FORT BELVOIR, VIRGINIA, IN HONOR OF ANDREW T. MCNAMARA.

The building at 8725 John J. Kingman Road, Fort Belvoir, Virginia, shall be known and designated as the “Andrew T. McNamara Building”. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Andrew T. McNamara Building.

SEC. 2889. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN DIEGO, CALIFORNIA, IN HONOR OF BOB WILSON, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Balboa Naval Hospital in San Diego, California, shall be known and designated as the “Bob Wilson Naval Hospital”. Any reference to the Balboa Naval Hospital in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Wilson Naval Hospital.

SEC. 2890. SENSE OF CONGRESS REGARDING IMPORTANCE OF EXPANSION OF NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Training Center at Fort Irwin, California, is the Army’s premier warfare training center.

(2) The National Training Center was cited by General Norman Schwarzkopf as being instrumental to the success of the allied victory in the Persian Gulf conflict.

(3) The National Training Center gives a military unit the opportunity to use high-tech equipment and confront realistic opposing forces in order to accurately discover the unit’s strengths and weaknesses.

(4) The current size of the National Training Center is insufficient in light of the advanced equipment and technology required for modern warfare training.

(5) The expansion of the National Training Center to include additional lands would permit military units and members of the Armed Forces to adequately prepare for future conflicts and various warfare scenarios they may encounter throughout the world.

(6) Additional lands for the expansion of the National Training Center are presently available in the California desert.

(7) The expansion of the National Training Center is a top priority of the Army and the Office of the Secretary of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

SEC. 2891. SENSE OF CONGRESS REGARDING LAND TRANSFERS AT MELROSE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of the Air Force seeks the transfer of 6,713 acres of public domain land within the Melrose Range, New Mexico, from the Department of the Interior to the Department of the Air Force for the continued use of these lands as a military range.

(2) The Secretary of the Army seeks the transfer of 6,640 acres of public domain land within the Yakima Training Center, Washington, from the Department of the Interior to the Department of the Army for military training purposes.

(3) The transfers provide the Department of the Air Force and the Department of the Army with complete land management control of these public domain lands to allow for effective land management, minimize safety concerns, and ensure meaningful training.

(4) The Department of the Interior concurs with the land transfers at Melrose Range and Yakima Training Center.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington, will support military training, safety, and land management concerns on the lands subject to transfer.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SUBTITLE A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental restoration and waste management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense environmental management privatization.
Sec. 3105. Defense nuclear waste disposal.

SUBTITLE B—RECURRING GENERAL PROVISIONS

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for conceptual and construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.
Sec. 3129. Transfers of defense environmental management funds.

SUBTITLE C—PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

Sec. 3131. Funding for termination costs of River Protection Project, Richland, Washington.
Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
Sec. 3133. Reprogramming of funds available for infrastructure upgrades or maintenance in certain accounts of the National Nuclear Security Administration.
Sec. 3134. Adjustment of composite theoretical performance levels for post-shipment verification reports on advanced supercomputer sales to certain foreign nations.
Sec. 3135. Modification of counterintelligence polygraph program.
Sec. 3136. Employee incentives for employees at closure project facilities.
Sec. 3137. Continuation of processing, treatment, and disposition of legacy nuclear materials.
Sec. 3138. Contingent limitation on use of certain funds pending certifications of compliance with Formerly Utilized Sites Remedial Action Program funding prohibition.
Sec. 3139. Conceptual design for Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

Sec. 3140. Report on National Ignition Facility, Lawrence Livermore National Laboratory, Livermore, California.

Sec. 3141. River Protection Project, Richland, Washington.

Sec. 3142. Report on tank waste remediation system, Hanford Reservation, Richland, Washington.

SUBTITLE D—MATTERS RELATING TO MANAGEMENT OF NATIONAL NUCLEAR SECURITY ADMINISTRATION

Sec. 3151. Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy.

Sec. 3152. Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council.

Sec. 3153. Organization plan for field offices of the National Nuclear Security Administration.

Sec. 3154. Required contents of future-years nuclear security program.

Sec. 3155. Future-years nuclear security program for fiscal year 2001.

Sec. 3156. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants.

Sec. 3157. Prohibition on individuals engaging in concurrent service or duties within National Nuclear Security Administration and outside that Administration but within Department of Energy.

Sec. 3158. Annual plan for obligation of funds of the National Nuclear Security Administration.

Sec. 3159. Authority to reorganize National Nuclear Security Administration.

SUBTITLE E—NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT

Sec. 3161. Technology Infrastructure Pilot Program.

Sec. 3162. Report on small business participation in National Nuclear Security Administration activities.

Sec. 3163. Study and report related to improving mission effectiveness, partnerships, and technology transfer at national security laboratories and nuclear weapons production facilities.

Sec. 3164. Report on effectiveness of National Nuclear Security Administration technology development partnerships with non-Federal entities.

Sec. 3165. Definitions.

SUBTITLE F—MATTERS RELATING TO DEFENSE NUCLEAR NONPROLIFERATION

Sec. 3171. Annual report on status of Nuclear Materials Protection, Control, and Accounting Program.

Sec. 3172. Nuclear Cities Initiative.

Sec. 3173. Department of Energy nonproliferation monitoring.

Sec. 3174. Sense of Congress on the need for coordination of nonproliferation programs.

Sec. 3175. Limitation on use of funds for International Nuclear Safety Program.

SUBTITLE G—OTHER MATTERS

Sec. 3191. Extension of authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3192. Biennial report containing update on nuclear test readiness postures.

Sec. 3193. Frequency of reports on inadvertent releases of Restricted Data and Formerly Restricted Data.

Sec. 3194. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.

Sec. 3195. Authority to provide certificate of commendation to Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.

Sec. 3196. Cooperative research and development agreements for government-owned, contractor-operated laboratories.

Sec. 3197. Office of Arctic Energy.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National

Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$6,422,356,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, \$4,840,289,000, to be allocated as follows:

(A) For stewardship, \$4,505,545,000, to be allocated as follows:

(i) For directed stockpile work, \$862,603,000.

(ii) For campaigns, \$2,054,014,000, to be allocated as follows:

(I) For operation and maintenance, \$1,639,682,000.

(II) For construction, \$414,332,000, to be allocated as follows:

Project 01-D-101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, \$2,300,000.

Project 00-D-103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$5,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$56,000,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$6,700,000.

Project 98-D-125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, \$75,000,000.

Project 98-D-126, accelerator production of tritium, various locations, \$25,000,000.

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$35,232,000.

Project 96-D-111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, \$209,100,000.

(iii) For readiness in technical base and facilities, \$1,588,928,000, to be allocated as follows:

(I) For operation and maintenance, \$1,429,087,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$159,841,000, to be allocated as follows:

Project 01-D-103, preliminary project design and engineering, various locations, \$14,500,000.

Project 01-D-124, highly enriched uranium (HEU) materials storage facility, Y-12 Plant, Oak Ridge, Tennessee, \$17,800,000.

Project 01-D-126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, \$3,000,000.

Project 99-D-103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, \$5,000,000.

Project 99-D-104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, \$2,800,000.

Project 99-D-106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, \$5,200,000.

Project 99-D-108, renovate existing roadways, Nevada Test Site, Nevada, \$2,000,000.

Project 99-D-125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, \$13,000,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, \$23,765,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, \$4,998,000.

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$18,043,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, \$30,767,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, \$2,918,000.

Project 95-D-102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$13,337,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$2,713,000.

(B) For secure transportation asset, \$115,673,000, to be allocated as follows:

(i) For operation and maintenance, \$79,357,000.

(ii) For program direction, \$36,316,000.

(C) For program direction, \$219,071,000.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, \$877,467,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, \$252,990,000, to be allocated as follows:

(i) For operation and maintenance, \$245,990,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects

authorized in prior years, and land acquisition related thereto), \$7,000,000, to be allocated as follows:

Project 00-D-192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, \$7,000,000.

(B) For arms control, \$320,560,000, to be allocated as follows:

(i) For arms control operations, \$285,370,000.

(ii) For highly enriched uranium transparency implementation, \$15,190,000.

(iii) For international nuclear safety, \$20,000,000.

(C) For fissile materials control and disposition, \$252,449,000, to be allocated as follows:

(i) For operation and maintenance, \$175,517,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$76,932,000, to be allocated as follows:

Project 01-D-407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, \$27,932,000.

Project 00-D-142, immobilization and associated processing facility (Title I and II design), Savannah River Site, Aiken, South Carolina, \$3,000,000.

Project 99-D-141, pit disassembly and conversion facility (Title I and II design), Savannah River Site, Aiken, South Carolina, \$20,000,000.

Project 99-D-143, mixed oxide fuel fabrication facility (Title I and II design), Savannah River Site, Aiken, South Carolina, \$26,000,000.

(D) For program direction, \$51,468,000.

(3) NAVAL REACTORS.—For naval reactors, \$694,600,000, to be allocated as follows:

(A) For naval reactors development, \$673,200,000, to be allocated as follows:

(i) For operation and maintenance, \$644,500,000.

(ii) For general plant projects, \$11,400,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$17,300,000, to be allocated as follows:

Project 01-D-200, major office replacement building, Schenectady, New York, \$1,300,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$16,000,000.

(B) For program direction, \$21,400,000.

(4) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, \$10,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of \$6,058,009,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836; 42 U.S.C. 7277n), \$1,082,297,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, \$941,719,000, to be allocated as follows:

(A) For operation and maintenance, \$900,175,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$41,544,000, to be allocated as follows:

Project 01-D-402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$500,000.

Project 99-D-402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, \$7,714,000.

Project 99-D-404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$4,300,000.

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$1,690,000.

Project 97-D-470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, \$3,949,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$12,512,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, \$8,879,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, \$3,432,457,000, to be allocated as follows:

(A) For operation and maintenance, \$2,691,106,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$27,212,000, to be allocated as follows:

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, \$27,212,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, \$714,139,000, to be allocated as follows:

(i) For operation and maintenance, \$309,619,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$404,520,000, to be allocated as follows:

Project 01-D-416, Tank Waste Remediation System privatization phase I, Richland, Washington, \$332,000,000.

Project 01-D-403, immobilized high-level waste interim storage facility, Richland, Washington, \$1,300,000.

Project 99-D-403, privatization phase I infrastructure support, Richland, Washington, \$7,812,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$46,023,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$17,385,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, \$246,548,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, \$354,988,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (5) of that subsection, reduced by \$84,317,000, to be derived from offsets and use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for other defense activities in carrying out programs necessary for national security in the amount of \$543,822,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, \$38,059,000, to be allocated as follows:

(A) For operation and maintenance, \$36,059,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$2,000,000, to be allocated as follows:

Project 01-D-800, Sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, \$45,200,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, \$284,076,000, to be allocated as follows:

(A) For nuclear safeguards and security, \$124,409,000.

(B) For security investigations, \$33,000,000.

(C) For emergency management, \$37,300,000.

(D) For program direction, \$89,367,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, \$14,937,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, \$134,050,000, to be allocated as follows:

(A) For environment, safety, and health (defense), \$86,446,000.

(B) For the Energy Employees Occupational Illness Compensation initiative, \$25,000,000.

(C) For program direction, \$22,604,000.

(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, \$24,500,000, to be allocated as follows:

(A) For worker and community transition, \$21,500,000.

(B) For program direction, \$3,000,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, \$3,000,000.

(b) ADJUSTMENTS.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by \$20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$90,092,000, to be allocated as follows:

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$25,092,000.

Project 97-PVT-2, advanced mixed waste treatment project, Idaho Falls, Idaho, \$65,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by \$90,092,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$112,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$5,000,000, the Secretary shall immediately furnish a report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) does not apply to a construction project with a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for that design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) **IN GENERAL.**—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2002.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the

manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed \$5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term “program or project” means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2000, and ending on September 30, 2001.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the River Protection Project, Richland, Washington (as designated by section 3141), that is terminated

after the date of the enactment of this Act. Such costs may be paid from—

- (1) appropriations originally available for the performance of the contract concerned;
- (2) appropriations currently available for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs, and not otherwise obligated; or
- (3) funds appropriated specifically for the payment of such costs.

SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND BALLISTIC MISSILE DEFENSE ORGANIZATION.

(a) **JOINTLY FUNDED PROJECTS.**—The Secretary of Energy and the Secretary of Defense shall modify the memorandum of understanding for the use of the national laboratories for ballistic missile defense programs, entered into under section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034; 10 U.S.C. 2431 note), to provide for jointly funded projects.

(b) **REQUIREMENTS FOR PROJECTS.**—The projects referred to in subsection (a) shall—

- (1) be carried out by the National Nuclear Security Administration and the Ballistic Missile Defense Organization; and
- (2) contribute to sustaining—
 - (A) the expertise necessary for the viability of such laboratories; and
 - (B) the capabilities required to sustain the nuclear stockpile.

(c) **PARTICIPATION BY NNSA IN CERTAIN BMDO ACTIVITIES.**—The Administrator for Nuclear Security and the Director of the Ballistic Missile Defense Organization shall implement mechanisms that increase the cooperative relationship between those organizations. Those mechanisms may include participation by personnel of the National Nuclear Security Administration in the following activities of the Ballistic Missile Defense Organization:

- (1) Peer reviews of technical efforts.
- (2) Activities of so-called “red teams”.

SEC. 3133. REPROGRAMMING OF FUNDS AVAILABLE FOR INFRASTRUCTURE UPGRADES OR MAINTENANCE IN CERTAIN ACCOUNTS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **LIMITATION.**—(1) Except as provided in paragraph (2), the Secretary of Energy may not use amounts appropriated or otherwise made available to the Secretary for fiscal year 2001 for the purpose of infrastructure upgrades or maintenance in an account specified in subsection (b) for any other purpose.

(2) Paragraph (1) does not apply to a particular amount for the purpose of a particular infrastructure upgrade or maintenance project if the Secretary—

- (A) determines that that project is not needed by reason of a change to, or cancellation of, a program for which that project was intended to be used; and
- (B) submits to the congressional defense committees the report referred to in subsection (c) and a period of 45 days

elapses after the date on which such committees receive such report.

(b) COVERED ACCOUNTS.—An account referred to in subsection (a) is any Construction account or Readiness in Technical Base and Facilities account within any National Nuclear Security Administration budget account.

(c) REPORT.—(1) The report referred to in subsection (a)(2)(B) is a report containing a full and complete statement of—

(A) the determination of the Secretary under subsection (a)(2)(A); and

(B) the action proposed to be taken with the particular amount concerned and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a)(2)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

(d) COORDINATION WITH GENERAL REPROGRAMMING REPORT.—If the Secretary, in accordance with this section, submits a report referred to in subsection (c) for the use of a particular amount, that report shall be treated, for purposes of section 3121, as the report referred to in subsection (b) of that section for that use of that amount.

SEC. 3134. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION REPORTS ON ADVANCED SUPERCOMPUTER SALES TO CERTAIN FOREIGN NATIONS.

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

“(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for the purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).”.

SEC. 3135. MODIFICATION OF COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) COVERED PERSONS.—Subsection (b) of section 3154 of the Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999 (subtitle D of title XXXI of Public Law 106-65; 113 Stat. 941; 42 U.S.C. 7383h) is amended to read as follows:

“(b) COVERED PERSONS.—(1) Subject to paragraph (2), for purposes of this section, a covered person is one of the following:

“(A) An officer or employee of the Department.

“(B) An expert or consultant under contract to the Department.

“(C) An officer or employee of a contractor of the Department.

“(D) An individual assigned or detailed to the Department.

“(E) An applicant for a position in the Department.

“(2) A person described in paragraph (1) is a covered person for purposes of this section only if the position of the person, or for which the person is applying, under that paragraph is a position in one of the categories of positions listed in section 709.4(a) of title 10, Code of Federal Regulations.”.

(b) HIGH-RISK PROGRAMS.—Subsection (c) of that section is amended to read as follows:

“(c) HIGH-RISK PROGRAMS.—For purposes of this section, high-risk programs are the following:

“(1) Programs using information known as Sensitive Compartmented Information.

“(2) The programs known as Special Access Programs and Personnel Security and Assurance Programs.

“(3) Any other program or position category specified in section 709.4(a) of title 10, Code of Federal Regulations.”.

(c) AUTHORITY TO WAIVE EXAMINATION REQUIREMENT.—Subsection (d) of that section is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following new paragraphs:

“(2) Subject to paragraph (3), the Secretary may, after consultation with appropriate security personnel, waive the applicability of paragraph (1) to a covered person—

“(A) if—

“(i) the Secretary determines that the waiver is important to the national security interests of the United States;

“(ii) the covered person has an active security clearance; and

“(iii) the covered person acknowledges in a signed writing that the capacity of the covered person to perform duties under a high-risk program after the expiration of the waiver is conditional upon meeting the requirements of paragraph (1) within the effective period of the waiver;

“(B) if another Federal agency certifies to the Secretary that the covered person has completed successfully a full-scope or counterintelligence-scope polygraph examination during the 5-year period ending on the date of the certification; or

“(C) if the Secretary determines, after consultation with the covered person and appropriate medical personnel, that the treatment of a medical or psychological condition of the covered person should preclude the administration of the examination.

“(3)(A) The Secretary may not commence the exercise of the authority under paragraph (2) to waive the applicability of paragraph (1) to any covered persons until 15 days after the date on which the Secretary submits to the appropriate committees of Congress a report setting forth the criteria to be used by the Secretary for determining when a waiver under paragraph (2)(A) is important to the national security interests of the United States. The criteria shall not include the need to maintain the scientific vitality of the laboratory. The criteria shall include an assessment of counterintelligence risks and programmatic impacts.

“(B) Any waiver under paragraph (2)(A) shall be effective for not more than 120 days, and a person who is subject to a waiver under paragraph (2)(A) may not ever be subject to another waiver under paragraph (2)(A).

“(C) Any waiver under paragraph (2)(C) shall be effective for the duration of the treatment on which such waiver is based.

“(4) The Secretary shall submit to the appropriate committees of Congress on a semi-annual basis a report on any determinations made under paragraph (2)(A) during the 6-month period ending on the date of such report. The report shall include a national

security justification for each waiver resulting from such determinations.

“(5) In this subsection, the term ‘appropriate committees of Congress’ means the following:

“(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

“(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

“(6) It is the sense of Congress that the waiver authority in paragraph (2) not be used by the Secretary to exempt from the applicability of paragraph (1) any covered persons in the highest risk categories, such as persons who have access to the most sensitive weapons design information and other highly sensitive programs, including special access programs.

“(7) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2002.”.

(d) SCOPE OF COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—Subsection (f) of that section is amended—

(1) by inserting “terrorism,” after “sabotage,”; and

(2) by inserting “deliberate damage to or malicious misuse of a United States Government information or defense system,” before “and”.

SEC. 3136. EMPLOYEE INCENTIVES FOR EMPLOYEES AT CLOSURE PROJECT FACILITIES.

(a) AUTHORITY TO PROVIDE INCENTIVES.—Notwithstanding any other provision of law, the Secretary of Energy may provide to any eligible employee of the Department of Energy one or more of the incentives described in subsection (d).

(b) ELIGIBLE EMPLOYEES.—An individual is an eligible employee of the Department of Energy for purposes of this section if the individual—

(1) has worked continuously at a closure facility for at least two years;

(2) is an employee (as that term is defined in section 2105(a) of title 5, United States Code);

(3) has a fully satisfactory or equivalent performance rating during the most recent performance period and is not subject to an adverse notice regarding conduct; and

(4) meets any other requirement or condition under subsection (d) for the incentive which is provided the employee under this section.

(c) CLOSURE FACILITY DEFINED.—For purposes of this section, the term “closure facility” means a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n).

(d) INCENTIVES.—The incentives that the Secretary may provide under this section are the following:

(1) The right to accumulate annual leave provided by section 6303 of title 5, United States Code, for use in succeeding years until it totals not more than 90 days, or not more than 720 hours based on a standard work week, at the beginning of the first full biweekly pay period, or corresponding period

for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, except that—

(A) any annual leave that remains unused when an employee transfers to a position in a department or agency of the Federal Government shall be liquidated upon the transfer by payment to the employee of a lump sum for leave in excess of 30 days, or in excess of 240 hours based on a standard work week; and

(B) upon separation from service, annual leave accumulated under this paragraph shall be treated as any other accumulated annual leave is treated.

(2) The right to be paid a retention allowance in a lump sum in compliance with paragraphs (1) and (2) of section 5754(b) of title 5, United States Code, if the employee meets the requirements of section 5754(a) of that title, except that the retention allowance may exceed 25 percent, but may not be more than 30 percent, of the employee's rate of basic pay.

(e) AGREEMENT.—An eligible employee of the Department of Energy provided an incentive under this section shall enter into an agreement with the Secretary to remain employed at the closure facility at which the employee is employed as of the date of the agreement until a specific date or for a specific period of time.

(f) VIOLATION OF AGREEMENT.—(1) Except as provided under paragraph (3), an eligible employee of the Department of Energy who violates an agreement under subsection (e), or is dismissed for cause, shall forfeit eligibility for any incentives under this section as of the date of the violation or dismissal, as the case may be.

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall refund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

(3) The Secretary may waive the applicability of paragraph (1) or (2) to an employee otherwise covered by such paragraph if the Secretary determines that there is good and sufficient reason for the waiver.

(g) REPORT.—The Secretary shall include in each report on a closure project under section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997 a report on the incentives, if any, provided under this section with respect to the project for the period covered by such report.

(h) AUTHORITY WITH RESPECT TO HEALTH COVERAGE.—Section 8905a(d)(5)(A) of title 5, United States Code (as added by section 1106 of the Veterans Millennium Health Care and Benefits Act (Public Law 106-117; 113 Stat. 1598)), is amended by inserting after “readjustment” the following: “, or a voluntary or involuntary separation from a Department of Energy position at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)”.

(i) AUTHORITY WITH RESPECT TO VOLUNTARY SEPARATIONS.—(1) The Secretary may—

(A) separate from service any employee at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n) who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

(3) An employee with critical knowledge and skills (as defined by the Secretary) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

(j) TERMINATION.—The authority to provide incentives under this section terminates on March 31, 2007.

SEC. 3137. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

(a) CONTINUATION.—The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide technical staff necessary to operate and so maintain such facilities.

(b) LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING OF F-CANYON FACILITY.—No amounts authorized to be appropriated or otherwise made available for the Department of Energy by this or any other Act may be obligated or expended for purposes of commencing the decommissioning of the F-canyon facility at the Savannah River Site until the Secretary and the Defense Nuclear Facilities Safety Board jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the following:

(1) A certification that all materials present in the F-canyon facility as of the date of the certification are safely stabilized.

(2) A certification whether or not the requirements applicable to the F-canyon facility to meet the future needs of the United States for fissile materials disposition can be met through full use of the H-canyon facility at the Savannah River Site.

(3) If the certification required by paragraph (2) is that such requirements cannot be met through such use of the H-canyon facility—

(A) an identification by the Secretary of each such requirement that cannot be met through such use of the H-canyon facility; and

(B) for each requirement identified in subparagraph (A), the reasons why that requirement cannot be met through such use of the H-canyon facility and a description of the alternative capability for fissile materials disposition that is needed to meet that requirement.

(c) **PLAN FOR TRANSFER OF LONG-TERM CHEMICAL SEPARATION ACTIVITIES.**—Not later than February 15, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the transfer of all long-term chemical separation activities at the Savannah River Site from the F-canyon facility to the H-canyon facility commencing in fiscal year 2002.

SEC. 3138. CONTINGENT LIMITATION ON USE OF CERTAIN FUNDS PENDING CERTIFICATIONS OF COMPLIANCE WITH FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM FUNDING PROHIBITION.

(a) **CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN TRAVEL EXPENSES.**—Effective November 1, 2001, but subject to subsection (b), no funds authorized to be appropriated or otherwise made available by this or any other Act for the Department of Energy or the Department of the Army may be obligated or expended for travel by—

- (1) the Secretary of Energy or any officer or employee of the Office of the Secretary of Energy; or
- (2) the Chief of Engineers.

(b) **EFFECTIVE DATE.**—The limitation in subsection (a) shall not take effect if before November 1, 2001, both of the following certifications are submitted to the congressional defense committees:

(1) A certification by the Secretary of Energy that the Department of Energy is in compliance with the requirements of section 3131 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 925; 10 U.S.C. 2701 note).

(2) A certification by the Chief of Engineers that the Corps of Engineers is in compliance with the requirements of that section.

(c) **TERMINATION.**—If the limitation in subsection (a) takes effect, the limitation shall cease to be in effect when both certifications referred to in subsection (b) have been submitted to the congressional defense committees.

SEC. 3139. CONCEPTUAL DESIGN FOR SUBSURFACE GEOSCIENCES LABORATORY AT IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY, IDAHO FALLS, IDAHO.

(a) **AUTHORIZATION.**—Of the amounts authorized to be appropriated by paragraphs (2) and (3) of section 3102(a), not more than \$400,000 may be available to the Secretary of Energy for purposes of carrying out a conceptual design for a Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

(b) **LIMITATION.**—None of the funds authorized to be appropriated by subsection (a) may be obligated until 60 days after the date on which the Secretary submits the report required by subsection (c).

(c) **REPORT.**—The Secretary of Energy shall submit to the congressional defense committees a report on the proposed Subsurface Geosciences Laboratory. The report shall include the following:

- (1) Whether there is a need to conduct mesoscale experiments to meet long-term clean-up requirements at Department of Energy sites.

(2) The possibility of using or modifying an existing structure or facility to house a new capability for conducting mesoscale experiments.

(3) The estimated construction cost of the facility.

(4) The estimated annual operating cost of the facility.

(5) How the facility will use, integrate, and support the technical expertise, capabilities, and requirements at other Department of Energy and non-Department of Energy facilities.

(6) An analysis of costs, savings, and benefits which are unique to the Idaho National Engineering and Environmental Laboratory.

SEC. 3140. REPORT ON NATIONAL IGNITION FACILITY, LAWRENCE LIVERMORE NATIONAL LABORATORY, LIVERMORE, CALIFORNIA.

(a) NEW BASELINE.—(1) Not more than 50 percent of the funds available for the national ignition facility (Project 96-D-111) may be obligated or expended until the Administrator for Nuclear Security submits to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a new baseline plan for the completion of the national ignition facility.

(2) The report shall include—

(A) the funding required for completion of the facility, set forth in detail, year by year; and

(B) projected dates for the completion of program milestones, including the date on which the first laser beams are expected to become operational.

(b) COMPTROLLER GENERAL REVIEW OF NIF PROGRAM.—(1) The Comptroller General shall conduct a thorough review of the national ignition facility program.

(2) Not later than March 31, 2001, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). The report shall include the following:

(A) An analysis of—

(i) the role of the national ignition facility in ensuring the safety and reliability of the nuclear stockpile of the United States;

(ii) the relationship of the national ignition facility program to other significant programs to sustain the nuclear stockpile of the United States; and

(iii) the potential effect of delays in the national ignition facility program, and of a failure to complete significant program objectives of the program, on the other significant programs to sustain the nuclear stockpile of the United States, such as the Accelerated Strategic Computing Initiative Program.

(B) A detailed description and analysis of the funds spent as of the date of the report on the national ignition facility program.

(C) An assessment whether the new baseline plan for the national ignition facility program submitted under subsection (a) includes clear goals for that program, adequate and sustainable funding, and achievable milestones for that program.

SEC. 3141. RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.

(a) REDESIGNATION OF PROJECT.—The tank waste remediation system environmental project, Richland, Washington, including all

programs relating to the retrieval and treatment of tank waste at the site at Hanford, Washington, under the management of the Office of River Protection, shall be known and designated as the “River Protection Project”. Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

(b) MANAGEMENT AND RESPONSIBILITY OF OFFICE OF RIVER PROTECTION.—Subsection (b) of section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2250) is amended—

(1) in paragraph (2), by striking “managing all aspects of the” and all that follows through the period and inserting “managing, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington.”; and

(2) by adding at the end the following new paragraph: “(3)(A) The Assistant Secretary of Energy for Environmental Management shall delegate in writing responsibility for the management of the River Protection Project, Richland, Washington, to the head of the Office.

“(B) Such delegation shall include, at a minimum, authorities for contracting, financial management, safety, and general program management that are equivalent to the authorities of managers of other operations offices of the Department of Energy.

“(C) The head of the Office shall, to the maximum extent possible, coordinate all activities of the Office with the manager of the Richland Operations Office of the Department of Energy.”.

(c) DEPARTMENT RESPONSIBILITIES.—Subsection (c) of such section is amended—

(1) by striking “manager” and inserting “head”; and

(2) by striking “to manage” and all that follows through the period and inserting “to carry out the responsibilities specified in subsection (b)(2).”.

(d) REPORTING TO CONGRESS.—Subsection (d) of such section is amended to read as follows:

“(d) REPORT.—The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, a copy of the delegation of authority required by subsection (b)(3).”.

SEC. 3142. REPORT ON TANK WASTE REMEDIATION SYSTEM, HANFORD RESERVATION, RICHLAND, WASHINGTON.

Not later than December 15, 2000, the Secretary of Energy shall submit to Congress a report on the Tank Waste Remediation System project, Hanford Reservation, Richland, Washington. The report shall include the following:

(1) A proposed plan for processing and stabilizing all nuclear waste located in the Hanford Tank Farm.

(2) A proposed schedule for carrying out that proposed plan.

(3) The total estimated cost of carrying out that proposed plan.

(4) A description of any alternative options to that proposed plan and a description of the costs and benefits of each such option.

(5) A description of the volumes and characteristics of any wastes or materials that are not to be treated during phase 1(B) of the project.

(6) A plan for developing, demonstrating, and implementing advanced vitrification system technologies that can be used to treat and stabilize any out-of-specification wastes or materials (such as polychlorinated biphenyls) that cannot be treated and stabilized with the technologies that are to be used during phase 1(B) of the project.

Subtitle D—Matters Relating to Management of National Nuclear Security Administration

SEC. 3151. TERM OF OFFICE OF PERSON FIRST APPOINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY OF THE DEPARTMENT OF ENERGY.

(a) **LENGTH OF TERM.**—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the person first appointed to that position shall be three years.

(b) **EXCLUSIVE REASONS FOR REMOVAL.**—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) **POSITION DESCRIBED.**—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 954).

SEC. 3152. MEMBERSHIP OF UNDER SECRETARY FOR NUCLEAR SECURITY ON THE JOINT NUCLEAR WEAPONS COUNCIL.

(a) **MEMBERSHIP.**—Section 179 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) The Under Secretary for Nuclear Security of the Department of Energy.”; and

(2) in subsection (b)(2), by striking “the representative designated under subsection (a)(3)” and inserting “the Under Secretary for Nuclear Security of the Department of Energy”.

(b) **CONFORMING AMENDMENT.**—Section 3212 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 957; 50 U.S.C. 2402) is amended by adding at the end the following new subsection:

“(e) **MEMBERSHIP ON JOINT NUCLEAR WEAPONS COUNCIL.**—The Administrator serves as a member of the Joint Nuclear Weapons Council under section 179 of title 10, United States Code.”.

SEC. 3153. ORGANIZATION PLAN FOR FIELD OFFICES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **PLAN REQUIRED.**—Not later than May 1, 2001, the Administrator for Nuclear Security shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for assigning roles and responsibilities to and among the headquarters and field organizational units of the National Nuclear Security Administration.

(b) **PLAN ELEMENTS.**—The plan shall include the following:

(1) A general description of the organizational structure of the administrative functions of the National Nuclear Security Administration under the plan, including the authorities and responsibilities to be vested in the units of the headquarters, operations offices, and area offices of the Administration.

(2) A description of any downsizing, elimination, or consolidation of units of the headquarters, operations offices, and area offices of the Administration that may be necessary to enhance the efficiency of the Administration.

(3) A description of the modifications of staffing levels of the headquarters, operations offices, and area offices of the Administration, including any reductions in force, employment of additional personnel, or realignments of personnel, that are necessary to implement the plan.

(4) A schedule for the implementation of the plan.

(c) **INCLUDED FACILITIES.**—The plan shall address any administrative units in the National Nuclear Security Administration, including units in and under the following:

(1) The Department of Energy Headquarters, Washington, District of Columbia, metropolitan area.

(2) The Albuquerque Operations Office, Albuquerque, New Mexico.

(3) The Nevada Operations Office, Las Vegas, Nevada.

(4) The Oak Ridge Operations Office, Oak Ridge, Tennessee.

(5) The Oakland Operations Office, Oakland, California.

(6) The Savannah River Operations Office, Aiken, South Carolina.

(7) The Los Alamos Area Office, Los Alamos, New Mexico.

(8) The Kirtland Area Office, Albuquerque, New Mexico.

(9) The Amarillo Area Office, Amarillo, Texas.

(10) The Kansas City Area Office, Kansas City, Missouri.

SEC. 3154. REQUIRED CONTENTS OF FUTURE-YEARS NUCLEAR SECURITY PROGRAM.

(a) **CONTENTS REQUIRED.**—Subsection (b) of section 3253 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 966; 50 U.S.C. 2453) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting before paragraph (4) (as redesignated by paragraph (2)) the following new paragraphs:

“(1) A detailed description of the program elements (and the projects, activities, and construction projects associated with each such program element) during the applicable five-fiscal year period for at least each of the following:

“(A) For defense programs—

“(i) directed stockpile work;

- “(ii) campaigns;
- “(iii) readiness in technical base and facilities; and
- “(iv) secure transportation asset.
- “(B) For defense nuclear nonproliferation—
- “(i) nonproliferation and verification, research, and development;
- “(ii) arms control; and
- “(iii) fissile materials disposition.
- “(C) For naval reactors, naval reactors operations and maintenance.

“(2) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support each program element specified pursuant to paragraph (1).

“(3) A detailed description of how the funds identified for each program element specified pursuant to paragraph (1) in the budget for the Administration for each fiscal year during that five-fiscal year period will help ensure that the nuclear weapons stockpile is safe and reliable, as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note).”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

- (1) by striking subsection (c);
- (2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and
- (3) in subsection (d), as so redesignated, by striking “subsection (d)” and inserting “subsection (c)”.

SEC. 3155. FUTURE-YEARS NUCLEAR SECURITY PROGRAM FOR FISCAL YEAR 2001.

(a) PROGRAM REQUIRED.—(1) Without regard to any future-years nuclear security program submitted before the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a future-years nuclear security program (including associated annexes) for fiscal year 2001 and the five succeeding fiscal years.

(2) The program shall reflect the estimated expenditures and proposed appropriations included in the budget for fiscal year 2001 that was submitted to Congress under section 1105(a) of title 31, United States Code.

(b) PROGRAM DETAIL.—The level of detail of the program submitted under subsection (a) shall be equivalent to the level of detail in the Project Baseline Summary system of the Department of Energy, if practicable, but in no event below the following:

- (1) In the case of directed stockpile work, detail as follows:
 - (A) Stockpile research and development.
 - (B) Stockpile maintenance.
 - (C) Stockpile evaluation.
 - (D) Dismantlement and disposal.
 - (E) Production support.
 - (F) Field engineering, training, and manuals.
- (2) In the case of campaigns, detail as follows:
 - (A) Primary certification.
 - (B) Dynamic materials properties.
 - (C) Advanced radiography.

(D) Secondary certification and nuclear system margins.

(E) Enhanced surety.

(F) Weapons system engineering certification.

(G) Certification in hostile environments.

(H) Enhanced surveillance.

(I) Advanced design and production technologies.

(J) Inertial confinement fusion (ICF) ignition and high yield.

(K) Defense computing and modeling.

(L) Pit manufacturing readiness.

(M) Secondary readiness.

(N) High explosive readiness.

(O) Nonnuclear readiness.

(P) Materials readiness.

(Q) Tritium readiness.

(3) In the case of readiness in technical base and facilities, detail as follows:

(A) Operation of facilities.

(B) Program readiness.

(C) Special projects.

(D) Materials recycle and recovery.

(E) Containers.

(F) Storage.

(4) In the case of secure transportation assets, detail as follows:

(A) Operation and maintenance.

(B) Program direction relating to transportation.

(5) Program direction.

(6) Construction (listed by project number).

(7) In the case of safeguards and security, detail as follows:

(A) Operation and maintenance.

(B) Construction.

(c) **DEADLINE FOR SUBMITTAL.**—The future-years nuclear security program required by subsection (a) shall be submitted not later than November 1, 2000.

(d) **LIMITATION ON USE OF FUNDS PENDING SUBMITTAL.**—Not more than 65 percent of the funds appropriated pursuant to the authorization of appropriations in section 3101(a)(1)(C) or otherwise made available to the Department of Energy for fiscal year 2001 for program direction in carrying out weapons activities may be obligated or expended until 45 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees the program required by subsection (a).

SEC. 3156. ENGINEERING AND MANUFACTURING RESEARCH, DEVELOPMENT, AND DEMONSTRATION BY PLANT MANAGERS OF CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.

(a) **AUTHORITY FOR PROGRAMS AT NUCLEAR WEAPONS PRODUCTIONS FACILITIES.**—The Administrator for Nuclear Security shall authorize the head of each nuclear weapons production facility to establish an Engineering and Manufacturing Research, Development, and Demonstration Program under this section.

(b) **PROJECTS AND ACTIVITIES.**—The projects and activities carried out through the program at a nuclear weapons production facility under this section shall support innovative or high-risk

design and manufacturing concepts and technologies with potentially high payoff for the nuclear weapons complex. Those projects and activities may include—

(1) replacement of obsolete or aging design and manufacturing technologies;

(2) development of innovative agile manufacturing techniques and processes; and

(3) training, recruitment, or retention of essential personnel in critical engineering and manufacturing disciplines.

(c) **FUNDING.**—The Administrator may authorize the head of each nuclear weapons production facility to obligate up to \$3,000,000 of funds within the Advanced Design and Production Technologies Campaign available for such facility during fiscal year 2001 to carry out projects and activities of the program under this section at that facility.

(d) **REPORT.**—The Administrator for Nuclear Security shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than September 15, 2001, a report describing, for each nuclear weapons production facility, each project or activity for which funds were obligated under the program, the criteria used in the selection of each such project or activity, the potential benefits of each such project or activity, and the Administrator's recommendation concerning whether the program should be continued.

(e) **DEFINITION.**—For purposes of this section, the term “nuclear weapons production facility” has the meaning given that term in section 3281(2) of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 968; 50 U.S.C. 2471(2)).

SEC. 3157. PROHIBITION ON INDIVIDUALS ENGAGING IN CONCURRENT SERVICE OR DUTIES WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND OUTSIDE THAT ADMINISTRATION BUT WITHIN DEPARTMENT OF ENERGY.

Section 3213 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 958; 50 U.S.C. 2403) is amended—

(1) in subsection (a), by striking “Administration,” and all that follows through “function of the”;

(2) in subsection (b), by striking “, in carrying out any function of the Administration,”; and

(3) by adding at the end the following new subsection:

“(d) **PROHIBITION ON DUAL OFFICE HOLDING.**—Except in accordance with sections 3212(a)(2) and 3216(a)(1):

“(1) An individual may not concurrently hold or carry out the responsibilities of—

“(A) a position within the Administration; and

“(B) a position within the Department of Energy not within the Administration.

“(2) No funds appropriated or otherwise made available for any fiscal year may be used to pay, to an individual who concurrently holds or carries out the responsibilities of a position specified in paragraph (1)(A) and a position specified in paragraph (1)(B), the basic pay, salary, or other compensation relating to any such position.”.

SEC. 3158. ANNUAL PLAN FOR OBLIGATION OF FUNDS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **PLAN REQUIRED.**—Section 3252 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 966; 50 U.S.C. 2452) is amended—

(1) by inserting “(a) **PROCEDURES REQUIRED.**—” before “The Administrator shall”; and

(2) by adding at the end the following new subsections:

“(b) **ANNUAL PLAN FOR OBLIGATION OF FUNDS.**—(1) Each year, the Administrator shall prepare a plan for the obligation of the amounts that, in the President’s budget submitted to Congress that year under section 1105(a) of title 31, United States Code, are proposed to be appropriated for the Administration for the fiscal year that begins in that year (in this section referred to as the ‘budget year’) and the two succeeding fiscal years.

“(2) For each program element and construction line item of the Administration, the plan shall provide the goal of the Administration for the obligation of those amounts for that element or item for each fiscal year of the plan, expressed as a percentage of the total amount proposed to be appropriated in that budget for that element or item.

“(c) **SUBMISSION OF PLAN AND REPORT.**—The Administrator shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress under section 1105(a) of title 31, United States Code, each of the following:

“(1) The plan required by subsection (b) prepared with respect to that budget.

“(2) A report on the plans prepared with respect to the preceding years’ budgets, which shall include, for each goal provided in those plans—

“(A) the assessment of the Administrator as to whether or not that goal was met; and

“(B) if that assessment is that the goal was not met—

“(i) the reasons why that goal was not met; and

“(ii) the plan of the Administrator for meeting or, if necessary, adjusting that goal.”.

(b) **EFFECTIVE DATE OF REQUIREMENT TO ASSESS PRIOR PLAN.**—The first report submitted under paragraph (2) of subsection (c) of such section (as added by subsection (a)) shall be the report on the plan prepared with respect to the budget submitted in calendar year 2001.

(c) **GAO REPORT.**—Not later than March 15, 2001, the Comptroller General shall submit to the congressional defense committees an assessment of the adequacy of the planning, programming, and budgeting processes of the National Nuclear Security Administration.

SEC. 3159. AUTHORITY TO REORGANIZE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) **REORGANIZATION AUTHORITY.**—Section 3212 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 957; 50 U.S.C. 2402) is amended by adding at the end the following new subsection:

“(e) **REORGANIZATION AUTHORITY.**—Except as provided by subsections (b) and (c) of section 3291:

“(1) The Administrator may establish, abolish, alter, consolidate, or discontinue any organizational unit or component of the Administration, or transfer any function of the Administration.

“(2) Such authority does not apply to the abolition of organizational units or components established by law or the transfer of functions vested by law in any organizational unit or component.”.

(b) CONFORMING AMENDMENTS.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended—

(1) by striking “The Secretary” and inserting “(a) Except as provided in subsection (b), the Secretary”; and

(2) by adding at the end the following new subsection:

“(b) The authority of the Secretary under subsection (a) does not apply to the National Nuclear Security Administration. The corresponding authority that applies to the Administration is set forth in section 3212(e) of the National Nuclear Security Administration Act.”.

Subtitle E—National Laboratories Partnership Improvement

SEC. 3161. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to explore new methods of collaboration and improvements in the management and effectiveness of collaborative programs carried out by the national security laboratories and nuclear weapons production facilities in partnership with private industry and institutions of higher education and to improve the ability of those laboratories and facilities to support missions of the Administration.

(c) FUNDING.—(1) Except as provided in paragraph (2), funding shall be available for the pilot program only to the extent of specific authorizations and appropriations enacted after the date of the enactment of this Act.

(2) From amounts available in fiscal years 2001 and 2002 for technology partnership programs of the Administration, the Administrator may allocate to carry out the pilot program not more than \$5,000,000.

(d) PROJECT REQUIREMENTS.—A project may not be approved for the pilot program unless the project meets the following requirements:

(1) The participants in the project include—

(A) a national security laboratory or nuclear weapons production facility; and

(B) one or more of the following:

(i) A business.

(ii) An institution of higher education.

(iii) A nonprofit institution.

(iv) An agency of a State, local, or tribal government.

(2)(A) Not less than 50 percent of the costs of the project are to be provided by non-Federal sources.

(B)(i) The calculation of the amount of the costs of the project provided by non-Federal sources shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) No funds or other resources expended before the start of the project or outside the project's scope of work may be credited toward the costs provided by non-Federal sources to the project.

(3) The project (other than in the case of a project under which the participating laboratory or facility receives funding under this section) shall be competitively selected by that laboratory or facility using procedures determined to be appropriate by the Administrator.

(4) No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(e) SELECTION CRITERIA.—(1) The projects selected for the pilot program shall—

(A) stimulate the development of technology expertise and capabilities in private industry and institutions of higher education that can support the nuclear weapons and nuclear nonproliferation missions of the national security laboratories and nuclear weapons production facilities on a continuing basis;

(B) improve the ability of those laboratories and facilities benefit from commercial research, technology, products, processes, and services that can support the nuclear weapons and nuclear nonproliferation missions of those laboratories and facilities on a continuing basis; and

(C) encourage the exchange of scientific and technological expertise between those laboratories and facilities and—

(i) institutions of higher education;

(ii) technology-related business concerns;

(iii) nonprofit institutions; and

(iv) agencies of State, tribal, or local governments; that can support the missions of those laboratories and facilities.

(2) The Administrator may authorize the provision of Federal funds for a project under this section only if the director of the laboratory or facility managing the project determines that the project is likely to improve the ability of that laboratory or facility to achieve technical success in meeting nuclear weapons and nuclear nonproliferation missions of the Administration.

(3) The Administrator shall require the director of the laboratory or facility to consider the following criteria in selecting a project to receive Federal funds:

(A) The potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan.

(B) The potential of the project to promote the development of a commercially sustainable technology, determined by considering whether the project will derive sufficient demand for its products or services from the private sector to support the nuclear weapons and nuclear nonproliferation missions of the participating laboratory or facility on a continuing basis.

(C) The potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating laboratory or facility to achieve its nuclear weapons and nuclear nonproliferation missions.

(D) The commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project.

(E) The extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the nuclear weapons and nuclear nonproliferation missions of the participating laboratory or facility on a continuing basis and that will make substantive contributions to achieving the goals of the project.

(F) The extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project.

(G) The extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves small business concerns substantively in the project.

(f) IMPLEMENTATION PLAN.—No funds may be allocated for the pilot program until 30 days after the date on which the Administrator submits to the congressional defense committees a plan for the implementation of the pilot program. The plan shall, at a minimum—

(1) identify the national security laboratories and nuclear weapons production facilities that have been designated by the Administrator to participate in the pilot program; and

(2) with respect to each laboratory or facility identified under paragraph (1)—

(A) identify the businesses, institutions of higher education, nonprofit institutions, and agencies of State, local, or tribal government that are expected to participate in the pilot program at that laboratory or facility;

(B) identify the technology areas to be addressed by the pilot program at that laboratory or facility and the manner in which the pilot program will support high-priority missions of that laboratory or facility on a continuing basis; and

(C) describe the management controls that have been put into place to ensure that the pilot program as conducted at that laboratory or facility is conducted in a cost-effective manner consistent with the objectives of the pilot program.

(g) REPORT ON IMPLEMENTATION.—(1) Not later than February 1, 2002, the Administrator shall submit to the congressional defense committees a report on the implementation and management of the pilot program. The report shall take into consideration the results of the pilot program to date and the views of the directors of the participating laboratories and facilities. The report shall include any recommendations the Administrator may have concerning the future of the pilot program.

(2) Not later than 30 days after the date on which the Administrator submits the report required by paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the Comptroller General's assessment of that report.

SEC. 3162. REPORT ON SMALL BUSINESS PARTICIPATION IN NATIONAL NUCLEAR SECURITY ADMINISTRATION ACTIVITIES.

(a) **REPORT REQUIRED.**—Not later than February 15, 2001, the Administrator for Nuclear Security shall submit to the congressional defense committees a report on small business participation in the activities of the National Nuclear Security Administration.

(b) **CONTENTS OF REPORT.**—The report shall include the following:

(1) A description of the scope and nature of the efforts of the National Nuclear Security Administration as of the date of the enactment of this Act to encourage or increase participation of small business concerns in procurements, collaborative research, technology licensing, and technology transfer activities carried out by the national security laboratories or nuclear weapons production facilities.

(2) An assessment of the effectiveness of those efforts in securing products and services of value to those laboratories and facilities.

(3) Recommendations on how to improve those efforts.

(4) An identification of legislative changes required to implement those recommendations.

SEC. 3163. STUDY AND REPORT RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.

(a) **STUDY AND REPORT REQUIRED.**—The Secretary of Energy shall direct the Secretary of Energy Advisory Board to study and to submit to the Secretary not later than one year after the date of the enactment of this Act a report regarding the following topics:

(1) The advantages and disadvantages of providing the Administrator for Nuclear Security with authority, notwithstanding the limitations otherwise imposed by the Federal Acquisition Regulation, to enter into transactions with public agencies, private organizations, or individuals on terms the Administrator considers appropriate to the furtherance of basic, applied, and advanced research functions. The Advisory Board shall consider, in its assessment of this authority, the management history of the Department of Energy and the effect of this authority on the National Nuclear Security Administration's use of contractors to operate the national security laboratories.

(2) The advantages and disadvantages of establishing and implementing policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among national security laboratories and nuclear weapons production facilities.

(3) The advantages and disadvantages of making changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a national security laboratory or nuclear weapons production facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a national security laboratory or nuclear weapons production facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a national security laboratory or nuclear weapons production facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a national security laboratory or nuclear weapons production facility through a funds-in agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a national security laboratory or nuclear weapons production facility through a funds-in agreement; and

(G) policies on royalty payments to inventors employed by a contractor operating a national security laboratory or nuclear weapons production facility, including those for inventions made under a funds-in agreement.

(b) **DEFINITION OF FUNDS-IN AGREEMENT.**—For the purposes of this section, the term “funds-in agreement” means a contract between the Department and a non-Federal organization under which that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) **SUBMISSION TO CONGRESS.**—Not later than one month after receiving the report under subsection (a), the Secretary shall submit to Congress that report, along with the Secretary’s recommendations for action and proposals for legislation to implement the recommendations.

SEC. 3164. REPORT ON EFFECTIVENESS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION TECHNOLOGY DEVELOPMENT PARTNERSHIPS WITH NON-FEDERAL ENTITIES.

(a) **REPORT REQUIRED.**—The Administrator for Nuclear Security shall submit to Congress, not later than March 1, 2001, a report on the efficiency and effectiveness with which the National Nuclear Security Administration and its laboratories and facilities carry out technology development activities in partnership with non-Federal entities, including cooperative research and development agreements. The report shall include an examination of the following matters with respect to the carrying out of those activities:

(1) Funding sources available to and used by the Administration.

(2) Types of legal instruments used by the Administration, and the extent to which they are used.

(3) Procedures used for selection of participants.

(4) Intellectual property licensing and royalty provisions.

(5) New technologies developed.

(6) The extent to which those new technologies have—
(A) commercial utility; and

(B) utility to the nuclear weapons and nuclear non-proliferation missions of the Administration.

(b) **ADDITIONAL REQUIREMENTS FOR COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.**—(1) The report required by subsection (a) shall include a section providing the following with respect to cooperative research and development agreements:

(A) An assessment of the advantages and disadvantages of such agreements.

(B) Any recommendations of the Administrator regarding the use of such agreements by the Administration in the future, including any appropriate funding levels.

(C) Any recommendations of the Administrator regarding legislation to make such agreements more effective in supporting the Administration's core nuclear weapons and nuclear non-proliferation missions.

(2) In this subsection, the term “cooperative research and development agreement” has the meaning given such term in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)).

(c) GAO REVIEW.—The Comptroller General shall submit to Congress, within 30 days after the submission of the report required by subsection (a), a report containing the Comptroller General's assessment of that report.

SEC. 3165. DEFINITIONS.

For purposes of this subtitle, the terms “national security laboratory” and “nuclear weapons production facility” have the meanings given such terms in section 3281 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C. 2471).

Subtitle F—Matters Relating to Defense Nuclear Nonproliferation

SEC. 3171. ANNUAL REPORT ON STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of efforts during the preceding fiscal year under the Nuclear Materials Protection, Control, and Accounting Program of the Department of Energy to secure weapons-usable nuclear materials in Russia that have been identified as being at risk for theft or diversion.

(b) CONTENTS.—Each report under subsection (a) shall include the following:

(1) The number of buildings, including building locations, that received complete and integrated materials protection, control, and accounting systems for nuclear materials described in subsection (a) during the year covered by such report.

(2) The amounts of highly enriched uranium and plutonium in Russia that have been secured under systems described in paragraph (1) as of the date of such report.

(3) The amount of nuclear materials described in subsection (a) that continues to require securing under systems described in paragraph (1) as of the date of such report.

(4) A plan for actions to secure the nuclear materials identified in paragraph (3) under systems described in paragraph (1), including an estimate of the cost of such actions.

(5) The amounts expended through the fiscal year preceding the date of such report to secure nuclear materials described

in subsection (a) under systems described in paragraph (1), set forth by total amount and by amount per fiscal year.

(c) LIMITATION ON USE OF CERTAIN FUNDS.—(1) No amounts authorized to be appropriated for the Department of Energy by this Act or any other Act for purposes of the Nuclear Materials Protection, Control, and Accounting Program may be obligated or expended after September 30, 2000, for any project under the program at a site controlled by the Russian Ministry of Atomic Energy (MINATOM) in Russia until the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the access policy established with respect to such project, including a certification that the access policy has been implemented.

(2) The access policy with respect to a project under this subsection shall—

(A) permit appropriate determinations by United States officials regarding security requirements, including security upgrades, for the project; and

(B) ensure verification by United States officials that Department of Energy assistance at the project is being used for the purposes intended.

SEC. 3172. NUCLEAR CITIES INITIATIVE.

(a) IN GENERAL.—(1) The Secretary of Energy may, in accordance with the provisions of this section, expand and enhance the activities of the Department of Energy under the Nuclear Cities Initiative.

(2) In this section, the term “Nuclear Cities Initiative” means the initiative arising pursuant to the joint statement dated July 24, 1998, signed by the Vice President of the United States and the Prime Minister of the Russian Federation and the agreement dated September 22, 1998, between the United States and the Russian Federation.

(b) FUNDING FOR FISCAL YEAR 2001.—There is hereby authorized to be appropriated for the Department of Energy for fiscal year 2001 \$30,000,000 for purposes of the Nuclear Cities Initiative.

(c) LIMITATION PENDING SUBMISSION OF AGREEMENT.—No amount authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2001 for the Nuclear Cities Initiative may be obligated or expended to provide assistance under the Initiative for more than three nuclear cities in Russia and two serial production facilities in Russia until 30 days after the date on which the Secretary of Energy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of a written agreement between the United States Government and the Government of the Russian Federation which provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work.

(d) LIMITATION PENDING IMPLEMENTATION OF PROJECT REVIEW PROCEDURES.—(1) Not more than \$8,750,000 of the amounts referred to in subsection (b) may be obligated or expended for purposes of the Initiative until the Secretary of Energy establishes and implements project review procedures for projects under the Initiative and submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House

of Representatives a report on the project review procedures so established and implemented.

(2) The project review procedures established under paragraph (1) shall ensure that any scientific, technical, or commercial project initiated under the Initiative—

(A) will not enhance the military or weapons of mass destruction capabilities of Russia;

(B) will not result in the inadvertent transfer or utilization of products or activities under such project for military purposes;

(C) will be commercially viable; and

(D) will be carried out in conjunction with an appropriate commercial, industrial, or nonprofit entity as partner.

(e) LIMITATION PENDING CERTIFICATION AND REPORT.—No amount in excess of \$17,500,000 authorized to be appropriated for the Department of Energy for fiscal year 2001 for the Nuclear Cities Initiative may be obligated or expended for purposes of providing assistance under the Initiative until 30 days after the date on which the Secretary of Energy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the following:

(1) A copy of the written agreement between the United States and the Russian Federation which provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work within five years of the date of the agreement in exchange for receiving assistance through the Initiative.

(2) A certification by the Secretary—

(A) that project review procedures for all projects under the Initiative have been established and are being implemented; and

(B) that those procedures will ensure that any scientific, technical, or commercial project initiated under the Initiative—

(i) will not enhance the military or weapons of mass destruction capabilities of Russia;

(ii) will not result in the inadvertent transfer or utilization of products or activities under such project for military purposes;

(iii) will be commercially viable within three years after the date of the initiation of the project; and

(iv) will be carried out in conjunction with an appropriate commercial, industrial, or other nonprofit entity as partner.

(3) A report setting forth the following:

(A) A description of the project review procedures process.

(B) A list of the projects under the Initiative that have been reviewed under such project review procedures.

(C) A description for each project listed under subparagraph (B) of the purpose, expected life-cycle costs, out-year budget costs, participants, commercial viability, expected time for income generation, and number of Russian jobs created.

(f) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into discussions with the Russian Federation

for purposes of the development by the Russian Federation of a plan to restructure the Russian nuclear complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to consolidate the nuclear weapons production capacity in Russia to a capacity that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the Russian nuclear complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(g) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary of Energy may carry out a program to encourage students in the United States and in the Russian Federation to pursue careers in areas relating to nonproliferation.

(2) Of the amounts made available under the Initiative for fiscal year 2001 in excess of \$17,500,000, up to \$2,000,000 shall be available for purposes of the program under paragraph (1).

(3) The Administrator for Nuclear Security shall notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives before any funds are expended pursuant to paragraph (2). Any such notification shall include—

(A) an identification of the amount to be expended under paragraph (2) during fiscal year 2001;

(B) the recipients of the funds; and

(C) specific information on the activities that will be conducted using those funds.

(h) DEFINITIONS.—In this section:

(1) The term “nuclear city” means any of the closed nuclear cities within the complex of the Russian Ministry of Atomic Energy as follows:

(A) Sarov (Arzamas-16).

(B) Zarechnyy (Penza-19).

(C) Novoural'sk (Sverdlovsk-44).

(D) Lesnoy (Sverdlovsk-45).

(E) Ozersk (Chelyabinsk-65).

(F) Snezhinsk (Chelyabinsk-70).

(G) Trehgornyy (Zlatoust-36).

(H) Seversk (Tomsk-7).

(I) Zheleznogorsk (Krasnoyarsk-26).

(J) Zelenogorsk (Krasnoyarsk-45).

(2) The term “Russian nuclear complex” means all of the nuclear cities.

(3) The term “serial production facilities” means the facilities in Russia that are located at the following cities:

(A) Avangard.

(B) Lesnoy (Sverdlovsk-45).

(C) Trehgornyy (Zlatoust-36).

(D) Zarechnyy (Penza-19).

SEC. 3173. DEPARTMENT OF ENERGY NONPROLIFERATION MONITORING.

(a) **REPORT REQUIRED.**—Not later than March 1, 2001, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the efforts of the Department of Energy to ensure adequate oversight and accountability of the Department's nonproliferation programs in Russia and the potential costs and effects of the use of on-the-ground monitoring for the Department's significant nonproliferation programs in Russia. The report shall include the following:

(1) A detailed discussion of the current management and oversight mechanisms used to ensure that Federal funds are expended for the intended purposes of those programs and that the projects are achieving their intended objectives.

(2) An evaluation of whether those mechanisms are adequate.

(3) A discussion of whether there is a need for additional employees of the Department, or of contractors of the Department, to be stationed in Russia, or to visit nonproliferation project sites in Russia on a regular basis, to monitor the programs carried out at those sites, and an estimate of the practical considerations and costs of such monitoring.

(4) An identification of each nonproliferation program and each site at which an employee referred to in paragraph (3) would be placed to monitor that program.

(5) A description of the costs associated with continued on-the-ground monitoring of those programs, including the costs associated with placing those employees in Russia.

(6) Recommendations regarding the most cost-effective option for the Department to pursue to ensure that Federal funds for those programs are expended for the intended purposes of those programs.

(7) Any recommendations of the Secretary for further improvements in the oversight and accountability of those programs, including any proposed legislation.

(b) **GAO REPORT.**—Not later than April 15, 2001, the Comptroller General shall submit to the committees referred to in subsection (a) a report setting forth the assessment of the Comptroller General concerning the information contained in the report required by that subsection.

SEC. 3174. SENSE OF CONGRESS ON THE NEED FOR COORDINATION OF NONPROLIFERATION PROGRAMS.

It is the sense of Congress that there should be clear and effective coordination among—

- (1) the Nuclear Cities Initiative;
- (2) the Initiatives for Proliferation Prevention program;
- (3) the Cooperative Threat Reduction programs;
- (4) the Nuclear Materials Protection, Control, and Accounting Program; and
- (5) the International Science and Technology Center program.

SEC. 3175. LIMITATION ON USE OF FUNDS FOR INTERNATIONAL NUCLEAR SAFETY PROGRAM.

Amounts authorized to be appropriated or otherwise made available by this title for the Department of Energy for fiscal year 2001 for the International Nuclear Safety Program in the former Soviet Union and Eastern Europe shall be available only for purposes of reactor safety upgrades and training relating to nuclear operator and reactor safety.

Subtitle G—Other Matters**SEC. 3191. EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.**

Section 3161(c)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 42 U.S.C. 7231 note) is amended by striking “September 30, 2000” and inserting “September 30, 2002”.

SEC. 3192. BIENNIAL REPORT CONTAINING UPDATE ON NUCLEAR TEST READINESS POSTURES.

Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 623) is amended—

(1) by inserting “(a) REPORT.—” before “Not later than February 15, 1996,”; and

(2) by adding at the end the following:

“(b) BIENNIAL UPDATE REPORT.—(1) Not later than February 15 of each odd-numbered year, the Secretary shall submit to the congressional defense committees a report containing an update of the report required under subsection (a), as updated by any report previously submitted under this paragraph.

“(2) Each report under paragraph (1) shall include, as of the date of such report, the following:

“(A) A list and description of the workforce skills and capabilities that are essential to carry out underground nuclear tests at the Nevada Test Site.

“(B) A list and description of the infrastructure and physical plant that are essential to carry out underground nuclear tests at the Nevada Test Site.

“(C) A description of the readiness status of the skills and capabilities described in subparagraph (A) and of the infrastructure and physical plant described in subparagraph (B).

“(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.”.

SEC. 3193. FREQUENCY OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) FREQUENCY OF REPORTS.—Section 3161(f)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2261; 50 U.S.C. 435 note) is amended to read as follows:

“(2) The Secretary of Energy shall, on a quarterly basis, submit a report to the committees and Assistant to the President specified in subsection (d). The report shall state whether any inadvertent releases described in paragraph (1) occurred during the immediately preceding quarter and, if so, shall identify each such release.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) apply with respect to inadvertent releases of Restricted Data and Formerly Restricted Data that are discovered on or after the date of the enactment of this Act.

SEC. 3194. FORM OF CERTIFICATIONS REGARDING THE SAFETY OR RELIABILITY OF THE NUCLEAR WEAPONS STOCKPILE.

Any certification submitted to the President by the Secretary of Defense or the Secretary of Energy regarding confidence in the safety or reliability of a nuclear weapon type in the United States nuclear weapons stockpile shall be submitted in classified form only.

SEC. 3195. AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO DEPARTMENT OF ENERGY AND CONTRACTOR EMPLOYEES FOR EXEMPLARY SERVICE IN STOCKPILE STEWARDSHIP AND SECURITY.

(a) **AUTHORITY TO PRESENT CERTIFICATE OF COMMENDATION.**—The Secretary of Energy may present a certificate of commendation to any current or former employee of the Department of Energy, and any current or former employee of a Department contractor, whose service to the Department in matters relating to stockpile stewardship and security assisted the Department in furthering the national security interests of the United States.

(b) **CERTIFICATE.**—The certificate of commendation presented to a current or former employee under subsection (a) shall include an appropriate citation of the service of the current or former employee described in that subsection, including a citation for dedication, intellect, and sacrifice in furthering the national security interests of the United States by maintaining a strong, safe, and viable United States nuclear deterrent during the Cold War or thereafter.

(c) **DEPARTMENT OF ENERGY DEFINED.**—For purposes of this section, the term “Department of Energy” includes any predecessor agency of the Department of Energy.

SEC. 3196. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) **STRATEGIC PLANS.**—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking “joint work statement,” and inserting “joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,”.

(b) **EXPERIMENTAL FEDERAL WAIVERS.**—Subsection (b) of that section is amended by adding at the end the following new paragraph:

“(6)(A) In the case of a laboratory that is part of the National Nuclear Security Administration, a designated official of that Administration may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Government would substantially inhibit the commercialization of an invention that would otherwise serve an important national security mission.

“(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is five years after the date of the enactment of the Floyd D. Spence National Defense Authorization

Act for Fiscal Year 2001. The expiration under the preceding sentence of authority to grant a waiver under subparagraph (A) shall not affect any waiver granted under that subparagraph before the expiration of such authority.

“(C) Not later than February 15 of each year, the Administrator for Nuclear Security shall submit to Congress a report on any waivers granted under this paragraph during the preceding year.”.

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

- (1) by striking subparagraph (C);
- (2) by redesignating subparagraph (D) as subparagraph (C); and
- (3) in subparagraph (C), as so redesignated—

(A) in clause (i)—

- (i) by striking “with a small business firm”; and
- (ii) by inserting “if” after “statement”; and

(B) by adding at the end the following new clauses:

“(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements for purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

“(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate.”.

SEC. 3197. OFFICE OF ARCTIC ENERGY.

(a) ESTABLISHMENT.—The Secretary of Energy may establish within the Department of Energy an Office of Arctic Energy.

(b) PURPOSES.—The purposes of such office shall be as follows:

(1) To promote research, development, and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby.

(2) To promote research, development, and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon, and extended reach drilling technologies;

(B) gas-to-liquids technology and liquified natural gas (including associated transportation systems);

(C) small hydroelectric facilities, river turbines, and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate such office at a university with expertise and experience in the matters specified in subsection (b).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2001, \$18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.

Sec. 3302. Increased receipts under prior disposal authority.

Sec. 3303. Disposal of titanium.

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to \$71,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. INCREASED RECEIPTS UNDER PRIOR DISPOSAL AUTHORITY.

Section 3303(a)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended by striking “\$590,000,000” and inserting “\$720,000,000”.

SEC. 3303. DISPOSAL OF TITANIUM.

(a) **DISPOSAL REQUIRED.**—Notwithstanding any other provision of law, the President shall, by September 30, 2010, dispose of 30,000 short tons of titanium contained in the National Defense Stockpile.

(b) **TREATMENT OF RECEIPTS.**—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), of the funds received as a result of the disposal of titanium under subsection (a), \$6,000,000 shall be transferred to the American Battle Monuments Commission for deposit in the fund established under section 2113 of title 36, United States Code, for the World War II memorial authorized by section 1 of Public Law

103-32 (107 Stat. 90), and the remainder shall be deposited into the Treasury as miscellaneous receipts.

(c) WORLD WAR II MEMORIAL.—(1) The amount transferred to the American Battle Monuments Commission under subsection (b) shall be used to complete all necessary requirements for the design of, ground breaking for, construction of, maintenance of, and dedication of the World War II memorial. The Commission shall determine how the amount shall be apportioned among such purposes.

(2) Any funds not necessary for the purposes set forth in paragraph (1) shall be transferred to and deposited in the general fund of the Treasury.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials in the National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Minimum price of petroleum sold from certain naval petroleum reserves.

Sec. 3402. Repeal of authority to contract for cooperative or unit plans affecting naval petroleum reserve numbered 1.

Sec. 3403. Disposal of Oil Shale Reserve Numbered 2.

SEC. 3401. MINIMUM PRICE OF PETROLEUM SOLD FROM CERTAIN NAVAL PETROLEUM RESERVES.

Section 7430(b)(2) of title 10, United States Code, is amended—

(1) in the matter before subparagraph (A), by striking “Naval Petroleum Reserves Numbered 1, 2, and 3” and inserting “Naval Petroleum Reserves Numbered 2 and 3”; and

(2) in subparagraph (A), by striking “90 percent of”.

SEC. 3402. REPEAL OF AUTHORITY TO CONTRACT FOR COOPERATIVE OR UNIT PLANS AFFECTING NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) REPEAL.—Section 7426 of title 10, United States Code, is repealed.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 7425 of such title is amended by striking “for—” and all that follows through “he may acquire” and inserting “for exchanges of land or agreements for conservation authorized by section 7424 of this title, the Secretary may acquire”.

(2) Section 7428 of such title is amended by striking “, except a plan authorized by section 7426 of this title,”.

(3) The table of sections at the beginning of chapter 641 of such title is amended by striking the item relating to section 7426.

(c) SAVINGS PROVISION.—The repeal of section 7426 of title 10, United States Code, shall not affect the validity of contracts that are in effect under such section on the day before the date of the enactment of this Act. No such contract may be extended or renewed on or after the date of the enactment of this Act.

SEC. 3403. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.

(a) TRANSFER TO INDIAN TRIBE.—Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999

(10 U.S.C. 7420 note; Public Law 105-261) is amended to read as follows:

“SEC. 3405. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.

“(a) DEFINITIONS.—In this section:

“(1) NOSR-2.—The term ‘NOSR-2’ means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

“(2) MOAB SITE.—The term ‘Moab site’ means the Moab uranium milling site located approximately three miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996 in conjunction with Source Materials License No. SUA-917.

“(3) MAP.—The term ‘map’ means the map depicting the boundaries of NOSR-2, to be kept on file and available for public inspection in the offices of the Department of the Interior.

“(4) TRIBE.—The term ‘Tribe’ means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

“(5) TRUSTEE.—The term ‘Trustee’ means the Trustee of the Moab Mill Reclamation Trust.

“(b) CONVEYANCE.—(1) Except as provided in paragraph (2) and subsection (e), all right, title, and interest of the United States in and to all Federal lands within the exterior boundaries of NOSR-2 (including surface and mineral rights) are hereby conveyed to the Tribe in fee simple. The Secretary of Energy shall execute and file in the appropriate office a deed or other instrument effectuating the conveyance made by this section.

“(2) The conveyance under paragraph (1) does not include the following:

“(A) The portion of the bed of Green River contained entirely within NOSR-2, as depicted on the map.

“(B) The land (including surface and mineral rights) to the west of the Green River within NOSR-2, as depicted on the map.

“(C) A $\frac{1}{4}$ mile scenic easement on the east side of the Green River within NOSR-2.

“(c) CONDITIONS ON CONVEYANCE.—(1) The conveyance under subsection (b) is subject to valid existing rights in effect on the day before the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

“(2) On completion of the conveyance under subsection (b), the United States relinquishes all management authority over the conveyed land, including tribal activities conducted on the land.

“(3) The land conveyed to the Tribe under subsection (b) shall not revert to the United States for management in trust status.

“(4) The reservation of the easement under subsection (b)(2)(C) shall not affect the right of the Tribe to use and maintain access to the Green River through the use of the road within the easement, as depicted on the map.

“(5) Each withdrawal that applies to NOSR-2 and that is in effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is revoked to the extent that the withdrawal applies to NOSR-2.

“(6) Notwithstanding that the land conveyed to the Tribe under subsection (b) shall not be part of the reservation of the Tribe,

such land shall be deemed to be part of the reservation of the Tribe for the purposes of criminal and civil jurisdiction.

“(d) ADMINISTRATION OF UNCONVEYED LAND AND INTERESTS IN LAND.—(1) The land and interests in land excluded by subparagraphs (A) and (B) of subsection (b)(2) from conveyance under subsection (b) shall be administered by the Secretary of the Interior in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

“(2) Not later than three years after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, the Secretary of the Interior shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

“(3) There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out this subsection.

“(e) ROYALTY.—(1) Notwithstanding the conveyance under subsection (b), the United States retains a nine percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals that are produced, saved, and sold from the conveyed land during the period beginning on the date of the conveyance and ending on the date the Secretary of Energy releases the royalty interest under subsection (i).

“(2) The royalty payments shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted. The Secretary of Energy shall retain and use the payments in the manner provided in subsection (i)(3).

“(3) The royalty interest retained by the United States under this subsection does not include any development, production, marketing, and operating expenses.

“(4) The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

“(5) Not later than five years after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and every five years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code. The results of each audit under this paragraph shall be included in the next annual report submitted under paragraph (4).

“(f) RIVER MANAGEMENT.—(1) The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within $\frac{1}{4}$ mile of, the Green River in a manner that—

“(A) maintains the protected status of the land; and

“(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary of the Interior.

“(2) An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

“(3) An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of both the Tribe and the Secretary of the Interior.

“(g) PLANT SPECIES.—(1) In accordance with a government-to-government agreement between the Tribe and the Secretary of the Interior, in a manner consistent with levels of legal protection in effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

“(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

“(B) located or found on the NOSR-2 land conveyed to the Tribe.

“(2) The protection described in paragraph (1) shall be performed solely under tribal jurisdiction.

“(h) HORSES.—(1) The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR-2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

“(2) The management, control, and protection of horses described in paragraph (1) shall be performed solely—

“(A) under tribal jurisdiction; and

“(B) in accordance with a government-to-government agreement between the Tribe and the Secretary of the Interior.

“(i) REMEDIAL ACTION AT MOAB SITE.—(1)(A) The Secretary of Energy shall prepare a plan for remediation, including ground water restoration, of the Moab site in accordance with title I of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7911 et seq.). The Secretary of Energy shall enter into arrangements with the National Academy of Sciences to obtain the technical advice, assistance, and recommendations of the National Academy of Sciences in objectively evaluating the costs, benefits, and risks associated with various remediation alternatives, including removal or treatment of radioactive or other hazardous materials at the site, ground water restoration, and long-term management of residual contaminants. If the Secretary prepares a remediation plan that is not consistent with the recommendations of the National Academy of Sciences, the Secretary shall submit to Congress a report explaining the reasons for deviation from the National Academy of Sciences’ recommendations.

“(B) The remediation plan required by subparagraph (A) shall be completed not later than one year after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and the Secretary of Energy shall commence remedial action at the Moab site as soon as practicable after the completion of the plan.

“(C) The license for the materials at the Moab site issued by the Nuclear Regulatory Commission shall terminate one year after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, unless the Secretary of Energy determines that the license may be terminated earlier.

Until the license is terminated, the Trustee, subject to the availability of funds appropriated specifically for a purpose described in clauses (i) through (iii) or made available by the Trustee from the Moab Mill Reclamation Trust, may carry out—

“(i) interim measures to reduce or eliminate localized high ammonia concentrations in the Colorado River, identified by the United States Geological Survey in a report dated March 27, 2000;

“(ii) activities to dewater the mill tailings at the Moab site; and

“(iii) other activities related to the Moab site, subject to the authority of the Nuclear Regulatory Commission and in consultation with the Secretary of Energy.

“(D) As part of the remediation plan for the Moab site required by subparagraph (A), the Secretary of Energy shall develop, in consultation with the Trustee, the Nuclear Regulatory Commission, and the State of Utah, an efficient and legal means for transferring all responsibilities and title to the Moab site and all the materials therein from the Trustee to the Department of Energy.

“(2) The Secretary of Energy shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

“(A) amounts specifically appropriated for the remedial action in an appropriation Act; and

“(B) other amounts made available for the remedial action under this subsection.

“(3)(A) The royalty payments received by the Secretary of Energy under subsection (e) shall be available to the Secretary, without further appropriation, to carry out the remedial action under paragraph (1) until such time as the Secretary determines that all costs incurred by the United States to carry out the remedial action (other than costs associated with long-term monitoring) have been paid.

“(B) Upon making the determination referred to in subparagraph (A), the Secretary of Energy shall transfer all remaining royalty amounts to the general fund of the Treasury and release to the Tribe the royalty interest retained by the United States under subsection (e).

“(4)(A) Funds made available to the Department of Energy for national security activities shall not be used to carry out the remedial action under paragraph (1), except that the Secretary of Energy may use such funds for program direction directly related to the remedial action.

“(B) There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

“(5) If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the general fund of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site as a result of the remedial action. The enhanced value of the Moab site shall be equal to the difference between—

“(A) the fair market value of the Moab site on the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, based on information available on that date; and

“(B) the fair market value of the Moab site, as appraised on completion of the remedial action.”.

(b) URANIUM MILL TAILINGS.—Section 102 of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912) is amended by adding at the end the following new subsection:

“(f) DESIGNATION OF MOAB SITE AS PROCESSING SITE.—

“(1) DESIGNATION.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this subsection as the ‘Moab site’) located approximately three miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996 in conjunction with Source Materials License No. SUA-917, is designated as a processing site.

“(2) APPLICABILITY.—This title applies to the Moab site in the same manner and to the same extent as to other processing sites designated under subsection (a), except that—

“(A) sections 103, 104(b), 107(a), 112(a), and 115(a) of this title shall not apply; and

“(B) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of the enactment of this subsection.

“(3) REMEDIATION.—Subject to the availability of appropriations for this purpose, the Secretary shall conduct remediation at the Moab site in a safe and environmentally sound manner that takes into consideration the remedial action plan prepared pursuant to section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261), including—

“(A) ground water restoration; and

“(B) the removal, to a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab site and the floodplain of the Colorado River.”.

(c) CONFORMING AMENDMENT.—Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105-261) is amended by adding at the end the following new subsection:

“(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.”.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2001.

Sec. 3502. Scrapping of National Defense Reserve Fleet vessels.

Sec. 3503. Authority to convey National Defense Reserve Fleet vessel, GLACIER.

Sec. 3504. Maritime intermodal research.

Sec. 3505. Maritime research and technology development.

Sec. 3506. Reporting of administered and oversight funds.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

Funds are hereby authorized to be appropriated for fiscal year 2001, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$94,260,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$54,179,000, of which—

(A) \$50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$4,179,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3502. SCRAPPING OF NATIONAL DEFENSE RESERVE FLEET VESSELS.

(a) EXTENSION OF SCRAPPING AUTHORITY UNDER NATIONAL MARITIME HERITAGE ACT OF 1994.—Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (A) by striking “2001” and inserting “2006”; and

(2) by striking subparagraph (B) and inserting the following:

“(B) in the manner that provides the best value to the Government, except in any case in which obtaining the best value would require towing a vessel and such towing poses a serious threat to the environment; and”.

(b) SELECTION OF SCRAPPING FACILITIES.—The Secretary of Transportation may scrap obsolete vessels pursuant to section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) through qualified scrapping facilities, using the most expeditious scrapping methodology and location practicable. Scrapping facilities shall be selected under that section on a best value basis consistent with the Federal Acquisition Regulation, as in effect on the date of the enactment of this Act, without any predisposition toward foreign or domestic facilities taking into consideration, among other things, the ability of facilities to scrap vessels—

(1) at least cost to the Government;

(2) in a timely manner;

(3) giving consideration to worker safety and the environment; and

(4) in a manner that minimizes the geographic distance that a vessel must be towed when towing a vessel poses a serious threat to the environment.

(c) LIMITATION ON SCRAPPING BEFORE PROGRAM.—

(1) IN GENERAL.—Until the report required by subsection (d)(1) is transmitted to the congressional committees referred to in that subsection, the Secretary may not proceed with the scrapping of any vessel in the National Defense Reserve Fleet except the following:

(A) DONNER.

(B) EXPORT COMMERCE.

(C) BUILDER.

(D) ALBERT E. WATTS.

(E) WAYNE VICTORY.

(F) MORMACDAWN.

(G) MORMACMOON.

(H) SANTA ELENA.

(I) SANTA ISABEL.

(J) SANTA CRUZ.

(K) PROTECTOR.
 (L) LAUDERDALE.
 (N) PVT. FRED C. MURPHY.
 (M) BEAUJOLAIS.
 (O) MEACHAM.
 (P) NEACO.
 (Q) WABASH.
 (R) NEMASKET.
 (S) MIRFAK.
 (T) GEN. ALEX M. PATCH.
 (U) ARTHUR M. HUDDALL.
 (V) WASHINGTON.
 (W) SUFFOLK COUNTY.
 (X) CRANDALL.
 (Y) CRILLEY.
 (Z) RIGEL.
 (AA) VEGA.
 (BB) COMPASS ISLAND.
 (CC) EXPORT CHALLENGER.
 (DD) PRESERVER.
 (EE) MARINE FIDDLER.
 (FF) WOOD COUNTY.
 (GG) CATAWBA VICTORY.
 (HH) GEN. NELSON M. WALKER.
 (II) LORAIN COUNTY.
 (JJ) LYNCH.
 (KK) MISSION SANTA YNEZ.
 (LL) CALOOSAHATCHEE.
 (MM) CANISTEO.

(2) PRIORITIZATION.—The Secretary shall exercise discretion to prioritize for scrapping those vessels identified in paragraph (1) that pose the most immediate threat to the environment.

(d) SCRAPPING PROGRAM FOR OBSOLETE NATIONAL DEFENSE RESERVE FLEET VESSELS.—

(1) DEVELOPMENT OF PROGRAM; REPORT.—The Secretary of Transportation, in consultation with the Secretary of the Navy and the Administrator of the Environmental Protection Agency, shall within 6 months after the date of the enactment of this Act—

(A) develop a program for the scrapping of obsolete National Defense Reserve Fleet vessels; and

(B) submit a report on the program to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Armed Services of the House of Representatives and the Senate.

(2) CONTENTS OF REPORT.—The report shall include information concerning the initial determination of scrapping capacity, both domestically and abroad, appropriate proposed regulations to implement the program, funding and staffing requirements, milestone dates for the disposal of each obsolete vessel, and longterm cost estimates for the program.

(3) ALTERNATIVES.—In developing the program, the Secretary of Transportation, in consultation with the Secretary

of the Navy and the Administrator of the Environmental Protection Agency, shall consider all alternatives and available information, including—

- (A) alternative scrapping sites;
- (B) vessel donations;
- (C) sinking of vessels in deep water;
- (D) sinking vessels for development of artificial reefs;
- (E) sales of vessels before they become obsolete;
- (F) results from the Navy Ship Disposal Program under section 8124 of the Department of Defense Appropriations Act, 1999; and
- (G) the Report of the Department of Defense's Interagency Panel on Ship Scrapping issued in April 1998.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Transportation, in coordination with the Secretary of the Navy, shall report to the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Armed Services of the House of Representatives and the Senate on the progress of the vessel scrapping program developed under subsection (d)(1) and on the progress of any other scrapping of obsolete Government-owned vessels.

(f) **PRESIDENTIAL RECOMMENDATION.**—The President shall transmit with the report required by subsection (d)(1) a recommendation on—

(1) whether it is necessary to amend the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other environmental statute or regulatory requirements relevant to the disposal of vessels described in section 6(c)(2) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(2)) by September 30, 2006; and

(2) any proposed changes to those requirements to carry out such disposals.

SEC. 3503. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.

(a) **AUTHORITY TO CONVEY.**—The Secretary of Transportation (in this section referred to as “the Secretary”) may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB-4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut (in this section referred to as the “recipient”).

(b) **TERMS OF CONVEYANCE.**—

(1) **REQUIRED CONDITIONS.**—The Secretary may not convey a vessel under this section unless the recipient—

(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;

(B) agrees that the vessel will not be used for commercial purposes;

(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;

(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and

(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least \$100,000.

(2) DELIVERY OF VESSEL.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).

(d) RETENTION OF VESSEL IN NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—

(1) 2 years after the date of the enactment of this Act;

or

(2) the date of the conveyance of the vessel under this section.

SEC. 3504. MARITIME INTERMODAL RESEARCH.

Section 8 of Public Law 101-115 (46 U.S.C. App. 1121-2) is amended by adding at the end thereof the following:

“(f) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

“(1) IN GENERAL.—The Secretary may make a grant under section 5505 of title 49, United States Code, to an institute designated under subsection (a) for maritime and maritime intermodal research under that section as if the institute were a university transportation center.

“(2) ADVICE AND CONSULTATION OF MARAD.—In making a grant under the authority of paragraph (1), the Secretary, through the Research and Special Programs Administration, shall advise the Maritime Administration concerning the availability of funds for the grants, and consult with the Administration on the making of the grants.”.

SEC. 3505. MARITIME RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of maritime research and technology development, and

report its findings and conclusions, together with any recommendations it finds appropriate, to the Congress within 9 months after the date of the enactment of this Act.

(b) **REQUIRED AREAS OF STUDY.**—The Secretary shall include the following items in the report required by subsection (a):

(1) The approximate dollar values appropriated by the Congress for each of the 5 fiscal years ending before the study is commenced for each of the following modes of transportation:

- (A) Highway.
- (B) Rail.
- (C) Aviation.
- (D) Public transit.
- (E) Maritime.

(2) A description of how Federal funds appropriated for research in the different transportation modes are utilized.

(3) A summary and description of current research and technology development funds appropriated for each of those fiscal years for maritime research initiatives, with separate categories for funds provided to the Coast Guard for marine safety research purposes.

(4) A description of cooperative mechanisms that could be used to attract and leverage non-federal investments in United States maritime research and technology development and application programs, including the potential for the creation of maritime transportation research centers and the benefits of cooperating with existing surface transportation research centers.

(5) Proposals for research and technology development funding to facilitate the evolution of Maritime Transportation System.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 3401 for operations and training, \$100,000 is authorized to carry out this section.

SEC. 3506. REPORTING OF ADMINISTERED AND OVERSIGHT FUNDS.

The Maritime Administration, in its annual report to the Congress under section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118), and in its annual budget estimate submitted to the Congress, shall state separately the amount, source, intended use, and nature of any funds (other than funds appropriated to the Administration or to the Secretary of Transportation for use by the Administration) administered, or subject to oversight, by the Administration.

TITLE XXXVI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

Sec. 3601. Short title.

Sec. 3602. Findings; sense of Congress.

SUBTITLE A—ESTABLISHMENT OF COMPENSATION PROGRAM AND COMPENSATION FUND

Sec. 3611. Establishment of Energy Employees Occupational Illness Compensation Program.

Sec. 3612. Establishment of Energy Employees Occupational Illness Compensation Fund.

Sec. 3613. Legislative proposal.
 Sec. 3614. Authorization of appropriations.

SUBTITLE B—PROGRAM ADMINISTRATION

Sec. 3621. Definitions for program administration.
 Sec. 3622. Expansion of list of beryllium vendors.
 Sec. 3623. Exposure in the performance of duty.
 Sec. 3624. Advisory Board on Radiation and Worker Health.
 Sec. 3625. Responsibilities of Secretary of Health and Human Services.
 Sec. 3626. Designation of additional members of Special Exposure Cohort.
 Sec. 3627. Separate treatment of chronic silicosis.
 Sec. 3628. Compensation and benefits to be provided.
 Sec. 3629. Medical benefits.
 Sec. 3630. Separate treatment of certain uranium employees.
 Sec. 3631. Assistance for claimants and potential claimants.

SUBTITLE C—TREATMENT, COORDINATION, AND FORFEITURE OF COMPENSATION AND BENEFITS

Sec. 3641. Offset for certain payments.
 Sec. 3642. Subrogation of the United States.
 Sec. 3643. Payment in full settlement of claims.
 Sec. 3644. Exclusivity of remedy against the United States and against contractors and subcontractors.
 Sec. 3645. Election of remedy for beryllium employees and atomic weapons employees.
 Sec. 3646. Certification of treatment of payments under other laws.
 Sec. 3647. Claims not assignable or transferable; choice of remedies.
 Sec. 3648. Attorney fees.
 Sec. 3649. Certain claims not affected by awards of damages.
 Sec. 3650. Forfeiture of benefits by convicted felons.
 Sec. 3651. Coordination with other Federal radiation compensation laws.

SUBTITLE D—ASSISTANCE IN STATE WORKERS' COMPENSATION PROCEEDINGS

Sec. 3661. Agreements with States.

SEC. 3601. SHORT TITLE.

This title may be cited as the “Energy Employees Occupational Illness Compensation Program Act of 2000”.

SEC. 3602. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) Since World War II, Federal nuclear activities have been explicitly recognized under Federal law as activities that are ultra-hazardous. Nuclear weapons production and testing have involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers have not covered and recurring exposures to radioactive substances and beryllium that, even in small amounts, can cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the Department of Energy and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Many previously secret records have documented unmonitored exposures to radiation and beryllium and continuing problems at these sites across the Nation, at which the Department of Energy and its predecessor agencies have been, since World War II, self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to be carried out under such sweeping powers of self-regulation.

(4) The policy of the Department of Energy has been to litigate occupational illness claims, which has deterred workers

from filing workers' compensation claims and has imposed major financial burdens for such employees who have sought compensation. Contractors of the Department have been held harmless and the employees have been denied workers' compensation coverage for occupational disease.

(5) Over the past 20 years, more than two dozen scientific findings have emerged that indicate that certain of such employees are experiencing increased risks of dying from cancer and non-malignant diseases. Several of these studies have also established a correlation between excess diseases and exposure to radiation and beryllium.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate that 98 percent of radiation-induced cancers within the nuclear weapons complex have occurred at dose levels below existing maximum safe thresholds.

(7) Existing information indicates that State workers' compensation programs do not provide a uniform means of ensuring adequate compensation for the types of occupational illnesses and diseases that relate to the employees at those sites.

(8) To ensure fairness and equity, the civilian men and women who, over the past 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy and its predecessor agencies should have efficient, uniform, and adequate compensation for beryllium-related health conditions and radiation-related health conditions.

(9) On April 12, 2000, the Secretary of Energy announced that the Administration intended to seek compensation for individuals with a broad range of work-related illnesses throughout the Department of Energy's nuclear weapons complex.

(10) However, as of October 2, 2000, the Administration has failed to provide Congress with the necessary legislative and budget proposals to enact the promised compensation program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a program should be established to provide compensation to covered employees;

(2) a fund for payment of such compensation should be established on the books of the Treasury;

(3) payments from that fund should be made only after—

(A) the identification of employees of the Department of Energy (including its predecessor agencies), and of contractors of the Department, who may be members of the group of covered employees;

(B) the establishment of a process to receive and administer claims for compensation for disability or death of covered employees;

(C) the submittal by the President of a legislative proposal for compensation of such employees that includes the estimated annual budget resources for that compensation; and

(D) consideration by the Congress of the legislative proposal submitted by the President; and
 (4) payments from that fund should commence not later than fiscal year 2002.

Subtitle A—Establishment of Compensation Program and Compensation Fund

SEC. 3611. ESTABLISHMENT OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) **PROGRAM ESTABLISHED.**—There is hereby established a program to be known as the “Energy Employees Occupational Illness Compensation Program” (in this title referred to as the “compensation program”). The President shall carry out the compensation program through one or more Federal agencies or officials, as designated by the President.

(b) **PURPOSE OF PROGRAM.**—The purpose of the compensation program is to provide for timely, uniform, and adequate compensation of covered employees and, where applicable, survivors of such employees, suffering from illnesses incurred by such employees in the performance of duty for the Department of Energy and certain of its contractors and subcontractors.

(c) **ELIGIBILITY FOR COMPENSATION.**—The eligibility of covered employees for compensation under the compensation program shall be determined in accordance with the provisions of subtitle B as may be modified by a law enacted after the date of the submittal of the proposal for legislation required by section 3613.

SEC. 3612. ESTABLISHMENT OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND.

(a) **ESTABLISHMENT.**—There is hereby established on the books of the Treasury a fund to be known as the “Energy Employees Occupational Illness Compensation Fund” (in this title referred to as the “compensation fund”).

(b) **AMOUNTS IN COMPENSATION FUND.**—The compensation fund shall consist of the following amounts:

(1) Amounts appropriated to the compensation fund pursuant to the authorization of appropriations in section 3614(b).

(2) Amounts transferred to the compensation fund under subsection (c).

(c) **FINANCING OF COMPENSATION FUND.**—Upon the exhaustion of amounts in the compensation fund attributable to the authorization of appropriations in section 3614(b), the Secretary of the Treasury shall transfer directly to the compensation fund from the General Fund of the Treasury, without further appropriation, such amounts as are further necessary to carry out the compensation program.

(d) **USE OF COMPENSATION FUND.**—Subject to subsection (e), amounts in the compensation fund shall be used to carry out the compensation program.

(e) **ADMINISTRATIVE COSTS NOT PAID FROM COMPENSATION FUND.**—No cost incurred in carrying out the compensation program, or in administering the compensation fund, shall be paid from the compensation fund or set off against or otherwise deducted from any payment to any individual under the compensation program.

(f) INVESTMENT OF AMOUNTS IN COMPENSATION FUND.—Amounts in the compensation fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be credited to and become a part of the compensation fund.

SEC. 3613. LEGISLATIVE PROPOSAL.

(a) LEGISLATIVE PROPOSAL REQUIRED.—Not later than March 15, 2001, the President shall submit to Congress a proposal for legislation to implement the compensation program. The proposal for legislation shall include, at a minimum, the specific recommendations (including draft legislation) of the President for the following:

(1) The types of compensation and benefits, including lost wages, medical benefits, and any lump-sum settlement payments, to be provided under the compensation program.

(2) Any adjustments or modifications necessary to appropriately administer the compensation program under subtitle B.

(3) Whether to expand the compensation program to include other illnesses associated with exposure to toxic substances.

(4) Whether to expand the class of individuals who are members of the Special Exposure Cohort (as defined in section 3621(14)).

(b) ASSESSMENT OF POTENTIAL COVERED EMPLOYEES AND REQUIRED AMOUNTS.—The President shall include with the proposal for legislation under subsection (a) the following:

(1) An estimate of the number of covered employees that the President determines were exposed in the performance of duty.

(2) An estimate, for each fiscal year of the compensation program, of the amounts to be required for compensation and benefits anticipated to be provided in such fiscal year under the compensation program.

SEC. 3614. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Pursuant to the authorization of appropriations in section 3103(a), \$25,000,000 may be used for purposes of carrying out this title.

(b) COMPENSATION FUND.—There is hereby authorized to be appropriated \$250,000,000 to the Energy Employees Occupational Illness Compensation Fund established by section 3612.

Subtitle B—Program Administration

SEC. 3621. DEFINITIONS FOR PROGRAM ADMINISTRATION.

In this title:

(1) The term “covered employee” means any of the following:

(A) A covered beryllium employee.

(B) A covered employee with cancer.

(C) To the extent provided in section 3627, a covered employee with chronic silicosis (as defined in that section).

(2) The term “atomic weapon” has the meaning given that term in section 11 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)).

(3) The term “atomic weapons employee” means an individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

(4) The term “atomic weapons employer” means an entity, other than the United States, that—

(A) processed or produced, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and

(B) is designated by the Secretary of Energy as an atomic weapons employer for purposes of the compensation program.

(5) The term “atomic weapons employer facility” means a facility, owned by an atomic weapons employer, that is or was used to process or produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.

(6) The term “beryllium vendor” means any of the following:

(A) Atomics International.

(B) Brush Wellman, Incorporated, and its predecessor, Brush Beryllium Company.

(C) General Atomics.

(D) General Electric Company.

(E) NGK Metals Corporation and its predecessors, Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America.

(F) Nuclear Materials and Equipment Corporation.

(G) StarMet Corporation and its predecessor, Nuclear Metals, Incorporated.

(H) Wyman Gordan, Incorporated.

(I) Any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for purposes of the compensation program under section 3622.

(7) The term “covered beryllium employee” means the following, if and only if the employee is determined to have been exposed to beryllium in the performance of duty in accordance with section 3623(a):

(A) A current or former employee (as that term is defined in section 8101(1) of title 5, United States Code) who may have been exposed to beryllium at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor.

(B) A current or former employee of—

(i) any entity that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility; or

(ii) any contractor or subcontractor that provided services, including construction and maintenance, at such a facility.

(C) A current or former employee of a beryllium vendor, or of a contractor or subcontractor of a beryllium vendor, during a period when the vendor was engaged in activities

related to the production or processing of beryllium for sale to, or use by, the Department of Energy.

(8) The term “covered beryllium illness” means any of the following:

(A) Beryllium sensitivity as established by an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells.

(B) Established chronic beryllium disease.

(C) Any injury, illness, impairment, or disability sustained as a consequence of a covered beryllium illness referred to in subparagraph (A) or (B).

(9) The term “covered employee with cancer” means any of the following:

(A) An individual with a specified cancer who is a member of the Special Exposure Cohort, if and only if that individual contracted that specified cancer after beginning employment at a Department of Energy facility (in the case of a Department of Energy employee or Department of Energy contractor employee) or at an atomic weapons employer facility (in the case of an atomic weapons employee).

(B)(i) An individual with cancer specified in subclause (I), (II), or (III) of clause (ii), if and only if that individual is determined to have sustained that cancer in the performance of duty in accordance with section 3623(b).

(ii) Clause (i) applies to any of the following:

(I) A Department of Energy employee who contracted that cancer after beginning employment at a Department of Energy facility.

(II) A Department of Energy contractor employee who contracted that cancer after beginning employment at a Department of Energy facility.

(III) An atomic weapons employee who contracted that cancer after beginning employment at an atomic weapons employer facility.

(10) The term “Department of Energy” includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District.

(11) The term “Department of Energy contractor employee” means any of the following:

(A) An individual who is or was in residence at a Department of Energy facility as a researcher for one or more periods aggregating at least 24 months.

(B) An individual who is or was employed at a Department of Energy facility by—

(i) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

(ii) a contractor or subcontractor that provided services, including construction and maintenance, at the facility.

(12) The term “Department of Energy facility” means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located—

(A) in which operations are, or have been, conducted by, or on behalf of, the Department of Energy (except

for buildings, structures, premises, grounds, or operations covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note), pertaining to the Naval Nuclear Propulsion Program); and

(B) with regard to which the Department of Energy has or had—

(i) a proprietary interest; or

(ii) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services.

(13) The term “established chronic beryllium disease” means chronic beryllium disease as established by the following:

(A) For diagnoses on or after January 1, 1993, beryllium sensitivity (as established in accordance with paragraph (8)(A)), together with lung pathology consistent with chronic beryllium disease, including—

(i) a lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;

(ii) a computerized axial tomography scan showing changes consistent with chronic beryllium disease; or

(iii) pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.

(B) For diagnoses before January 1, 1993, the presence of—

(i) occupational or environmental history, or epidemiologic evidence of beryllium exposure; and

(ii) any three of the following criteria:

(I) Characteristic chest radiographic (or computed tomography (CT)) abnormalities.

(II) Restrictive or obstructive lung physiology testing or diffusing lung capacity defect.

(III) Lung pathology consistent with chronic beryllium disease.

(IV) Clinical course consistent with a chronic respiratory disorder.

(V) Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

(14) The term “member of the Special Exposure Cohort” means a Department of Energy employee, Department of Energy contractor employee, or atomic weapons employee who meets any of the following requirements:

(A) The employee was so employed for a number of work days aggregating at least 250 work days before February 1, 1992, at a gaseous diffusion plant located in Paducah, Kentucky, Portsmouth, Ohio, or Oak Ridge, Tennessee, and, during such employment—

(i) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of employee’s body to radiation; or

(ii) worked in a job that had exposures comparable to a job that is or was monitored through the use of dosimetry badges.

(B) The employee was so employed before January 1, 1974, by the Department of Energy or a Department of Energy contractor or subcontractor on Amchitka Island, Alaska, and was exposed to ionizing radiation in the performance of duty related to the Long Shot, Milrow, or Cannikin underground nuclear tests.

(C)(i) Subject to clause (ii), the employee is an individual designated as a member of the Special Exposure Cohort by the President for purposes of the compensation program under section 3626.

(ii) A designation under clause (i) shall, unless Congress otherwise provides, take effect on the date that is 180 days after the date on which the President submits to Congress a report identifying the individuals covered by the designation and describing the criteria used in designating those individuals.

(15) The term “occupational illness” means a covered beryllium illness, cancer referred to in section 3621(9)(B), specified cancer, or chronic silicosis, as the case may be.

(16) The term “radiation” means ionizing radiation in the form of—

- (A) alpha particles;
- (B) beta particles;
- (C) neutrons;
- (D) gamma rays; or
- (E) accelerated ions or subatomic particles from accelerator machines.

(17) The term “specified cancer” means any of the following:

(A) A specified disease, as that term is defined in section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(B) Bone cancer.

(18) The term “survivor” means any individual or individuals eligible to receive compensation pursuant to section 8133 of title 5, United States Code.

SEC. 3622. EXPANSION OF LIST OF BERYLLIUM VENDORS.

Not later than December 31, 2002, the President may, in consultation with the Secretary of Energy, designate as a beryllium vendor for purposes of section 3621(6) any vendor, processor, or producer of beryllium or related products not previously listed under or designated for purposes of such section 3621(6) if the President finds that such vendor, processor, or producer has been engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy in a manner similar to the entities listed in such section 3621(6).

SEC. 3623. EXPOSURE IN THE PERFORMANCE OF DUTY.

(a) BERYLLIUM.—A covered beryllium employee shall, in the absence of substantial evidence to the contrary, be determined to have been exposed to beryllium in the performance of duty for the purposes of the compensation program if, and only if, the covered beryllium employee was—

- (1) employed at a Department of Energy facility; or
- (2) present at a Department of Energy facility, or a facility owned and operated by a beryllium vendor, because of employment by the United States, a beryllium vendor, or a contractor or subcontractor of the Department of Energy,

during a period when beryllium dust, particles, or vapor may have been present at such facility.

(b) **CANCER.**—An individual with cancer specified in subclause (I), (II), or (III) of section 3621(9)(B)(ii) shall be determined to have sustained that cancer in the performance of duty for purposes of the compensation program if, and only if, the cancer specified in that subclause was at least as likely as not related to employment at the facility specified in that subclause, as determined in accordance with the guidelines established under subsection (c).

(c) **GUIDELINES.**—(1) For purposes of the compensation program, the President shall by regulation establish guidelines for making the determinations required by subsection (b).

(2) The President shall establish such guidelines after technical review by the Advisory Board on Radiation and Worker Health under section 3624.

(3) Such guidelines shall—

(A) be based on the radiation dose received by the employee (or a group of employees performing similar work) at such facility and the upper 99 percent confidence interval of the probability of causation in the radioepidemiological tables published under section 7(b) of the Orphan Drug Act (42 U.S.C. 241 note), as such tables may be updated under section 7(b)(3) of such Act from time to time;

(B) incorporate the methods established under subsection (d); and

(C) take into consideration the type of cancer, past health-related activities (such as smoking), information on the risk of developing a radiation-related cancer from workplace exposure, and other relevant factors.

(d) **METHODS FOR RADIATION DOSE RECONSTRUCTIONS.**—(1) The President shall, through any Federal agency (other than the Department of Energy) or official (other than the Secretary of Energy or any other official within the Department of Energy) that the President may designate, establish by regulation methods for arriving at reasonable estimates of the radiation doses received by an individual specified in subparagraph (B) of section 3621(9) at a facility specified in that subparagraph by each of the following employees:

(A) An employee who was not monitored for exposure to radiation at such facility.

(B) An employee who was monitored inadequately for exposure to radiation at such facility.

(C) An employee whose records of exposure to radiation at such facility are missing or incomplete.

(2) The President shall establish an independent review process using the Advisory Board on Radiation and Worker Health to—

(A) assess the methods established under paragraph (1); and

(B) verify a reasonable sample of the doses established under paragraph (1).

(e) **INFORMATION ON RADIATION DOSES.**—(1) The Secretary of Energy shall provide, to each covered employee with cancer specified in section 3621(9)(B), information specifying the estimated radiation dose of that employee during each employment specified in section 3621(9)(B), whether established by a dosimetry reading, by a method established under subsection (d), or by both a dosimetry reading and such method.

(2) The Secretary of Health and Human Services and the Secretary of Energy shall each make available to researchers and the general public information on the assumptions, methodology, and data used in establishing radiation doses under subsection (d). The actions taken under this paragraph shall be consistent with the protection of private medical records.

SEC. 3624. ADVISORY BOARD ON RADIATION AND WORKER HEALTH.

(a) ESTABLISHMENT.—(1) Not later than 120 days after the date of the enactment of this Act, the President shall establish and appoint an Advisory Board on Radiation and Worker Health (in this section referred to as the “Board”).

(2) The President shall make appointments to the Board in consultation with organizations with expertise on worker health issues in order to ensure that the membership of the Board reflects a balance of scientific, medical, and worker perspectives.

(3) The President shall designate a Chair for the Board from among its members.

(b) DUTIES.—The Board shall advise the President on—

(1) the development of guidelines under section 3623(c);

(2) the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and

(3) such other matters related to radiation and worker health in Department of Energy facilities as the President considers appropriate.

(c) STAFF.—(1) The President shall appoint a staff to facilitate the work of the Board. The staff shall be headed by a Director who shall be appointed under subchapter VIII of chapter 33 of title 5, United States Code.

(2) The President may accept as staff of the Board personnel on detail from other Federal agencies. The detail of personnel under this paragraph may be on a nonreimbursable basis.

(d) EXPENSES.—Members of the Board, other than full-time employees of the United States, while attending meetings of the Board or while otherwise serving at the request of the President, while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 3625. RESPONSIBILITIES OF SECRETARY OF HEALTH AND HUMAN SERVICES.

The Secretary of Health and Human Services shall carry out that Secretary’s responsibilities with respect to the compensation program with the assistance of the Director of the National Institute for Occupational Safety and Health.

SEC. 3626. DESIGNATION OF ADDITIONAL MEMBERS OF SPECIAL EXPOSURE COHORT.

(a) ADVICE ON ADDITIONAL MEMBERS.—(1) The Advisory Board on Radiation and Worker Health under section 3624 shall advise the President whether there is a class of employees at any Department of Energy facility who likely were exposed to radiation at that facility but for whom it is not feasible to estimate with sufficient accuracy the radiation dose they received.

(2) The advice of the Advisory Board on Radiation and Worker Health under paragraph (1) shall be based on exposure assessments by radiation health professionals, information provided by the Department of Energy, and such other information as the Advisory Board considers appropriate.

(3) The President shall request advice under paragraph (1) after consideration of petitions by classes of employees described in that paragraph for such advice. The President shall consider such petitions pursuant to procedures established by the President.

(b) DESIGNATION OF ADDITIONAL MEMBERS.—Subject to the provisions of section 3621(14)(C), the members of a class of employees at a Department of Energy facility may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that—

(1) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and

(2) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.

(c) ACCESS TO INFORMATION.—The Secretary of Energy shall provide, in accordance with law, the Secretary of Health and Human Services and the members and staff of the Advisory Board on Radiation and Worker Health access to relevant information on worker exposures, including access to Restricted Data (as defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))).

SEC. 3627. SEPARATE TREATMENT OF CHRONIC SILICOSIS.

(a) SENSE OF CONGRESS.—Congress finds that employees who worked in Department of Energy test sites and later contracted chronic silicosis should also be considered for inclusion in the compensation program. Recognizing that chronic silicosis resulting from exposure to silica is not a condition unique to the nuclear weapons industry, it is not the intent of Congress with this title to establish a precedent on the question of chronic silicosis as a compensable occupational disease. Consequently, it is the sense of Congress that a further determination by the President is appropriate before these workers are included in the compensation program.

(b) CERTIFICATION BY PRESIDENT.—A covered employee with chronic silicosis shall be treated as a covered employee (as defined in section 3621(1)) for the purposes of the compensation program required by section 3611 unless the President submits to Congress not later than 180 days after the date of the enactment of this Act the certification of the President that there is insufficient basis to include such employees. The President shall submit with the certification any recommendations about the compensation program with respect to covered employees with chronic silicosis as the President considers appropriate.

(c) EXPOSURE TO SILICA IN THE PERFORMANCE OF DUTY.—A covered employee shall, in the absence of substantial evidence to the contrary, be determined to have been exposed to silica in the performance of duty for the purposes of the compensation program if, and only if, the employee was present for a number of work days aggregating at least 250 work days during the mining of tunnels at a Department of Energy facility located in Nevada or Alaska for tests or experiments related to an atomic weapon.

(d) COVERED EMPLOYEE WITH CHRONIC SILICOSIS.—For purposes of this title, the term “covered employee with chronic silicosis” means a Department of Energy employee, or a Department of Energy contractor employee, with chronic silicosis who was exposed to silica in the performance of duty as determined under subsection (c).

(e) CHRONIC SILICOSIS.—For purposes of this title, the term “chronic silicosis” means a nonmalignant lung disease if—

(1) the initial occupational exposure to silica dust preceded the onset of silicosis by at least 10 years; and

(2) a written diagnosis of silicosis is made by a medical doctor and is accompanied by—

(A) a chest radiograph, interpreted by an individual certified by the National Institute for Occupational Safety and Health as a B reader, classifying the existence of pneumoconioses of category 1/1 or higher;

(B) results from a computer assisted tomograph or other imaging technique that are consistent with silicosis; or

(C) lung biopsy findings consistent with silicosis.

SEC. 3628. COMPENSATION AND BENEFITS TO BE PROVIDED.

(a) COMPENSATION PROVIDED.—(1) Except as provided in paragraph (2), a covered employee, or the survivor of that covered employee if the employee is deceased, shall receive compensation for the disability or death of that employee from that employee’s occupational illness in the amount of \$150,000.

(2) A covered employee shall, to the extent that employee’s occupational illness is established beryllium sensitivity, receive beryllium sensitivity monitoring under subsection (c) in lieu of compensation under paragraph (1).

(b) MEDICAL BENEFITS.—A covered employee shall receive medical benefits under section 3629 for that employee’s occupational illness.

(c) BERYLLIUM SENSITIVITY MONITORING.—An individual receiving beryllium sensitivity monitoring under this subsection shall receive the following:

(1) A thorough medical examination to confirm the nature and extent of the individual’s established beryllium sensitivity.

(2) Regular medical examinations thereafter to determine whether that individual has developed established chronic beryllium disease.

(d) PAYMENT FROM COMPENSATION FUND.—The compensation provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

(e) SURVIVORS.—(1) Subject to the provisions of this section, if a covered employee dies before the effective date specified in subsection (f), whether or not the death is a result of that employee’s occupational illness, a survivor of that employee may, on behalf of that survivor and any other survivors of that employee, receive the compensation provided for under this section.

(2) The right to receive compensation under this section shall be afforded to survivors in the same order of precedence as that set forth in section 8109 of title 5, United States Code.

(f) **EFFECTIVE DATE.**—This section shall take effect on July 31, 2001, unless Congress otherwise provides in an Act enacted before that date.

SEC. 3629. MEDICAL BENEFITS.

(a) **MEDICAL BENEFITS PROVIDED.**—The United States shall furnish, to an individual receiving medical benefits under this section for an illness, the services, appliances, and supplies prescribed or recommended by a qualified physician for that illness, which the President considers likely to cure, give relief, or reduce the degree or the period of that illness.

(b) **PERSONS FURNISHING BENEFITS.**—(1) These services, appliances, and supplies shall be furnished by or on the order of United States medical officers and hospitals, or, at the individual's option, by or on the order of physicians and hospitals designated or approved by the President.

(2) The individual may initially select a physician to provide medical services, appliances, and supplies under this section in accordance with such regulations and instructions as the President considers necessary.

(c) **TRANSPORTATION AND EXPENSES.**—The individual may be furnished necessary and reasonable transportation and expenses incident to the securing of such services, appliances, and supplies.

(d) **COMMENCEMENT OF BENEFITS.**—An individual receiving benefits under this section shall be furnished those benefits as of the date on which that individual submitted the claim for those benefits in accordance with this title.

(e) **PAYMENT FROM COMPENSATION FUND.**—The benefits provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

(f) **EFFECTIVE DATE.**—This section shall take effect on July 31, 2001, unless Congress otherwise provides in an Act enacted before that date.

SEC. 3630. SEPARATE TREATMENT OF CERTAIN URANIUM EMPLOYEES.

(a) **COMPENSATION PROVIDED.**—An individual who receives, or has received, \$100,000 under section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim made under that Act (hereafter in this section referred to as a “covered uranium employee”), or the survivor of that covered uranium employee if the employee is deceased, shall receive compensation under this section in the amount of \$50,000.

(b) **MEDICAL BENEFITS.**—A covered uranium employee shall receive medical benefits under section 3629 for the illness for which that employee received \$100,000 under section 5 of that Act.

(c) **COORDINATION WITH RECA.**—The compensation and benefits provided in subsections (a) and (b) are separate from any compensation or benefits provided under that Act.

(d) **PAYMENT FROM COMPENSATION FUND.**—The compensation provided under this section, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

(e) **SURVIVORS.**—(1) Subject to the provisions of this section, if a covered uranium employee dies before the effective date specified in subsection (g), whether or not the death is a result of the illness specified in subsection (b), a survivor of that employee

may, on behalf of that survivor and any other survivors of that employee, receive the compensation provided for under this section.

(2) The right to receive compensation under this section shall be afforded to survivors in the same order of precedence as that set forth in section 8109 of title 5, United States Code.

(f) **PROCEDURES REQUIRED.**—The President shall establish procedures to identify and notify each covered uranium employee, or the survivor of that covered uranium employee if that employee is deceased, of the availability of compensation and benefits under this section.

(g) **EFFECTIVE DATE.**—This section shall take effect on July 31, 2001, unless Congress otherwise provides in an Act enacted before that date.

SEC. 3631. ASSISTANCE FOR CLAIMANTS AND POTENTIAL CLAIMANTS.

(a) **ASSISTANCE FOR CLAIMANTS.**—The President shall, upon the receipt of a request for assistance from a claimant under the compensation program, provide assistance to the claimant in connection with the claim, including—

(1) assistance in securing medical testing and diagnostic services necessary to establish the existence of a covered beryllium illness, chronic silicosis, or cancer; and

(2) such other assistance as may be required to develop facts pertinent to the claim.

(b) **ASSISTANCE FOR POTENTIAL CLAIMANTS.**—The President shall take appropriate actions to inform and assist covered employees who are potential claimants under the compensation program, and other potential claimants under the compensation program, of the availability of compensation under the compensation program, including actions to—

(1) ensure the ready availability, in paper and electronic format, of forms necessary for making claims;

(2) provide such covered employees and other potential claimants with information and other support necessary for making claims, including—

(A) medical protocols for medical testing and diagnosis to establish the existence of a covered beryllium illness, chronic silicosis, or cancer; and

(B) lists of vendors approved for providing laboratory services related to such medical testing and diagnosis; and

(3) provide such additional assistance to such covered employees and other potential claimants as may be required for the development of facts pertinent to a claim.

(c) **INFORMATION FROM BERYLLIUM VENDORS AND OTHER CONTRACTORS.**—As part of the assistance program provided under subsections (a) and (b), and as permitted by law, the Secretary of Energy shall, upon the request of the President, require a beryllium vendor or other Department of Energy contractor or subcontractor to provide information relevant to a claim or potential claim under the compensation program to the President.

Subtitle C—Treatment, Coordination, and Forfeiture of Compensation and Benefits

SEC. 3641. OFFSET FOR CERTAIN PAYMENTS.

A payment of compensation to an individual, or to a survivor of that individual, under subtitle B shall be offset by the amount of any payment made pursuant to a final award or settlement on a claim (other than a claim for worker's compensation), against any person, that is based on injuries incurred by that individual on account of the exposure of a covered beryllium employee, covered employee with cancer, covered employee with chronic silicosis (as defined in section 3627), or covered uranium employee (as defined in section 3630), while so employed, to beryllium, radiation, silica, or radiation, respectively.

SEC. 3642. SUBROGATION OF THE UNITED STATES.

Upon payment of compensation under subtitle B, the United States is subrogated for the amount of the payment to a right or claim that the individual to whom the payment was made may have against any person on account of injuries referred to in section 3641.

SEC. 3643. PAYMENT IN FULL SETTLEMENT OF CLAIMS.

The acceptance by an individual of payment of compensation under subtitle B with respect to a covered employee shall be in full satisfaction of all claims of or on behalf of that individual against the United States, against a Department of Energy contractor or subcontractor, beryllium vendor, or atomic weapons employer, or against any person with respect to that person's performance of a contract with the United States, that arise out of an exposure referred to in section 3641.

SEC. 3644. EXCLUSIVITY OF REMEDY AGAINST THE UNITED STATES AND AGAINST CONTRACTORS AND SUBCONTRACTORS.

(a) **IN GENERAL.**—The liability of the United States or an instrumentality of the United States under this title with respect to a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death related thereto of a covered employee is exclusive and instead of all other liability—

(1) of—

(A) the United States;

(B) any instrumentality of the United States;

(C) a contractor that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility (in its capacity as a contractor);

(D) a subcontractor that provided services, including construction, at a Department of Energy facility (in its capacity as a subcontractor); and

(E) an employee, agent, or assign of an entity specified in subparagraphs (A) through (D);

(2) to—

(A) the covered employee;

(B) the covered employee's legal representative, spouse, dependents, survivors, and next of kin; and

(C) any other person, including any third party as to whom the covered employee, or the covered employee's legal representative, spouse, dependents, survivors, or next of kin, has a cause of action relating to the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them,

because of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

(b) **APPLICABILITY.**—This section applies to all cases filed on or after the date of the enactment of this Act.

(c) **WORKERS' COMPENSATION.**—This section does not apply to an administrative or judicial proceeding under a Federal or State workers' compensation law.

SEC. 3645. ELECTION OF REMEDY FOR BERYLLIUM EMPLOYEES AND ATOMIC WEAPONS EMPLOYEES.

(a) **ELECTION TO FILE SUIT.**—If a tort case is filed after the date of the enactment of this Act, alleging a claim referred to in section 3643 against a beryllium vendor or atomic weapons employer, the plaintiff shall not be eligible for compensation or benefits under subtitle B unless the plaintiff files such case within the applicable time limits in subsection (b).

(b) **APPLICABLE TIME LIMITS.**—A case described in subsection (a) shall be filed not later than the later of—

(1) the date that is 30 months after the date of the enactment of this Act; or

(2) the date that is 30 months after the date the plaintiff first becomes aware that an illness covered by subtitle B of a covered employee may be connected to the exposure of the covered employee in the performance of duty.

(c) **DISMISSAL OF CLAIMS.**—Unless a case filed under subsection (a) is dismissed prior to the time limits in subsection (b), the plaintiff shall not be eligible for compensation under subtitle B.

(d) **DISMISSAL OF PENDING SUIT.**—If a tort case was filed on or before the date of the enactment of this Act, alleging a claim referred to in section 3643 against a beryllium vendor or atomic weapons employer, the plaintiff shall not be eligible for compensation or benefits under subtitle B unless the plaintiff dismisses such case not later than December 31, 2003.

(e) **WORKERS' COMPENSATION.**—This section does not apply to an administrative or judicial proceeding under a State or Federal workers' compensation law.

SEC. 3646. CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.

Compensation or benefits provided to an individual under subtitle B—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section

3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

SEC. 3647. CLAIMS NOT ASSIGNABLE OR TRANSFERABLE; CHOICE OF REMEDIES.

(a) CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.—No claim cognizable under subtitle B shall be assignable or transferable.

(b) CHOICE OF REMEDIES.—No individual may receive more than one payment of compensation under subtitle B.

SEC. 3648. ATTORNEY FEES.

(a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under subtitle B, more than that percentage specified in subsection (b) of a payment made under subtitle B on such claim.

(b) APPLICABLE PERCENTAGE LIMITATIONS.—The percentage referred to in subsection (a) is—

(1) 2 percent for the filing of an initial claim; and

(2) 10 percent with respect to any claim with respect to which a representative has made a contract for services before the date of the enactment of this Act.

(c) PENALTY.—Any such representative who violates this section shall be fined not more than \$5,000.

SEC. 3649. CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES.

A payment under subtitle B shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on any individual receiving such payment, on the basis of such receipt, to repay any insurance carrier for insurance payments, or to repay any person on account of worker's compensation payments; and a payment under subtitle B shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

SEC. 3650. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

(a) FORFEITURE OF COMPENSATION.—Any individual convicted of a violation of section 1920 of title 18, United States Code, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under subtitle B or under any other Federal or State workers' compensation law, shall forfeit (as of the date of such conviction) any entitlement to any compensation or benefit under subtitle B such individual would otherwise be awarded for any injury, illness or death covered by subtitle B for which the time of injury was on or before the date of the conviction.

(b) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the President, upon written request from the President and if the President requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

SEC. 3651. COORDINATION WITH OTHER FEDERAL RADIATION COMPENSATION LAWS.

Except in accordance with section 3630, an individual may not receive compensation or benefits under the compensation program for cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or section 1112(c) of title 38, United States Code.

Subtitle D—Assistance in State Workers’ Compensation Proceedings

SEC. 3661. AGREEMENTS WITH STATES.

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Energy (hereafter in this section referred to as the “Secretary”) may enter into agreements with the chief executive officer of a State to provide assistance to a Department of Energy contractor employee in filing a claim under the appropriate State workers’ compensation system.

(b) **PROCEDURE.**—Pursuant to agreements under subsection (a), the Secretary may—

(1) establish procedures under which an individual may submit an application for review and assistance under this section; and

(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee’s estate; and

(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

(c) **SUBMITTAL OF APPLICATIONS TO PANELS.**—If provided in an agreement under subsection (a), and if the Secretary determines that the applicant submitted reasonable evidence under subsection (b)(2), the Secretary shall submit the application to a physicians panel established under subsection (d). The Secretary shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel’s deliberations.

(d) **COMPOSITION AND OPERATION OF PANELS.**—(1) The Secretary shall inform the Secretary of Health and Human Services of the number of physicians panels the Secretary has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Secretary may determine to have only one panel.

(2)(A) The Secretary of Health and Human Services shall appoint panel members with experience and competency in diagnosing occupational illnesses under section 3109 of title 5, United States Code.

(B) Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

(3) A panel shall review an application submitted to it by the Secretary and determine, under guidelines established by the

Secretary, by regulation, whether the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a toxic substance at a Department of Energy facility.

(4) At the request of a panel, the Secretary and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

(5) Once a panel has made a determination under paragraph (3), it shall report to the Secretary its determination and the basis for the determination.

(6) A panel established under this subsection shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) ASSISTANCE.—If provided in an agreement under subsection (a)—

(1) the Secretary shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination;

(2) as a result of the review under paragraph (1), the Secretary shall accept the panel's determination in the absence of significant evidence to the contrary; and

(3) if the panel has made a positive determination under subsection (d) and the Secretary accepts the determination under paragraph (2), or the panel has made a negative determination under subsection (d) and the Secretary finds significant evidence to the contrary—

(A) the Secretary shall assist the applicant to file a claim under the appropriate State workers' compensation system based on the health condition that was the subject of the determination;

(B) the Secretary thereafter—

(i) may not contest such claim;

(ii) may not contest an award made regarding such claim; and

(iii) may, to the extent permitted by law, direct the Department of Energy contractor who employed the applicant not to contest such claim or such award, unless the Secretary finds significant new evidence to justify such contest; and

(C) any costs of contesting a claim or an award regarding the claim incurred by the contractor who employed the Department of Energy contractor employee who is the subject of the claim shall not be an allowable cost under a Department of Energy contract.

(f) INFORMATION.—At the request of the Secretary, a contractor who employed a Department of Energy contractor employee shall make available to the Secretary and the employee information relevant to deliberations under this section.

(g) GAO REPORT.—Not later than February 1, 2002, the Comptroller General shall submit to Congress a report on the implementation by the Department of Energy of the provisions of this section and of the effectiveness of the program under this section in assisting Department of Energy contractor employees in obtaining compensation for occupational illness.

Public Law 106–399
106th Congress

An Act

To designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

Oct. 30, 2000
[H.R. 4828]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Steens Mountain Cooperative Management and Protection Act of 2000”.

(b) **PURPOSES.**—The purposes of this Act are the following:

(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

(2) To designate the Steens Mountain Wilderness Area.

(3) To designate the Steens Mountain Cooperative Management and Protection Area.

(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

(6) To authorize the purchase of land and development and nondevelopment rights.

(7) To designate additional components of the National Wild and Scenic Rivers System.

(8) To establish a reserve for redband trout and a wildlands juniper management area.

(9) To establish a citizens’ management advisory council for the Cooperative Management and Protection Area.

(10) To maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area.

(11) To promote viable and sustainable grazing and recreation operations on private and public lands.

(12) To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain.

(13) To authorize only such uses on Federal lands in the Cooperative Management and Protection Area that are consistent with the purposes of this Act.

Steens Mountain
Cooperative
Management and
Protection Act of
2000.
16 USC 460nnn
note.
16 USC 460nnn
note.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; purposes; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Maps and legal descriptions.
- Sec. 4. Valid existing rights.
- Sec. 5. Protection of tribal rights.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

- Sec. 101. Designation of Steens Mountain Cooperative Management and Protection Area.
- Sec. 102. Purpose and objectives of Cooperative Management and protection Area.

Subtitle B—Management of Federal Lands

- Sec. 111. Management authorities and purposes.
- Sec. 112. Roads and travel access.
- Sec. 113. Land use authorities.
- Sec. 114. Land acquisition authority.
- Sec. 115. Special use permits.

Subtitle C—Cooperative Management

- Sec. 121. Cooperative management agreements.
- Sec. 122. Cooperative efforts to control development and encourage conservation.

Subtitle D—Advisory Council

- Sec. 131. Establishment of advisory council.
- Sec. 132. Advisory role in management activities.
- Sec. 133. Science committee.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

- Sec. 201. Designation of Steens Mountain Wilderness Area.
- Sec. 202. Administration of Wilderness Area.
- Sec. 203. Water rights.
- Sec. 204. Treatment of wilderness study areas.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

- Sec. 301. Designation of streams for wild and scenic river status in Steens Mountain area.
- Sec. 302. Donner und Blitzen River redband trout reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

- Sec. 401. Designation of mineral withdrawal area.
- Sec. 402. Treatment of State lands and mineral interests.

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

- Sec. 501. Wildlands juniper management area.
- Sec. 502. Release from wilderness study area status.

TITLE VI—LAND EXCHANGES

- Sec. 601. Land exchange, Roaring Springs Ranch.
- Sec. 602. Land exchanges, C.M. Otley and Otley Brothers.
- Sec. 603. Land exchange, Tom J. Davis Livestock, Incorporated.
- Sec. 604. Land exchange, Lowther (Clemens) Ranch.
- Sec. 605. General provisions applicable to land exchanges.

TITLE VII—FUNDING AUTHORITIES

- Sec. 701. Authorization of appropriations.
- Sec. 702. Use of land and water conservation fund.

16 USC 460nnn.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADVISORY COUNCIL.**—The term “advisory council” means the Steens Mountain Advisory Council established by title IV.

(2) **COOPERATIVE MANAGEMENT AGREEMENT.**—An agreement to plan or implement (or both) cooperative recreation,

ecological, grazing, fishery, vegetation, prescribed fire, cultural site protection, wildfire or other measures to beneficially meet public use needs and the public land and private land objectives of this Act.

(3) COOPERATIVE MANAGEMENT AND PROTECTION AREA.—The term “Cooperative Management and Protection Area” means the Steens Mountain Cooperative Management and Protection Area designated by title I.

(4) EASEMENTS.—

(A) CONSERVATION EASEMENT.—The term “conservation easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area under which the landowner, permanently or during a time period specified in the agreement, agrees to conserve or restore habitat, open space, scenic, or other ecological resource values on the land covered by the easement.

(B) NONDEVELOPMENT EASEMENT.—The term “non-development easement” means a binding contractual agreement between the Secretary and a landowner in the Cooperative Management and Protection Area that will, permanently or during a time period specified in the agreement—

(i) prevent or restrict development on the land covered by the easement; or

(ii) protect open space or viewshed.

(5) ECOLOGICAL INTEGRITY.—The term “ecological integrity” means a landscape where ecological processes are functioning to maintain the structure, composition, activity, and resilience of the landscape over time, including—

(A) a complex of plant communities, habitats and conditions representative of variable and sustainable successional conditions; and

(B) the maintenance of biological diversity, soil fertility, and genetic interchange.

(6) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Cooperative Management and Protection Area and the Wilderness Area required to be prepared by section 111(b).

(7) REDBAND TROUT RESERVE.—The term “Redband Trout Reserve” means the Donner und Blitzen Redband Trout Reserve designated by section 302.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Land Management.

(9) SCIENCE COMMITTEE.—The term “science committee” means the committee of independent scientists appointed under section 133.

(10) WILDERNESS AREA.—The term “Wilderness Area” means the Steens Mountain Wilderness Area designated by title II.

SEC. 3. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress maps and legal descriptions of the following:

- (1) The Cooperative Management and Protection Area.
- (2) The Wilderness Area.

16 USC
460nnn-1.

(3) The wild and scenic river segments and redband trout reserve designated by title III.

(4) The mineral withdrawal area designated by title IV.

(5) The wildlands juniper management area established by title V.

(6) The land exchanges required by title VI.

(b) **LEGAL EFFECT AND CORRECTION.**—The maps and legal descriptions referred to in subsection (a) shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such maps and legal descriptions.

(c) **PUBLIC AVAILABILITY.**—Copies of the maps and legal descriptions referred to in subsection (a) shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management and in the appropriate office of the Bureau of Land Management in the State of Oregon.

16 USC
460nnn-2.

SEC. 4. VALID EXISTING RIGHTS.

Nothing in this Act shall effect any valid existing right.

16 USC
460nnn-3.

SEC. 5. PROTECTION OF TRIBAL RIGHTS.

Nothing in this Act shall be construed to diminish the rights of any Indian tribe. Nothing in this Act shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe, regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

TITLE I—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA

Subtitle A—Designation and Purposes

16 USC
460nnn-11.

SEC. 101. DESIGNATION OF STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) **DESIGNATION.**—The Secretary shall designate the Steens Mountain Cooperative Management and Protection Area consisting of approximately 425,550 acres of Federal land located in Harney County, Oregon, in the vicinity of Steens Mountain, as generally depicted on the map entitled “Steens Mountain Boundary Map” and dated September 18, 2000.

(b) **CONTENTS OF MAP.**—In addition to the general boundaries of the Cooperative Management and Protection Area, the map referred to in subsection (a) also depicts the general boundaries of the following:

(1) The no livestock grazing area described in section 113(e).

(2) The mineral withdrawal area designated by title IV.

(3) The wildlands juniper management area established by title V.

16 USC
460nnn-12.

SEC. 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA.

(a) **PURPOSE.**—The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-

term ecological integrity of Steens Mountain for future and present generations.

(b) OBJECTIVES.—To further the purpose specified in subsection (a), and consistent with such purpose, the Secretary shall manage the Cooperative Management and Protection Area for the benefit of present and future generations—

(1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;

(2) to promote grazing, recreation, historic, and other uses that are sustainable;

(3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) to ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and

(5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Subtitle B—Management of Federal Lands

SEC. 111. MANAGEMENT AUTHORITIES AND PURPOSES.

16 USC
460nnn-21.

(a) IN GENERAL.—The Secretary shall manage all Federal lands included in the Cooperative Management and Protection Area pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable provisions of law, including this Act, in a manner that—

(1) ensures the conservation, protection, and improved management of the ecological, social and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources, North American Indian tribal and cultural and archaeological resource sites, and additional cultural and historic sites; and

(2) recognizes and allows current and historic recreational use.

(b) MANAGEMENT PLAN.—Within 4 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Federal lands included in the Cooperative Management and Protection Area, including the Wilderness Area. The plan shall—

Deadline.

(1) describe the appropriate uses and management of the Cooperative Management and Protection Area consistent with this Act;

(2) incorporate, as appropriate, decisions contained in any current or future management or activity plan for the Cooperative Management and Protection Area and use information developed in previous studies of the lands within or adjacent to the Cooperative Management and Protection Area;

(3) provide for coordination with State, county, and private local landowners and the Burns Paiute Tribe; and

(4) determine measurable and achievable management objectives, consistent with the management objectives in section 102, to ensure the ecological integrity of the area.

(c) MONITORING.—The Secretary shall implement a monitoring program for Federal lands in the Cooperative Management and Protection Area so that progress towards ecological integrity objectives can be determined.

16 USC
460nnn-22.

SEC. 112. ROADS AND TRAVEL ACCESS.

(a) TRANSPORTATION PLAN.—The management plan shall include, as an integral part, a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall address the maintenance, improvement, and closure of roads and trails as well as travel access.

(b) PROHIBITION ON OFF-ROAD MOTORIZED TRAVEL.—

(1) PROHIBITION.—The use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area—

(A) is prohibited off road; and

(B) is limited to such roads and trails as may be designated for their use as part of the management plan.

(2) EXCEPTIONS.—Paragraph (1) does not prohibit the use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area if the Secretary determines that such use—

(A) is needed for administrative purposes or to respond to an emergency; or

(B) is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness or managed under the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(c) ROAD CLOSURES.—Any determination to permanently close an existing road in the Cooperative Management and Protection Area or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public.

(d) PROHIBITION ON NEW CONSTRUCTION.—

(1) PROHIBITION, EXCEPTION.—No new road or trail for motorized or mechanized vehicles may be constructed on Federal lands in the Cooperative Management and Protection Area unless the Secretary determines that the road or trail is necessary for public safety or protection of the environment. Any determination under this subsection shall be made in consultation with the advisory council and the public.

(2) TRAILS.—Nothing in this subsection is intended to limit the authority of the Secretary to construct or maintain trails for nonmotorized or nonmechanized use.

(e) ACCESS TO NONFEDERALLY OWNED LANDS.—

(1) REASONABLE ACCESS.—The Secretary shall provide reasonable access to nonfederally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area and the Wilderness Area to provide the owner of the land or interest the reasonable use thereof.

(2) EFFECT ON EXISTING RIGHTS-OF-WAY.—Nothing in this Act shall have the effect of terminating any valid existing

right-of-way on Federal lands included in the Cooperative Management and Protection Area.

SEC. 113. LAND USE AUTHORITIES.

16 USC
460nnn-23.

(a) **IN GENERAL.**—The Secretary shall allow only such uses of the Federal lands included in the Cooperative Management and Protection Area as the Secretary finds will further the purposes for which the Cooperative Management and Protection Area is established.

(b) **COMMERCIAL TIMBER.**—

(1) **PROHIBITION.**—The Federal lands included in the Cooperative Management and Protection Area shall not be made available for commercial timber harvest.

(2) **LIMITED EXCEPTION.**—The Secretary may authorize the removal of trees from Federal lands in the Cooperative Management and Protection Area only if the Secretary determines that the removal is clearly needed for purposes of ecological restoration and maintenance or for public safety. Except in the Wilderness Area and the wilderness study areas referred to in section 204(a), the Secretary may authorize the sale of products resulting from the authorized removal of trees under this paragraph.

(c) **JUNIPER MANAGEMENT.**—The Secretary shall emphasize the restoration of the historic fire regime in the Cooperative Management and Protection Area and the resulting native vegetation communities through active management of Western Juniper on a landscape level. Management measures shall include the use of natural and prescribed burning.

(d) **HUNTING, FISHING, AND TRAPPING.**—

(1) **AUTHORIZATION.**—The Secretary shall permit hunting, fishing, and trapping on Federal lands included in the Cooperative Management and Protection Area in accordance with applicable laws and regulations of the United States and the State of Oregon.

(2) **AREA AND TIME LIMITATIONS.**—After consultation with the Oregon Department of Fish and Wildlife, the Secretary may designate zones where, and establish periods when, hunting, trapping or fishing is prohibited on Federal lands included in the Cooperative Management and Protection Area for reasons of public safety, administration, or public use and enjoyment.

(e) **GRAZING.**—

(1) **CONTINUATION OF EXISTING LAW.**—Except as otherwise provided in this section and title VI, the laws, regulations, and executive orders otherwise applicable to the Bureau of Land Management in issuing and administering grazing leases and permits on lands under its jurisdiction shall apply in regard to the Federal lands included in the Cooperative Management and Protection Area.

(2) **CANCELLATION OF CERTAIN PERMITS.**—The Secretary shall cancel that portion of the permitted grazing on Federal lands in the Fish Creek/Big Indian, East Ridge, and South Steens allotments located within the area designated as the “no livestock grazing area” on the map referred to in section 101(a). Upon cancellation, future grazing use in that designated area is prohibited. The Secretary shall be responsible for

installing and maintaining any fencing required for resource protection within the designated no livestock grazing area.

(3) FORAGE REPLACEMENT.—Reallocation of available forage shall be made as follows:

(A) O’Keefe pasture within the Miners Field allotment to Stafford Ranches.

(B) Fields Seeding and Bone Creek Pasture east of the county road within the Miners Field allotment to Amy Ready.

(C) Miners Field Pasture, Schouver Seeding and Bone Creek Pasture west of the county road within the Miners Field allotment to Roaring Springs Ranch.

(D) 800 animal unit months within the Crows Nest allotment to Lowther (Clemens) Ranch.

(4) FENCING AND WATER SYSTEMS.—The Secretary shall also construct fencing and develop water systems as necessary to allow reasonable and efficient livestock use of the forage resources referred to in paragraph (3).

(f) PROHIBITION ON CONSTRUCTION OF FACILITIES.—No new facilities may be constructed on Federal lands included in the Cooperative Management and Protection Area unless the Secretary determines that the structure—

(1) will be minimal in nature;

(2) is consistent with the purposes of this Act; and

(3) is necessary—

(A) for enhancing botanical, fish, wildlife, or watershed conditions;

(B) for public information, health, or safety;

(C) for the management of livestock; or

(D) for the management of recreation, but not for the promotion of recreation.

(g) WITHDRAWAL.—Subject to valid existing rights, the Federal lands and interests in lands included in the Cooperative Management and Protection Areas are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, except in the case of land exchanges if the Secretary determines that the exchange furthers the purpose and objectives specified in section 102 and so certifies to Congress.

16 USC
460nnn-24.

SEC. 114. LAND ACQUISITION AUTHORITY.

(a) ACQUISITION.—

(1) ACQUISITION AUTHORIZED.—In addition to the land acquisitions authorized by title VI, the Secretary may acquire other non-Federal lands and interests in lands located within the boundaries of the Cooperative Management and Protection Area or the Wilderness Area.

(2) ACQUISITION METHODS.—Lands may be acquired under this subsection only by voluntary exchange, donation, or purchase from willing sellers.

(b) TREATMENT OF ACQUIRED LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), lands or interests in lands acquired under subsection (a) or title VI that are located within the boundaries of the Cooperative Management and Protection Area shall—

(A) become part of the Cooperative Management and Protection Area; and

(B) be managed pursuant to the laws applicable to the Cooperative Management and Protection Area.

(2) LANDS WITHIN WILDERNESS AREA.—If lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of the Wilderness Area, the acquired lands or interests in lands shall—

(A) become part of the Wilderness Area; and

(B) be managed pursuant to title II and the other laws applicable to the Wilderness Area.

(3) LANDS WITHIN WILDERNESS STUDY AREA.—If the lands or interests in lands acquired under subsection (a) or title VI are within the boundaries of a wilderness study area, the acquired lands or interests in lands shall—

(A) become part of that wilderness study area; and

(B) be managed pursuant to the laws applicable to that wilderness study area.

(c) APPRAISAL.—In appraising non-Federal land, development rights, or conservation easements for possible acquisition under this section or section 122, the Secretary shall disregard any adverse impacts on values resulting from the designation of the Cooperative Management and Protection Area or the Wilderness Area.

SEC. 115. SPECIAL USE PERMITS.

16 USC
460nnn-25.

The Secretary may renew a special recreational use permit applicable to lands included in the Wilderness Area to the extent that the Secretary determines that the permit is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.). If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modification of the permit to realize historic permit use to the extent that the use is consistent with the Wilderness Act and this Act, as determined by the Secretary.

Subtitle C—Cooperative Management

SEC. 121. COOPERATIVE MANAGEMENT AGREEMENTS.

16 USC
460nnn-41.

(a) COOPERATIVE EFFORTS.—To further the purposes and objectives for which the Cooperative Management and Protection Area is designated, the Secretary may work with non-Federal landowners and other parties who voluntarily agree to participate in the cooperative management of Federal and non-Federal lands in the Cooperative Management and Protection Area.

(b) AGREEMENTS AUTHORIZED.—The Secretary may enter into a cooperative management agreement with any party to provide for the cooperative conservation and management of the Federal and non-Federal lands subject to the agreement.

(c) OTHER PARTICIPANTS.—With the consent of the landowners involved, the Secretary may permit permittees, special-use permit holders, other Federal and State agencies, and interested members of the public to participate in a cooperative management agreement as appropriate to achieve the resource or land use management objectives of the agreement.

(d) TRIBAL CULTURAL SITE PROTECTION.—The Secretary may enter into agreements with the Burns Paiute Tribe to protect cultural sites in the Cooperative Management and Protection Area of importance to the tribe.

SEC. 122. COOPERATIVE EFFORTS TO CONTROL DEVELOPMENT AND ENCOURAGE CONSERVATION.

(a) **POLICY.**—Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this Act.

(b) **USE OF NONDEVELOPMENT AND CONSERVATION EASEMENTS.**—The Secretary may enter into a nondevelopment easement or conservation easement with willing landowners to further the purposes of this Act.

(c) **CONSERVATION INCENTIVE PAYMENTS.**—The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

(d) **RELATION TO PROPERTY RIGHTS AND STATE AND LOCAL LAW.**—Nothing in this Act is intended to affect rights or interests in real property or supersede State law.

Subtitle D—Advisory Council

16 USC
460nnn-51.

SEC. 131. ESTABLISHMENT OF ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—The Secretary shall establish the Steens Mountain Advisory Council to advise the Secretary in managing the Cooperative Management and Protection Area and in promoting the cooperative management under subtitle C.

(b) **MEMBERS.**—The advisory council shall consist of 12 voting members, to be appointed by the Secretary, as follows:

(1) A private landowner in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(2) Two persons who are grazing permittees on Federal lands in the Cooperative Management and Protection Area, appointed from nominees submitted by the county court for Harney County, Oregon.

(3) A person interested in fish and recreational fishing in the Cooperative Management and Protection Area, appointed from nominees submitted by the Governor of Oregon.

(4) A member of the Burns Paiute Tribe, appointed from nominees submitted by the Burns Paiute Tribe.

(5) Two persons who are recognized environmental representatives, one of whom shall represent the State as a whole, and one of whom is from the local area, appointed from nominees submitted by the Governor of Oregon.

(6) A person who participates in what is commonly called dispersed recreation, such as hiking, camping, nature viewing, nature photography, bird watching, horse back riding, or trail walking, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(7) A person who is a recreational permit holder or is a representative of a commercial recreation operation in the Cooperative Management and Protection Area, appointed from nominees submitted jointly by the Oregon State Director of

the Bureau of Land Management and the county court for Harney County, Oregon.

(8) A person who participates in what is commonly called mechanized or consumptive recreation, such as hunting, fishing, off-road driving, hang gliding, or parasailing, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(9) A person with expertise and interest in wild horse management on Steens Mountain, appointed from nominees submitted by the Oregon State Director of the Bureau of Land Management.

(10) A person who has no financial interest in the Cooperative Management and Protection Area to represent statewide interests, appointed from nominees submitted by the Governor of Oregon.

(c) CONSULTATION.—In reviewing nominees submitted under subsection (b) for possible appointment to the advisory council, the Secretary shall consult with the respective community of interest that the nominees are to represent to ensure that the nominees have the support of their community of interest.

(d) TERMS.—

(1) STAGGERED TERMS.—Members of the advisory council shall be appointed for terms of 3 years, except that, of the members first appointed, four members shall be appointed for a term of 1 year and four members shall be appointed for a term of 2 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the advisory council.

(3) VACANCY.—A vacancy on the advisory council shall be filled in the same manner as the original appointment.

(d) CHAIRPERSON AND PROCEDURES.—The advisory council shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(e) SERVICE WITHOUT COMPENSATION.—Members of the advisory council shall serve without pay, but the Secretary shall reimburse members for reasonable expenses incurred in carrying out official duties as a member of the council.

(f) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the advisory council with necessary administrative support and shall designate an appropriate officer of the Bureau of Land Management to serve as the Secretary's liaison to the council.

(g) STATE LIAISON.—The Secretary shall appoint one person, nominated by the Governor of Oregon, to serve as the State government liaison to the advisory council.

(h) APPLICABLE LAW.—The advisory committee shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 132. ADVISORY ROLE IN MANAGEMENT ACTIVITIES.

(a) MANAGEMENT RECOMMENDATIONS.—The advisory committee shall utilize sound science, existing plans for the management of Federal lands included in the Cooperative Management and Protection Area, and other tools to formulate recommendations for the Secretary regarding—

16 USC
460nnn-52.

(1) new and unique approaches to the management of lands within the boundaries of the Cooperative Management and Protection Area; and

(2) cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the Cooperative Management and Protection Area.

(b) PREPARATION OF MANAGEMENT PLAN.—The Secretary shall consult with the advisory committee as part of the preparation and implementation of the management plan.

(c) SUBMISSION OF RECOMMENDATIONS.—No recommendations may be presented to the Secretary by the advisory council without the agreement of at least nine members of the advisory council.

16 USC
460nnn-53.

SEC. 133. SCIENCE COMMITTEE.

The Secretary shall appoint, as needed or at the request of the advisory council, a team of respected, knowledgeable, and diverse scientists to provide advice on questions relating to the management of the Cooperative Management and Protection Area to the Secretary and the advisory council. The Secretary shall seek the advice of the advisory council in making these appointments.

TITLE II—STEENS MOUNTAIN WILDERNESS AREA

16 USC
460nnn-61, 1132
note.

SEC. 201. DESIGNATION OF STEENS MOUNTAIN WILDERNESS AREA.

The Federal lands in the Cooperative Management and Protection Area depicted as wilderness on the map entitled “Steens Mountain Wilderness Area” and dated September 18, 2000, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. The wilderness area shall be known as the Steens Mountain Wilderness Area.

16 USC
460nnn-62.

SEC. 202. ADMINISTRATION OF WILDERNESS AREA.

(a) GENERAL RULE.—The Secretary shall administer the Wilderness Area in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.). Any reference in the Wilderness Act to the effective date of that Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(b) WILDERNESS BOUNDARIES ALONG ROADS.—Where a wilderness boundary exists along a road, the wilderness boundary shall be set back from the centerline of the road, consistent with the Bureau of Land Management’s guidelines as established in its Wilderness Management Policy.

(c) ACCESS TO NON-FEDERAL LANDS.—The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 112(d).

(d) GRAZING.—

(1) ADMINISTRATION.—Except as provided in section 113(e)(2), grazing of livestock shall be administered in accordance with the provision of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the provisions of this Act, and in accordance with the guidelines set forth

in Appendices A and B of House Report 101-405 of the 101st Congress.

(2) **RETIREMENT OF CERTAIN PERMITS.**—The Secretary shall permanently retire all grazing permits applicable to certain lands in the Wilderness Area, as depicted on the map referred to in section 101(a), and livestock shall be excluded from these lands.

SEC. 203. WATER RIGHTS.

16 USC
460nnn-63.

Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 204. TREATMENT OF WILDERNESS STUDY AREAS.

16 USC
460nnn-64.

(a) **STATUS UNAFFECTED.**—Except as provided in section 502, any wilderness study area, or portion of a wilderness study area, within the boundaries of the Cooperative Management and Protection Area, but not included in the Wilderness Area, shall remain a wilderness study area notwithstanding the enactment of this Act.

(b) **MANAGEMENT.**—The wilderness study areas referred to in subsection (a) shall continue to be managed under section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) in a manner so as not to impair the suitability of the areas for preservation as wilderness.

(c) **EXPANSION OF BASQUE HILLS WILDERNESS STUDY AREA.**—The boundaries of the Basque Hills Wilderness Study Area are hereby expanded to include the Federal lands within sections 8, 16, 17, 21, 22, and 27 of township 36 south, range 31 east, Willamette Meridian. These lands shall be managed under section 603(c) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1782(c)) to protect and enhance the wilderness values of these lands.

TITLE III—WILD AND SCENIC RIVERS AND TROUT RESERVE

SEC. 301. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER STATUS IN STEENS MOUNTAIN AREA.

16 USC
460nnn-71.

(a) **EXPANSION OF DONNER UND BLITZEN WILD RIVER.**—Section 3(a)(74) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(74)) is amended—

(1) by striking “the” at the beginning of each subparagraph and inserting “The”;

(2) by striking the semicolon at the end of subparagraphs (A), (B), (C), and (D) and inserting a period;

(3) by striking “; and” at the end of subparagraph (E) and inserting a period; and

(4) by adding at the end the following new subparagraphs:
“(G) The 5.1 mile segment of Mud Creek from its confluence with an unnamed spring in the SW¹/₄SE¹/₄ of section 32, township 33 south, range 33 east, to its confluence with the Donner und Blitzen River.

“(H) The 8.1 mile segment of Ankle Creek from its headwaters to its confluence with the Donner und Blitzen River.

“(I) The 1.6 mile segment of the South Fork of Ankle Creek from its confluence with an unnamed tributary in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 17, township 34 south, range 33 east, to its confluence with Ankle Creek.”.

(b) DESIGNATION OF WILDHORSE AND KIGER CREEKS, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“() WILDHORSE AND KIGER CREEKS, OREGON.—The following segments in the Steens Mountain Cooperative Management and Protection Area in the State of Oregon, to be administered by the Secretary of the Interior as wild rivers:

“(A) The 2.6-mile segment of Little Wildhorse Creek from its headwaters to its confluence with Wildhorse Creek.

“(B) The 7.0-mile segment of Wildhorse Creek from its headwaters, and including .36 stream miles into section 34, township 34 south, range 33 east.

“(C) The approximately 4.25-mile segment of Kiger Creek from its headwaters to the point at which it leaves the Steens Mountain Wilderness Area within the Steens Mountain Cooperative Management and Protection Area.”.

(c) MANAGEMENT.—Where management requirements for a stream segment described in the amendments made by this section differ between the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Area, the more restrictive requirements shall apply.

16 USC
460nnn-72.

SEC. 302. DONNER UND BLITZEN RIVER REDBAND TROUT RESERVE.

(a) FINDINGS.—The Congress finds the following:

(1) Those portions of the Donner und Blitzen River in the Wilderness Area are an exceptional environmental resource that provides habitat for unique populations of native fish, migratory waterfowl, and other wildlife resources, including a unique population of redband trout.

(2) Redband trout represent a unique natural history reflecting the Pleistocene connection between the lake basins of eastern Oregon and the Snake and Columbia Rivers.

(b) DESIGNATION OF RESERVE.—The Secretary shall designate the Donner und Blitzen Redband Trout Reserve consisting of the Donner und Blitzen River in the Wilderness Area above its confluence with Fish Creek and the Federal riparian lands immediately adjacent to the river.

(c) RESERVE PURPOSES.—The purposes of the Redband Trout Reserve are—

(1) to conserve, protect, and enhance the Donner und Blitzen River population of redband trout and the unique ecosystem of plants, fish, and wildlife of a river system; and

(2) to provide opportunities for scientific research, environmental education, and fish and wildlife oriented recreation and access to the extent compatible with paragraph (1).

(d) EXCLUSION OF PRIVATE LANDS.—The Redband Trout Reserve does not include any private lands adjacent to the Donner und Blitzen River or its tributaries.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein in the Redband Trout Reserve consistent with the Wilderness Act (16 U.S.C. 1131 et seq.) and the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(2) CONSULTATION.—In administering the Redband Trout Reserve, the Secretary shall consult with the advisory council and cooperate with the Oregon Department of Fish and Wildlife.

(3) RELATION TO RECREATION.—To the extent consistent with applicable law, the Secretary shall manage recreational activities in the Redband Trout Reserve in a manner that conserves the unique population of redband trout native to the Donner und Blitzen River.

(4) REMOVAL OF DAM.—The Secretary shall remove the dam located below the mouth of Fish Creek and above Page Springs if removal of the dam is scientifically justified and funds are available for such purpose.

(f) OUTREACH AND EDUCATION.—The Secretary may work with, provide technical assistance to, provide community outreach and education programs for or with, or enter into cooperative agreements with private landowners, State and local governments or agencies, and conservation organizations to further the purposes of the Redband Trout Reserve.

TITLE IV—MINERAL WITHDRAWAL AREA

SEC. 401. DESIGNATION OF MINERAL WITHDRAWAL AREA.

16 USC
460nnn-81.

(a) DESIGNATION.—Subject to valid existing rights, the Federal lands and interests in lands included within the withdrawal boundary as depicted on the map referred to in section 101(a) are hereby withdrawn from—

(1) location, entry and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto except as specified in subsection (b).

(b) ROAD MAINTENANCE.—If consistent with the purposes of this Act and the management plan for the Cooperative Management and Protection Area, the Secretary may permit the development of saleable mineral resources, for road maintenance use only, in those locations identified on the map referred to in section 101(a) as an existing “gravel pit” within the mineral withdrawal boundaries (excluding the Wilderness Area, wilderness study areas, and designated segments of the National Wild and Scenic Rivers System) where such development was authorized before the date of the enactment of this Act.

SEC. 402. TREATMENT OF STATE LANDS AND MINERAL INTERESTS.

16 USC
460nnn-82.

(a) ACQUISITION REQUIRED.—The Secretary shall acquire, for approximately equal value and as agreed to by the Secretary and the State of Oregon, lands and interests in lands owned by the State within the boundaries of the mineral withdrawal area designated pursuant to section 401.

(b) ACQUISITION METHODS.—The Secretary shall acquire such State lands and interests in lands in exchange for—

(1) Federal lands or Federal mineral interests that are outside the boundaries of the mineral withdrawal area;

(2) a monetary payment to the State; or

(3) a combination of a conveyance under paragraph (1) and a monetary payment under paragraph (2).

TITLE V—ESTABLISHMENT OF WILDLANDS JUNIPER MANAGEMENT AREA

16 USC
460nnn-91.

SEC. 501. WILDLANDS JUNIPER MANAGEMENT AREA.

(a) **ESTABLISHMENT.**—To further the purposes of section 113(c), the Secretary shall establish a special management area consisting of certain Federal lands in the Cooperative Management and Protection Area, as depicted on the map referred to in section 101(a), which shall be known as the Wildlands Juniper Management Area.

(b) **MANAGEMENT.**—Special management practices shall be adopted for the Wildlands Juniper Management Area for the purposes of experimentation, education, interpretation, and demonstration of active and passive management intended to restore the historic fire regime and native vegetation communities on Steens Mountain.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to the authorization of appropriations in section 701, there is authorized to be appropriated \$5,000,000 to carry out this title and section 113(c) regarding juniper management in the Cooperative Management and Protection Area.

16 USC
460nnn-92.

SEC. 502. RELEASE FROM WILDERNESS STUDY AREA STATUS.

The Federal lands included in the Wildlands Juniper Management Area established under section 501 are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to managing the lands so as not to impair the suitability of the lands for preservation as wilderness.

TITLE VI—LAND EXCHANGES

16 USC
460nnn-101.

SEC. 601. LAND EXCHANGE, ROARING SPRINGS RANCH.

(a) **EXCHANGE AUTHORIZED.**—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with Roaring Springs Ranch, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 76,374 acres in exchange for the private lands described in subsection (b).

(b) **RECEIPT OF NON-FEDERAL LANDS.**—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), Roaring Springs Ranch, Incorporated, shall convey to the Secretary parcels of land consisting of approximately 10,909 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area, a wilderness study area, and the no livestock grazing area as appropriate.

(c) **TREATMENT OF GRAZING.**—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in part of grazing permits for the South Steens allotment in the Wilderness Area

and reassignment of use areas as described in paragraph (3)(C) of such section, shall apply to the land exchange authorized by this section.

(d) **DISBURSEMENT.**—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Roaring Springs Ranch, Incorporated, in the amount of \$2,889,000.

(e) **COMPLETION OF CONVEYANCE.**—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

Deadline.

SEC. 602. LAND EXCHANGES, C.M. OTLEY AND OTLEY BROTHERS.

16 USC
460nnn-102.

(a) **C. M. OTLEY EXCHANGE.**—

(1) **EXCHANGE AUTHORIZED.**—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with C. M. Otley to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 3,845 acres in exchange for the private lands described in paragraph (2).

(2) **RECEIPT OF NON-FEDERAL LANDS.**—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in paragraph (3), C. M. Otley shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 851 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) **DISBURSEMENT.**—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to make a disbursement to C.M. Otley, in the amount of \$920,000.

(b) **OTLEY BROTHERS EXCHANGE.**—

(1) **EXCHANGE AUTHORIZED.**—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Otley Brother's, Inc., to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 6,881 acres in exchange for the private lands described in paragraph (2).

(2) **RECEIPT OF NON-FEDERAL LANDS.**—As consideration for the conveyance of the Federal lands referred to in paragraph (1) and the disbursement referred to in subsection (3), the Otley Brother's, Inc., shall convey to the Secretary a parcel of land in the headwaters of Kiger gorge consisting of approximately 505 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area and the no livestock grazing area as appropriate.

(3) **DISBURSEMENT.**—Upon completion of the land exchange authorized by this subsection, the Secretary is authorized to

make a disbursement to Otley Brother's, Inc., in the amount of \$400,000.

Deadline.

(c) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyances of the Federal lands under subsections (a) and (b) within 70 days after the Secretary accepts the lands described in such subsections.

16 USC
460nnn-103.

SEC. 603. LAND EXCHANGE, TOM J. DAVIS LIVESTOCK, INCORPORATED.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Wilderness Area, the Secretary may carry out a land exchange with Tom J. Davis Livestock, Incorporated, to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 5,340 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (c), Tom J. Davis Livestock, Incorporated, shall convey to the Secretary a parcel of land consisting of approximately 5,103 acres, as depicted on the map referred to in section 605(a), for inclusion in the Wilderness Area.

(c) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make a disbursement to Tom J. Davis Livestock, Incorporated, in the amount of \$800,000.

Deadline.

(d) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b).

16 USC
460nnn-104.

SEC. 604. LAND EXCHANGE, LOWTHER (CLEMENS) RANCH.

(a) EXCHANGE AUTHORIZED.—For the purpose of protecting and consolidating Federal lands within the Cooperative Management and Protection Area, the Secretary may carry out a land exchange with the Lowther (Clemens) Ranch to convey all right, title, and interest of the United States in and to certain parcels of land under the jurisdiction of the Bureau of Land Management in the vicinity of Steens Mountain, Oregon, as depicted on the map referred to in section 605(a), consisting of a total of approximately 11,796 acres in exchange for the private lands described in subsection (b).

(b) RECEIPT OF NON-FEDERAL LANDS.—As consideration for the conveyance of the Federal lands referred to in subsection (a) and the disbursement referred to in subsection (d), the Lowther (Clemens) Ranch shall convey to the Secretary a parcel of land consisting of approximately 1,078 acres, as depicted on the map referred to in section 605(a), for inclusion in the Cooperative Management and Protection Area.

(c) TREATMENT OF GRAZING.—Paragraphs (2) and (3) of section 113(e), relating to the effect of the cancellation in whole of the grazing permit for the Fish Creek/Big Indian allotment in the Wilderness Area and reassignment of use areas as described in paragraph (3)(D) of such section, shall apply to the land exchange authorized by this section.

(d) DISBURSEMENT.—Upon completion of the land exchange authorized by this section, the Secretary is authorized to make

a disbursement to Lowther (Clemens) Ranch, in the amount of \$148,000.

(e) COMPLETION OF CONVEYANCE.—The Secretary shall complete the conveyance of the Federal lands under subsection (a) within 70 days after the Secretary accepts the lands described in subsection (b). Deadline.

SEC. 605. GENERAL PROVISIONS APPLICABLE TO LAND EXCHANGES.

16 USC
460nnn-105.

(a) MAP.—The land conveyances described in this title are generally depicted on the map entitled “Steens Mountain Land Exchanges” and dated September 18, 2000.

(b) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of Federal land under this title is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Bureau of Land Management. It is anticipated that the Secretary will be able to carry out such land exchanges without the promulgation of additional regulations and without regard to the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal lands to be conveyed under this title must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal lands shall conform with the title approval standards applicable to Federal land acquisitions.

(d) LEGAL DESCRIPTIONS.—The exact acreage and legal description of all lands to be exchanged under this title shall be determined by surveys satisfactory to the Secretary. The costs of any such survey, as well as other administrative costs incurred to execute a land exchange under this title, shall be borne by the Secretary.

TITLE VII—FUNDING AUTHORITIES

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

16 USC
460nnn-121.

Except as provided in sections 501(c) and 702, there is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 702. USE OF LAND AND WATER CONSERVATION FUND.

16 USC
460nnn-122.

(a) AVAILABILITY OF FUND.—There are authorized to be appropriated \$25,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5) to provide funds for the acquisition of land and interests in land under section 114 and to enter into nondevelopment easements and conservation easements under subsections (b) and (c) of section 122.

(b) TERM OF USE.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 4828:

HOUSE REPORTS: No. 106-929, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 4, considered and passed House.

Oct. 12, considered and passed Senate.



Public Law 106–400
106th Congress

An Act

To rename the Stewart B. McKinney Homeless Assistance Act as the “McKinney-Vento Homeless Assistance Act”.

Oct. 30, 2000
[H.R. 5417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Section 1 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note; Public Law 100–77) is amended by striking subsection (a) and inserting the following new subsection:

“(a) **SHORT TITLE.**—This Act may be cited as the ‘McKinney-Vento Homeless Assistance Act’.”.

SEC. 2. REFERENCES.

42 USC 11301
note.

Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the “McKinney-Vento Homeless Assistance Act”.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 5417:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 11, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–401
106th Congress

Joint Resolution

Oct. 30, 2000
[H.J. Res. 120]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398, 1450,
1550, 1551.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “October 31, 2000”.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.J. Res. 120:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 30, considered and passed House and Senate.



Public Law 106–402
106th Congress

An Act

To improve service systems for individuals with developmental disabilities, and for other purposes.

Oct. 30, 2000
[S. 1809]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL
DISABILITIES**

Subtitle A—General Provisions

- Sec. 101. Findings, purposes, and policy.
- Sec. 102. Definitions.
- Sec. 103. Records and audits.
- Sec. 104. Responsibilities of the Secretary.
- Sec. 105. Reports of the Secretary.
- Sec. 106. State control of operations.
- Sec. 107. Employment of individuals with disabilities.
- Sec. 108. Construction.
- Sec. 109. Rights of individuals with developmental disabilities.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

- Sec. 121. Purpose.
- Sec. 122. State allotments.
- Sec. 123. Payments to the States for planning, administration, and services.
- Sec. 124. State plan.
- Sec. 125. State Councils on Developmental Disabilities and designated State agencies.
- Sec. 126. Federal and non-Federal share.
- Sec. 127. Withholding of payments for planning, administration, and services.
- Sec. 128. Appeals by States.
- Sec. 129. Authorization of appropriations.

Subtitle C—Protection and Advocacy of Individual Rights

- Sec. 141. Purpose.
- Sec. 142. Allotments and payments.
- Sec. 143. System required.
- Sec. 144. Administration.
- Sec. 145. Authorization of appropriations.

**Subtitle D—National Network of University Centers for Excellence in
Developmental Disabilities Education, Research, and Service**

- Sec. 151. Grant authority.
- Sec. 152. Grant awards.
- Sec. 153. Purpose and scope of activities.
- Sec. 154. Applications.

Developmental
Disabilities
Assistance and
Bill of Rights Act
of 2000.
42 USC 15001
note.

- Sec. 155. Definition.
- Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

- Sec. 161. Purpose.
- Sec. 162. Grant authority.
- Sec. 163. Authorization of appropriations.

TITLE II—FAMILY SUPPORT

- Sec. 201. Short title.
- Sec. 202. Findings, purposes, and policy.
- Sec. 203. Definitions and special rule.
- Sec. 204. Grants to States.
- Sec. 205. Application.
- Sec. 206. Designation of the lead entity.
- Sec. 207. Authorized activities.
- Sec. 208. Reporting.
- Sec. 209. Technical assistance.
- Sec. 210. Evaluation.
- Sec. 211. Projects of national significance.
- Sec. 212. Authorization of appropriations.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST
INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

- Sec. 301. Findings.
- Sec. 302. Definitions.
- Sec. 303. Reaching up scholarship program.
- Sec. 304. Staff development curriculum authorization.
- Sec. 305. Authorization of appropriations.

TITLE IV—REPEAL

- Sec. 401. Repeal.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

42 USC 15001.

SEC. 101. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society;

(2) in 1999, there were between 3,200,000 and 4,500,000 individuals with developmental disabilities in the United States, and recent studies indicate that individuals with developmental disabilities comprise between 1.2 and 1.65 percent of the United States population;

(3) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

(4) individuals with developmental disabilities often encounter discrimination in the provision of critical services, such as services in the areas of emphasis (as defined in section 102);

(5) individuals with developmental disabilities are at greater risk than the general population of abuse, neglect,

financial and sexual exploitation, and the violation of their legal and human rights;

(6) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services, including access to assistive technology, from generic and specialized service systems, and remain unserved or underserved;

(7) individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner;

(8) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that ensures that individuals from racial and ethnic minority backgrounds are fully included in all activities provided under this title;

(9) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family members, friends, and community members are provided with the necessary community services, individualized supports, and other forms of assistance;

(10) current research indicates that 88 percent of individuals with developmental disabilities live with their families or in their own households;

(11) many service delivery systems and communities are not prepared to meet the impending needs of the 479,862 adults with developmental disabilities who are living at home with parents who are 60 years old or older and who serve as the primary caregivers of the adults;

(12) in almost every State, individuals with developmental disabilities are waiting for appropriate services in their communities, in the areas of emphasis;

(13) the public needs to be made more aware of the capabilities and competencies of individuals with developmental disabilities, particularly in cases in which the individuals are provided with necessary services, supports, and other assistance;

(14) as increasing numbers of individuals with developmental disabilities are living, learning, working, and participating in all aspects of community life, there is an increasing need for a well trained workforce that is able to provide the services, supports, and other forms of direct assistance required to enable the individuals to carry out those activities;

(15) there needs to be greater effort to recruit individuals from minority backgrounds into professions serving individuals with developmental disabilities and their families;

(16) the goals of the Nation properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to—

(A) make informed choices and decisions about their lives;

(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

(C) pursue meaningful and productive lives;

(D) contribute to their families, communities, and States, and the Nation;

(E) have interdependent friendships and relationships with other persons;

(F) live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and

(G) achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

(17) as the Nation, States, and communities maintain and expand community living options for individuals with developmental disabilities, there is a need to evaluate the access to those options by individuals with developmental disabilities and the effects of those options on individuals with developmental disabilities.

(b) PURPOSE.—The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title, including specifically—

(1) State Councils on Developmental Disabilities in each State to engage in advocacy, capacity building, and systemic change activities that—

(A) are consistent with the purpose described in this subsection and the policy described in subsection (c); and

(B) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families;

(2) protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

(3) University Centers for Excellence in Developmental Disabilities Education, Research, and Service—

(A) to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;

(B) to provide community services—

(i) that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policy-makers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;

(C) to conduct research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively

or negatively, individuals with developmental disabilities and their families; and

(D) to disseminate information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances; and

(4) funding for—

(A) national initiatives to collect necessary data on issues that are directly or indirectly relevant to the lives of individuals with developmental disabilities;

(B) technical assistance to entities who engage in or intend to engage in activities consistent with the purpose described in this subsection or the policy described in subsection (c); and

(C) other nationally significant activities.

(c) **POLICY.**—It is the policy of the United States that all programs, projects, and activities receiving assistance under this title shall be carried out in a manner consistent with the principles that—

(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

(2) individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;

(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

(4) services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

(5) specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families;

(6) recruitment efforts in disciplines related to developmental disabilities relating to pre-service training, community training, practice, administration, and policymaking must focus on bringing larger numbers of racial and ethnic minorities

into the disciplines in order to provide appropriate skills, knowledge, role models, and sufficient personnel to address the growing needs of an increasingly diverse population;

(7) with education and support, communities can be accessible to and responsive to the needs of individuals with developmental disabilities and their families and are enriched by full and active participation in community activities, and contributions, by individuals with developmental disabilities and their families;

(8) individuals with developmental disabilities have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, and States, and the Nation;

(9) efforts undertaken to maintain or expand community-based living options for individuals with disabilities should be monitored in order to determine and report to appropriate individuals and entities the extent of access by individuals with developmental disabilities to those options and the extent of compliance by entities providing those options with quality assurance standards;

(10) families of children with developmental disabilities need to have access to and use of safe and appropriate child care and before-school and after-school programs, in the most integrated settings, in order to enrich the participation of the children in community life;

(11) individuals with developmental disabilities need to have access to and use of public transportation, in order to be independent and directly contribute to and participate in all facets of community life; and

(12) individuals with developmental disabilities need to have access to and use of recreational, leisure, and social opportunities in the most integrated settings, in order to enrich their participation in community life.

42 USC 15002.

SEC. 102. DEFINITIONS.

In this title:

(1) **AMERICAN INDIAN CONSORTIUM.**—The term “American Indian Consortium” means any confederation of 2 or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in 2 or more States.

(2) **AREAS OF EMPHASIS.**—The term “areas of emphasis” means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

(3) **ASSISTIVE TECHNOLOGY DEVICE.**—The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve

functional capabilities of individuals with developmental disabilities.

(4) **ASSISTIVE TECHNOLOGY SERVICE.**—The term “assistive technology service” means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual’s customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an assistive technology device;

(D) coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an education or rehabilitation plan or program;

(E) providing training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

(F) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

(5) **CENTER.**—The term “Center” means a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D.

(6) **CHILD CARE-RELATED ACTIVITIES.**—The term “child care-related activities” means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before-school, after-school, and out-of-school services, in their communities.

(7) **CULTURALLY COMPETENT.**—The term “culturally competent”, used with respect to services, supports, or other assistance, means services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports, or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

(8) **DEVELOPMENTAL DISABILITY.**—

(A) **IN GENERAL.**—The term “developmental disability” means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

(9) EARLY INTERVENTION ACTIVITIES.—The term “early intervention activities” means advocacy, capacity building, and systemic change activities provided to individuals described in paragraph (8)(B) and their families to enhance—

(A) the development of the individuals to maximize their potential; and

(B) the capacity of families to meet the special needs of the individuals.

(10) EDUCATION ACTIVITIES.—The term “education activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) EMPLOYMENT-RELATED ACTIVITIES.—The term “employment-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) FAMILY SUPPORT SERVICES.—

(A) IN GENERAL.—The term “family support services” means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family's role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

(iii) reunite families with members who have been placed out of the home whenever possible.

(B) SPECIFIC SERVICES.—Such term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses, associated with the needs of individuals with developmental disabilities.

(13) HEALTH-RELATED ACTIVITIES.—The term “health-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

(14) HOUSING-RELATED ACTIVITIES.—The term “housing-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.

(15) INCLUSION.—The term “inclusion”, used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to—

(A) have friendships and relationships with individuals and families of their own choice;

(B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;

(C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and

(D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

(16) INDIVIDUALIZED SUPPORTS.—The term “individualized supports” means supports that—

(A) enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(B) are designed to—

(i) enable such individual to control such individual’s environment, permitting the most independent life possible;

(ii) prevent placement into a more restrictive living arrangement than is necessary; and

(iii) enable such individual to live, learn, work, and enjoy life in the community; and

(C) include—

(i) early intervention services;

(ii) respite care;

(iii) personal assistance services;

- (iv) family support services;
- (v) supported employment services;
- (vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and
- (vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) **INTEGRATION.**—The term “integration”, used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(18) **NOT-FOR-PROFIT.**—The term “not-for-profit”, used with respect to an agency, institution, or organization, means an agency, institution, or organization that is owned or operated by 1 or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(19) **PERSONAL ASSISTANCE SERVICES.**—The term “personal assistance services” means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual’s control in life and ability to perform everyday activities, including activities on or off a job.

(20) **PREVENTION ACTIVITIES.**—The term “prevention activities” means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that—

(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

(B) increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and

(C) mitigate against the effects of developmental disabilities throughout the lifespan of an individual.

(21) **PRODUCTIVITY.**—The term “productivity” means—

(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(B) engagement in work that contributes to a household or community.

(22) **PROTECTION AND ADVOCACY SYSTEM.**—The term “protection and advocacy system” means a protection and advocacy system established in accordance with section 143.

(23) **QUALITY ASSURANCE ACTIVITIES.**—The term “quality assurance activities” means advocacy, capacity building, and systemic change activities that result in improved consumer- and family-centered quality assurance and that result in systems of quality assurance and consumer protection that—

(A) include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion;

(B) include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) include activities related to interagency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

(24) RECREATION-RELATED ACTIVITIES.—The term “recreation-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of recreational, leisure, and social activities, in their communities.

(25) REHABILITATION TECHNOLOGY.—The term “rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

(26) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(27) SELF-DETERMINATION ACTIVITIES.—The term “self-determination activities” means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) STATE.—The term “State”, except as otherwise provided, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(29) STATE COUNCIL ON DEVELOPMENTAL DISABILITIES.—The term “State Council on Developmental Disabilities” means a Council established under section 125.

(30) SUPPORTED EMPLOYMENT SERVICES.—The term “supported employment services” means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

(A)(i) for whom competitive employment has not traditionally occurred; or

(ii) for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and

(B) who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

(31) TRANSPORTATION-RELATED ACTIVITIES.—The term “transportation-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation.

(32) UNSERVED AND UNDERSERVED.—The term “unserved and underserved” includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

42 USC 15003.

SEC. 103. RECORDS AND AUDITS.

(a) RECORDS.—Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including—

(1) records that fully disclose—

(A) the amount and disposition by such recipient of the assistance;

(B) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(C) the amount of that portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

42 USC 15004.

SEC. 104. RESPONSIBILITIES OF THE SECRETARY.

(a) PROGRAM ACCOUNTABILITY.—

(1) IN GENERAL.—In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2001.

(2) AREAS OF EMPHASIS.—The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.

(3) INDICATORS OF PROGRESS.—

(A) IN GENERAL.—In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.

(B) PROPOSED INDICATORS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register for public comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).

Deadline.
Federal Register,
publication.

(C) FINAL INDICATORS.—Not later than October 1, 2001, the Secretary shall revise the proposed indicators of progress, to the extent necessary based on public comment, and publish final indicators of progress in the Federal Register.

Deadline.
Federal Register,
publication.

(D) SPECIFIC MEASURES.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

(III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).

(4) **TIME LINE FOR COMPLIANCE WITH INDICATORS OF PROGRESS.**—The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2002 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2001.

Deadline.

(b) **TIME LINE FOR REGULATIONS.**—Except as otherwise expressly provided in this title, the Secretary, not later than 1 year after the date of enactment of this Act, shall promulgate such regulations as may be required for the implementation of this title.

(c) **INTERAGENCY COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary shall maintain the interagency committee authorized in section 108 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6007) as in effect on the day before the date of enactment of this Act, except as otherwise provided in this subsection.

(2) **COMPOSITION.**—The interagency committee shall be composed of representatives of—

(A) the Administration on Developmental Disabilities, the Administration on Children, Youth, and Families, the Administration on Aging, and the Health Resources and Services Administration, of the Department of Health and Human Services; and

(B) such other Federal departments and agencies as the Secretary of Health and Human Services considers to be appropriate.

(3) **DUTIES.**—Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for individuals with developmental disabilities.

(4) **MEETINGS.**—Each meeting of the interagency committee (except for any meetings of any subcommittees of the committee) shall be open to the public. Notice of each meeting, and a statement of the agenda for the meeting, shall be published in the Federal Register not later than 14 days before the date on which the meeting is to occur.

Federal Register,
publication.
Deadline.

42 USC 15005.

SEC. 105. REPORTS OF THE SECRETARY.

At least once every 2 years, the Secretary, using information submitted in the reports and information required under subtitles

B, C, D, and E, shall prepare and submit to the President, Congress, and the National Council on Disability, a report that describes the goals and outcomes of programs supported under subtitles B, C, D, and E. In preparing the report, the Secretary shall provide—

(1) meaningful examples of how the councils, protection and advocacy systems, centers, and entities funded under subtitles B, C, D, and E, respectively—

(A) have undertaken coordinated activities with each other;

(B) have enhanced the ability of individuals with developmental disabilities and their families to participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

(C) have brought about advocacy, capacity building, and systemic change activities (including policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of noncompliance of the programs authorized under this title with the provisions of this title, and corrections made or actions taken to obtain compliance.

SEC. 106. STATE CONTROL OF OPERATIONS.

42 USC 15006.

Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any programs, services, and supports for individuals with developmental disabilities with respect to which any funds have been or may be expended under this title.

SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

42 USC 15007.

As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of title V of the Rehabilitation Act of 1973 (29

U.S.C. 791 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that govern employment.

42 USC 15008.

SEC. 108. CONSTRUCTION.

Nothing in this title shall be construed to preclude an entity funded under this title from engaging in advocacy, capacity building, and systemic change activities for individuals with developmental disabilities that may also have a positive impact on individuals with other disabilities.

42 USC 15009.

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 101(c).

(2) The treatment, services, and habilitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

(iii) prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

(iv) prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals; and

(v) provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

(4) All programs for individuals with developmental disabilities should meet standards—

(A) that are designed to assure the most favorable possible outcome for those served; and

(B)(i) in the case of residential programs serving individuals in need of comprehensive health-related,

habilitative, assistive technology or rehabilitative services, that are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, promulgated in regulations of the Secretary on June 3, 1988, as appropriate, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(ii) in the case of other residential programs for individuals with developmental disabilities, that assure that—

(I) care is appropriate to the needs of the individuals being served by such programs;

(II) the individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities; and

(III) the facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(iii) in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

(b) CLARIFICATION.—The rights of individuals with developmental disabilities described in findings made in this section shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

SEC. 121. PURPOSE.

42 USC 15021.

The purpose of this subtitle is to provide for allotments to support State Councils on Developmental Disabilities (referred to individually in this subtitle as a “Council”) in each State to—

(1) engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c); and

(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

SEC. 122. STATE ALLOTMENTS.

42 USC 15022.

(a) ALLOTMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 129 among the States on the basis of—

(i) the population;

(ii) the extent of need for services for individuals with developmental disabilities; and

(iii) the financial need,
of the respective States.

(B) USE OF FUNDS.—Sums allotted to the States under this section shall be used to pay for the Federal share of the cost of carrying out projects in accordance with State plans approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.

Deadline.

(2) ADJUSTMENTS.—The Secretary may make adjustments in the amounts of State allotments based on clauses (i), (ii), and (iii) of paragraph (1)(A) not more often than annually. The Secretary shall notify each State of any adjustment made under this paragraph and the percentage of the total sums appropriated under section 129 that the adjusted allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO \$70,000,000.—

(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than \$210,000; and

(ii) to any State not described in clause (i) may not be less than \$400,000.

(B) REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF \$70,000,000.—

(A) IN GENERAL.—In any case in which the total amount appropriated under section 129 for a fiscal year is more than \$70,000,000, the allotment under this section for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than \$220,000; and

(ii) to any State not described in clause (i) may not be less than \$450,000.

(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 129 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 129 (or a corresponding provision) for such preceding fiscal year.

(b) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

(c) OBLIGATION OF FUNDS.—For the purposes of this subtitle, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this subtitle.

(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a State plan approved in accordance with section 124 provides for cooperative or joint effort between or among States or agencies, public or private, in more than 1 State, portions of funds allotted to 1 or more States described in this subsection may be combined in accordance with the agreements between the States or agencies involved.

(e) REALLOTMENTS.—

(1) IN GENERAL.—If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallocate the amount.

(2) TIMING.—The Secretary may make such a reallocation from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallocation in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallocate the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallocate the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) **REALLOTMENT OF REDUCTIONS.**—The Secretary shall similarly reallocate the total of the reductions among the States whose proportionate amounts were not so reduced.

(5) **TREATMENT.**—Any amount reallocated to a State under this subsection for a fiscal year shall be deemed to be a part of the allotment of the State under subsection (a) for such fiscal year.

42 USC 15023.

SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

(a) **STATE PLAN EXPENDITURES.**—From each State's allotments for a fiscal year under section 122, the Secretary shall pay to the State the Federal share of the cost, other than the cost for construction, incurred during such year for activities carried out under the State plan approved under section 124. The Secretary shall make such payments from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend for the cost under the State plan. The Secretary shall make such adjustments as may be necessary to the payments on account of previously made underpayments or overpayments under this section.

(b) **DESIGNATED STATE AGENCY EXPENDITURES.**—The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

42 USC 15024.

SEC. 124. STATE PLAN.

(a) **IN GENERAL.**—Any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section.

(b) **PLANNING CYCLE.**—The plan described in subsection (a) shall be updated as appropriate during the 5-year period.

(c) **STATE PLAN REQUIREMENTS.**—In order to be approved by the Secretary under this section, a State plan shall meet each of the following requirements:

(1) **STATE COUNCIL.**—The plan shall provide for the establishment and maintenance of a Council in accordance with section 125 and describe the membership of such Council.

(2) **DESIGNATED STATE AGENCY.**—The plan shall identify the agency or office within the State designated to support the Council in accordance with this section and section 125(d) (referred to in this subtitle as a "designated State agency").

(3) **COMPREHENSIVE REVIEW AND ANALYSIS.**—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate, including particularly programs relating to the areas of emphasis, including—

- (i) medical assistance, maternal and child health care, services for children with special health care needs, children's mental health services, comprehensive health and mental health services, and institutional care options;

- (ii) job training, job placement, worksite accommodation, and vocational rehabilitation, and other work assistance programs; and

- (iii) social, child welfare, aging, independent living, and rehabilitation and assistive technology services, and such other services as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs, including activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), pursue interagency initiatives to improve and enhance community services, individualized supports, and other forms of assistance for individuals with developmental disabilities;

(C) an analysis of the extent to which community services and opportunities related to the areas of emphasis directly benefit individuals with developmental disabilities, especially with regard to their ability to access and use services provided in their communities, to participate in opportunities, activities, and events offered in their communities, and to contribute to community life, identifying particularly—

- (i) the degree of support for individuals with developmental disabilities that are attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

- (ii) criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving services described in this clause;

- (iii) the barriers that impede full participation of members of unserved and underserved groups of individuals with developmental disabilities and their families;

- (iv) the availability of assistive technology, assistive technology services, or rehabilitation technology, or information about assistive technology, assistive technology services, or rehabilitation technology to individuals with developmental disabilities;

- (v) the numbers of individuals with developmental disabilities on waiting lists for services described in this subparagraph;

- (vi) a description of the adequacy of current resources and projected availability of future resources to fund services described in this subparagraph;

- (vii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are in facilities receive (based in part on each independent review (pursuant to section 1902(a)(30)(C) of the Social

Security Act (42 U.S.C. 1396a(a)(30)(C))) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review); and

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated with the entity funded under this subtitle in the State, each other, and other entities to contribute to the achievement of the purpose of this subtitle; and

(E) the rationale for the goals related to advocacy, capacity building, and systemic change to be undertaken by the Council to contribute to the achievement of the purpose of this subtitle.

(4) **PLAN GOALS.**—The plan shall focus on Council efforts to bring about the purpose of this subtitle, by—

(A) specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council, that—

(i) are derived from the unmet needs of individuals with developmental disabilities and their families identified under paragraph (3); and

(ii) include a goal, for each year of the grant, to—

(I) establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities;

(II) support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and

(III) support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions; and

(B) for each year of the grant, describing—

(i) the goals to be achieved through the grant, which, beginning in fiscal year 2002, shall be consistent with applicable indicators of progress described in section 104(a)(3);

(ii) the strategies to be used in achieving each goal; and

(iii) the method to be used to determine if each goal has been achieved.

(5) **ASSURANCES.**—

(A) IN GENERAL.—The plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary.

(B) USE OF FUNDS.—With respect to the funds paid to the State under section 122, the plan shall provide assurances that—

(i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);

(ii) such funds will contribute to the achievement of the purpose of this subtitle in various political subdivisions of the State;

(iii) such funds will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the funds paid under section 122 are provided;

(iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

(v) part of such funds will be made available by the State to public or private entities;

(vi) at the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to $\frac{1}{2}$ (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or \$50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and

(vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that—

(I) contribute to the achievement of the purpose of this subtitle; and

(II) are explicitly authorized by the Council.

(C) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST.—The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

(F) PROGRAM ACCESSIBILITY STANDARDS.—The plan shall provide assurances that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) HUMAN RIGHTS.—The plan shall provide assurances that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) MINORITY PARTICIPATION.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) EMPLOYEE PROTECTIONS.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) STAFF ASSIGNMENTS.—The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

(L) NONINTERFERENCE.—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).

(M) STATE QUALITY ASSURANCE.—The plan shall provide assurances that the Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.

(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.

(d) PUBLIC INPUT AND REVIEW, SUBMISSION, AND APPROVAL.—

(1) PUBLIC INPUT AND REVIEW.—The plan shall be based on public input. The Council shall make the plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.

(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

(3) PLAN APPROVAL.—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES. 42 USC 15025.

(a) IN GENERAL.—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle. The Council shall have the authority to fulfill the responsibilities described in subsection (c).

(b) COUNCIL MEMBERSHIP.—

(1) COUNCIL APPOINTMENTS.—

(A) IN GENERAL.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(B) RECOMMENDATIONS.—The Governor shall select members of the Council, at the discretion of the Governor, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the initiative of the Council, or on the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations.

(C) REPRESENTATION.—The membership of the Council shall be geographically representative of the State and

reflect the diversity of the State with respect to race and ethnicity.

(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

- (A)(i) individuals with developmental disabilities;
- (ii) parents or guardians of children with developmental disabilities; or
- (iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a-5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—

(A) IN GENERAL.—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and non-governmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) AUTHORITY AND LIMITATIONS.—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict

of interest assurance requirement under section 124(c)(5)(D).

(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (3)—

(A) $\frac{1}{3}$ shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) $\frac{1}{3}$ shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) $\frac{1}{3}$ shall be a combination of individuals described in paragraph (3)(A).

(6) INSTITUTIONALIZED INDIVIDUALS.—

(A) IN GENERAL.—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) LIMITATION.—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) COUNCIL RESPONSIBILITIES.—

(1) IN GENERAL.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) ADVOCACY, CAPACITY BUILDING, AND SYSTEMIC CHANGE ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) EXAMINATION OF GOALS.—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) STATE PLAN DEVELOPMENT.—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) STATE PLAN IMPLEMENTATION.—

(A) IN GENERAL.—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

(B) OUTREACH.—The Council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) TRAINING.—The Council may support and conduct training for persons who are individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the Council supports or conducts training activities under this subparagraph, such activities shall contribute to the achievement of the purpose of this subtitle.

(D) TECHNICAL ASSISTANCE.—The Council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this subtitle.

(E) SUPPORTING AND EDUCATING COMMUNITIES.—The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families—

(i) by encouraging local networks to provide informal and formal supports;

(ii) through education; and

(iii) by enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(F) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may support and conduct activities to enhance coordination of services with—

(i) other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State interagency coordinating council established under subtitle C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the State mental health planning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x-1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011,

3012), and entities carrying out other similar councils, entities, or committees);

(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) and other entities carrying out federally funded projects that assist parents of children with disabilities; and

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.—The Council may support and conduct activities to eliminate barriers to access and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

(I) COALITION DEVELOPMENT AND CITIZEN PARTICIPATION.—The Council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

(J) INFORMING POLICYMAKERS.—The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) DEMONSTRATION OF NEW APPROACHES TO SERVICES AND SUPPORTS.—

(i) IN GENERAL.—The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this subtitle.

(ii) SOURCES OF FUNDING.—The Council may carry out this subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this subtitle, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(L) OTHER ACTIVITIES.—The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle.

(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS.—Beginning in fiscal year 2002, the Council shall annually prepare and transmit to the Secretary a report. Each report shall be in a form prescribed by the Secretary by regulation under section 104(b). Each report shall contain information about the progress made by the Council in achieving the goals of the Council (as specified in section 124(c)(4)), including—

(A) a description of the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement;

(D) separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii);

(E)(i) as appropriate, an update on the results of the comprehensive review and analysis described in section 124(c)(3); and

(ii) information on consumer satisfaction with Council supported or conducted activities;

(F)(i) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities (Mental Retardation) receive; and

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) receive;

(G) an accounting of the manner in which funds paid to the State under this subtitle for a fiscal year were expended;

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which the Council will widely disseminate the annual report to affected constituencies and the general public and will assure that the report is available in accessible formats.

(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this subtitle to fund and implement all programs, projects, and activities carried out under this subtitle, including—

(A)(i) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council; and

(ii) as determined in Council policy—

(I) reimbursing members of the Council for reasonable and necessary expenses (including expenses for child care and personal assistance services) for attending Council meetings and performing Council duties;

(II) paying a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties;

(III) supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities; and

(IV) carrying out appropriate subcontracting activities;

(B) hiring and maintaining such numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical staff (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out the functions of the Council under this subtitle, except that such State shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under this subtitle; and

(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the State plan approved under section 124.

(9) STAFF HIRING AND SUPERVISION.—The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

(10) STAFF ASSIGNMENTS.—The staff of the Council, while working for the Council, shall be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and shall not be assigned duties by the designated State agency or any other agency or entity of the State.

(11) CONSTRUCTION.—Nothing in this title shall be construed to authorize a Council to direct, control, or exercise

any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) DESIGNATED STATE AGENCY.—

(1) IN GENERAL.—Each State that receives assistance under this subtitle shall designate a State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 (Public Law 103-230), any designation of a State agency under this paragraph shall be made in accordance with the requirements of this subsection.

(2) DESIGNATION.—

(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

(i) the Council if such Council may be the designated State agency under the laws of the State;

(ii) a State agency that does not provide or pay for services for individuals with developmental disabilities; or

(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

(B) CONDITIONS FOR CONTINUATION OF STATE SERVICE AGENCY DESIGNATION.—

(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of part B of the Developmental Disabilities Assistance and Bill of Rights Act on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or the legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this subtitle.

(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination, at the discretion of the Governor (or the legislature, as the case may be), shall be made after—

(I) the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency; and

(II) the Governor (or the legislature, as the case may be) has made an independent assessment that the designation of such agency will not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an independent advocate for individuals with developmental disabilities.

(C) REVIEW OF DESIGNATION.—The Council may request a review of and change in the designation of the designated State agency by the Governor (or the legislature, as the case may be). The Council shall provide documentation

concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or the legislature, as the case may be) regarding a preferred designated State agency.

(D) APPEAL OF DESIGNATION.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of and change in the designation of the designated State agency if the ability of the Council to serve as an independent advocate is not assured because of the actions or inactions of the designated State agency.

(3) RESPONSIBILITIES.—

(A) IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

(B) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

(C) FISCAL RESPONSIBILITIES.—The designated State agency shall—

(i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

(D) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

(F) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

(G) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

(4) USE OF FUNDS FOR DESIGNATED STATE AGENCY RESPONSIBILITIES.—

(A) CONDITION FOR FEDERAL FUNDING.—

(i) IN GENERAL.—The Secretary shall provide amounts to a State under section 124(c)(5)(B)(vi) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3)

for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.

(ii) EXCEPTION.—Clause (i) shall not apply in a year in which the Council is the designated State agency.

(B) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—

With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

42 USC 15026.

SEC. 126. FEDERAL AND NON-FEDERAL SHARE.

(a) AGGREGATE COST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of all projects in a State supported by an allotment to the State under this subtitle may not be more than 75 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, as determined by the Secretary, the Federal share of the cost of all such projects may not be more than 90 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(3) STATE PLAN ACTIVITIES.—In the case of projects undertaken by the Council or Council staff to implement State plan activities, the Federal share of the cost of all such projects may be not more than 100 percent of the aggregate necessary cost of such activities.

(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the cost of such projects incurred by such State under a State plan approved under section 124, the Secretary shall not consider—

(1) any portion of such cost that is financed by Federal funds provided under any provision of law other than section 122; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of the Federal funds described in paragraph (1).

(c) NON-FEDERAL SHARE.—

(1) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project supported by an allotment under this subtitle may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS AND PUBLIC OR PRIVATE ENTITIES.—

(A) IN GENERAL.—Contributions to projects by a political subdivision of a State or by a public or private entity under an agreement with the State shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be contributions by such State, in the case of a project supported under this subtitle.

(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to

provide support services to the Council pursuant to section 125(d)(4), may be counted as part of such State's non-Federal share of the cost of projects supported under this subtitle.

(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required of each recipient of a grant from a Council under this subtitle may vary.

SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES. 42 USC 15027.

Whenever the Secretary, after providing reasonable notice and an opportunity for a hearing to the Council and the designated State agency, finds that—

(1) the Council or agency has failed to comply substantially with any of the provisions required by section 124 to be included in the State plan, particularly provisions required by paragraphs (4)(A) and (5)(B)(vii) of section 124(c), or with any of the provisions required by section 125(b)(3); or

(2) the Council or agency has failed to comply substantially with any regulations of the Secretary that are applicable to this subtitle,

the Secretary shall notify such Council and agency that the Secretary will not make further payments to the State under section 122 (or, in the discretion of the Secretary, that further payments to the State under section 122 for activities for which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payments to the State under section 122, or shall limit further payments under section 122 to such State to activities for which there is no such failure.

SEC. 128. APPEALS BY STATES.

42 USC 15028.

(a) APPEAL.—If any State is dissatisfied with the Secretary's action under section 124(d)(3) or 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court not later than 60 days after such action.

(b) FILING.—The clerk of the court shall transmit promptly a copy of the petition to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary shall file promptly with the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(c) JURISDICTION.—Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside the order of the Secretary relating to the action.

(d) FINDINGS AND REMAND.—The findings of the Secretary about the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case involved to the Secretary for further proceedings to take further evidence. On remand, the Secretary may make new or modified findings of fact and may modify the previous action of the Secretary, and shall file with the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) **FINALITY.**—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) **EFFECT.**—The commencement of proceedings under this section shall not, unless so specifically ordered by a court, operate as a stay of the Secretary's action.

42 USC 15029.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

(a) **FUNDING FOR STATE ALLOTMENTS.**—Except as described in subsection (b), there are authorized to be appropriated for allotments under section 122 \$76,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) **RESERVATION FOR TECHNICAL ASSISTANCE.**—

(1) **LOWER APPROPRIATION YEARS.**—For any fiscal year for which the amount appropriated under subsection (a) is less than \$76,000,000, the Secretary shall reserve funds in accordance with section 163(c) to provide technical assistance to entities funded under this subtitle.

(2) **HIGHER APPROPRIATION YEARS.**—For any fiscal year for which the amount appropriated under subsection (a) is not less than \$76,000,000, the Secretary shall reserve not less than \$300,000 and not more than 1 percent of the amount appropriated under subsection (a) to provide technical assistance to entities funded under this subtitle.

Subtitle C—Protection and Advocacy of Individual Rights

42 USC 15041.

SEC. 141. PURPOSE.

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a “system”) in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

42 USC 15042.

SEC. 142. ALLOTMENTS AND PAYMENTS.

(a) **ALLOTMENTS.**—

(1) **IN GENERAL.**—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under subsections (a)(1)(A) and (e) of section 122, except as provided in paragraph (2).

(2) **MINIMUM ALLOTMENTS.**—In any case in which—

(A) the total amount appropriated under section 145 for a fiscal year is not less than \$20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than \$107,000; and

(ii) to any State not described in clause (i) may not be less than \$200,000; or

(B) the total amount appropriated under section 145 for a fiscal year is less than \$20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than \$80,000; and

(ii) to any State not described in clause (i) may not be less than \$150,000.

(3) REDUCTION OF ALLOTMENT.—Notwithstanding paragraphs (1) and (2), if the aggregate of the amounts to be allotted to the States pursuant to such paragraphs for any fiscal year exceeds the total amount appropriated for such allotments under section 145 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 145 (or a corresponding provision) for such preceding fiscal year.

(5) MONITORING THE ADMINISTRATION OF THE SYSTEM.—In a State in which the system is housed in a State agency, the State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under section 143(a).

(6) TECHNICAL ASSISTANCE AND AMERICAN INDIAN CONSORTIUM.—In any case in which the total amount appropriated under section 145 for a fiscal year is more than \$24,500,000, the Secretary shall—

(A) use not more than 2 percent of the amount appropriated to provide technical assistance to eligible systems with respect to activities carried out under this subtitle (consistent with requests by such systems for such assistance for the year); and

(B) provide a grant in accordance with section 143(b), and in an amount described in paragraph (2)(A)(i), to an American Indian consortium to provide protection and advocacy services.

(b) **PAYMENT TO SYSTEMS.**—Notwithstanding any other provision of law, the Secretary shall pay directly to any system in a State that complies with the provisions of this subtitle the amount of the allotment made for the State under this section, unless the system specifies otherwise.

(c) **UNOBLIGATED FUNDS.**—Any amount paid to a system under this subtitle for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year, for the purposes for which such amount was paid.

42 USC 15043.

SEC. 143. SYSTEM REQUIRED.

(a) **SYSTEM REQUIRED.**—In order for a State to receive an allotment under subtitle B or this subtitle—

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall—

(A) have the authority to—

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, develop, submit to the Secretary, and take action with regard to goals (each of which is related to 1 or more areas of emphasis) and priorities, developed through data driven strategic planning, for the system's activities;

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairment, and their representatives, and as appropriate, non-State agency representatives of the State Councils on Developmental Disabilities, and Centers, in the State, an opportunity to comment on—

(i) the goals and priorities established by the system and the rationale for the establishment of such goals; and

(ii) the activities of the system, including the coordination of services with the entities carrying out advocacy programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Older Americans

Act of 1965 (42 U.S.C. 3001 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and with entities carrying out other related programs, including the parent training and information centers funded under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012);

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental disabilities have full access to services of the system;

(F) not be administered by the State Council on Developmental Disabilities;

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which—

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which—

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability—

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability;

(K) hire and maintain sufficient numbers and types of staff (qualified by training and experience) to carry out such system's functions, except that the State involved shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system under this subtitle;

(L) have the authority to educate policymakers; and

(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

(3) to the extent that information is available, the State shall provide to the system—

(A) a copy of each independent review, pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C)), of an Intermediate Care Facility (Mental Retardation) within the State, not later than 30 days after the availability of such a review; and

(B) information about the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive; and

(4) the agency implementing the system shall not be redesignated unless—

(A) there is good cause for the redesignation;

(B) the State has given the agency notice of the intention to make such redesignation, including notice regarding the good cause for such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term “record” includes—

(1) a report prepared or received by any staff at any location at which services, supports, or other assistance is provided to individuals with developmental disabilities;

(2) a report prepared by an agency or staff person charged with investigating reports of incidents of abuse or neglect, injury, or death occurring at such location, that describes such incidents and the steps taken to investigate such incidents; and

(3) a discharge planning record.

SEC. 144. ADMINISTRATION.

42 USC 15044.

(a) GOVERNING BOARD.—In a State in which the system described in section 143 is organized as a private nonprofit entity with a multimember governing board, or a public system with a multimember governing board, such governing board shall be selected according to the policies and procedures of the system, except that—

(1)(A) the governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system;

(B) a majority of the members of the board shall be—

(i) individuals with disabilities, including individuals with developmental disabilities, who are eligible for services, or have received or are receiving services through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i); and

(C) the board may include a representative of the State Council on Developmental Disabilities, the Centers in the State, and the self-advocacy organization described in section 124(c)(4)(A)(ii)(I);

(2) not more than $\frac{1}{3}$ of the members of the governing board may be appointed by the chief executive officer of the State involved, in the case of any State in which such officer has the authority to appoint members of the board;

(3) the membership of the governing board shall be subject to term limits set by the system to ensure rotating membership;

(4) any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs; and

(5) in a State in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council—

(A) that shall advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

(B) on which a majority of the members shall be—

(i) individuals with developmental disabilities who are eligible for services, or have received or are receiving services, through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i).

(b) **LEGAL ACTION.**—

(1) **IN GENERAL.**—Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or instrumentality of a State.

(2) **USE OF AMOUNTS FROM JUDGMENT.**—An amount received pursuant to a suit described in paragraph (1) through a court judgment may only be used by the system to further the purpose of this subtitle and shall not be used to augment payments to legal contractors or to award personal bonuses.

(3) **LIMITATION.**—The system shall use assistance provided under this subtitle in a manner consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404).

(c) **DISCLOSURE OF INFORMATION.**—For purposes of any periodic audit, report, or evaluation required under this subtitle, the Secretary shall not require an entity carrying out a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(d) **PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.**—The Secretary shall provide advance public notice of any Federal programmatic or administrative onsite review of a system conducted under this subtitle and solicit public comment on the system through such notice. The Secretary shall prepare an onsite visit report containing the results of such review, which shall be distributed to the Governor of the State and to other interested public and private parties. The comments received in response to the public comment solicitation notice shall be included in the onsite visit report.

(e) **REPORTS.**—Beginning in fiscal year 2002, each system established in a State pursuant to this subtitle shall annually prepare and transmit to the Secretary a report that describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system's goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.

42 USC 15045.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

For allotments under section 142, there are authorized to be appropriated \$32,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

SEC. 151. GRANT AUTHORITY.

42 USC 15061.

(a) **NATIONAL NETWORK.**—From appropriations authorized under section 156(a)(1), the Secretary shall make 5-year grants to entities in each State designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service to carry out activities described in section 153(a).

(b) **NATIONAL TRAINING INITIATIVES.**—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(2), the Secretary shall make grants to Centers to carry out activities described in section 153(b).

(c) **TECHNICAL ASSISTANCE.**—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(3) (or from funds reserved under section 163, as appropriate), the Secretary shall enter into 1 or more cooperative agreements or contracts for the purpose of providing technical assistance described in section 153(c).

SEC. 152. GRANT AWARDS.

42 USC 15062.

(a) EXISTING CENTERS.—

(1) **IN GENERAL.**—In awarding and distributing grant funds under section 151(a) for a fiscal year, the Secretary, subject to the availability of appropriations and the condition specified in subsection (d), shall award and distribute grant funds in equal amounts of \$500,000 (adjusted in accordance with subsection (b)), to each Center that existed during the preceding fiscal year and that meets the requirements of this subtitle, prior to making grants under subsection (c) or (d).

(2) **REDUCTION OF AWARD.**—Notwithstanding paragraph (1), if the aggregate of the funds to be awarded to the Centers pursuant to paragraph (1) for any fiscal year exceeds the total amount appropriated under section 156 for such fiscal year, the amount to be awarded to each Center for such fiscal year shall be proportionately reduced.

(b) **ADJUSTMENTS.**—Subject to the availability of appropriations, for any fiscal year following a year in which each Center described in subsection (a) received a grant award of not less than \$500,000 under subsection (a) (adjusted in accordance with this subsection), the Secretary shall adjust the awards to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), prior to making grants under subsection (c) or (d).

(c) **NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.**—Subject to the availability of appropriations, for any fiscal year in which each Center described in subsection (a) receives a grant award of not less than \$500,000, under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary shall make grants under section 151(b) to

Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families, as described in section 153(b).

(d) **ADDITIONAL GRANTS.**—For any fiscal year in which each Center described in subsection (a) receives a grant award of not less than \$500,000 under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary may make grants under section 151(a) for activities described in section 153(a) to additional Centers, or additional grants to Centers, for States or populations that are unserved or underserved by Centers due to such factors as—

- (1) population;
- (2) a high concentration of rural or urban areas; or
- (3) a high concentration of unserved or underserved populations.

42 USC 15063.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

(a) **NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.**—

(1) **IN GENERAL.**—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. The Centers shall be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in paragraph (2), addressing, directly or indirectly, 1 or more of the areas of emphasis.

(2) **CORE FUNCTIONS.**—The core functions referred to in paragraph (1) shall include the following:

(A) Provision of interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title.

(B) Provision of community services—

(i) that provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities.

(C) Conduct of research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.

(D) Dissemination of information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

(b) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—

(1) SUPPLEMENTAL GRANTS.—After consultation with relevant, informed sources, including individuals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work affects the lives of individuals with developmental disabilities;

(2) compile, analyze, and disseminate state-of-the-art training, research, and demonstration results policies, and practices from multiple Centers and, in appropriate cases, other entities whose work affects the lives of persons with developmental disabilities;

(3) convene experts from multiple Centers to discuss and make recommendations with regard to national emerging needs of individuals with developmental disabilities;

(4)(A) develop portals that link users with every Center's website; and

(B) facilitate electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that impact individuals with disabilities and their families;

(5) serve as a research-based resource for Federal and State policymakers on information concerning and issues impacting individuals with developmental disabilities and entities that assist or serve those individuals; or

(6) undertake any other functions that the Secretary determines to be appropriate; to promote the viability and use of the resources and expertise of the Centers nationally and internationally.

SEC. 154. APPLICATIONS.**(a) APPLICATIONS FOR CORE CENTER GRANTS.—**

(1) **IN GENERAL.**—To be eligible to receive a grant under section 151(a) for a Center, an entity shall submit to the Secretary, and obtain approval of, an application at such time, in such manner, and containing such information, as the Secretary may require.

(2) **APPLICATION CONTENTS.**—Each application described in paragraph (1) shall describe a 5-year plan, including a projected goal related to 1 or more areas of emphasis for each of the core functions described in section 153(a).

(3) **ASSURANCES.**—The application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that the entity designated as the Center will—

(A) meet regulatory standards as established by the Secretary for Centers;

(B) address the projected goals, and carry out goal-related activities, based on data driven strategic planning and in a manner consistent with the objectives of this subtitle, that—

(i) are developed in collaboration with the consumer advisory committee established pursuant to subparagraph (E);

(ii) are consistent with, and to the extent feasible complement and further, the Council goals contained in the State plan submitted under section 124 and the system goals established under section 143; and

(iii) will be reviewed and revised annually as necessary to address emerging trends and needs;

(C) use the funds made available through the grant to supplement, and not supplant, the funds that would otherwise be made available for activities described in section 153(a);

(D) protect, consistent with the policy specified in section 101(c) (relating to rights of individuals with developmental disabilities), the legal and human rights of all individuals with developmental disabilities (especially those individuals under State guardianship) who are involved in activities carried out under programs assisted under this subtitle;

(E) establish a consumer advisory committee—

(i) of which a majority of the members shall be individuals with developmental disabilities and family members of such individuals;

(ii) that is comprised of—

(I) individuals with developmental disabilities and related disabilities;

(II) family members of individuals with developmental disabilities;

(III) a representative of the State protection and advocacy system;

(IV) a representative of the State Council on Developmental Disabilities;

(V) a representative of a self-advocacy organization described in section 124(c)(4)(A)(ii)(I); and

(VI) representatives of organizations that may include parent training and information centers assisted under section 682 or 683 of the Individuals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

(iii) that reflects the racial and ethnic diversity of the State; and

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

(II) meet as often as necessary to carry out the role of the committee, but at a minimum twice during each grant year;

(F) to the extent possible, utilize the infrastructure and resources obtained through funds made available under the grant to leverage additional public and private funds to successfully achieve the projected goals developed in the 5-year plan;

(G)(i) have a director with appropriate academic credentials, demonstrated leadership, expertise regarding developmental disabilities, significant experience in managing grants and contracts, and the ability to leverage public and private funds; and

(ii) allocate adequate staff time to carry out activities related to each of the core functions described in section 153(a); and

(H) educate, and disseminate information related to the purpose of this title to, the legislature of the State in which the Center is located, and to Members of Congress from such State.

(b) SUPPLEMENTAL GRANT APPLICATIONS PERTAINING TO NATIONAL TRAINING INITIATIVES IN CRITICAL AND EMERGING NEEDS.—To be eligible to receive a supplemental grant under section 151(b), a Center may submit a supplemental application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, pursuant to the terms and conditions set by the Secretary consistent with section 153(b).

(c) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall require that all applications submitted under this subtitle be subject to technical and qualitative review by peer review groups established under paragraph (2). The Secretary may approve an application under this subtitle only if such application has been recommended by a peer review group that has conducted the peer review required under this paragraph. In conducting the

review, the group may conduct onsite visits or inspections of related activities as necessary.

(2) ESTABLISHMENT OF PEER REVIEW GROUPS.—

(A) IN GENERAL.—The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

(i) the provisions of title 5, United States Code, concerning appointments to the competitive service; and

(ii) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates; establish such peer review groups and appoint and set the rates of pay of members of such groups.

(B) COMPOSITION.—Each peer review group shall include such individuals with disabilities and parents, guardians, or advocates of or for individuals with developmental disabilities, as are necessary to carry out this subsection.

(3) WAIVERS OF APPROVAL.—The Secretary may waive the provisions of paragraph (1) with respect to review and approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of administration or operation of a Center, or the cost of carrying out a training initiative, supported by a grant made under this subtitle may not be more than 75 percent of the necessary cost of such project, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of a project whose activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, as determined by the Secretary, the Federal share of the cost of the project may not be more than 90 percent of the necessary costs of the project, as determined by the Secretary.

(3) GRANT EXPENDITURES.—For the purpose of determining the Federal share with respect to the project, expenditures on that project by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be expenditures made by a Center under this subtitle.

(e) ANNUAL REPORT.—Each Center shall annually prepare and transmit to the Secretary a report containing—

(1) information on progress made in achieving the projected goals of the Center for the previous year, including—

(A) the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and

(D) an accounting of the manner in which funds paid to the Center under this subtitle for a fiscal year were expended;

(2) information on proposed revisions to the goals; and

(3) a description of successful efforts to leverage funds, other than funds made available under this subtitle, to pursue goals consistent with this subtitle.

SEC. 155. DEFINITION.

42 USC 15065.

In this subtitle, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

42 USC 15066.

(a) AUTHORIZATION AND RESERVATIONS.—

(1) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this subtitle (other than section 153(c)(4)) \$30,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(2) **RESERVATION FOR TRAINING INITIATIVES.**—From any amount appropriated for a fiscal year under paragraph (1) and remaining after each Center described in section 152(a) has received a grant award of not less than \$500,000, as described in section 152, the Secretary shall reserve funds for the training initiatives authorized under section 153(b).

(3) RESERVATION FOR TECHNICAL ASSISTANCE.—

(A) **YEARS BEFORE APPROPRIATION TRIGGER.**—For any covered year, the Secretary shall reserve funds in accordance with section 163(c) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(B) **YEARS AFTER APPROPRIATION TRIGGER.**—For any fiscal year that is not a covered year, the Secretary shall reserve not less than \$300,000 and not more than 2 percent of the amount appropriated under paragraph (1) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(C) **COVERED YEAR.**—In this paragraph, the term “covered year” means a fiscal year prior to the first fiscal year for which the amount appropriated under paragraph (1) is not less than \$20,000,000.

(b) **LIMITATION.**—The Secretary may not use, for peer review or other activities directly related to peer review conducted under this subtitle—

(1) for fiscal year 2001, more than \$300,000 of the funds made available under subsection (a); and

(2) for any succeeding fiscal year, more than the amount of funds used for the peer review and related activities in fiscal year 2001, adjusted to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase).

Subtitle E—Projects of National Significance

SEC. 161. PURPOSE.

42 USC 15081.

The purpose of this subtitle is to provide grants, contracts, or cooperative agreements for projects of national significance that—

(1) create opportunities for individuals with developmental disabilities to directly and fully contribute to, and participate in, all facets of community life; and

(2) support the development of national and State policies that reinforce and promote, with the support of families, guardians, advocates, and communities, of individuals with developmental disabilities, the self-determination, independence, productivity, and integration and inclusion in all facets of community life of such individuals through—

(A) family support activities;

(B) data collection and analysis;

(C) technical assistance to entities funded under subtitles B and D, subject to the limitations described in sections 129(b), 156(a)(3), and 163(c); and

(D) other projects of sufficient size and scope that hold promise to expand or improve opportunities for such individuals, including—

(i) projects that provide technical assistance for the development of information and referral systems;

(ii) projects that provide technical assistance to self-advocacy organizations of individuals with developmental disabilities;

(iii) projects that provide education for policymakers;

(iv) Federal interagency initiatives;

(v) projects that enhance the participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

(vi) projects that provide aid to transition youth with developmental disabilities from school to adult life, especially in finding employment and postsecondary education opportunities and in upgrading and changing any assistive technology devices that may be needed as a youth matures;

(vii) initiatives that address the development of community quality assurance systems and the training related to the development, implementation, and evaluation of such systems, including training of individuals with developmental disabilities and their families;

(viii) initiatives that address the needs of aging individuals with developmental disabilities and aging caregivers of adults with developmental disabilities in the community;

(ix) initiatives that create greater access to and use of generic services systems, community organizations, and associations, and initiatives that assist in community economic development;

(x) initiatives that create access to increased living options;

(xi) initiatives that address the challenging behaviors of individuals with developmental disabilities, including initiatives that promote positive alternatives to the use of restraints and seclusion; and

(xii) initiatives that address other areas of emerging need.

SEC. 162. GRANT AUTHORITY.

42 USC 15082.

(a) **IN GENERAL.**—The Secretary shall award grants, contracts, or cooperative agreements to public or private nonprofit entities for projects of national significance relating to individuals with developmental disabilities to carry out activities described in section 161(2).

(b) **FEDERAL INTERAGENCY INITIATIVES.**—

(1) **IN GENERAL.**—

(A) **AUTHORITY.**—The Secretary may—

(i) enter into agreements with Federal agencies to jointly carry out activities described in section 161(2) or to jointly carry out activities of common interest related to the objectives of such section; and

(ii) transfer to such agencies for such purposes funds appropriated under this subtitle, and receive and use funds from such agencies for such purposes.

(B) **RELATION TO PROGRAM PURPOSES.**—Funds transferred or received pursuant to this paragraph shall be used only in accordance with statutes authorizing the appropriation of such funds. Such funds shall be made available through grants, contracts, or cooperative agreements only to recipients eligible to receive such funds under such statutes.

(C) **PROCEDURES AND CRITERIA.**—If the Secretary enters into an agreement under this subsection for the administration of a jointly funded project—

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) **LIMITATION.**—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

SEC. 163. AUTHORIZATION OF APPROPRIATIONS.

42 USC 15083.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out the projects specified in this section \$16,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) **USE OF FUNDS.**—

(1) **GRANTS, CONTRACTS, AND AGREEMENTS.**—Except as provided in paragraph (2), the amount appropriated under subsection (a) for each fiscal year shall be used to award grants, or enter into contracts, cooperative agreements, or other agreements, under section 162.

(2) **ADMINISTRATIVE COSTS.**—Not more than 1 percent of the amount appropriated under subsection (a) for each fiscal year may be used to provide for the administrative costs (other than compensation of Federal employees) of the Administration

on Developmental Disabilities for administering this subtitle and subtitles B, C, and D, including monitoring the performance of and providing technical assistance to, entities that receive funds under this title.

(c) **TECHNICAL ASSISTANCE FOR COUNCILS AND CENTERS.**—

(1) **IN GENERAL.**—For each covered year, the Secretary shall expend, to provide technical assistance for entities funded under subtitle B or D, an amount from funds appropriated under subsection (a) that is not less than the amount the Secretary expended on technical assistance for entities funded under that subtitle (or a corresponding provision) in the previous fiscal year.

(2) **COVERED YEAR.**—In this subsection, the term “covered year” means—

(A) in the case of an expenditure for entities funded under subtitle B, a fiscal year for which the amount appropriated under section 129(a) is less than \$76,000,000; and

(B) in the case of an expenditure for entities funded under subtitle D, a fiscal year prior to the first fiscal year for which the amount appropriated under section 156(a)(1) is not less than \$20,000,000.

(3) **REFERENCES.**—References in this subsection to subtitle D shall not be considered to include section 153(c)(4).

(d) **TECHNICAL ASSISTANCE ON ELECTRONIC INFORMATION SHARING.**—In addition to any funds reserved under subsection (c), the Secretary shall reserve \$100,000 from the amount appropriated under subsection (a) for each fiscal year to carry out section 153(c)(4).

(e) **LIMITATION.**—For any fiscal year for which the amount appropriated under subsection (a) is not less than \$10,000,000, not more than 50 percent of such amount shall be used for activities carried out under section 161(2)(A).

Families of
Children With
Disabilities
Support Act of
2000.
42 USC 15001
note.

TITLE II—FAMILY SUPPORT

SEC. 201. SHORT TITLE.

This title may be cited as the “Families of Children With Disabilities Support Act of 2000”.

42 USC 15091.

SEC. 202. FINDINGS, PURPOSES, AND POLICY.

(a) **FINDINGS.**—Congress makes the following findings:

(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

(2) Families of children with disabilities provide support, care, and training to their children that can save States millions of dollars. Without the efforts of family caregivers, many persons with disabilities would receive care through State-supported out-of-home placements.

(3) Most families of children with disabilities, especially families in unserved and underserved populations, do not have access to family-centered and family-directed services to support such families in their efforts to care for such children at home.

(4) Medical advances and improved health care have increased the life span of many people with disabilities, and the combination of the longer life spans and the aging of family

caregivers places a continually increasing demand on the finite service delivery systems of the States.

(5) In 1996, 49 States provided family support initiatives in response to the needs of families of children with disabilities. Such initiatives included the provision of cash subsidies, respite care, and other forms of support. There is a need in each State, however, to strengthen, expand, and coordinate the activities of a system of family support services for families of children with disabilities that is easily accessible, avoids duplication, uses resources efficiently, and prevents gaps in services to families in all areas of the State.

(6) The goals of the Nation properly include the goal of providing to families of children with disabilities the family support services necessary—

(A) to support the family;

(B) to enable families of children with disabilities to nurture and enjoy their children at home;

(C) to enable families of children with disabilities to make informed choices and decisions regarding the nature of supports, resources, services, and other assistance made available to such families; and

(D) to support family caregivers of adults with disabilities.

(b) PURPOSES.—The purposes of this title are—

(1) to promote and strengthen the implementation of comprehensive State systems of family support services, for families with children with disabilities, that are family-centered and family-directed, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and support;

(2) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities;

(3) to promote and develop interagency coordination and collaboration between agencies responsible for providing the services; and

(4) to increase the availability of, funding for, access to, and provision of family support services for families of children with disabilities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities funded under this title shall be family-centered and family-directed, and shall be provided in a manner consistent with the goal of providing families of children with disabilities with the support the families need to raise their children at home.

SEC. 203. DEFINITIONS AND SPECIAL RULE.

42 USC 15092.

(a) DEFINITIONS.—In this title:

(1) CHILD WITH A DISABILITY.—The term “child with a disability” means an individual who—

(A) has a significant physical or mental impairment, as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; or

(B) is an infant or a young child from birth through age 8 and has a substantial developmental delay or specific

congenital or acquired condition that presents a high probability of resulting in a disability if services are not provided to the infant or child.

(2) FAMILY.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of the application of this title in a State, the term “family” has the meaning given the term by the State.

(B) EXCLUSION OF EMPLOYEES.—The term does not include an employee who, acting in a paid employment capacity, provides services to a child with a disability in an out-of-home setting such as a hospital, nursing home, personal care home, board and care home, group home, or other facility.

(3) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term “family support for families of children with disabilities” means supports, resources, services, and other assistance provided to families of children with disabilities pursuant to State policy that are designed to—

(A) support families in the efforts of such families to raise their children with disabilities in the home;

(B) strengthen the role of the family as primary caregiver for such children;

(C) prevent involuntary out-of-the-home placement of such children and maintain family unity; and

(D) reunite families with children with disabilities who have been placed out of the home, whenever possible.

(4) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(5) STATE.—The term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) SYSTEMS CHANGE ACTIVITIES.—The term “systems change activities” means efforts that result in laws, regulations, policies, practices, or organizational structures—

(A) that are family-centered and family-directed;

(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

(C) that otherwise accomplish the purposes of this title.

(b) SPECIAL RULE.—References in this title to a child with a disability shall be considered to include references to an individual who is not younger than age 18 who—

(1) has a significant impairment described in subsection (a)(1)(A); and

(2) is residing with and receiving assistance from a family member.

SEC. 204. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this title, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities that accomplishes the purposes of this title.

(b) AWARD PERIOD AND GRANT LIMITATION.—No grant shall be awarded under this section for a period of more than 3 years. No State shall be eligible for more than 1 grant under this section.

(c) AMOUNT OF GRANTS.—

(1) GRANTS TO STATES.—

(A) FEDERAL MATCHING SHARE.—From amounts appropriated under section 212(a), the Secretary shall pay to each State that has an application approved under section 205, for each year of the grant period, an amount that is—

(i) equal to not more than 75 percent of the cost of the systems change activities to be carried out by the State; and

(ii) not less than \$100,000 and not more than \$500,000.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of the systems change activities may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CALCULATION OF AMOUNTS.—The Secretary shall calculate a grant amount described in paragraph (1) on the basis of—

(A) the amounts available for making grants under this section; and

(B) the child population of the State concerned.

(d) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—For the second and third fiscal years for which amounts are appropriated to carry out this section, the Secretary, in providing payments under this section, shall give priority to States that received payments under this section during the preceding fiscal year.

(e) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable;

(2) distributes the grants among States that have differing levels of development of statewide systems of family support services for families of children with disabilities; and

(3) distributes the grants among States that attempt to meet the needs of unserved and underserved populations, such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

SEC. 205. APPLICATION.

42 USC 15094.

To be eligible to receive a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including information about the designation of a lead entity, a description of available State resources, and assurances that systems change activities will be family-centered and family-directed.

SEC. 206. DESIGNATION OF THE LEAD ENTITY.

42 USC 15095.

(a) DESIGNATION.—The Chief Executive Officer of a State that desires to receive a grant under section 204, shall designate the office or entity (referred to in this title as the “lead entity”) responsible for—

(1) submitting the application described in section 205 on behalf of the State;

(2) administering and supervising the use of the amounts made available under the grant;

(3) coordinating efforts related to and supervising the preparation of the application;

(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements;

(5) coordinating efforts related to the participation by families of children with disabilities in activities carried out under a grant made under this title; and

(6) submitting the report described in section 208 on behalf of the State.

(b) **QUALIFICATIONS.**—In designating the lead entity, the Chief Executive Officer may designate—

(1) an office of the Chief Executive Officer;

(2) a commission appointed by the Chief Executive Officer;

(3) a public agency;

(4) a council established under Federal or State law; or

(5) another appropriate office, agency, or entity.

42 USC 15096.

SEC. 207. AUTHORIZED ACTIVITIES.

(a) **IN GENERAL.**—A State that receives a grant under section 204 shall use the funds made available through the grant to carry out systems change activities that accomplish the purposes of this title.

(b) **SPECIAL RULE.**—In carrying out activities authorized under this title, a State shall ensure that such activities address the needs of families of children with disabilities from unserved or underserved populations.

42 USC 15097.

SEC. 208. REPORTING.

A State that receives a grant under this title shall prepare and submit to the Secretary, at the end of the grant period, a report containing the results of State efforts to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities.

42 USC 15098.

SEC. 209. TECHNICAL ASSISTANCE.

Contracts.

(a) **IN GENERAL.**—The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support services for families of children with disabilities.

(b) **PURPOSE.**—An agency or organization that provides technical assistance and information under this section in a State that receives a grant under this title shall provide the technical assistance and information to the lead entity of the State, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such an agency or organization may also provide

technical assistance and information to a State that does not receive a grant under this title.

(c) **REPORTS TO THE SECRETARY.**—An entity providing technical assistance and information under this section shall prepare and submit to the Secretary periodic reports regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support services to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the policies described in section 202 in Federal law, other than this title.

SEC. 210. EVALUATION.

42 USC 15099.

(a) **IN GENERAL.**—The Secretary shall conduct a national evaluation of the program of grants to States authorized by this title.

(b) **PURPOSE.**—

(1) **IN GENERAL.**—The Secretary shall conduct the evaluation under subsection (a) to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support services for families of children with disabilities in a manner consistent with the provisions of this title. In particular, the Secretary shall assess the impact of such efforts on families of children with disabilities, and recommend amendments to this title that are necessary to assist States to accomplish fully the purposes of this title.

(2) **INFORMATION SYSTEMS.**—The Secretary shall work with the States to develop an information system designed to compile and report, from information provided by the States, qualitative and quantitative descriptions of the impact of the program of grants to States authorized by this title on—

(A) families of children with disabilities, including families from unserved and underserved populations;

(B) access to and funding for family support services for families of children with disabilities;

(C) interagency coordination and collaboration between agencies responsible for providing the services; and

(D) the involvement of families of children with disabilities at all levels of the statewide systems.

(c) **REPORT TO CONGRESS.**—Not later than 2½ years after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

Deadline.

SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.

42 USC 15100.

(a) **STUDY BY THE SECRETARY.**—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support services for families of children with disabilities, consistent with the policies described in section 202.

(b) **PROJECTS OF NATIONAL SIGNIFICANCE.**—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support services for families of children with disabilities.

42 USC 15101.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2001 through 2007.

(b) RESERVATION.—

(1) IN GENERAL.—The Secretary shall reserve for each fiscal year 10 percent, or \$400,000 (whichever is greater), of the amount appropriated pursuant to subsection (a) to carry out—

(A) section 209 (relating to the provision of technical assistance and information to States); and

(B) section 210 (relating to the conduct of evaluations).

(2) SPECIAL RULE.—For each year that the amount appropriated pursuant to subsection (a) is \$10,000,000 or greater, the Secretary may reserve 5 percent of such amount to carry out section 211.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

42 USC 15111.

SEC. 301. FINDINGS.

Congress finds that—

(1) direct support workers, especially young adults, have played essential roles in providing the support needed by individuals with developmental disabilities and expanding community options for those individuals;

(2) 4 factors have contributed to a decrease in the available pool of direct support workers, specifically—

(A) the small population of individuals who are age 18 through 25, an age group that has been attracted to direct support work in the past;

(B) the rapid expansion of the service sector, which attracts individuals who previously would have elected to pursue employment as direct support workers;

(C) the failure of wages in the human services sector to keep pace with wages in other service sectors; and

(D) the lack of quality training and career advancement opportunities available to direct support workers; and

(3) individuals with developmental disabilities benefit from assistance from direct support workers who are well trained, and benefit from receiving services from professionals who have spent time as direct support workers.

42 USC 15112.

SEC. 302. DEFINITIONS.

In this title:

(1) DEVELOPMENTAL DISABILITY.—The term “developmental disability” has the meaning given the term in section 102.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.

42 USC 15113.

(a) **PROGRAM AUTHORIZATION.**—The Secretary may award grants to eligible entities, on a competitive basis, to enable the entities to carry out scholarship programs by providing vouchers for postsecondary education to direct support workers who assist individuals with developmental disabilities residing in diverse settings. The Secretary shall award the grants to pay for the Federal share of the cost of providing the vouchers.

(b) **ELIGIBLE ENTITY.**—To be eligible to receive a grant under this section, an entity shall be—

- (1) an institution of higher education;
- (2) a State agency; or
- (3) a consortium of such institutions or agencies.

(c) **APPLICATION REQUIREMENTS.**—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

- (1) the basis for awarding the vouchers;
- (2) the number of individuals to receive the vouchers; and
- (3) the amount of funds that will be made available by the eligible entity to pay for the non-Federal share of the cost of providing the vouchers.

(d) **SELECTION CRITERIA.**—In awarding a grant under this section for a scholarship program, the Secretary shall give priority to an entity submitting an application that—

- (1) specifies that individuals who receive vouchers through the program will be individuals—

(A) who are direct support workers who assist individuals with developmental disabilities residing in diverse settings, while pursuing postsecondary education; and

(B) each of whom verifies, prior to receiving the voucher, that the worker has completed 250 hours as a direct support worker in the past 90 days;

- (2) states that the vouchers that will be provided through the program will be in amounts of not more than \$2,000 per year;

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

- (4) meets such other conditions as the Secretary may specify.

(e) **FEDERAL SHARE.**—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZATION.

42 USC 15114.

(a) **FUNDING.**—

(1) **IN GENERAL.**—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) **PARTICIPANTS.**—The curriculum shall be developed for individuals who—

(A) seek to become direct support workers who assist individuals with developmental disabilities or are such direct support workers; and

(B) seek to upgrade their skills and competencies related to being a direct support worker.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive an award under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a comprehensive analysis of the content of direct support roles;

(2) information identifying an advisory group that—

(A) is comprised of individuals with experience and expertise with regard to the support provided by direct support workers, and effective ways to provide the support, for individuals with developmental disabilities in diverse settings; and

(B) will advise the entity throughout the development, evaluation, and dissemination of the staff development curriculum and guidelines;

(3) information describing how the entity will—

(A) develop, field test, and validate a staff development curriculum that—

(i) relates to the appropriate reading level for direct service workers who assist individuals with disabilities;

(ii) allows for multiple levels of instruction;

(iii) provides instruction appropriate for direct support workers who work in diverse settings; and

(iv) is consistent with subsections (b) and (c) of section 101 and section 109;

(B) develop, field test, and validate guidelines for the organizations that use the curriculum that provide for—

(i) providing necessary technical and instructional support to trainers and mentors for the participants;

(ii) ensuring easy access to and use of such curriculum by workers that choose to participate in using, and agencies that choose to use, the curriculum;

(iii) evaluating the proficiency of the participants with respect to the content of the curriculum;

(iv) providing necessary support to the participants to assure that the participants have access to, and proficiency in using, a computer in order to participate in the development, testing, and validation process;

(v) providing necessary technical and instructional support to trainers and mentors for the participants in conjunction with the development, testing, and validation process;

(vi) addressing the satisfaction of participants, individuals with developmental disabilities and their families, providers of services for such individuals and families, and other relevant entities with the curriculum; and

(vii) developing methods to maintain a record of the instruction completed, and the content mastered, by each participant under the curriculum; and

(C) nationally disseminate the curriculum and guidelines, including dissemination through—

(i) parent training and information centers funded under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.);

(ii) community-based organizations of and for individuals with developmental disabilities and their families;

(iii) entities funded under title I;

(iv) centers for independent living;

(v) State educational agencies and local educational agencies;

(vi) entities operating appropriate medical facilities;

(vii) postsecondary education entities; and

(viii) other appropriate entities; and

(4) such other information as the Secretary may require.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

42 USC 15115.

(a) **SCHOLARSHIPS.**—There are authorized to be appropriated to carry out section 303 \$800,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) **STAFF DEVELOPMENT CURRICULUM.**—There are authorized to be appropriated to carry out section 304 \$800,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.

TITLE IV—REPEAL

SEC. 401. REPEAL.

(a) **IN GENERAL.**—The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) **INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**—Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking “the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

20 USC 1485.

(2) **NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.**—Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking “as defined in” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.”

(3) **REHABILITATION ACT OF 1973.**—(A) Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking “the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)” and inserting “the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(B) Sections 202(h)(2)(D)(iii) and 401(a)(5)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 762(h)(2)(D)(iii),

781(a)(5)(A)) are amended by striking “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(C) Subsections (a)(1)(B)(i), (f)(2), and (m)(1) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) are amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(D) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(4) ASSISTIVE TECHNOLOGY ACT OF 1998.—(A) Section 3(a)(11)(A) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)(11)(A)) is amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(B) Paragraphs (1) and (2) of section 102(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3012(a)) are amended by striking “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(5) HEALTH PROGRAMS EXTENSION ACT OF 1973.—Section 401(e) of the Health Programs Extension Act of 1973 (42 U.S.C. 300a-7(e)) is amended by striking “or the” and all that follows through “may deny” and inserting “or the Developmental Disabilities Assistance and Bill of Rights Act of 2000 may deny”.

(6) SOCIAL SECURITY ACT.—(A) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act (42 U.S.C. 1396r(c)(2)(B)(iii)(III)) is amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(B) Section 1930(d)(7) of the Social Security Act (42 U.S.C. 1396u(d)(7)) is amended by striking “State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, and the Protection and Advocacy System established under section 142 of such Act” and inserting “State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the protection and advocacy system established under subtitle C of that Act”.

(7) UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(3)(E)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended by striking “developmental disability” and all that follows and inserting “developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(8) HOUSING ACT OF 1949.—The third sentence of section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by striking “developmental disability” and all that follows and inserting “developmental disability as defined in

section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.”.

(9) OLDER AMERICANS ACT OF 1965.—(A) Section 203(b)(17) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(17)) is amended by striking “Developmental Disabilities and Bill of Rights Act” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(B) Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by striking “part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(C) Section 429F(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035n(a)(1)) is amended by striking “section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5))” and inserting “section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(D) Section 712(h)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is amended by striking “part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(10) CRIME VICTIMS WITH DISABILITIES AWARENESS ACT.—Section 3 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking “term” and all that follows and inserting the following “term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.”.

(11) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The third sentence of section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)) is amended by striking “as defined” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.”.

(12) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(3) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(3)) is amended by striking “section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(13) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—(A) Section 102(2) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(2)) is amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(B) Section 114 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10824) is amended by striking “section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “section 105 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(14) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 422(2)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(2)(C)) is amended by striking “as defined” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, or”.

(15) ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997.—(A) Section 4 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14403) is amended—

(i) by striking the section heading and inserting the following:

“SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS.”;

and

(ii) by striking “part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “subtitle B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act of 2000”.

(B) Section 5(b)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404(b)(1)) is amended by striking subparagraph (A) and inserting the following:

“(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000.—Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.”.

Approved October 30, 2000.

LEGISLATIVE HISTORY—S. 1809 (H.R. 4920):

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 8, considered and passed Senate.

Vol. 146 (2000): Oct. 11, considered and passed House.



Public Law 106–403
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Nov. 1, 2000
[H.J. Res. 121]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “November 1, 2000”.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398, 1450,
1550, 1551, 1676.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.J. Res. 121:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 31, considered and passed House and Senate.



Public Law 106–404
106th Congress

An Act

Nov. 1, 2000
[H.R. 209]

Technology
Transfer
Commercializa-
tion Act of 2000.
15 USC 3701
note.
15 USC 3701
note.

To improve the ability of Federal agencies to license federally owned inventions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Technology Transfer Commercialization Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the importance of linking our unparalleled network of over 700 Federal laboratories and our Nation’s universities with United States industry continues to hold great promise for our future economic prosperity;

(2) the enactment of the Bayh-Dole Act in 1980 was a landmark change in United States technology policy, and its success provides a framework for removing bureaucratic barriers and for simplifying the granting of licenses for inventions that are now in the Federal Government’s patent portfolio;

(3) Congress has demonstrated a commitment over the past 2 decades to fostering technology transfer from our Federal laboratories and to promoting public/private sector partnerships to enhance our international competitiveness;

(4) Federal technology transfer activities have strengthened the ability of United States industry to compete in the global marketplace; developed a new paradigm for greater collaboration among the scientific enterprises that conduct our Nation’s research and development—government, industry, and universities; and improved the quality of life for the American people, from medicine to materials;

(5) the technology transfer process must be made “industry friendly” for companies to be willing to invest the significant time and resources needed to develop new products, processes, and jobs using federally funded inventions; and

(6) Federal technology licensing procedures should balance the public policy needs of adequately protecting the rights of the public, encouraging companies to develop existing government inventions, and making the entire system of licensing government technologies more consistent and simple.

SEC. 3. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting “or, subject to section 209 of title 35, United States Code, may grant

a license to an invention which is federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement,” after “under the agreement.”

SEC. 4. LICENSING FEDERALLY OWNED INVENTIONS.

(a) **AMENDMENT.**—Section 209 of title 35, United States Code, is amended to read as follows:

“§ 209. Licensing federally owned inventions

“(a) **AUTHORITY.**—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

“(1) granting the license is a reasonable and necessary incentive to—

“(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

“(B) otherwise promote the invention’s utilization by the public;

“(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant’s intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention’s utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical application, as proposed by the applicant, or otherwise to promote the invention’s utilization by the public;

“(3) the applicant makes a commitment to achieve practical application of the invention within a reasonable time, which time may be extended by the agency upon the applicant’s request and the applicant’s demonstration that the refusal of such extension would be unreasonable;

“(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

“(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

“(b) **MANUFACTURE IN UNITED STATES.**—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

“(c) **SMALL BUSINESS.**—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

“(d) **TERMS AND CONDITIONS.**—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate, and shall include provisions—

“(1) retaining a nontransferrable, irrevocable, paid-up license for any Federal agency to practice the invention or

have the invention practiced throughout the world by or on behalf of the Government of the United States;

“(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with, except that any such report shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code; and

“(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

“(A) the licensee is not executing its commitment to achieve practical application of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

“(B) the licensee is in breach of an agreement described in subsection (b);

“(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

“(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

“(e) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

“(f) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.”.

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

“209. Licensing federally owned inventions.”.

**SEC. 5. MODIFICATION OF STATEMENT OF POLICY AND OBJECTIVES
FOR CHAPTER 18 OF TITLE 35, UNITED STATES CODE.**

Section 200 of title 35, United States Code, is amended by striking “enterprise;” and inserting “enterprise without unduly encumbering future research and discovery;”.

SEC. 6. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the “Bayh-Dole Act”), is amended—

(1) by amending section 202(e) to read as follows:

“(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, a small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

“(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with the provisions of this chapter; or

“(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition.”; and

(2) in section 207(a)—

(A) by striking “patent applications, patents, or other forms of protection obtained” and inserting “inventions” in paragraph (2); and

(B) by inserting “, including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention” after “or through contract” in paragraph (3).

SEC. 7. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended—

(1) in section 4(4) (15 U.S.C. 3703(4)), by striking “section 6 or section 8” and inserting “section 7 or 9”;

(2) in section 4(6) (15 U.S.C. 3703(6)), by striking “section 6 or section 8” and inserting “section 7 or 9”;

(3) in section 5(c)(11) (15 U.S.C. 3704(c)(11)), by striking “State of local governments” and inserting “State or local governments”;

(4) in section 9 (15 U.S.C. 3707), by—

(A) striking “section 6(a)” and inserting “section 7(a)”;

(B) striking “section 6(b)” and inserting “section 7(b)”;

and

(C) striking “section 6(c)(3)” and inserting “section 7(c)(3)”;

(5) in section 11(e)(1) (15 U.S.C. 3710(e)(1)), by striking “in cooperation with Federal Laboratories” and inserting “in cooperation with Federal laboratories”;

(6) in section 11(i) (15 U.S.C. 3710(i)), by striking “a gift under the section” and inserting “a gift under this section”;
 (7) in section 14 (15 U.S.C. 3710c)—

(A) in subsection (a)(1)(A)(i), by inserting “, other than payments of patent costs as delineated by a license or assignment agreement,” after “or other payments”;

(B) in subsection (a)(1)(A)(i), by inserting “, if the inventor’s or coinventor’s rights are assigned to the United States” after “inventor or coinventors”;

(C) in subsection (a)(1)(B), by striking “succeeding fiscal year” and inserting “2 succeeding fiscal years”;

(D) in subsection (a)(2), by striking “Government-operated laboratories of the”; and

(E) in subsection (b)(2), by striking “inventon” and inserting “invention”; and

(8) in section 22 (15 U.S.C. 3714), by striking “sections 11, 12, and 13” and inserting “sections 12, 13, and 14”.

15 USC 3701a
 note.

Deadline.

SEC. 8. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) REVIEW.—Within 90 days after the date of the enactment of this Act, each Federal agency with a federally funded laboratory that has in effect on that date of the enactment one or more cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) shall report to the Committee on National Security of the National Science and Technology Council and the Congress on the general policies and procedures used by that agency to gather and consider the views of other agencies on—

(1) joint work statements under section 12(c)(5)(C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D)); or

(2) in the case of laboratories described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), cooperative research and development agreements under such section 12,

with respect to major proposed cooperative research and development agreements that involve critical national security technology or may have a significant impact on domestic or international competitiveness.

Deadline.

(b) PROCEDURES.—Within 1 year after the date of the enactment of this Act, the Committee on National Security of the National Science and Technology Council, in conjunction with relevant Federal agencies and national laboratories, shall—

(1) determine the adequacy of existing procedures and methods for interagency coordination and awareness with respect to cooperative research and development agreements described in subsection (a); and

(2) establish and distribute to appropriate Federal agencies—

(A) specific criteria to indicate the necessity for gathering and considering the views of other agencies on joint work statements or cooperative research and development agreements as described in subsection (a); and

(B) additional procedures, if any, for carrying out such gathering and considering of agency views with respect

to cooperative research and development agreements described in subsection (a).

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, to encourage industrial partnerships with national laboratories, and to minimize delay in the approval or disapproval of joint work statements and cooperative research and development agreements.

(c) **LIMITATION.**—Nothing in this Act, nor any procedures established under this section shall provide to the Office of Science and Technology Policy, the National Science and Technology Council, or any Federal agency the authority to disapprove a cooperative research and development agreement or joint work statement, under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), of another Federal agency.

SEC. 9. INCREASED FLEXIBILITY FOR FEDERAL LABORATORY PARTNERSHIP INTERMEDIARIES.

Section 23 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended—

(1) in subsection (a)(1) by inserting “, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code” after “small business firms”; and

(2) in subsection (c) by inserting “, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code,” after “small business firms”.

SEC. 10. REPORTS ON UTILIZATION OF FEDERAL TECHNOLOGY.

(a) **AGENCY ACTIVITIES.**—Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710) is amended—

(1) by striking the last sentence of subsection (b);

(2) by inserting after subsection (e) the following:

“(f) **AGENCY REPORTS ON UTILIZATION.**—

“(1) **IN GENERAL.**—Each Federal agency which operates or directs one or more Federal laboratories or which conducts activities under sections 207 and 209 of title 35, United States Code, shall report annually to the Office of Management and Budget, as part of the agency’s annual budget submission, on the activities performed by that agency and its Federal laboratories under the provisions of this section and of sections 207 and 209 of title 35, United States Code.

“(2) **CONTENTS.**—The report shall include—

“(A) an explanation of the agency’s technology transfer program for the preceding fiscal year and the agency’s plans for conducting its technology transfer function, including its plans for securing intellectual property rights in laboratory innovations with commercial promise and plans for managing its intellectual property so as to advance the agency’s mission and benefit the competitiveness of United States industry; and

“(B) information on technology transfer activities for the preceding fiscal year, including—

“(i) the number of patent applications filed;

“(ii) the number of patents received;

“(iii) the number of fully-executed licenses which received royalty income in the preceding fiscal year, categorized by whether they are exclusive, partially-exclusive, or non-exclusive, and the time elapsed from the date on which the license was requested by the licensee in writing to the date the license was executed;

“(iv) the total earned royalty income including such statistical information as the total earned royalty income, of the top 1 percent, 5 percent, and 20 percent of the licenses, the range of royalty income, and the median, except where disclosure of such information would reveal the amount of royalty income associated with an individual license or licensee;

“(v) what disposition was made of the income described in clause (iv);

“(vi) the number of licenses terminated for cause; and

“(vii) any other parameters or discussion that the agency deems relevant or unique to its practice of technology transfer.

“(3) COPY TO SECRETARY; ATTORNEY GENERAL; CONGRESS.—The agency shall transmit a copy of the report to the Secretary of Commerce and the Attorney General for inclusion in the annual report to Congress and the President required by subsection (g)(2).

“(4) PUBLIC AVAILABILITY.—Each Federal agency reporting under this subsection is also strongly encouraged to make the information contained in such report available to the public through Internet sites or other electronic means.”;

(3) by striking subsection (g)(2) and inserting the following:

“(2) REPORTS.—

“(A) ANNUAL REPORT REQUIRED.—The Secretary, in consultation with the Attorney General and the Commissioner of Patents and Trademarks, shall submit each fiscal year, beginning 1 year after the enactment of the Technology Transfer Commercialization Act of 2000, a summary report to the President, the United States Trade Representative, and the Congress on the use by Federal agencies and the Secretary of the technology transfer authorities specified in this Act and in sections 207 and 209 of title 35, United States Code.

“(B) CONTENT.—The report shall—

“(i) draw upon the reports prepared by the agencies under subsection (f);

“(ii) discuss technology transfer best practices and effective approaches in the licensing and transfer of technology in the context of the agencies’ missions; and

“(iii) discuss the progress made toward development of additional useful measures of the outcomes of technology transfer programs of Federal agencies.

“(C) PUBLIC AVAILABILITY.—The Secretary shall make the report available to the public through Internet sites or other electronic means.”; and

(4) by inserting after subsection (g) the following:

“(h) DUPLICATION OF REPORTING.—The reporting obligations imposed by this section—

“(1) are not intended to impose requirements that duplicate requirements imposed by the Government Performance and Results Act of 1993 (31 U.S.C. 1101 note);

“(2) are to be implemented in coordination with the implementation of that Act; and

“(3) are satisfied if an agency provided the information concerning technology transfer activities described in this section in its annual submission under the Government Performance and Results Act of 1993 (31 U.S.C. 1101 note).”.

(b) ROYALTIES.—Section 14(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended to read as follows:

“(c) REPORTS.—The Comptroller General shall transmit a report to the appropriate committees of the Senate and House of Representatives on the effectiveness of Federal technology transfer programs, including findings, conclusions, and recommendations for improvements in such programs. The report shall be integrated with, and submitted at the same time as, the report required by section 202(b)(3) of title 35, United States Code.”.

SEC. 11. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

42 USC 7261c.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary of Energy shall direct the director of each national laboratory of the Department of Energy, and may direct the director of each facility under the jurisdiction of the Department of Energy, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding the policies and actions of each such laboratory or facility with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing.

(b) QUALIFICATIONS.—An ombudsman appointed under subsection (a) shall be a senior official of the national laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory or facility, function as such a senior official.

(c) DUTIES.—Each ombudsman appointed under subsection (a) shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the national laboratory or facility regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report quarterly on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information, to—

(A) the Secretary;

(B) the Administrator for Nuclear Security;

(C) the Director of the Office of Dispute Resolution of the Department of Energy; and

(D) the employees of the Department responsible for the administration of the contract for the operation of each national laboratory or facility that is a subject of

the report, for consideration in the administration and review of that contract.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 209:

HOUSE REPORTS: No. 106-129, Pt. 1 (Comm. on Science).

CONGRESSIONAL RECORD:

Vol. 145 (1999): May 11, considered and passed House.

Vol. 146 (2000): Oct. 5, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–405
106th Congress

An Act

To promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

Nov. 1, 2000

[H.R. 2607]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Commerical
Space
Transportation
Competitiveness
Act of 2000.
49 USC 70101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Space Transportation Competitiveness Act of 2000”.

SEC. 2. FINDINGS.

49 USC 70101
note.

The Congress finds that—

(1) a robust United States space transportation industry is vital to the Nation’s economic well-being and national security;

(2) enactment of a 5-year extension of the excess third party claims payment provision of chapter 701 of title 49, United States Code (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;

(3) space transportation may evolve into airplane-style operations;

(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act;

(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.

SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.

(a) AMENDMENT.—Section 70119 of title 49, United States Code, is amended to read as follows:

“§ 70119. Office of Commercial Space Transportation

“There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

“(1) \$12,607,000 for fiscal year 2001; and

“(2) \$16,478,000 for fiscal year 2002.”.

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 70119 in the table of sections of chapter 701 of title 49, United States Code, is amended to read as follows:

“70119. Office of Commercial Space Transportation.”.

SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commercialization—

(1) \$590,000 for fiscal year 2001;

(2) \$608,000 for fiscal year 2002; and

(3) \$626,000 for fiscal year 2003.

Deadline.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall transmit to the Congress a report on the Office of Space Commercialization detailing the activities of the Office, the materials produced by the Office, the extent to which the Office has fulfilled the functions established for it by the Congress, and the extent to which the Office has participated in interagency efforts.

SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEMNIFICATION EXTENSION.

(a) IN GENERAL.—If, on the date of the enactment of this Act, section 70113(f) of title 49, United States Code, has not been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking “December 31, 2000” and inserting “December 31, 2004”.

49 USC 70113.

(b) AMENDMENT OF MODIFIED SECTION.—If, on the date of the enactment of this Act, section 70113(f) of title 49, United States Code, has been amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then that section is amended by striking “December 31, 2001” and inserting “December 31, 2004”.

SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF TITLE 49.

(a) Section 70113 of title 49, United States Code, is amended by striking “_____, 19____.” in subsection (e)(1)(A) and inserting “_____, 20____.”.

Effective date.
49 USC 70113
note.
49 USC 70112
note.

(b) The amendment made by subsection (a) takes effect on January 1, 2000.

SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION.

Deadline.

(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall transmit to the Congress a report on the liability

risk-sharing regime in the United States for commercial space transportation.

(b) CONTENTS.—The report required by this section shall— Report.

(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

(3) examine the appropriateness of deeming all space transportation activities to be “ultrahazardous activities” for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

(4) examine the effect of relevant international treaties on the Federal Government’s liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

(6) examine the need for changes to the Federal Government’s indemnification policy to accommodate the risks associated with commercial spaceport operations; and

(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

(c) SECTIONS.—The report required by this section shall contain sections expressing the views and recommendations of— Report.

(1) interested Federal agencies, including—

(A) the Office of the Associate Administrator for Commercial Space Transportation;

(B) the National Aeronautics and Space Administration;

(C) the Department of Defense; and

(D) the Office of Space Commercialization; and

(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.

Commerce
Business Daily,
publication.
Federal Register,
publication.
10 USC 2281
note.

SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR GLOBAL POSITIONING SYSTEM.

The use of interagency funding and other forms of support is hereby authorized by Congress for the functions and activities of the Interagency Global Positioning System Executive Board,

including an Executive Secretariat to be housed at the Department of Commerce.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 2607:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 4, considered and passed House.

Vol. 146 (2000): Oct. 13, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendment.



Public Law 106–406
106th Congress

An Act

To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

Nov. 1, 2000
[H.R. 2961]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International
Patient Act of
2000.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Patient Act of 2000”.

SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

“(2) PERIOD.—

“(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

“(B) Three-YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

“(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B)) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

“(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

“(II) a statement from the health care facility containing an assurance that the alien’s treatment is not being paid through any Federal or State public health assistance, that the alien’s account

has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

“(III) evidence of financial ability to support the alien’s day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

“(ii) who—

“(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

“(II) entered the United States accompanying, and with the same status as, such principal alien.

“(C) WAIVER LIMITATIONS.—

“(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

“(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

“(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than one adult may be granted a waiver under subparagraph (B)(ii).

“(II) Not more than two adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

“(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

“(bb) one such adult is age 55 or older or is physically handicapped.

“(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY.—

“(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

“(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in

Deadline.

which an annual report under clause (i) is past due
and has not been submitted.”.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 2961:

HOUSE REPORTS: No. 106–721 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 18, considered and passed House.

Oct. 19, considered and passed Senate.



Public Law 106–407
106th Congress

An Act

Nov. 1, 2000
[H.R. 3069]

Southeast
Federal Center
Public-Private
Development Act
of 2000.

To authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Southeast Federal Center Public-Private Development Act of 2000”.

SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.

In this Act, the term “Southeast Federal Center” means the site in the southeast quadrant of the District of Columbia that is under the control and jurisdiction of the General Services Administration and extends from Issac Hull Avenue on the east to 1st Street on the west, and from M Street on the north to the Anacostia River on the south, excluding an area on the river at 1st Street owned by the District of Columbia and a building west of Issac Hull Avenue and south of Tingey Street under the control and jurisdiction of the Department of the Navy.

SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT AUTHORITY.

(a) **IN GENERAL.**—The Administrator of General Services may enter into agreements (including leases, contracts, cooperative agreements, limited partnerships, joint ventures, trusts, and limited liability company agreements) with a private entity to provide for the acquisition, construction, rehabilitation, operation, maintenance, or use of the Southeast Federal Center, including improvements thereon, or such other activities related to the Southeast Federal Center as the Administrator considers appropriate.

(b) **TERMS AND CONDITIONS.**—An agreement entered into under this section—

(1) shall have as its primary purpose enhancing the value of the Southeast Federal Center to the United States;

(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office space in a facility covered under the agreement;

(4) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of any lease of the facility to the United States;

(5) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(6) shall provide—

(A) that the United States will not be liable for any action, debt, or liability of any entity created by the agreement; and

(B) that such entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(7) shall include such other terms and conditions as the Administrator considers appropriate.

(c) CONSIDERATION.—An agreement entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under such an agreement may be provided in whole or in part through in-kind consideration. In-kind consideration may include provision of space, goods, or services of benefit to the United States, including construction, repair, remodeling, or other physical improvements of Federal property, maintenance of Federal property, or the provision of office, storage, or other usable space.

(d) AUTHORITY TO CONVEY.—In carrying out an agreement entered into under this section, the Administrator is authorized to convey interests in real property, by lease, sale, or exchange, to a private entity.

(e) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods, or services by the General Services Administration on property that is subject to an agreement under this section may only be made to the extent that necessary funds have been made available, in advance, in an annual appropriations Act, to the Administrator from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(f) NATIONAL CAPITAL PLANNING COMMISSION.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) VISION PLAN.—An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator, in consultation with the National Capital Planning Commission), with the objectives of the National Capital Planning Commission's vision plan entitled "Extending the Legacy: Planning America's Capital in the 21st Century", adopted by the Commission in November 1997.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The authority of the Administrator under this section shall not be subject to—

(A) section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(B) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(C) section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)); or

(D) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section.

(2) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any facility covered under an agreement entered into under this section may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Before entering into an agreement under section 3, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the proposed agreement.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed agreement and a description of the provisions of the proposed agreement.

Effective date.

(c) REVIEW BY CONGRESS.—A proposed agreement under section 3 may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of a report on the agreement under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

SEC. 5. USE OF PROCEEDS.

(a) IN GENERAL.—Net proceeds from an agreement entered into under section 3 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subsection, the term “net proceeds from an agreement entered into under section 3” means the proceeds from the agreement minus the expenses incurred by the Administrator with respect to the agreement.

(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of an agreement entered into under section 3 amounts necessary to recover the expenses incurred by the Administrator with respect to the agreement. Such amounts shall

be deposited in the account in the Treasury from which the Administrator incurs expenses related to disposals of real property.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 3069:

HOUSE REPORTS: No. 106–591 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 106–458 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 8, considered and passed House.

Oct. 11, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendments.



Public Law 106–408
106th Congress

An Act

Nov. 1, 2000
[H.R. 3671]

To amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

Fish and Wildlife
Programs
Improvement
and National
Wildlife Refuge
System
Centennial Act of
2000.
16 USC 669 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 101. Short titles.

Subtitle A—Wildlife Restoration

Sec. 111. Expenses for administration.

Sec. 112. Firearm and bow hunter education and safety program grants.

Sec. 113. Multistate conservation grant program.

Sec. 114. Miscellaneous provision.

Subtitle B—Sport Fish Restoration

Sec. 121. Expenses for administration.

Sec. 122. Multistate conservation grant program.

Sec. 123. Funding of the Coastal Wetlands Planning, Protection and Restoration Act.

Sec. 124. Period of availability.

Sec. 125. Miscellaneous provision.

Sec. 126. Conforming amendment.

Subtitle C—Wildlife and Sport Fish Restoration Programs

Sec. 131. Designation of programs.

Sec. 132. Assistant Director for Wildlife and Sport Fish Restoration Programs.

Sec. 133. Reports and certifications.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

Sec. 201. Short title.

Sec. 202. Purposes.

Sec. 203. Board of Directors of the Foundation.

Sec. 204. Rights and obligations of the Foundation.

Sec. 205. Annual reporting of grant details.

Sec. 206. Notice to Members of Congress.

Sec. 207. Authorization of appropriations.

Sec. 208. Limitation on authority.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

Sec. 301. Short title.

- Sec. 302. Findings and purposes.
 Sec. 303. National Wildlife Refuge System Centennial Commission.
 Sec. 304. Long-term planning and annual reporting requirements regarding the operation and maintenance backlog.
 Sec. 305. Year of the National Wildlife Refuge.
 Sec. 306. Authorization of appropriations.
 Sec. 307. Effective date.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Wildlife and
Sport Fish
Restoration
Programs
Improvement Act
of 2000.
16 USC 669 note.

SEC. 101. SHORT TITLES.

(a) THIS TITLE.—This title may be cited as the “Wildlife and Sport Fish Restoration Programs Improvement Act of 2000”.

(b) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

“SEC. 13. SHORT TITLE.

16 USC 669 note.

“This Act may be cited as the ‘Pittman-Robertson Wildlife Restoration Act’.”

(c) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

“SEC. 15. SHORT TITLE.

16 USC 777 note.

“This Act may be cited as the ‘Dingell-Johnson Sport Fish Restoration Act’.”

Subtitle A—Wildlife Restoration

SEC. 111. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

- (1) by redesignating subsection (b) as subsection (c);
- (2) by striking “SEC. 4.” and all that follows through the end of the first sentence of subsection (a) and inserting the following:

“SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

“(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

“(1) IN GENERAL.—

“(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

- “(i) for each of fiscal years 2001 and 2002, \$9,000,000;

“(ii) for fiscal year 2003, \$8,212,000; and
 “(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

“(I) the available amount for the preceding fiscal year; and

“(II) the amount determined by multiplying—

“(aa) the available amount for the preceding fiscal year; and

“(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

“(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

Deadline.

“(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

“(b) APPORTIONMENT TO STATES.—”;

(3) in subsection (b) (as designated by paragraph (2)), by striking “after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,” and inserting “after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion”; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (1)), by inserting “Puerto Rico,” after “American Samoa,”.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

“(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

“(1) personnel costs of employees who directly administer this Act on a full-time basis;

“(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

“(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

“(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

“(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

“(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

“(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

“(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

“(7) costs of audits under subsection (d);

“(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

“(9) costs of travel to States, territories, and Canada by personnel who—

“(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

“(B) administer grants under section 6, 10, or 11;

“(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

“(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

“(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6, 10, and 11.

“(b) REPORTING OF OTHER USES.—

“(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

“(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report

describing the expense for administration and stating the amount of the expense; and

“(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

“(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than \$25,000.

“(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

“(d) AUDIT REQUIREMENT.—

“(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

“(2) AUDITOR.—

“(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

“(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

“(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

“(A) a report on the results of each audit under this subsection; and

“(B) a copy of each audit under this subsection.”.

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking “section 4(b) of this Act” and inserting “section 4(c)”.

SEC. 112. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

“SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS. 16 USC 669h-1.

“(a) IN GENERAL.—

“(1) GRANTS.—Of the revenues covered into the fund, \$7,500,000 for each of fiscal years 2001 and 2002, and \$8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

“(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

“(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

“(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

“(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

“(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

“(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

“(2) LIMITATION ON USE.—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

“(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

“(1) PERIOD OF AVAILABILITY.—Amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.

“(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.”.

SEC. 113. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 112) is amended by inserting after section 10 the following:

“SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

16 USC 669h-2.

“(a) IN GENERAL.—

“(1) AMOUNT FOR GRANTS.—Not more than \$3,000,000 of the revenues covered into the fund for a fiscal year shall be

available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

“(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

“(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

“(b) SELECTION OF PROJECTS.—

“(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

“(A) at least 26 States;

“(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

“(C) a regional association of State fish and game departments.

“(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

“(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the International Association of Fish and Wildlife Agencies—

“(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

“(i) nongovernmental organizations that represent conservation organizations;

“(ii) sportsmen organizations; and

“(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

“(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

“(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

“(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

“(c) ELIGIBLE GRANTEEES.—

“(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

“(A) a State or group of States;

“(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

“(C) subject to paragraph (2), a nongovernmental organization.

“(2) NONGOVERNMENTAL ORGANIZATIONS.—

“(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

“(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife; and

“(ii) will use the grant funds in compliance with subsection (d).

“(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

“(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.

“(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.”.

SEC. 114. MISCELLANEOUS PROVISION.

Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended in the first sentence—

(1) by inserting “, at the time at which a deduction or apportionment is made,” after “certify”; and

(2) by striking “and executing”.

Subtitle B—Sport Fish Restoration

SEC. 121. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

“(d) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

“(1) IN GENERAL.—

“(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

“(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

“(i) for each of fiscal years 2001 and 2002, \$9,000,000;

“(ii) for fiscal year 2003, \$8,212,000; and

“(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

“(I) the available amount for the preceding fiscal year; and

“(II) the amount determined by multiplying—

“(aa) the available amount for the preceding fiscal year; and

“(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

“(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

Deadline.

“(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.”.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

“SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

“(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

“(1) personnel costs of employees who directly administer this Act on a full-time basis;

“(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

“(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

“(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

“(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

“(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

“(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

“(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

“(7) costs of audits under subsection (d);

“(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

“(9) costs of travel to States, territories, and Canada by personnel who—

“(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

“(B) administer grants under section 6 or 14;

“(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

“(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

“(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6 and 14.

“(b) REPORTING OF OTHER USES.—

“(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(d)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

“(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

“(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

“(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than \$25,000.

“(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available

Reports.

amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

“(d) AUDIT REQUIREMENT.—

“(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

“(2) AUDITOR.—

“(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

“(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

“(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

“(A) a report on the results of each audit under this subsection; and

“(B) a copy of each audit under this subsection.”.

(c) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by adding at the end the following:

“(g) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—

“(1) IN GENERAL.—For each fiscal year, of the amounts appropriated under section 3, the Secretary of the Interior shall use only funds authorized for use under subsections (a), (b)(3)(A), (b)(3)(B), and (c) to pay the expenses for administration incurred in carrying out the provisions of law referred to in those subsections, respectively.

“(2) MAXIMUM AMOUNT.—For each fiscal year, the Secretary of the Interior may use not more than \$900,000 in accordance with paragraph (1).”.

SEC. 122. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

“SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

“(a) IN GENERAL.—

“(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section

4 in a fiscal year, not more than \$3,000,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

“(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

“(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

“(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

“(b) SELECTION OF PROJECTS.—

“(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

“(A) at least 26 States;

“(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

“(C) a regional association of State fish and game departments.

“(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

“(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of sport fish restoration projects that the International Association of Fish and Wildlife Agencies—

“(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

“(i) nongovernmental organizations that represent conservation organizations;

“(ii) sportsmen organizations; and

“(iii) industries that fund the sport fish restoration programs under this Act;

“(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

“(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

“(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

Federal Register,
publication.

“(c) ELIGIBLE GRANTEEES.—

“(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

“(A) a State or group of States;

“(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

“(C) subject to paragraph (2), a nongovernmental organization.

“(2) NONGOVERNMENTAL ORGANIZATIONS.—

“(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

“(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated taking of fish; and

“(ii) will use the grant funds in compliance with subsection (d).

“(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

“(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

“(e) FUNDING FOR OTHER ACTIVITIES.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—

“(1) \$200,000 shall be made available for each of—

“(A) the Atlantic States Marine Fisheries Commission;

“(B) the Gulf States Marine Fisheries Commission;

“(C) the Pacific States Marine Fisheries Commission;

and

“(D) the Great Lakes Fisheries Commission; and

“(2) \$400,000 shall be made available for the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service.

“(f) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.”; and

(2) by moving that section to appear after the section 13 relating to State use of contributions (16 U.S.C. 777l).

(b) CONFORMING AMENDMENT.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting “and after deducting amounts used for grants under section 14,” after “respectively,”.

SEC. 123. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking “2000” and inserting “2009”.

SEC. 124. PERIOD OF AVAILABILITY.

Section 4(f) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(f)) is amended in the first sentence by striking “, and if” and all that follows through “recreation”.

SEC. 125. MISCELLANEOUS PROVISION.

Section 5 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

- (1) by inserting “, at the time at which a deduction or apportionment is made,” after “certify”; and
- (2) by striking “and executing”.

SEC. 126. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 26 USC 9504. is amended by striking “(as in effect on the date of the enactment of the TEA 21 Restoration Act)” and inserting “(as in effect on the date of the enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)”.

Subtitle C—Wildlife and Sport Fish Restoration Programs

SEC. 131. DESIGNATION OF PROGRAMS.

16 USC 669 note.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the “Federal Assistance Program for State Wildlife and Sport Fish Restoration”.

SEC. 132. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

16 USC 742b–1.

(a) ESTABLISHMENT.—There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) SUPERIOR.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) RESPONSIBILITIES.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

SEC. 133. REPORTS AND CERTIFICATIONS.

16 USC 669k.

(a) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—At the time at which the President submits to Congress a budget request for the Department of the Interior for fiscal year 2002, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this title and the amendments made by this title.

(2) CONTENTS.—The report under paragraph (1) shall describe—

(A) the extent to which compliance with this title and the amendments made by this title has required a reduction in the number of personnel assigned to administer, manage,

and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this title or the amendments made by this title that would be desirable in order for the Secretary of the Interior to adequately administer the Program and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this title and the amendments made by this title that the Secretary of the Interior considers appropriate.

(b) PROJECTED SPENDING REPORT.—At the time at which the President submits a budget request for the Department of the Interior for fiscal year 2002 and each fiscal year thereafter, the Secretary of the Interior shall report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the amounts, broken down by category, that are intended to be used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)).

Deadline.

(c) SPENDING CERTIFICATION AND REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary of the Interior shall certify and report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(1) the amounts, broken down by category, that were used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1));

(2) the amounts apportioned to States for the fiscal year under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(3) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d)) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(4) that all amounts used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)) were necessary for expenses for administration incurred in implementation of those Acts;

(5) that all amounts used for the fiscal year to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(6) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under those Acts.

(d) CERTIFICATIONS BY STATES.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, each State that received amounts apportioned under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) or the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) for the fiscal year shall certify to the Secretary of the Interior in writing that the amounts were expended by the State in accordance with each of those Acts. Deadline.

(2) TRANSMISSION TO CONGRESS.—Not later than December 31 of a fiscal year, the Secretary of the Interior shall transmit all certifications under paragraph (1) for the previous fiscal year to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate. Deadline.

(e) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (c) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

National Fish
and Wildlife
Foundation
Establishment
Act Amendments
of 2000.

SEC. 201. SHORT TITLE.

This title may be cited as the “National Fish and Wildlife Foundation Establishment Act Amendments of 2000”.

SEC. 202. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

“(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;”.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT AND MEMBERSHIP.—

“(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the ‘Board’), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

“(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

“(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the

holding of an office of, the United States for the purpose of any Federal law.”.

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

“(b) APPOINTMENT AND TERMS.—

“(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

“(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

“(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

“(i) at least six shall be educated or experienced in fish, wildlife, or other natural resource conservation;

“(ii) at least four shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

“(iii) at least four shall be educated or experienced in ocean and coastal resource conservation.

“(B) TRANSITION PROVISION.—

“(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of the enactment of this paragraph shall continue to serve until the expiration of their terms.

“(ii) NEW DIRECTORS.—Subject to paragraph (3), the Secretary of the Interior shall appoint eight new Directors.

“(3) TERMS.—

“(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

“(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2001, three Directors for a term of 6 years.

“(C) SUBSEQUENT APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2002—

“(i) two Directors for a term of 2 years; and

“(ii) three Directors for a term of 4 years.

“(4) VACANCIES.—

“(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board.

“(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

“(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

“(6) REQUEST FOR REMOVAL.—The executive committee of the Board may submit to the Secretary of the Interior a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

“(7) CONSULTATION BEFORE REMOVAL.—Before removing any Director from the Board, the Secretary of the Interior shall consult with the Secretary of Commerce.”.

(c) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking “Directors of the Board” and inserting “Directors of the Foundation”.

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended—

(A) by striking “Secretary” and inserting “Secretary of the Interior or the Secretary of Commerce”; and

(B) by inserting “or the Department of Commerce” after “Department of the Interior”.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after “the District of Columbia” the following: “or in a county in the State of Maryland or Virginia that borders on the District of Columbia”.

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

“(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

“(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

“(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;”.

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 60 calendar days after the date of the notification.”.

(d) REPEAL.—Section 304 of Public Law 102-440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

Deadline.

“(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 60 calendar days after the date of the notification.”.

(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

Deadline.

“(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 60 calendar days after the date of the notification, that—

“(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, plants, and other natural resources; and

“(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.”.

(g) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

“(h) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any one transaction for printing services or capital equipment that is greater than \$10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.”.

SEC. 205. ANNUAL REPORTING OF GRANT DETAILS.

Section 7(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3706(b)) is amended—

(1) by striking “Congress” and inserting “the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate”; and

(2) by adding at the end the following: “The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.”.

SEC. 206. NOTICE TO MEMBERS OF CONGRESS.

Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by section 204(g)) is amended by adding at the end the following:

“(i) NOTICE TO MEMBERS OF CONGRESS.—The Foundation shall not make a grant of funds unless, by not later than 30 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district

in which the project to be funded with the grant will be carried out.”.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2001 through 2003—

“(A) \$20,000,000 to the Department of the Interior;
and

“(B) \$5,000,000 to the Department of Commerce.

“(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

“(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

“(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

“(b) ADDITIONAL AUTHORIZATION.—

“(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.

“(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

“(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

“(1) any expense related to litigation; or

“(2) any activity the purpose of which is to influence legislation pending before Congress.”.

SEC. 208. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

16 USC 3710.

“SEC. 11. LIMITATION ON AUTHORITY.

“Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).”.

National Wildlife
Refuge System
Centennial Act.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

16 USC 668dd
note.

SEC. 301. SHORT TITLE.

This title may be cited as the “National Wildlife Refuge System Centennial Act”.

16 USC 668dd
note.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) President Theodore Roosevelt began the National Wildlife Refuge System by establishing the first refuge at Pelican Island, Florida, on March 14, 1903;

(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 532 individual refuges and thousands of waterfowl production areas located in all 50 States and the territories of the United States;

(3) the System is the only network of Federal land dedicated singularly to wildlife conservation and where wildlife-dependent recreation and environmental education are priority public uses;

(4) the System serves a vital role in the conservation of millions of migratory birds, dozens of endangered species and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which such species of fish and wildlife depend;

(5) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation;

(6)(A) public visitation to national wildlife refuges is growing, with more than 35,000,000 visitors annually; and

(B) it is essential that visitor centers and public use facilities be properly constructed, operated, and maintained;

(7) the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note; Public Law 105–242), and the amendments made by that Act, significantly enhance the ability of the United States Fish and Wildlife Service to incorporate volunteers and partnerships in refuge management;

(8) as of the date of the enactment of this Act, the System has an unacceptable backlog of critical operation and maintenance needs; and

(9) the occasion of the centennial of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand public enjoyment of the national wildlife refuges of the United States.

(b) PURPOSES.—The purposes of this title are—

(1) to establish a commission to promote awareness by the public of the National Wildlife Refuge System as the System celebrates its centennial in 2003;

(2) to develop a long-term plan to meet the priority operation, maintenance, and construction needs of the System;

(3) to require an annual report on the needs of the System prepared in the context of—

(A) the budget submission of the Department of the Interior to the President; and

(B) the President's budget request to Congress; and

(4) to improve public use programs and facilities of the System to meet the increasing needs of the public for wildlife-dependent recreation in the 21st century.

SEC. 303. NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMISSION.

16 USC 668dd
note.

(a) **ESTABLISHMENT.**—There is established the National Wildlife Refuge System Centennial Commission (referred to in this title as the “Commission”).

(b) **MEMBERS.**—

(1) **IN GENERAL.**—The Commission shall be composed of—

(A) the Director of the United States Fish and Wildlife Service;

(B) up to 10 individuals appointed by the Secretary of the Interior;

(C) the chairman and ranking minority member of the Committee on Resources of the House of Representatives and of the Committee on Environment and Public Works of the Senate, who shall be nonvoting members; and

(D) the congressional representatives of the Migratory Bird Conservation Commission, who shall be nonvoting members.

(2) **APPOINTMENTS.**—

(A) **DEADLINE.**—The members of the Commission shall be appointed not later than 90 days after the effective date of this title.

(B) **APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.**—

(i) **IN GENERAL.**—The members of the Commission appointed by the Secretary of the Interior under paragraph (1)(B)—

(I) shall not be officers or employees of the Federal Government; and

(II) shall, in the judgment of the Secretary—

(aa) represent the diverse beneficiaries of the System; and

(bb) have outstanding knowledge or appreciation of wildlife, natural resource management, or wildlife-dependent recreation.

(ii) **REPRESENTATION OF VIEWS.**—In making appointments under paragraph (1)(B), the Secretary of the Interior shall make every effort to ensure that the views of the hunting, fishing, and wildlife observation communities are represented on the Commission.

(3) **VACANCIES.**—Any vacancy in the Commission—

(A) shall not affect the power or duties of the Commission; and

(B) shall be expeditiously filled in the same manner as the original appointment was made.

(c) **CHAIRPERSON.**—The Secretary of the Interior shall appoint one of the members as the Chairperson of the Commission.

(d) COMPENSATION.—The members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—

(1) LEGISLATIVE BRANCH MEMBERS.—The members of the Commission from the legislative branch of the Federal Government shall be allowed necessary travel expenses, as authorized by other law for official travel, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE BRANCH MEMBERS.—The members of the Commission from the executive branch of the Federal Government shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) OTHER MEMBERS AND STAFF.—The members of the Commission appointed by the Secretary of the Interior and staff of the Commission may be allowed necessary travel expenses as authorized by section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) DUTIES.—The Commission shall—

(1) prepare, in cooperation with Federal, State, local, and nongovernmental partners, a plan to commemorate the centennial of the National Wildlife Refuge System beginning on March 14, 2003;

(2) coordinate the activities of the partners under the plan; and

(3) plan and host, in cooperation with the partners, a conference on the National Wildlife Refuge System, and assist in the activities of the conference.

(g) STAFF.—Subject to the availability of appropriations, the Commission may employ such staff as are necessary to carry out the duties of the Commission.

(h) DONATIONS.—

(1) IN GENERAL.—The Commission may, in accordance with criteria established under paragraph (2), accept and use donations of money, personal property, or personal services.

(2) CRITERIA.—The Commission shall establish written criteria to be used in determining whether the acceptance of gifts or donations under paragraph (1) would—

(A) reflect unfavorably on the ability of the Commission or any employee of the Commission to carry out its responsibilities or official duties in a fair and objective manner; or

(B) compromise the integrity or the appearance of the integrity of any person involved in the activities of the Commission.

(i) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission—

(1) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide to the Commission such administrative support services as are necessary for the Commission to carry out the duties of the Commission under this title, including services relating to budgeting, accounting, financial reporting, personnel, and procurement; and

(2) the head of any other appropriate Federal agency may provide to the Commission such advice and assistance, with or without reimbursement, as are appropriate to assist the Commission in carrying out the duties of the Commission.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Commission shall submit to Congress a report on the activities and plans of the Commission.

(2) FINAL REPORT.—Not later than September 30, 2004, the Commission shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

(k) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (j).

Termination.

(2) DISPOSITION OF MATERIALS.—Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may—

(A)(i) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the National Wildlife Refuge System in Federal, State, or local libraries or museums; or

(ii) otherwise dispose of such materials; and

(B)(i) use other property acquired by the Commission for the purposes of the National Wildlife Refuge System; or

(ii) treat such property as excess property.

SEC. 304. LONG-TERM PLANNING AND ANNUAL REPORTING REQUIREMENTS REGARDING THE OPERATION AND MAINTENANCE BACKLOG.

16 USC 668dd note.

(a) UNIFIED LONG-TERM PLAN.—Not later than March 1, 2002, the Secretary of the Interior shall prepare and submit to Congress and the President a unified long-term plan to address priority operation, maintenance, and construction needs of the National Wildlife Refuge System, including—

Deadline.

(1) priority staffing needs of the System; and

(2) operation, maintenance, and construction needs as identified in—

(A) the Refuge Operating Needs System;

(B) the Maintenance Management System;

(C) the 5-year deferred maintenance list;

(D) the 5-year construction list;

(E) the United States Fish and Wildlife Service report entitled “Fulfilling the Promise of America’s National Wildlife Refuge System”; and

(F) individual refuge comprehensive conservation plans.

(b) ANNUAL SUBMISSION.—Beginning with the submission to Congress of the budget for fiscal year 2003, the Secretary of the

Interior shall prepare and submit to Congress, in the context of each annual budget submission, a report that contains—

(1) an assessment of expenditures in the prior, current, and upcoming fiscal years to meet the operation and maintenance backlog as identified in the long-term plan under subsection (a); and

(2) a specification of transition costs, in the prior, current, and upcoming fiscal years, as identified in the analysis of newly acquired refuge land prepared by the Department of the Interior, and a description of the method used to determine the priority status of the transition costs.

16 USC 668dd
note.

SEC. 305. YEAR OF THE NATIONAL WILDLIFE REFUGE.

(a) FINDING.—Congress finds that designation of the year 2003 as the “Year of the National Wildlife Refuge” would promote the goal of increasing public appreciation of the importance of the National Wildlife Refuge System.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to accomplish the goal of such a year.

16 USC 668dd
note.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of the Commission under this title—

(1) \$100,000 for fiscal year 2001; and

(2) \$250,000 for each of fiscal years 2002 through 2004.

16 USC 668dd
note.

SEC. 307. EFFECTIVE DATE.

This title takes effect on January 20, 2001.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 3671:

HOUSE REPORTS: No. 106–554 (Comm. on Resources).

SENATE REPORTS: No. 106–495 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 5, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 18, House concurred in Senate amendments.



Public Law 106–409
106th Congress

An Act

To amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

Nov. 1, 2000
[H.R. 4068]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Religious
Workers Act of
2000.
8 USC 1101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Religious Workers Act of 2000”.

SEC. 2. THREE-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking “2000,” each place it appears and inserting “2003,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000. 8 USC 1101 note.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 4068 (S. 2406):

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 19, considered and passed Senate.



Public Law 106–410
106th Congress

An Act

Nov. 1, 2000
[H.R. 4110]

To amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(f)(1) of title 44, United States Code, is amended—

- (1) in subparagraph (J), by striking “and”;
- (2) in subparagraph (K), by striking the period and inserting a semicolon; and
- (3) by adding at the end the following new subparagraphs:
 - “(L) \$10,000,000 for fiscal year 2002;
 - “(M) \$10,000,000 for fiscal year 2003;
 - “(N) \$10,000,000 for fiscal year 2004; and
 - “(O) \$10,000,000 for fiscal year 2005.”.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 4110:

HOUSE REPORTS: No. 106–768 (Comm. on Government Reform).
SENATE REPORTS: No. 106–466 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 146 (2000):
July 24, considered and passed House.
Oct. 19, considered and passed Senate.



Public Law 106–411
106th Congress

An Act

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

Nov. 1, 2000
[H.R. 4320]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Great Ape
Conservation Act
of 2000.
16 USC 6301
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Ape Conservation Act of 2000”.

SEC. 2. FINDINGS AND PURPOSES.

16 USC 6301.

(a) FINDINGS.—Congress finds that—

(1) great ape populations have declined to the point that the long-term survival of the species in the wild is in serious jeopardy;

(2) the chimpanzee, gorilla, bonobo, orangutan, and gibbon are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(3) because the challenges facing the conservation of great apes are so immense, the resources available to date have not been sufficient to cope with the continued loss of habitat due to human encroachment and logging and the consequent diminution of great ape populations;

(4) because great apes are flagship species for the conservation of the tropical forest habitats in which they are found, conservation of great apes provides benefits to numerous other species of wildlife, including many other endangered species;

(5) among the threats to great apes, in addition to habitat loss, are population fragmentation, hunting for the bushmeat trade, live capture, and exposure to emerging or introduced diseases;

(6) great apes are important components of the ecosystems they inhabit, and studies of their wild populations have provided important biological insights;

(7) although subsistence hunting of tropical forest animals has occurred for hundreds of years at a sustainable level, the tremendous increase in the commercial trade of tropical forest species is detrimental to the future of these species; and

(8) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of great

apes in the wild will require the joint commitment and effort of countries that have within their boundaries any part of the range of great apes, the United States and other countries, and the private sector.

(b) PURPOSES.—The purposes of this Act are—

(1) to sustain viable populations of great apes in the wild; and

(2) to assist in the conservation and protection of great apes by supporting conservation programs of countries in which populations of great apes are located and by supporting the CITES Secretariat.

16 USC 6302.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices.

(2) CONSERVATION.—The term “conservation”—

(A) means the use of methods and procedures necessary to prevent the diminution of, and to sustain viable populations of, a species; and

(B) includes all activities associated with wildlife management, such as—

(i) conservation, protection, restoration, acquisition, and management of habitat;

(ii) in-situ research and monitoring of populations and habitats;

(iii) assistance in the development, implementation, and improvement of management plans for managed habitat ranges;

(iv) enforcement and implementation of CITES;

(v) enforcement and implementation of domestic laws relating to resource management;

(vi) development and operation of sanctuaries for members of a species rescued from the illegal trade in live animals;

(vii) training of local law enforcement officials in the interdiction and prevention of the illegal killing of great apes;

(viii) programs for the rehabilitation of members of a species in the wild and release of the members into the wild in ways which do not threaten existing wildlife populations by causing displacement or the introduction of disease;

(ix) conflict resolution initiatives;

(x) community outreach and education; and

(xi) strengthening the capacity of local communities to implement conservation programs.

(3) FUND.—The term “Fund” means the Great Ape Conservation Fund established by section 5.

(4) GREAT APE.—The term “great ape” means a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

(5) MULTINATIONAL SPECIES CONSERVATION FUND.—The term “Multinational Species Conservation Fund” means such fund as established in title I of the Department of the Interior

and Related Agencies Appropriations Act, 1999, under the heading “MULTINATIONAL SPECIES CONSERVATION FUND”.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. GREAT APE CONSERVATION ASSISTANCE.

16 USC 6303.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of great apes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of great apes may be submitted to the Secretary by—

(A) any wildlife management authority of a country that has within its boundaries any part of the range of a great ape if the activities of the authority directly or indirectly affect a great ape population;

(B) the CITES Secretariat; or

(C) any person or group with the demonstrated expertise required for the conservation of great apes.

(2) REQUIRED ELEMENTS.—A project proposal shall include—

(A) a concise statement of the purposes of the project;

(B) the name of the individual responsible for conducting the project;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other appropriate Federal officials; and Deadline.

(B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject Deadline.

to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to the person who submitted the proposal, other appropriate Federal officials, and each country described in subparagraph (A).

(d) **CRITERIA FOR APPROVAL.**—The Secretary may approve a project proposal under this section if the project will enhance programs for conservation of great apes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and great apes that arise from competition for the same habitat;

(3) enhance compliance with CITES and other applicable laws that prohibit or regulate the taking or trade of great apes or regulate the use and management of great ape habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition and health of great ape habitat;

(B) great ape population numbers and trends; or

(C) the current and projected threats to the habitat, current and projected numbers, or current and projected trends; or

(5) promote cooperative projects on the issues described in paragraph (4) among government entities, affected local communities, nongovernmental organizations, or other persons in the private sector.

(e) **PROJECT SUSTAINABILITY.**—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of great apes and their habitats.

(f) **MATCHING FUNDS.**—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) **PROJECT REPORTING.**—

(1) **IN GENERAL.**—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) **AVAILABILITY TO THE PUBLIC.**—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

(h) **LIMITATIONS ON USE FOR CAPTIVE BREEDING.**—Amounts provided as a grant under this Act—

(1) may not be used for captive breeding of great apes other than for captive breeding for release into the wild; and

(2) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(i) PANEL.—Every 2 years, the Secretary shall convene a panel of experts to identify the greatest needs for the conservation of great apes.

SEC. 5. GREAT APE CONSERVATION FUND.

16 USC 6304.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the “Great Ape Conservation Fund”, consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expand not more than 3 percent, or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall

be transferred to the Secretary of the Treasury for deposit into the Fund.

16 USC 6305.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2001 through 2005.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 4320:

HOUSE REPORTS: No. 106–792 (Comm. on Resources).

SENATE REPORTS: No. 106–472 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 19, considered and passed Senate.



Public Law 106–412
106th Congress

An Act

To authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

Nov. 1, 2000
[H.R. 4835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF LAND EXCHANGE.

The Secretary of the Interior and the Director of Central Intelligence are authorized to exchange approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway for approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway. The land to be conveyed by the Secretary of the Interior to the Central Intelligence Agency is depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998. The land to be conveyed by the Central Intelligence Agency to the Secretary of the Interior is depicted on National Park Service Drawing No. 850/81991, Sheet 1, dated August 6, 1998. These maps shall be available for public inspection in the appropriate offices of the National Park Service.

SEC. 2. CONDITIONS OF LAND EXCHANGE.

The land exchange authorized under section 1 shall be subject to the following conditions:

(1) NO REIMBURSEMENT OF CONSIDERATION.—The exchange shall occur without reimbursement or consideration.

(2) PUBLIC ACCESS.—The Director of Central Intelligence shall allow public access to the property transferred from the National Park Service and depicted on National Park Service Drawing No. 850/81992. Such access shall be for a motor vehicle turn-around on the George Washington Memorial Parkway.

(3) OTHER ACCESS.—The Director of Central Intelligence shall allow access to—

(A) personnel of the Federal Highway Administration Turner-Fairbank Highway Research Center as is provided for in the Federal Highway Administration's (FHWA) report of excess, dated May 20, 1971, which states, "Right-of-access by FHWA to and from the tract retained to the George Washington Parkway and to State Route 193 is to be held in perpetuity, or until released by FHWA"; and

(B) other Federal Government employees and visitors whose admission to the Research Center is authorized by the Turner-Fairbank Highway Research Center.

(4) CLOSURE.—The Central Intelligence Agency shall have the right to close off, by whatever means necessary, the transferred property depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998, to all persons except United States Park Police, other necessary National Park Service personnel, and personnel of the Federal Highway Administration Turner-Fairbank Highway Research Center when the Central Intelligence Agency has determined that the physical security conditions dictate in order to protect Central Intelligence Agency personnel, facilities, or property. Any such closure shall not exceed 12 hours in duration within a 24-hour period without consultation with the National Park Service, Federal Highway Administration Turner-Fairbank Highway Research Center facility and the United States Park Police. No action shall be taken to diminish use of the area for access to the Federal Highway Administration Turner-Fairbank facility except when the area is closed for security reasons.

(5) COMPLIANCE WITH DEED RESTRICTIONS.—The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions for the transferred property as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998.

(6) COMPLIANCE WITH AGREEMENT.—The National Park Service and the Central Intelligence Agency shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency signed in 1998 regarding the exchange and management of the lands discussed in that agreement.

(7) DEADLINE.—The Secretary of the Interior and the Director of Central Intelligence shall complete the transfers authorized by this section not later than 120 days after the date of the enactment of this Act.

SEC. 3. MANAGEMENT OF EXCHANGED LANDS.

(a) INTERIOR LANDS.—The land conveyed to the Secretary of the Interior under section 1 shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to the laws and regulations applicable thereto.

(b) CIA LANDS.—The land conveyed to the Central Intelligence Agency under section 1 shall be administered as part of the headquarters building compound of the Central Intelligence Agency.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 4835 (S. 3000):

HOUSE REPORTS: No. 106–895, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 106–432 accompanying S. 3000 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 19, considered and passed Senate.



Public Law 106–413
106th Congress

An Act

Nov. 1, 2000
[H.R. 4850]

To increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

Veterans’
Compensation
Cost-of-Living
Adjustment Act
of 2000.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2000”.

38 USC 1114
note.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

Effective date.

(a) **RATE ADJUSTMENT.**—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **COMPENSATION.**—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount in effect under section 1162 of such title.

(4) **NEW DIC RATES.**—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) **OLD DIC RATES.**—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) **ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.**—The dollar amount in effect under section 1311(b) of such title.

(7) **ADDITIONAL DIC FOR DISABILITY.**—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) **DIC FOR DEPENDENT CHILDREN.**—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

Effective date.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1,

2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

38 USC 1114
note.
Federal Register,
publication.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 4850:

HOUSE REPORTS: No. 106–783 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–414
106th Congress

An Act

Nov. 1, 2000
[H.R. 5164]

To amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

Transportation
Recall
Enhancement,
Accountability,
and
Documentation
(TREAD) Act.
49 USC 30101
note.
49 USC 30118
and note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act”.

SEC. 2. PRESERVATION OF SECTION 30118.

The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 are repealed and such section shall be effective as if such amending section had not been enacted.

Deadlines.

SEC. 3. REPORTING REQUIREMENTS.

(a) DEFECTS IN FOREIGN COUNTRIES.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

“(1) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

“(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

“(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

“(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.”.

(b) EARLY WARNING REPORTING REQUIREMENTS.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

“(m) EARLY WARNING REPORTING REQUIREMENTS.—

“(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary’s ability to carry out the provisions of this chapter.

“(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

“(3) REPORTING ELEMENTS.—

“(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

“(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

“(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

“(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

“(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer’s motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

“(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

“(A) SECRETARY’S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary

Rules and
regulations.

under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

“(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

“(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

“(iii) the manner and form of reporting such information, including in electronic form.

“(B) INFORMATION IN POSSESSION OF MANUFACTURER.—

The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

“(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

“(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer’s cost of complying with such requirements and the Secretary’s ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

Procedures.

“(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.”.

(c) SALE OR LEASE OF DEFECTIVE OR NONCOMPLIANT TIRE.—Section 30166 of title 49, United States Code, as amended by subsection (b), is amended by adding at the end the following:

Rules and regulations.

“(n) SALE OR LEASE OF DEFECTIVE OR NONCOMPLIANT TIRE.—

“(1) IN GENERAL.—The Secretary shall, within 90 days of the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

“(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

“(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

“(B) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the

order is restrained or the order is set aside in a civil action to which section 30121(d) applies.”.

(d) **INSURANCE STUDY.**—The Secretary of Transportation shall conduct a study to determine the feasibility and utility of obtaining aggregate information on a regular and periodic basis regarding claims made for private passenger automobile accidents from persons in the business of providing private passenger automobile insurance or of adjusting insurance claims for such automobiles. Not later than 120 days after the date of the enactment of this Act, the Secretary shall transmit the results of such study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 4. REMEDIES WITHOUT CHARGE.

Section 30120(g)(1) of title 49, United States Code, is amended by—

- (1) striking “8 calendar years” and inserting “10 calendar years”; and
- (2) striking “3 calendar years” and inserting “5 calendar years”.

SEC. 5. PENALTIES.

(a) **CIVIL PENALTIES.**—Section 30165(a) of title 49, United States Code, is amended to read as follows:

“(a) **CIVIL PENALTIES.**—

“(1) **IN GENERAL.**—A person that violates any of section 30112, 30115, 30117 through 30122, 30123(d), 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$15,000,000.

“(2) **SECTION 30166.**—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is \$5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$15,000,000.”.

(b) **CRIMINAL PENALTIES.**—

(1) **IN GENERAL.**—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30170. Criminal Penalties

“(a) **CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.**—

“(1) **GENERAL RULE.**—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual (as defined in section 1365(g)(3) of title 18),

shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

“(2) SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE BLOWERS.—

“(A) CORRECTION.—A person described in paragraph (1) shall not be subject to criminal penalties under this subsection if: (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury; and (2) the person corrects any improper reports or failure to report within a reasonable time.

Rules and
regulations.

Deadline.

“(B) REASONABLE TIME AND SUFFICIENCY OF CORRECTION.—The Secretary shall establish by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of the enactment of this section.

“(C) EFFECTIVE DATE.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

“(b) COORDINATION WITH DEPARTMENT OF JUSTICE.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.”.

(2) CLERICAL AMENDMENT.—The subchapter analysis for subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“30170. Criminal penalties.”.

SEC. 6. ACCELERATION OF MANUFACTURER REMEDY PROGRAM.

(a) REMEDY PROGRAM.—Section 30120(c) of title 49, United States Code, is amended by inserting at the end thereof the following:

“(3) If the Secretary determines that a manufacturer’s remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to accelerate the remedy program if the Secretary finds—

“(A) that there is a risk of serious injury or death if the remedy program is not accelerated; and

“(B) that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both. The Secretary may prescribe regulations to carry out this paragraph.”.

(b) REIMBURSEMENT PRIOR TO RECALL.—Section 30120(d) of title 49, United States Code, is amended by inserting at the end thereof the following: “A manufacturer’s remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer’s notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan.”.

SEC. 7. SALES OF REPLACED TIRES.

Section 30120(d) of title 49, United States Code, is amended by adding at the end the following: “In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.”.

SEC. 8. SALES OF REPLACED EQUIPMENT.

Section 30120 of title 49, United States Code, is amended by adding at the end the following:

“(j) PROHIBITION ON SALES OF REPLACED EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

“(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

“(2) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is set aside in a civil action to which section 30121(d) applies.”.

SEC. 9. CERTIFICATION LABEL.

Section 30115 of title 49, United States Code, is amended by inserting “(a) IN GENERAL.—” before “A manufacturer” and by adding at the end the following:

“(b) CERTIFICATION LABEL.—In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

“(1) that it has complied with the specifications set forth in the compliance documentation provided by the incomplete motor vehicle manufacturer in accordance with regulations prescribed by the Secretary; or

“(2) that it has elected to assume responsibility for compliance with that standard.

If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable time of affixing the certification label. A violation of this subsection shall not be subject to a civil penalty under section 30165.”.

SEC. 10. ENDURANCE AND RESISTANCE STANDARDS FOR TIRES.

The Secretary of Transportation shall conduct a rulemaking to revise and update the tire standards published at 49 CFR 571.109

Rules and
regulations.

Deadline. and 49 CFR 571.119. The Secretary shall complete the rulemaking under this section not later than June 1, 2002.

49 USC 30123
note.
Deadlines.
Rules and
regulations.

SEC. 11. IMPROVED TIRE INFORMATION.

(a) TIRE LABELING.—Within 30 days after the date of the enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to improve the labeling of tires required by section 30123 of title 49, United States Code to assist consumers in identifying tires that may be the subject of a decision under section 30118(b) or a notice required under section 30118(c). The Secretary shall complete the rulemaking not later than June 1, 2002.

(b) INFLATION LEVELS AND LOAD LIMITS.—In the rulemaking initiated under subsection (a), the Secretary may take whatever additional action is appropriate to ensure that the public is aware of the importance of observing motor vehicle tire load limits and maintaining proper tire inflation levels for the safe operation of a motor vehicle. Such additional action may include a requirement that the manufacturer of motor vehicles provide the purchasers of the motor vehicles information on appropriate tire inflation levels and load limits if the Secretary determines that requiring such manufacturers to provide such information is the most appropriate way such information can be provided.

SEC. 12. ROLLOVER TESTS.

Section 30117 of title 49, United States Code, is amended by adding at the end the following:

“(c) ROLLOVER TESTS.—

Deadline.

“(1) DEVELOPMENT.—Not later than 2 years from the date of the enactment of this subsection, the Secretary shall—

“(A) develop a dynamic test on rollovers by motor vehicles for the purposes of a consumer information program; and

“(B) carry out a program of conducting such tests.

Rules and
regulations.

“(2) TEST RESULTS.—As the Secretary develops a test under paragraph (1)(A), the Secretary shall conduct a rulemaking to determine how best to disseminate test results to the public.

Applicability.

“(3) MOTOR VEHICLES COVERED.—This subsection applies to motor vehicles, including passenger cars, multipurpose passenger vehicles, and trucks, with a gross vehicle weight rating of 10,000 pounds or less. A motor vehicle designed to provide temporary residential accommodations is not covered.”.

Deadlines.
Rules and
regulations.
49 USC 30123
note.

SEC. 13. TIRE PRESSURE WARNING.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall complete a rulemaking for a regulation to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated. Such requirement shall become effective not later than 2 years after the date of the completion of such rulemaking.

Effective date.

Deadlines.
49 USC 30127
note.
Rules and
regulations.

SEC. 14. IMPROVING THE SAFETY OF CHILD RESTRAINTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions.

(b) **ELEMENTS FOR CONSIDERATION.**—In the rulemaking required by subsection (a), the Secretary shall consider—

(1) whether to require more comprehensive tests for child restraints than the current Federal motor vehicle safety standards requires, including the use of dynamic tests that—

(A) replicate an array of crash conditions, such as side-impact crashes and rear-impact crashes; and

(B) reflect the designs of passenger motor vehicles as of the date of the enactment of this Act;

(2) whether to require the use of anthropomorphic test devices that—

(A) represent a greater range of sizes of children including the need to require the use of an anthropomorphic test device that is representative of a ten-year-old child; and

(B) are Hybrid III anthropomorphic test devices;

(3) whether to require improved protection from head injuries in side-impact and rear-impact crashes;

(4) how to provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis;

(5) whether to prescribe clearer and simpler labels and instructions required to be placed on child restraints;

(6) whether to amend Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213) to cover restraints for children weighing up to 80 pounds;

(7) whether to establish booster seat performance and structural integrity requirements to be dynamically tested in 3-point lap and shoulder belts;

(8) whether to apply scaled injury criteria performance levels, including neck injury, developed for Federal Motor Vehicle Safety Standard No. 208 to child restraints and booster seats covered by in Federal Motor Vehicle Safety Standard No. 213; and

(9) whether to include child restraint in each vehicle crash tested under the New Car Assessment Program.

(c) **REPORT TO CONGRESS.**—If the Secretary does not incorporate any element described in subsection (b) in the final rule, the Secretary shall explain, in a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce submitted within 30 days after issuing the final rule, specifically why the Secretary did not incorporate any such element in the final rule.

(d) **COMPLETION.**—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by subsection (a) not later than 24 months after the date of the enactment of this Act.

(e) **CHILD RESTRAINT DEFINED.**—In this section, the term “child restraint” has the meaning given the term “Child restraint system” in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of this Act).

(f) **FUNDING.**—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than \$750,000 shall be made available to carry out crash testing of child restraints.

(g) **CHILD RESTRAINT SAFETY RATINGS PROGRAM.**—No later than 12 months after the date of the enactment of this Act, the Secretary

Notice.

Rules and
regulations.

of Transportation shall issue a notice of proposed rulemaking to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraints. No later than 24 months after the date of the enactment of this Act the Secretary shall issue a final rule establishing a child restraint safety rating program and providing other consumer information which the Secretary determines would be useful consumers who purchase child restraint systems.

(h) **BOOSTER SEAT STUDY.**—In addition to consideration of booster seat performance and structural integrity contained in subsection (b)(7), not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation shall initiate and complete a study, taking into account the views of the public, on the use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from use of booster with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress.

(i) **BOOSTER SEAT EDUCATION PROGRAM.**—The Secretary of Transportation within 1 year after the date of the enactment of this Act shall develop 5 year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4 to 8 year old age group by 25 percent.

Deadlines.
49 USC 30111
note.

SEC. 15. IMPROVING CRITERIA USED IN A RECALL.

(a) **REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.**—The Secretary shall, not later than 30 days after the date of the enactment of this Act, undertake a comprehensive review of all standards, criteria, procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or noncompliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Secretary's findings and actions under subsection (a).

Deadline.
49 USC 30115
note.

SEC. 16. FOLLOW-UP REPORT.

One year after the date of the enactment of this Act, the Secretary of Transportation shall report to the Congress on the implementation of the amendments made by this Act and any recommendations for additional amendments for consumer safety.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

In addition to any sums authorized to be appropriated by section 30104 or 32102 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration for fiscal year 2001 \$9,100,000 to carry out this Act and the amendments

made by this Act. Such funds shall not be available for the general administrative expenses of the Secretary or the Administration.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 5164 (S. 3059):

HOUSE REPORTS: No. 106–954 (Comm. on Commerce).

SENATE REPORTS: No. 106–423 accompanying S. 3059 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed House.

Oct. 11, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–415
106th Congress

An Act

Nov. 1, 2000
[H.R. 5234]

To amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HMONG VETERANS' NATURALIZATION ACT OF 2000 TO CERTAIN FORMER SPOUSES OF DECEASED HMONG VETERANS.

(a) IN GENERAL.—Section 2 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 114 Stat. 316; 8 U.S.C. 1423 note) is amended—

- (1) in paragraph (1), by striking “or” at the end;
- (2) in paragraph (2), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following new paragraph:
“(3) who—

“(A) satisfies the requirement of paragraph (1)(A); and

“(B) is the surviving spouse of a person described in paragraph (1)(B) which described person was killed or died in Laos, Thailand, or Vietnam.”

8 USC 1423 note. (b) CONFORMING AMENDMENT.—Section 3 of such Act is amended by striking “or (2)” and inserting “, (2), or (3)”.

8 USC 1423 note. **SEC. 2. DEADLINE FOR APPLICATION.**

Section 6 of such Act is amended by adding at the end the following new sentence: “In the case of a person described in section 2(3), the application referred to in the preceding sentence, and appropriate fees, shall be filed not later than 18 months after the date of the enactment of this sentence.”

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.R. 5234:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 25, considered and passed House.

Oct. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–416
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Nov. 1, 2000
[H.J. Res. 122]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “November 2, 2000”.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398, 1450,
1550, 1551, 1676,
1741.

Approved November 1, 2000.

LEGISLATIVE HISTORY—H.J. Res. 122:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Nov. 1, considered and passed House and Senate.



Public Law 106–417
106th Congress

An Act

Nov. 1, 2000
[S. 406]

To amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

Alaska Native
and American
Indian Direct
Reimbursement
Act of 2000.
25 USC 1601
note.

25 USC 1645
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska Native and American Indian Direct Reimbursement Act of 2000”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1988, Congress enacted section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) that established a demonstration program to authorize 4 tribally-operated Indian Health Service hospitals or clinics to test methods for direct billing and receipt of payment for health services provided to patients eligible for reimbursement under the medicare or medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.), and other third party payors.

(2) The 4 participants selected by the Indian Health Service for the demonstration program began the direct billing and collection program in fiscal year 1989 and unanimously expressed success and satisfaction with the program. Benefits of the program include dramatically increased collections for services provided under the medicare and medicaid programs, a significant reduction in the turn-around time between billing and receipt of payments for services provided to eligible patients, and increased efficiency of participants being able to track their own billings and collections.

(3) The success of the demonstration program confirms that the direct involvement of tribes and tribal organizations in the direct billing of, and collection of payments from, the medicare and medicaid programs, and other third party payor reimbursements, is more beneficial to Indian tribes than the current system of Indian Health Service-managed collections.

(4) Allowing tribes and tribal organizations to directly manage their medicare and medicaid billings and collections, rather than channeling all activities through the Indian Health Service, will enable the Indian Health Service to reduce its administrative costs, is consistent with the provisions of the Indian Self-Determination Act, and furthers the commitment

of the Secretary to enable tribes and tribal organizations to manage and operate their health care programs.

(5) The demonstration program was originally to expire on September 30, 1996, but was extended by Congress, so that the current participants would not experience an interruption in the program while Congress awaited a recommendation from the Secretary of Health and Human Services on whether to make the program permanent.

(6) It would be beneficial to the Indian Health Service and to Indian tribes, tribal organizations, and Alaska Native organizations to provide permanent status to the demonstration program and to extend participation in the program to other Indian tribes, tribal organizations, and Alaska Native health organizations who operate a facility of the Indian Health Service.

SEC. 3. DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS.

(a) **PERMANENT AUTHORIZATION.**—Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) is amended to read as follows:

“(a) **ESTABLISHMENT OF DIRECT BILLING PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall establish a program under which Indian tribes, tribal organizations, and Alaska Native health organizations that contract or compact for the operation of a hospital or clinic of the Service under the Indian Self-Determination and Education Assistance Act may elect to directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the ‘medicare program’), under a State plan for medical assistance approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (in this section referred to as the ‘medicaid program’), or from any other third party payor.

“(2) **APPLICATION OF 100 PERCENT FMAP.**—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) shall apply for purposes of reimbursement under the medicaid program for health care services directly billed under the program established under this section.

“(b) **DIRECT REIMBURSEMENT.**—

“(1) **USE OF FUNDS.**—Each hospital or clinic participating in the program described in subsection (a) of this section shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) and sections 402(a) and 813(b)(2)(A), but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid programs. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions shall be used—

“(A) solely for improving the health resources deficiency level of the Indian tribe; and

“(B) in accordance with the regulations of the Service applicable to funds provided by the Service under any contract entered into under the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

“(2) AUDITS.—The amounts paid to the hospitals and clinics participating in the program established under this section shall be subject to all auditing requirements applicable to programs administered directly by the Service and to facilities participating in the medicare and medicaid programs.

Reports.

“(3) SECRETARIAL OVERSIGHT.—The Secretary shall monitor the performance of hospitals and clinics participating in the program established under this section, and shall require such hospitals and clinics to submit reports on the program to the Secretary on an annual basis.

“(4) NO PAYMENTS FROM SPECIAL FUNDS.—Notwithstanding section 1880(c) of the Social Security Act (42 U.S.C. 1395qq(c)) or section 402(a), no payment may be made out of the special funds described in such sections for the benefit of any hospital or clinic during the period that the hospital or clinic participates in the program established under this section.

“(c) REQUIREMENTS FOR PARTICIPATION.—

“(1) APPLICATION.—Except as provided in paragraph (2)(B), in order to be eligible for participation in the program established under this section, an Indian tribe, tribal organization, or Alaska Native health organization shall submit an application to the Secretary that establishes to the satisfaction of the Secretary that—

“(A) the Indian tribe, tribal organization, or Alaska Native health organization contracts or compacts for the operation of a facility of the Service;

“(B) the facility is eligible to participate in the medicare or medicaid programs under section 1880 or 1911 of the Social Security Act (42 U.S.C. 1395qq; 1396j);

“(C) the facility meets the requirements that apply to programs operated directly by the Service; and

“(D) the facility—

“(i) is accredited by an accrediting body as eligible for reimbursement under the medicare or medicaid programs; or

“(ii) has submitted a plan, which has been approved by the Secretary, for achieving such accreditation.

“(2) APPROVAL.—

Deadline.

“(A) IN GENERAL.—The Secretary shall review and approve a qualified application not later than 90 days after the date the application is submitted to the Secretary unless the Secretary determines that any of the criteria set forth in paragraph (1) are not met.

“(B) GRANDFATHER OF DEMONSTRATION PROGRAM PARTICIPANTS.—Any participant in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999 shall be deemed approved for participation in the program established under this section and shall not be required to submit an application in order to participate in the program.

“(C) DURATION.—An approval by the Secretary of a qualified application under subparagraph (A), or a deemed approval of a demonstration program under subparagraph (B), shall continue in effect as long as the approved applicant or the deemed approved demonstration program meets the requirements of this section.

“(d) EXAMINATION AND IMPLEMENTATION OF CHANGES.—

“(1) IN GENERAL.—The Secretary, acting through the Service, and with the assistance of the Administrator of the Health Care Financing Administration, shall examine on an ongoing basis and implement—

“(A) any administrative changes that may be necessary to facilitate direct billing and reimbursement under the program established under this section, including any agreements with States that may be necessary to provide for direct billing under the medicaid program; and

“(B) any changes that may be necessary to enable participants in the program established under this section to provide to the Service medical records information on patients served under the program that is consistent with the medical records information system of the Service.

“(2) ACCOUNTING INFORMATION.—The accounting information that a participant in the program established under this section shall be required to report shall be the same as the information required to be reported by participants in the demonstration program authorized under this section as in effect on the day before the date of enactment of the Alaska Native and American Indian Direct Reimbursement Act of 1999. The Secretary may from time to time, after consultation with the program participants, change the accounting information submission requirements.

“(e) WITHDRAWAL FROM PROGRAM.—A participant in the program established under this section may withdraw from participation in the same manner and under the same conditions that a tribe or tribal organization may retrocede a contracted program to the Secretary under authority of the Indian Self-Determination Act (25 U.S.C. 450 et seq.). All cost accounting and billing authority under the program established under this section shall be returned to the Secretary upon the Secretary’s acceptance of the withdrawal of participation in this program.”.

(b) CONFORMING AMENDMENTS.—(1) Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended by adding at the end the following:

“(e) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).”.

(2) Section 1911 of the Social Security Act (42 U.S.C. 1396j) is amended by adding at the end the following:

“(d) For provisions relating to the authority of certain Indian tribes, tribal organizations, and Alaska Native health organizations to elect to directly bill for, and receive payment for, health care services provided by a hospital or clinic of such tribes or organizations and for which payment may be made under this title, see

section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645).”.

25 USC 1645
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

Effective dates.
25 USC 1645
note.

SEC. 4. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Effective November 9, 1998, section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645(e)) is reenacted as in effect on that date.

(b) REPORTS.—Effective November 10, 1998, section 405 of the Indian Health Care Improvement Act is amended by striking subsection (e).

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 406:

HOUSE REPORTS: No. 106–818, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 106–152 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 15, considered and passed Senate.

Vol. 146 (2000): Oct. 17, considered and passed House.



Public Law 106–418
106th Congress

An Act

To designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

Nov. 1, 2000
[S. 1296]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lower Delaware Wild and Scenic Rivers Act”.

Lower Delaware
Wild and Scenic
Rivers Act.
16 USC 1271
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System;

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled “Lower Delaware River Management Plan” and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

New Jersey.
Pennsylvania.

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104-333; and

(5) by adding at the end the following:

“(161) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

“(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

“(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

“(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3 miles), as a recreational river;

“(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9 miles), as a recreational river;

“(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

“(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

“(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

“(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

“(B) ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.”.

16 USC 1274
note.

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(a) MANAGEMENT OF SEGMENTS.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled “Lower Delaware River Management Plan” and dated August 1997 (referred to as the “management plan”), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) **SATISFACTION OF REQUIREMENTS FOR PLAN.**—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) **FEDERAL ROLE.**—

(1) **RESTRICTIONS ON WATER RESOURCE PROJECTS.**—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall consider the extent to which the project is consistent with the management plan.

(2) **COOPERATIVE AGREEMENTS.**—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) **SUPPORT FOR IMPLEMENTATION.**—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) **LAND MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) **PLAN REQUIREMENTS.**—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) **ADDITIONAL SEGMENTS.**—

(1) **IN GENERAL.**—In this paragraph, the term “additional segment” means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild

and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

Federal Register,
publication.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

16 USC 1274
note.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 1296:

SENATE REPORTS: No. 106–207 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 17, considered and passed House.



Public Law 106–419
106th Congress

An Act

Nov. 1, 2000
[S. 1402]

To amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

Veterans
Benefits and
Health Care
Improvement Act
of 2000.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Benefits and Health Care Improvement Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.

Sec. 102. Uniform requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.

Sec. 103. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.

Sec. 104. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.

Sec. 105. Increased active duty educational assistance benefit for contributing members.

Subtitle B—Survivors’ and Dependents’ Educational Assistance

Sec. 111. Increase in rates of survivors’ and dependents’ educational assistance.

Sec. 112. Election of certain recipients of commencement of period of eligibility for survivors’ and dependents’ educational assistance.

Sec. 113. Adjusted effective date for award of survivors’ and dependents’ educational assistance.

Sec. 114. Availability under survivors’ and dependents’ educational assistance of preparatory courses for college and graduate school entrance exams.

Subtitle C—General Educational Assistance

Sec. 121. Revision of educational assistance interval payment requirements.

Sec. 122. Availability of education benefits for payment for licensing or certification tests.

Sec. 123. Increase for fiscal years 2001 and 2002 in aggregate annual amount available for State approving agencies for administrative expenses.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

Sec. 201. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.

- Sec. 202. Special pay for dentists.
- Sec. 203. Exemption for pharmacists from ceiling on special salary rates.
- Sec. 204. Temporary full-time appointments of certain medical personnel.
- Sec. 205. Qualifications of social workers.
- Sec. 206. Physician assistant adviser to Under Secretary for Health.
- Sec. 207. Extension of voluntary separation incentive payments.

Subtitle B—Military Service Issues

- Sec. 211. Findings and sense of Congress concerning use of military histories of veterans in Department of Veterans Affairs health care.
- Sec. 212. Study of post-traumatic stress disorder in Vietnam veterans.

Subtitle C—Medical Administration

- Sec. 221. Department of Veterans Affairs Fisher Houses.
- Sec. 222. Exception to recapture rule.
- Sec. 223. Sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items.
- Sec. 224. Technical and conforming changes.

Subtitle D—Construction Authorization

- Sec. 231. Authorization of major medical facility projects.
- Sec. 232. Authorization of appropriations.

Subtitle E—Real Property Matters

- Sec. 241. Change to enhanced use lease congressional notification period.
- Sec. 242. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.
- Sec. 243. Demolition, environmental cleanup, and reversion of Department of Veterans Affairs Medical Center, Allen Park, Michigan.
- Sec. 244. Conveyance of certain property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.
- Sec. 245. Land conveyance, Miles City Department of Veterans Affairs Medical Center complex, Miles City, Montana.
- Sec. 246. Conveyance of Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.
- Sec. 247. Effect of closure of Fort Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

- Sec. 301. Strokes and heart attacks incurred or aggravated by members of reserve components in the performance of duty while performing inactive duty training to be considered to be service-connected.
- Sec. 302. Special monthly compensation for women veterans who lose a breast as a result of a service-connected disability.
- Sec. 303. Benefits for persons disabled by participation in compensated work therapy program.
- Sec. 304. Revision to limitation on payments of benefits to incompetent institutionalized veterans.
- Sec. 305. Review of dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

- Sec. 311. Premiums for term Service Disabled Veterans' Insurance for veterans older than age 70.
- Sec. 312. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
- Sec. 313. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.

Subtitle C—Housing and Employment Programs

- Sec. 321. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.
- Sec. 322. Veterans employment emphasis under Federal contracts for recently separated veterans.
- Sec. 323. Employers required to grant leave of absence for employees to participate in honor guards for funerals of veterans.

Subtitle D—Cemeteries and Memorial Affairs

- Sec. 331. Eligibility for interment of certain Filipino veterans of World War II in national cemeteries.
 Sec. 332. Payment rate of certain burial benefits for certain Filipino veterans of World War II.
 Sec. 333. Plot allowance for burial in State veterans cemeteries.

TITLE IV—OTHER MATTERS

- Sec. 401. Benefits for the children of women Vietnam veterans who suffer from certain birth defects.
 Sec. 402. Extension of certain expiring authorities.
 Sec. 403. Preservation of certain reporting requirements.
 Sec. 404. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking “\$528” and inserting “\$650”; and

(2) in subsection (b)(1), by striking “\$429” and inserting “\$528”.

38 USC 3015
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after October 2000.

SEC. 102. UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—(1) Section 3011 is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

“(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and”; and

(B) by striking subsection (e).

(2) Section 3017(a)(1)(A)(ii) is amended by striking “clause (2)(A)” and inserting “clause (2)”.

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

“(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and”; and

(2) by striking subsection (f).

(c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—Paragraph (4) of section 3018(b) is amended to read as follows:

“(4) before applying for benefits under this section—

“(A) completes the requirements of a secondary school diploma (or equivalency certificate); or

“(B) successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and”.

(d) EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF SELECTED RESERVE.—Paragraph (2) of section 16132(a) of title 10, United States Code, is amended to read as follows:

“(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);”.

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

38 USC 3031
note.

(A) the date of the enactment of this Act; or

(B) the date of the individual’s last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for such basic educational assistance by reason of the requirement of a secondary school diploma (or equivalency certificate) as a condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) becomes entitled to basic educational assistance under section 3011(a)(2), 3012(a)(2), or 3018(b)(4) of title 38, United States Code, by reason of the amendments made by this section.

SEC. 103. REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following new clause (i):

“(i) who serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces; or”; and

(B) in clause (ii)(II), by striking “in the case of an individual who completed not less than 20 months” and all that follows through “was at least three years” and inserting “if, in the case of an individual with an obligated

period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service”;

(2) in subsection (d)(1), by striking “individual’s initial obligated period of active duty” and inserting “obligated period of active duty on which an individual’s entitlement to assistance under this section is based”;

(3) in subsection (h)(2)(A), by striking “during an initial period of active duty,” and inserting “during the obligated period of active duty on which entitlement to assistance under this section is based,”; and

(4) in subsection (i), by striking “initial”.

(b) **SELECTED RESERVE PROGRAM.**—Section 3012 is amended—

(1) in subsection (a)(1)(A)(i), by striking “, as the individual’s” and all that follows through “Armed Forces” and inserting “an obligated period of active duty of at least two years of continuous active duty in the Armed Forces”; and

(2) in subsection (e)(1), by striking “initial”.

(c) **DURATION OF ASSISTANCE.**—Section 3013 is amended—

(1) in subsection (a)(2), by striking “individual’s initial obligated period of active duty” and inserting “obligated period of active duty on which such entitlement is based”; and

(2) in subsection (b)(1), by striking “individual’s initial obligated period of active duty” and inserting “obligated period of active duty on which such entitlement is based”.

(d) **AMOUNT OF ASSISTANCE.**—Section 3015 is amended—

(1) in the second sentence of subsection (a), by inserting before “a basic educational assistance allowance” the following: “in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,”;

(2) in subsection (b), by striking “and whose initial obligated period of active duty is two years,” and inserting “whose obligated period of active duty on which such entitlement is based is two years,”; and

(3) in subsection (c)(2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

“(A) whose obligated period of active duty on which such entitlement is based is less than three years;

“(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and”.

(e) **DELIMITING PERIOD.**—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual’s last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for basic educational assistance under chapter 30 of such title by reason of the requirement of an initial obligated period of active duty as condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) on or after such date becomes eligible for such assistance by reason of the amendments made by this section.

SEC. 104. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

“(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

“(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

“(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

“(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

“(C) The individual meets the requirements of subsection (a)(3).

“(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

“(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

“(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is \$2,700; and

“(ii) to the extent that basic pay is not so reduced before the qualified individual’s discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

“(I) the Secretary concerned shall collect from the qualified individual; or

“(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by, an amount equal to the difference between \$2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

“(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an

election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

“(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

“(C) The provisions of subsection (c) shall apply to qualified individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

“(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

“(A) the Secretary concerned collects the applicable amount under subclause (I) of such paragraph; or

“(B) the retired or retainer pay of the qualified individual is first reduced under subclause (II) of such paragraph.

“(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this subsection to elect to become entitled to basic educational assistance under this chapter.”.

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking “subsection (a)” and inserting “subsection (a) or (e)”.

38 USC 3018c.

(c) COORDINATION PROVISIONS.—(1) If this Act is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1601 of that Act, including the amendments made by that section, shall not take effect. If this Act is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of this Act, the amendments made by section 1601 of that Act shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

38 USC 5107.

(2) If the Veterans Claims Assistance Act of 2000 is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, including the amendments made by that section, shall not take effect. If the Veterans Claims Assistance Act of 2000 is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of the Veterans Claims Assistance Act of 2000, the amendments made by section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

SEC. 105. INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR INCREASED ASSISTANCE AMOUNT.—(1) Section 3011, as amended by section 102(a)(1)(B), is amended by inserting after subsection (d) the following new subsection (e):

“(e)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(1) may contribute amounts for purposes of receiving an increased

amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (b).

“(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

“(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed \$600. Such contributions shall be made in multiples of \$4.

“(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.”.

(2) Section 3012, as amended by section 102(b)(2), is amended by inserting after subsection (e) the following new subsection (f):

“(f)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (c).

“(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

“(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed \$600. Such contributions shall be made in multiples of \$4.

“(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.”.

(b) INCREASED ASSISTANCE AMOUNT.—Section 3015 is amended—

(1) by striking “subsection (g)” each place it appears in subsections (a)(1) and (b)(1) and inserting “subsection (h)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) In the case of an individual who has made contributions authorized by section 3011(e) or 3012(f) of this title, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

“(1) an amount equal to \$1 for each \$4 contributed by such individual under section 3011(e) or 3012(f), as the case may be, for an approved program of education pursued on a full-time basis; or

“(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2001.

38 USC 3011
note.

38 USC 3011
note.

(d) TRANSITIONAL PROVISION FOR INDIVIDUALS DISCHARGED BETWEEN ENACTMENT AND EFFECTIVE DATE.—(1) During the period beginning on May 1, 2001, and ending on July 31, 2001, an individual described in paragraph (2) may make contributions under section 3011(e) or 3012(f) of title 38, United States Code (as added by subsection (a)), whichever is applicable to that individual, without regard to paragraph (2) of that section and otherwise in the same manner as an individual eligible for educational assistance under chapter 30 of such title who is on active duty.

(2) Paragraph (1) applies in the case of an individual who—

(A) is discharged or released from active duty during the period beginning on the date of the enactment of this Act and ending on April 30, 2001; and

(B) is eligible for educational assistance under chapter 30 of title 38, United States Code.

Subtitle B—Survivors’ and Dependents’ Educational Assistance

SEC. 111. INCREASE IN RATES OF SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.

(a) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking “\$485” and inserting “\$588”;

(B) by striking “\$365” and inserting “\$441”; and

(C) by striking “\$242” and inserting “\$294”;

(2) in subsection (a)(2), by striking “\$485” and inserting “\$588”;

(3) in subsection (b), by striking “\$485” and inserting “\$588”; and

(4) in subsection (c)(2)—

(A) by striking “\$392” and inserting “\$475”;

(B) by striking “\$294” and inserting “\$356”; and

(C) by striking “\$196” and inserting “\$238”.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking “\$485” and inserting “\$588”.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking “\$485” and inserting “\$588”;

(2) by striking “\$152” each place it appears and inserting “\$184”; and

(3) by striking “\$16.16” and all that follows and inserting “such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.”

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking “\$353” and inserting “\$428”;

(2) by striking “\$264” and inserting “\$320”;

(3) by striking “\$175” and inserting “\$212”; and

(4) by striking “\$88” and inserting “\$107”.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under

38 USC 3532
note.

chapter 35 of title 38, United States Code, for months after October 2000.

(f) ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

“§ 3564. Annual adjustment of amounts of educational assistance

“With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

“3564. Annual adjustment of amounts of educational assistance.”.

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

“(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

“(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).”.

(3) EFFECTIVE DATE.—Sections 3654 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001.

38 USC 3564
note.

SEC. 112. ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

Section 3512(a)(3) is amended by striking “8 years after,” and all that follows through the end and inserting “8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

“(A) the Secretary approves that beginning date;

“(B) the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and

“(C) that beginning date—

“(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is between the dates described in subsection (d); and

“(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

“(I) the date of the parent's death; and

“(II) the date of the Secretary’s decision that the death was service-connected;”.

SEC. 113. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

- (1) by redesignating subsection (b) as subsection (c);
- (2) in subsection (a), by striking “subsection (b) of this section” and inserting “subsections (b) and (c)”; and
- (3) by inserting after subsection (a) the following new subsection:

“(b)(1) When determining the effective date of an award under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary may consider the individual’s application as having been filed on the eligibility date of the individual if that eligibility date is more than one year before the date of the initial rating decision.

“(2) An individual referred to in paragraph (1) is an eligible person who—

“(A) submits to the Secretary an original application for educational assistance under chapter 35 of this title within one year of the date that the Secretary makes the rating decision;

“(B) claims such educational assistance for pursuit of an approved program of education during a period preceding the one-year period ending on the date on which the application was received by the Secretary; and

“(C) would have been entitled to such educational assistance for such course pursuit if the individual had submitted such an application on the individual’s eligibility date.

“(3) In this subsection:

“(A) The term ‘eligibility date’ means the date on which an individual becomes an eligible person.

“(B) The term ‘eligible person’ has the meaning given that term under section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.

“(C) The term ‘initial rating decision’ means with respect to an eligible person a decision made by the Secretary that establishes (i) service connection for such veteran’s death or (ii) the existence of such veteran’s service-connected total disability permanent in nature, as the case may be.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs, or (B) exhaustion of available administrative and judicial remedies.

SEC. 114. AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

(a) **IN GENERAL.**—Section 3501(a)(5) is amended by adding at the end the following new sentence: “Such term also includes any preparatory course described in section 3002(3)(B) of this title.”.

(b) **SCOPE OF AVAILABILITY.**—Section 3512(a) is amended—

(1) by striking “and” at the end of clause (5);

(2) by striking the period at the end of clause (6) and inserting “; and”; and

(3) by adding at the end the following:

“(7) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person’s eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.”.

Subtitle C—General Educational Assistance

SEC. 121. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) **IN GENERAL.**—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

“(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between those terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

38 USC 3680
note.

SEC. 122. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) **IN GENERAL.**—Sections 3452(b) and 3501(a)(5) (as amended by section 114(a)) are each amended by adding at the end the following new sentence: “Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual’s possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.”.

(b) **AMOUNT OF PAYMENT.**—

(1) **CHAPTER 30.**—Section 3032 is amended by adding at the end the following new subsection:

“(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification

test described in section 3452(b) of this title is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual’s available entitlement under this chapter.”.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

“(c)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual’s available entitlement under this chapter.”.

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

“(h)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual’s available entitlement under this chapter.”.

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

“(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-

time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual’s available entitlement under this chapter.”.

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—(1) Chapter 36 is amended by inserting after section 3688 the following new section:

“§ 3689. Approval requirements for licensing and certification testing

“(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

“(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

“(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

“(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

“(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

“(2) A licensing or certification test offered by a State, or a political subdivision of a State, is deemed approved by the Secretary for purposes of this section.

“(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

“(A) The organization or entity certifies to the Secretary that the licensing or certification test offered by the organization or entity is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

“(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered the test for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

“(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

“(D) The organization or entity has no direct financial interest in—

“(i) the outcome of the test; or

“(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

“(E) The organization or entity maintains appropriate records with respect to all candidates who take the test for a period prescribed by the Secretary, but in no case for a period of less than three years.

“(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

“(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to the test or the process for obtaining a license or certificate required for vocations or professions.

“(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

“(H) The organization or entity furnishes to the Secretary the following information:

“(i) A description of the licensing or certification test offered by the organization or entity, including the purpose of the test, the vocational, professional, governmental, and other entities that recognize the test, and the license or certificate issued upon successful completion of the test.

“(ii) The requirements to take the test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

“(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the requirements for maintaining or renewing the license or certificate.

“(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

“(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

“(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

“(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapters 30, 32, 34, or 35 of this title, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

“(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a ‘course’ and the organization or entity that offers such test is deemed to be an ‘institution’ or ‘educational institution’, respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

“(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the ‘Committee’).

“(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

“(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

“(B) The Secretary of Labor and the Secretary of Defense shall serve as ex officio members of the Committee.

“(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

“(4)(A) The Secretary shall appoint the chairman of the Committee.

“(B) The Committee shall meet at the call of the chairman.

“(5) The Committee shall terminate December 31, 2006.”.

(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

“3689. Approval requirements for licensing and certification testing.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2001, and shall apply with respect to licensing and certification tests approved by the Secretary of Veterans Affairs on or after such date.

38 USC 3032
note.

(e) STARTUP FUNDING.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 2001 for readjustment benefits, the Secretary of Veterans Affairs shall use an amount not to exceed \$3,000,000 to develop the systems and procedures required to make payments under chapters 30, 32, 34, and 35 of title 38, United States Code, for licensing and certification tests.

SEC. 123. INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES.

Section 3674(a)(4) is amended—

(1) in the first sentence, by inserting “or, for each of fiscal years 2001 and 2002, \$14,000,000” after “\$13,000,000”; and
 (2) in the second sentence, by striking “\$13,000,000” both places it appears and inserting “the amount applicable to that fiscal year under the preceding sentence”.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

SEC. 201. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) REVISED PAY ADJUSTMENT PROCEDURES.—(1) Subsection (d) of section 7451 is amended—

(A) in paragraph (1)—

(i) by striking “The rates” and inserting “Subject to subsection (e), the rates”; and

(ii) in subparagraph (A)—

(I) by striking “section 5305” and inserting “section 5303”; and

(II) by inserting “and to be by the same percentage” after “to have the same effective date”;

(B) in paragraph (2), by striking “Such” in the second sentence and inserting “Except as provided in paragraph (1)(A), such”;

(C) in paragraph (3)(B)—

(i) by inserting after the first sentence the following new sentence: “To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.”;

(ii) by inserting before the penultimate sentence the following new sentence: “To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay, and such other information needed to meet the purpose of this section.”; and

(iii) in the penultimate sentence, by inserting “or published” after “completed”; and

(D) by striking clause (iii) of paragraph (3)(C).

(2) Subsection (e) of such section is amended to read as follows:

“(e)(1) An adjustment in a rate of basic pay under subsection

(d) may not reduce the rate of basic pay applicable to any grade of a covered position.

“(2) The director of a Department health-care facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem

is likely to exist in the near future, the Director shall provide for a wage survey in accordance with subsection (d)(3).

“(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. If the determination of the director would result in an adjustment in rates of basic pay applicable to covered positions, any action by the Under Secretary under the preceding sentence shall be made before the effective date of such pay adjustment. Upon such action by the Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the timely exercise of the authority in this paragraph.

“(4) Each director of a Department health-care facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:

“(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.

“(B) The director’s findings concerning the review and evaluation of the facility’s staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.

“(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.

“(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.

“(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department health care facilities. Each such report shall include the following:

“(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).

“(B) The information for each such facility specified in paragraph (4).”.

(3) Subsection (f) of such section is amended—

(A) by striking “February 1 of 1991, 1992, and 1993” and inserting “March 1 of each year”; and

(B) by striking “subsection (d)(1)(A)” and inserting “subsection (d)”.

Deadline.

(4) Such section is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) **REQUIRED CONSULTATIONS WITH NURSES.**—(1) Subchapter II of chapter 73 is further amended by adding at the end the following new section:

“§ 7323. Required consultations with nurses

“The Under Secretary for Health shall ensure that—

“(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and

“(2) the director of a medical center shall include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

“7323. Required consultations with nurses.”.

SEC. 202. SPECIAL PAY FOR DENTISTS.

(a) **FULL-TIME STATUS PAY.**—Paragraph (1) of section 7435(b) is amended by striking “\$3,500” and inserting “\$9,000”.

(b) **TENURE PAY.**—The table in paragraph (2)(A) of that section is amended to read as follows:

“Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years	\$1,000	\$2,000
2 years but less than 4 years	4,000	5,000
4 years but less than 8 years	5,000	8,000
8 years but less than 12 years	8,000	12,000
12 years but less than 20 years	12,000	15,000
20 years or more	15,000	18,000.”.

(c) **SCARCE SPECIALTY PAY.**—Paragraph (3)(A) of that section is amended by striking “\$20,000” and inserting “\$30,000”.

(d) **RESPONSIBILITY PAY.**—(1) The table in paragraph (4)(A) of that section is amended to read as follows:

“Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade	\$14,500	\$25,000
Director Grade	0	25,000
Service Chief (or in a comparable position as determined by the Secretary)	4,500	15,000.”.

(2) The table in paragraph (4)(B) of that section is amended to read as follows:

“Position	Rate
Deputy Service Director	\$20,000
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000.”.

(e) GEOGRAPHIC PAY.—Paragraph (6) of that section is amended by striking “\$5,000” and inserting “\$12,000”.

(f) SPECIAL PAY FOR POST-GRADUATE TRAINING.—Such section is further amended by adding at the end the following new paragraph:

“(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of \$2,000 for each of the first two years of service after successful completion of that training.”.

(g) CREDITING OF INCREASED TENURE PAY FOR CIVIL SERVICE RETIREMENT.—Section 7438(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the date of the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as ‘tenure pay’) considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:

“(A) In an amount equal to the amount that would have been so considered under such section on the day before such date based on the rates of special pay the dentist was entitled to receive under that section on the day before such date.

“(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such date.”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the date of the enactment of this Act. 38 USC 7435 note.

(i) TRANSITION.—In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after that date, the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of the date of the enactment of this Act in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that date. 38 USC 7435 note.

SEC. 203. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.

Section 7455(c)(1) is amended by inserting “, pharmacists,” after “anesthetists”.

SEC. 204. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION OR LICENSURE.—Paragraph (2) of section 7405(c) is amended to read as follows:

“(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—

“(A) has successfully completed—

“(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or

“(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and

“(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.”.

(b) MEDICAL SUPPORT PERSONNEL.—That section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

“(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.”.

SEC. 205. QUALIFICATIONS OF SOCIAL WORKERS.

Section 7402(b)(9) is amended by striking “a person must” and all that follows and inserting “a person must—

“(A) hold a master’s degree in social work from a college or university approved by the Secretary; and

“(B) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.”.

SEC. 206. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

“(9) The Advisor on Physician Assistants, who shall be a physician assistant with appropriate experience and who shall advise the Under Secretary for Health on all matters relating to the utilization and employment of physician assistants in the Administration.”.

SEC. 207. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106-117; 5 U.S.C. 5597 note) is amended as follows:

(1) Section 1102(c) is amended to read as follows:

“(c) **LIMITATION.**—The plan under subsection (a) shall be limited to a total of 7,734 positions within the Department, allocated among the elements of the Department as follows:

“(1) The Veterans Health Administration, 6,800 positions.

“(2) The Veterans Benefits Administration, 740 positions.

“(3) Department of Veterans Affairs Staff Offices, 156 positions.

“(4) The National Cemetery Administration, 38 positions.”.

(2) Section 1105(a) is amended by striking “26 percent” and inserting “15 percent”.

(3) Section 1109(a) is amended by striking “December 31, 2000” and inserting “December 31, 2002”.

Subtitle B—Military Service Issues

SEC. 211. FINDINGS AND SENSE OF CONGRESS CONCERNING USE OF MILITARY HISTORIES OF VETERANS IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Pertinent military experiences and exposures may affect the health status of Department of Veterans Affairs patients who are veterans.

(2) The Department of Veterans Affairs has begun to implement a Veterans Health Initiative to develop systems to ensure that both patient care and medical education in the Veterans Health Administration are specific to the special needs of veterans and should be encouraged to continue these efforts.

(3) Protocols eliciting pertinent information relating to the military history of veterans may be beneficial to understanding certain conditions for which veterans may be at risk and thereby facilitate the treatment of veterans for those conditions.

(4) The Department of Veterans Affairs is in the process of developing a Computerized Patient Record System that offers the potential to aid in the care and monitoring of such conditions.

(b) **SENSE OF CONGRESS.**—Congress—

(1) urges the Secretary of Veterans Affairs to assess the feasibility and desirability of using a computer-based system to conduct clinical evaluations relevant to military experiences and exposures; and

(2) recommends that the Secretary accelerate efforts within the Department of Veterans Affairs to ensure that relevant military histories of veterans are included in Department medical records.

SEC. 212. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

38 USC 1712A
note.

(a) **STUDY ON POST-TRAUMATIC STRESS DISORDER.**—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

(b) **FOLLOW-UP STUDY.**—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of

1983 (Public Law 98-160). Such follow-up study shall use the data base and sample of the previous study.

(c) INFORMATION TO BE INCLUDED.—The study conducted pursuant to this section shall be designed to yield information on—

(1) the long-term course of post-traumatic stress disorder;
(2) any long-term medical consequences of post-traumatic stress disorder;

(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

(d) REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.

Subtitle C—Medical Administration

SEC. 221. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

(a) AUTHORITY.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

38 USC 1708.

“§ 1708. Temporary lodging

“(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

“(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:

“(1) A veteran who must travel a significant distance to receive care or services under this title.

“(2) A member of the family of a veteran and others who accompany a veteran and provide the equivalent of familial support for such veteran.

“(c) In this section, the term ‘Fisher house’ means a housing facility that—

“(1) is located at, or in proximity to, a Department medical facility;

“(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

“(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

“(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

“(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

“(1) limiting the duration of lodging provided under this section;

“(2) establishing standards and criteria under which charges are established for such lodging under subsection (d);

“(3) establishing criteria for persons considered to be accompanying a veteran under subsection (b)(2);

“(4) establishing criteria for the use of the premises of temporary lodging facilities under this section; and

“(5) establishing any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to lodging under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:

38 USC prec.
1701.

“1708. Temporary lodging.”.

SEC. 222. EXCEPTION TO RECAPTURE RULE.

Section 8136 is amended—

(1) by inserting “(a)” at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

“(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.”.

SEC. 223. SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement and distribution of medical items, including prescription drugs, is a multibillion-dollar annual business for both the Department of Defense and the Department of Veterans Affairs.

(2) Those departments prescribe common high-use drugs to many of their 12,000,000 patients who have similar medical profiles.

(3) The health care systems of those departments should have management systems that can share and communicate clinical and management information useful for both systems.

(4) The institutional barriers separating the two departments have begun to be overcome in the area of medical supplies, in part as a response to recommendations by the General Accounting Office and the Commission on Servicemembers and Veterans Transition Assistance.

(5) There is significant potential for improved savings and services by improving cooperation between the two departments in the procurement and management of prescription drugs, while remaining mindful that the two departments have different missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense and the Department of Veterans Affairs should increase, to the maximum extent consistent with their respective missions, their level of cooperation in the procurement and management of prescription drugs.

SEC. 224. TECHNICAL AND CONFORMING CHANGES.

(a) **REQUIREMENT TO PROVIDE CARE.**—Section 1710A(a) is amended by inserting “(subject to section 1710(a)(4) of this title)” after “Secretary” the first place it appears.

(b) **CONFORMING AMENDMENTS.**—Section 1710(a)(4) is amended—

(1) by inserting “the requirement in section 1710A(a) of this title that the Secretary provide nursing home care,” after “medical services,”; and

(2) by striking the comma after “extended care services”.

(c) **OUTPATIENT TREATMENT.**—Section 201 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1561) is amended by adding at the end the following new subsection:

38 USC 1710
note.

“(c) **EFFECTIVE DATE.**—The amendments made by subsection (b) shall apply with respect to medical services furnished under section 1710(a) of title 38, United States Code, on or after the effective date of the regulations prescribed by the Secretary of Veterans Affairs to establish the amounts required to be established under paragraphs (1) and (2) of section 1710(g) of that title, as amended by subsection (b).”.

38 USC 1710
note.

(d) **RATIFICATION.**—Any action taken by the Secretary of Veterans Affairs under section 1710(g) of title 38, United States Code, during the period beginning on November 30, 1999, and ending on the date of the enactment of this Act is hereby ratified.

Subtitle D—Construction Authorization

SEC. 231. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) **FISCAL YEAR 2001 PROJECTS.**—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, \$26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, \$9,500,000.

(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, \$51,700,000.

(4) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, \$23,600,000.

(b) **ADDITIONAL FISCAL YEAR 2000 PROJECT.**—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed \$14,000,000.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account—

(1) for fiscal years 2001 and 2002, a total of \$87,800,000 for the projects authorized in paragraphs (1), (2), and (3) of section 231(a);

(2) for fiscal year 2001, an additional amount of \$23,600,000 for the project authorized in paragraph (4) of that section; and

(3) for fiscal year 2002, an additional amount of \$14,500,000 for the project authorized in section 401(1) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572).

(b) **LIMITATION.**—The projects authorized in section 231(a) may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) for a category of activity not specific to a project.

(c) **REVISION TO PRIOR LIMITATION.**—Notwithstanding the limitation in section 403(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573), the project referred to in subsection (a)(3) may be carried out using—

(1) funds appropriated for fiscal year 2002 pursuant to the authorization of appropriations in subsection (a)(3);

(2) funds appropriated for Construction, Major Projects, for fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 for a category of activity not specific to a project.

Subtitle E—Real Property Matters

SEC. 241. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

Paragraph (2) of section 8163(c) is amended to read as follows:

“(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).”.

SEC. 242. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

(a) **RELEASE OF INTEREST.**—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled “An Act authorizing the transfer of certain property of the Veterans’ Administration (in Johnson City, Tennessee) to the State of Tennessee”, approved June 6, 1953 (67 Stat. 54).

(b) SPECIFIED REVERSIONARY INTEREST.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a), requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.

(c) CONFORMING AMENDMENT.—Section 2 of such Act is repealed.

SEC. 243. DEMOLITION, ENVIRONMENTAL CLEANUP, AND REVERSION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ALLEN PARK, MICHIGAN.

(a) AUTHORITY.—(1) The Secretary of Veterans Affairs shall enter into a multiyear contract with the Ford Motor Land Development Corporation (hereinafter in this section referred to as the “Corporation”) to undertake project management responsibility to—

(A) demolish the buildings and auxiliary structures comprising the Department of Veterans Affairs Medical Center, Allen Park, Michigan; and

(B) remediate the site of all hazardous material and environmental contaminants found on the site.

(2) The contract under paragraph (1) may be entered into notwithstanding sections 303 and 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253, 254). The contract shall be for a period specified in the contract not to exceed seven years.

(b) CONTRACT COST AND SOURCE OF FUNDING.—(1) The Secretary may expend no more than \$14,000,000 for the contract required by subsection (a). The contract shall provide that all costs for the demolition and site remediation under the contract in excess of \$14,000,000 shall be borne by the Corporation.

(2) Payments by the Secretary under the contract shall be made in annual increments of no more than \$2,000,000, beginning with fiscal year 2001, for the duration of the contract. Such payments shall be made from the nonrecurring maintenance portion of the annual Department of Veterans Affairs medical care appropriation.

(3) Notwithstanding any other provision of law, the amount obligated upon the award of the contract may not exceed \$2,000,000 and the amount obligated with respect to any succeeding fiscal year may not exceed \$2,000,000. Any funds obligated for the contract shall be subject to the availability of appropriated funds.

(c) REVERSION OF PROPERTY.—Upon completion of the demolition and remediation project under the contract to the satisfaction of the Secretary, the Secretary shall, on behalf of the United States, formally abandon the Allen Park property (title to which will then revert in accordance with the terms of the 1937 deed conveying such property to the United States).

(d) FLAGPOLE AND MEMORIAL.—The contract under subsection (a) shall require that the Corporation shall erect and maintain on the property abandoned by the United States under subsection (c) a flagpole and suitable memorial identifying the property as the location of the former Allen Park Medical Center. The Secretary and the Corporation shall jointly determine the placement of the memorial and flagpole and the form of, and appropriate inscription on, the memorial.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with regard to the

contract with the Corporation under subsection (a) and with the reversion of the property under subsection (c) as the Secretary considers appropriate to protect the interest of the United States.

**SEC. 244. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON
DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER,
DUBLIN, GEORGIA.**

(a) **CONVEYANCE TO STATE BOARD OF REGENTS.**—The Secretary of Veterans Affairs shall convey, without consideration, to the Board of Regents of the State of Georgia all right, title, and interest of the United States in and to two tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 39 acres, more or less, in Laurens County, Georgia.

(b) **CONVEYANCE TO COMMUNITY SERVICE BOARD OF MIDDLE GEORGIA.**—The Secretary of Veterans Affairs shall convey, without consideration, to the Community Service Board of Middle Georgia all right, title, and interest of the United States in and to three tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 58 acres, more or less, in Laurens County, Georgia.

(c) **CONDITIONS ON CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education purposes. The conveyance under subsection (b) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education and health care purposes.

(d) **SURVEY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey or surveys satisfactory to the Secretary of Veterans Affairs. The cost of any such survey shall not be borne by the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 245. LAND CONVEYANCE, MILES CITY DEPARTMENT OF VET-
ERANS AFFAIRS MEDICAL CENTER COMPLEX, MILES CITY,
MONTANA.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the “County”), all right, title, and interest of the United States in and to the parcels of real property consisting of the Miles City Department of Veterans Affairs Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.

(b) **TIMING OF CONVEYANCE.**—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.

(c) **CONDITIONS OF CONVEYANCE.**—The conveyance required by subsection (a) shall be subject to the condition that the County—

(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans

activities, community and economic development, or such other public purposes as the County considers appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).

(d) CONVEYANCE OF IMPROVEMENTS.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.

(2) Any conveyance under this subsection shall be without consideration.

(e) USE PENDING CONVEYANCE.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.

(f) MAINTENANCE PENDING CONVEYANCE.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.

(g) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 246. CONVEYANCE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the Fort Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to use the property for purposes of a correctional facility.

(b) PUBLIC ACCESS.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel (located on that real property) and the cemetery located adjacent to that real property.

(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.

(c) PLAN REGARDING CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:

(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving

inpatient or institutional long-term care at Fort Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.

(B) That the conveyance of the Fort Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.

(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.

(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.

(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.

Publication.

(d) ENVIRONMENTAL RESTORATION.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.

(e) PERSONAL PROPERTY.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 247. EFFECT OF CLOSURE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.

(a) PAYMENT FOR NURSING HOME CARE.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to a facility of the State of Colorado or such private facility, as the case may be, as a result of the closure of the Fort Lyon Department of Veterans Affairs Medical Center.

(b) OBLIGATION TO PROVIDE EXTENDED CARE SERVICES.—Nothing in section 246 or this section may be construed to alter or otherwise affect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code,

relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.

(c) REPORT ON VETERANS HEALTH CARE IN SOUTHERN COLORADO.—Not later than one year after the conveyance, if any, authorized by section 246, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under that Network in southern Colorado. The report shall describe any improvements to the system in southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

SEC. 301. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) SCOPE OF TERM “ACTIVE MILITARY, NAVAL, OR AIR SERVICE”.—Section 101(24) is amended to read as follows:

“(24) The term ‘active military, naval, or air service’ includes—

“(A) active duty;

“(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

“(C) any period of inactive duty training during which the individual concerned was disabled or died—

“(i) from an injury incurred or aggravated in line of duty; or

“(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.”.

(b) TRAVEL TO OR FROM TRAINING DUTY.—Section 106(d) is amended—

(1) by inserting “(1)” after “(d)”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting “or covered disease” after “injury” each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3);

and

(6) by adding at the end the following new paragraph:

“(4) For purposes of this subsection, the term ‘covered disease’ means any of the following:

“(A) Acute myocardial infarction.

“(B) A cardiac arrest.

“(C) A cerebrovascular accident.”.

SEC. 302. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY.

Section 1114(k) is amended—

(1) by striking “or has suffered” and inserting “has suffered”; and

(2) by inserting after “air and bone conduction,” the following: “or, in the case of a woman veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy).”.

SEC. 303. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting “(A)” after “proximately caused”; and

(2) by inserting before the period at the end the following: “, or (B) by participation in a program (known as a ‘compensated work therapy program’) under section 1718 of this title”.

SEC. 304. REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503(b)(1) is amended—

(1) in subparagraph (A)—

(A) by striking “\$1,500” and inserting “the amount equal to five times the section 1114(j) rate”; and

(B) by striking “\$500” and inserting “one-half that amount”; and

(2) by adding at the end the following new subparagraph:
“(D) For purposes of this paragraph, the term ‘section 1114(j) rate’ means the monthly rate of compensation in effect under section 1114(j) of this title for a veteran with a service-connected disability rated as total.”.

SEC. 305. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

38 USC 1154
note.

(a) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the program of the Defense Threat Reduction Agency of the Department of Defense known as the “dose reconstruction program”.

(b) REVIEW ACTIVITIES.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

Deadline.

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) DURATION OF REVIEW.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) REPORT.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c), the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

SEC. 311. PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70.

(a) CAP ON PREMIUMS.—Section 1922 is amended by adding at the end the following new subsection:

“(c) The premium rate of any term insurance issued under this section shall not exceed the renewal age 70 premium rate.”.

(b) REPORT.—Not later than September 30, 2001, the Secretary of Veterans Affairs shall submit to Congress a report setting forth a plan to liquidate the unfunded liability under the life insurance program under section 1922 of title 38, United States Code, not later than October 1, 2011.

SEC. 312. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 is amended in subsections (a), (c), and (d) by striking “\$200,000” each place it appears and inserting “\$250,000”.

(b) MAXIMUM UNDER VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) is amended by striking “\$200,000” each place it appears and inserting “\$250,000”.

38 USC 1967
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SEC. 313. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) ELIGIBILITY.—Section 1965(5) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and”.

(b) CONFORMING AMENDMENTS.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) are amended by striking “section 1965(5)(B) of this title” each place it appears and inserting “subparagraph (B) or (C) of section 1965(5) of this title”.

Subtitle C—Housing and Employment Programs

SEC. 321. ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS FOR VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS.

Section 2102 is amended by adding at the end the following new subsection:

“(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.”.

SEC. 322. VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS.

(a) EMPLOYMENT EMPHASIS.—Subsection (a) of section 4212 is amended in the first sentence by inserting “recently separated veterans,” after “veterans of the Vietnam era,”.

(b) CONFORMING AMENDMENTS.—Subsection (d)(1) of that section is amended by inserting “recently separated veterans,” after “veterans of the Vietnam era,” each place it appears in subparagraphs (A) and (B).

(c) RECENTLY SEPARATED VETERAN DEFINED.—Section 4211 is amended by adding at the end the following new paragraph:

“(6) The term ‘recently separated veteran’ means any veteran during the one-year period beginning on the date of such veteran’s discharge or release from active duty.”.

SEC. 323. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) is amended—

(1) by striking “and” after “National Guard duty”; and

(2) by inserting before the period at the end “, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.”.

(b) REQUIRED LEAVE OF ABSENCE.—Section 4316 is amended by adding at the end the following new subsection:

“(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

“(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee’s intent to return to such position of employment.”.

38 USC 4303
note.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

Subtitle D—Cemeteries and Memorial Affairs

SEC. 331. ELIGIBILITY FOR INTERMENT OF CERTAIN FILIPINO VETERANS OF WORLD WAR II IN NATIONAL CEMETERIES.

(a) **ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY VETERANS.**—Section 2402 is amended by adding at the end the following new paragraph:

“(8) Any individual whose service is described in section 107(a) of this title if such individual at the time of death—

“(A) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

“(B) resided in the United States.”.

(b) **CONFORMING AMENDMENT.**—Section 107(a)(3) is amended to read as follows:

“(3) chapters 11, 13 (except section 1312(a)), 23, and 24 (to the extent provided for in section 2402(8)) of this title.”.

38 USC 107 note.

(c) **APPLICABILITY.**—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 332. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II.

(a) **PAYMENT RATE.**—Section 107 is amended—

(1) in subsection (a), by striking “Payments” and inserting “Subject to subsection (c), payments”; and

(2) by adding at the end the following new section:

“(c)(1) In the case of an individual described in paragraph (2), the second sentence of subsection (a) shall not apply.

“(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of this subsection if the individual, on the individual’s date of death—

“(A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;

“(B) is residing in the United States; and

“(C) either—

“(i) is receiving compensation under chapter 11 of this title; or

“(ii) if the individual’s service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.”.

38 USC 107 note.

(b) **APPLICABILITY.**—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 333. PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS CEMETERIES.

(a) **IN GENERAL.**—Section 2303(b)(1)(A) is amended to read as follows: “(A) is used solely for the interment of persons who

are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act. 38 USC 2303 note.

TITLE IV—OTHER MATTERS

SEC. 401. BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) **IN GENERAL.**—Chapter 18 is amended by adding at the end the following new subchapter:

“SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

“§ 1811. Definitions

“In this subchapter:

“(1) The term ‘eligible child’ means an individual who—

“(A) is the child (as defined in section 1821(1) of this title) of a woman Vietnam veteran; and

“(B) was born with one or more covered birth defects.

“(2) The term ‘covered birth defect’ means a birth defect identified by the Secretary under section 1812 of this title.

“§ 1812. Covered birth defects

“(a) **IDENTIFICATION.**—The Secretary shall identify the birth defects of children of women Vietnam veterans that—

“(1) are associated with the service of those veterans in the Republic of Vietnam during the Vietnam era; and

“(2) result in permanent physical or mental disability.

“(b) **LIMITATIONS.**—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

“(A) A familial disorder.

“(B) A birth-related injury.

“(C) A fetal or neonatal infirmity with well-established causes.

“(2) In any case where affirmative evidence establishes that a covered birth defect of a child of a woman Vietnam veteran results from a cause other than the active military, naval, or air service of that veteran in the Republic of Vietnam during the Vietnam era, no benefits or assistance may be provided the child under this subchapter.

“§ 1813. Health care

“(a) **NEEDED CARE.**—The Secretary shall provide an eligible child such health care as the Secretary determines is needed by the child for that child’s covered birth defects or any disability that is associated with those birth defects.

“(b) **AUTHORITY FOR CARE TO BE PROVIDED DIRECTLY OR BY CONTRACT.**—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

“(c) **DEFINITIONS.**—For purposes of this section, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this section, except that for such purposes—

“(1) the reference to ‘specialized spina bifida clinic’ in paragraph (2) of that section shall be treated as a reference to a specialized clinic treating the birth defect concerned under this section; and

“(2) the reference to ‘vocational training under section 1804 of this title’ in paragraph (8) of that section shall be treated as a reference to vocational training under section 1814 of this title.

“§ 1814. Vocational training

“(a) **AUTHORITY.**—The Secretary may provide a program of vocational training to an eligible child if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

“(b) **APPLICABLE PROVISIONS.**—Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under subsection (a).

“§ 1815. Monetary allowance

“(a) **MONETARY ALLOWANCE.**—The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

“(b) **SCHEDULE FOR RATING DISABILITIES.**—(1) The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

“(2) In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

“(c) **AMOUNT OF MONTHLY ALLOWANCE.**—The amount of the monthly allowance paid under this section shall be as follows:

“(1) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), \$100.

“(2) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

“(A) \$214; or

“(B) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

“(3) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

“(A) \$743; or

“(B) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

“(4) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

“(A) \$1,272; or

“(B) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

“(d) INDEXING TO SOCIAL SECURITY BENEFIT INCREASES.—Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section 5312 of this title.

“§ 1816. Regulations

“The Secretary shall prescribe regulations for purposes of the administration of this subchapter.”

(b) CONSOLIDATION OF PROVISIONS APPLICABLE TO BOTH SUBCHAPTERS.—Chapter 18 is further amended by adding after subchapter II, as added by subsection (a), the following new subchapter:

“SUBCHAPTER III—GENERAL PROVISIONS

“§ 1821. Definitions

“In this chapter:

“(1) The term ‘child’ means an individual, regardless of age or marital status, who—

“(A) is the natural child of a Vietnam veteran; and

“(B) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

“(2) The term ‘Vietnam veteran’ means an individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, without regard to the characterization of that individual’s service.

“(3) The term ‘Vietnam era’ with respect to—

“(A) subchapter I of this chapter, means the period beginning on January 9, 1962, and ending on May 7, 1975; and

“(B) subchapter II of this chapter, means the period beginning on February 28, 1961, and ending on May 7, 1975.

“§ 1822. Applicability of certain administrative provisions

“(a) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO COMPENSATION.—The provisions of this title specified in subsection (b) apply with respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

“(b) SPECIFIED PROVISIONS.—The provisions of this title referred to in subsection (a) are the following:

“(1) Section 5101(c).

“(2) Subsections (a), (b)(2), (g), and (i) of section 5110.

“(3) Section 5111.

“(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

“§ 1823. Treatment of receipt of monetary allowance and other benefits

“(a) COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

“(b) COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENTS.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

“(c) MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

“§ 1824. Nonduplication of benefits

“(a) MONETARY ALLOWANCE.—In the case of an eligible child under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter. In the case of an eligible child under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects, a monetary allowance shall be paid under subchapter II of this chapter.

“(b) VOCATIONAL REHABILITATION.—An individual may only be provided one program of vocational training under this chapter.”.

(c) REPEAL OF RECODIFIED PROVISIONS.—The following provisions are repealed:

(1) Section 1801.

(2) Subsections (c) and (d) of section 1805.

(3) Section 1806.

(d) DESIGNATION OF SUBCHAPTER I.—Chapter 18 is further amended by inserting before section 1802 the following:

“SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA”.

(e) CONFORMING AMENDMENTS.—(1) Section 1802 is amended by striking “this chapter” and inserting “this subchapter”.

(2) Section 1805(a) is amended by striking “this chapter” and inserting “this section”.

(f) CLERICAL AMENDMENTS.—(1) The chapter heading of chapter 18 is amended to read as follows:

“CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS”.

(2) The tables of chapters before part I, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

“18. Benefits for Children of Vietnam Veterans 1802”.

(3) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting at the beginning the following:

“SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA”;

(B) by striking the items relating to sections 1801 and 1806; and

(C) by adding at the end the following:

“SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

“1811. Definitions.

“1812. Covered birth defects.

“1813. Health care.

“1814. Vocational training.

“1815. Monetary allowance.

“1816. Regulations.

“SUBCHAPTER III—GENERAL PROVISIONS

“1821. Definitions.

“1822. Applicability of certain administrative provisions.

“1823. Treatment of receipt of monetary allowance and other benefits.

“1824. Nonduplication of benefits.”.

(g) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

38 USC 1811
note.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1812 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of chapter 18 of that title (as so added), not later than the effective date specified in paragraph (1).

SEC. 402. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) **ENHANCED LOAN ASSET SALE AUTHORITY.**—Section 3720(h)(2) is amended by striking “December 31, 2002” and inserting “December 31, 2008”.

(b) **HOME LOAN FEES.**—Section 3729 is amended by striking everything after the section heading and inserting the following:

“(a) **REQUIREMENT OF FEE.**—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

“(2) The fee may be included in the loan and paid from the proceeds thereof.

“(b) **DETERMINATION OF FEE.**—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee

is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

“(2) The loan fee table referred to in paragraph (1) is as follows:

“LOAN FEE TABLE

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2008)	2.00	2.75	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2008)	1.25	2.00	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2008)	3.00	3.00	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2008)	1.25	2.00	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2008)	1.50	2.25	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2008)	0.75	1.50	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2008)	1.25	2.00	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2008)	0.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25”.

“(3) Any reference to a section in the ‘Type of loan’ column in the loan fee table in paragraph (2) refers to a section of this title.

“(4) For the purposes of paragraph (2):

“(A) The term ‘active duty veteran’ means any veteran eligible for the benefits of this chapter other than a Reservist.

“(B) The term ‘Reservist’ means a veteran described in section 3701(b)(5)(A) of this title.

“(C) The term ‘other obligor’ means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

“(D) The term ‘initial loan’ means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

“(E) The term ‘subsequent loan’ means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

“(F) The term ‘interest rate reduction refinancing loan’ means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

“(G) The term ‘0-down’ means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling.

“(H) The term ‘5-down’ means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

“(I) The term ‘10-down’ means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

“(c) **WAIVER OF FEE.**—A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.”.

(c) **PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.**—Section 3732(c)(11) is amended by striking “October 1, 2002” and inserting “October 1, 2008”.

(d) **INCOME VERIFICATION AUTHORITY.**—Section 5317(g) is amended by striking “September 30, 2002” and inserting “September 30, 2008”.

(e) **LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.**—Section 5503(f)(7) is amended by striking “September 30, 2002” and inserting “September 30, 2008”.

(f) **ANNUAL REPORT OF COMMITTEE ON MENTALLY ILL VETERANS.**—Section 7321(d)(2) is amended by striking “three” and inserting “six”.

(g) **AUTHORITY TO ESTABLISH RESEARCH AND EDUCATION CORPORATIONS.**—Section 7368 is amended by striking “December 31, 2000” and inserting “December 31, 2003”.

SEC. 403. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **INAPPLICABILITY OF PRIOR REPORTS TERMINATION PROVISION TO CERTAIN REPORTS OF THE DEPARTMENT OF VETERANS AFFAIRS.**—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report

31 USC 1113
note.

required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) REPEAL OF REPORTING REQUIREMENTS TERMINATED BY PRIOR LAW.—Sections 8111A(f) and 8201(h) are repealed.

(c) SUNSET OF CERTAIN REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON EQUITABLE RELIEF CASES.—Section 503(c) is amended by adding at the end the following new sentence: “No report shall be required under this subsection after December 31, 2004.”.

(2) BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by inserting “through 2003” after “each odd-numbered year”.

(3) BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by inserting “through 2004” after “each even-numbered year”.

(4) BIENNIAL REPORTS ON MONTGOMERY GI BILL.—Subsection (d) of section 3036 is amended to read as follows:

“(d) No report shall be required under this section after January 1, 2005.”.

(5) ANNUAL REPORT OF SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by adding at the end the following new sentence: “No report shall be required under this subsection after December 31, 2004.”.

(d) COST INFORMATION TO BE PROVIDED WITH EACH REPORT REQUIRED BY CONGRESS.—(1)(A) Chapter 1 is amended by adding at the end the following new section:

“§ 116. Reports to Congress: cost information

“Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

“(1) a statement of the cost of preparing the report; and

“(2) a brief explanation of the methodology used in preparing that cost statement.”.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“116. Reports to Congress: cost information.”.

38 USC 116 note.

(2) Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 404. TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 1116(a)(2)(F) is amended by inserting “of disability” after “to a degree”.

(2) Section 1318(b)(3) is amended by striking “not later than” and inserting “not less than”.

(3) Section 1712(a)(4)(A) is amended by striking “subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)” and inserting “this subsection”.

(4) Section 1720A(c)(1) is amended by striking “for such disability” and all that follows through “to such member” and

inserting “for such disability. Care and services provided to a member so transferred”.

(5) Section 2402(7) is amended by striking “chapter 67 of title 10” and inserting “chapter 1223 of title 10”.

(6) Section 3012(g)(2) is amended by striking “subparagraphs” both places it appears and inserting “subparagraph”.

(7) Section 3684(c) is amended by striking “calender” and inserting “calendar”.

(8) The table of sections at the beginning of chapter 41 is amended by inserting after the item relating to section 4110A the following new item:

“4110B. Coordination and nonduplication.”.

(9) The text of section 4213 is amended to read as follows:

“(a) Amounts and periods of time specified in subsection (b) shall be disregarded in determining eligibility under any of the following:

“(1) Any public service employment program.

“(2) Any emergency employment program.

“(3) Any job training program assisted under the Economic Opportunity Act of 1964.

“(4) Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

“(5) Any other employment or training (or related) program financed in whole or in part with Federal funds.

“(b) Subsection (a) applies with respect to the following amounts and periods of time:

“(1) Any amount received as pay or allowances by any person while serving on active duty.

“(2) Any period of time during which such person served on active duty.

“(3) Any amount received under chapters 11, 13, 30, 31, 32, and 36 of this title by an eligible veteran.

“(4) Any amount received by an eligible person under chapters 13 and 35 of this title.

“(5) Any amount received by an eligible member under chapter 106 of title 10.”.

(10) Section 7603(a)(1) is amended by striking “subsection” and inserting “subchapter”.

(b) OTHER LAWS.—

(1) Effective November 30, 1999, and as if included therein as originally enacted, section 208(c)(2) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1568) is amended by striking “subsection (c)(1)” and inserting “subsection (c)(3)”.

Effective date.

38 USC 8163 and note.

114 STAT. 1866

PUBLIC LAW 106–419—NOV. 1, 2000

Effective date.

38 USC 8153 and
note.

(2) Effective November 21, 1997, and as if included therein as originally enacted, section 402(e) of the Veterans' Benefits Act of 1997 (Public Law 105–114; 111 Stat. 2294) is amended by striking “second sentence” and inserting “third sentence”.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 1402:

SENATE REPORTS: No. 106–114 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): July 26, considered and passed Senate.

Vol. 146 (2000): May 23, considered and passed House, amended.

Oct. 12, Senate concurred in House amendments with amendments.

Oct. 17, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–420
106th Congress

An Act

To enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

Nov. 1, 2000
[S. 1455]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

College
Scholarship
Fraud Prevention
Act of 2000.
20 USC 1001
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “College Scholarship Fraud Prevention Act of 2000”.

SEC. 2. FINDINGS.

20 USC 1092d
note.

Congress makes the following findings:

(1) A substantial amount of fraud occurs in the offering of college education financial assistance services to consumers.

(2) Such fraud includes the following:

(A) Misrepresentations regarding the provision of sources from which consumers may obtain financial assistance (including scholarships, grants, loans, tuition, awards, and other assistance) for purposes of financing a college education.

(B) Misrepresentations regarding the provision of portfolios of such assistance tailored to the needs of specific consumers.

(C) Misrepresentations regarding the pre-selection of students as eligible to receive such assistance.

(D) Misrepresentations that such assistance will be provided to consumers who purchase specified services from specified entities.

(E) Misrepresentations regarding the business relationships between particular entities and entities that award or may award such assistance.

(F) Misrepresentations regarding refunds of processing fees if consumers are not provided specified amounts of such assistance, and other misrepresentations regarding refunds.

(3) In 1996, the Federal Trade Commission launched “Project Scholarscam”, a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called “scholarship services”.

(4) Despite the efforts of the Federal Trade Commission, colleges and universities, and nongovernmental organizations, the continued lack of awareness about scholarship fraud permits a significant amount of fraudulent activity to occur.

28 USC 994 note. **SEC. 3. SENTENCING ENHANCEMENT FOR HIGHER EDUCATION FINANCIAL ASSISTANCE FRAUD.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in order to provide for enhanced penalties for any offense involving fraud or misrepresentation in connection with the obtaining or providing of, or the furnishing of information to a consumer on, any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education, such that those penalties are comparable to the base offense level for misrepresentation that the defendant was acting on behalf of a charitable, educational, religious, or political organization, or a government agency.

SEC. 4. EXCLUSION OF DEBTS RELATING TO COLLEGE FINANCIAL ASSISTANCE SERVICES FRAUD FROM PERMISSIBLE EXEMPTIONS OF PROPERTY FROM ESTATES IN BANKRUPTCY.

Section 522(c) of title 11, United States Code, is amended—

- (1) by striking “or” at the end of paragraph (2);
- (2) by striking the period at the end of paragraph (3) and inserting “; or”; and
- (3) by adding at the end the following:

“(4) a debt in connection with fraud in the obtaining or providing of any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).”.

20 USC 1092d. **SEC. 5. SCHOLARSHIP FRAUD ASSESSMENT AND AWARENESS ACTIVITIES.**

(a) ANNUAL REPORT ON SCHOLARSHIP FRAUD.—

(1) REQUIREMENT.—The Attorney General and the Secretary of Education, in conjunction with the Federal Trade Commission, shall jointly submit to Congress each year a report on fraud in the offering of financial assistance for purposes of financing an education at an institution of higher education. Each report shall contain an assessment of the nature and quantity of incidents of such fraud during the one-year period ending on the date of such report.

Deadline. (2) INITIAL REPORT.—The first report under paragraph (1) shall be submitted not later than 18 months after the date of the enactment of this Act.

Internet. (b) NATIONAL AWARENESS ACTIVITIES.—The Secretary of Education shall, in conjunction with the Federal Trade Commission, maintain a scholarship fraud awareness site on the Internet web site of the Department of Education. The scholarship fraud awareness site may include the following:

(1) Appropriate materials from the Project Scholarscam awareness campaign of the Commission, including examples of common fraudulent schemes.

(2) A list of companies and individuals who have been convicted of scholarship fraud in Federal or State court.

(3) An Internet-based message board to provide a forum for public complaints and experiences with scholarship fraud.

(4) An electronic comment form for individuals who have experienced scholarship fraud or have questions about scholarship fraud, with appropriate mechanisms for the transfer of comments received through such forms to the Department and the Commission.

(5) Internet links to other sources of information on scholarship fraud, including Internet web sites of appropriate non-governmental organizations, colleges and universities, and government agencies.

(6) An Internet link to the Better Business Bureau in order to assist individuals in assessing the business practices of other persons and entities.

(7) Information on means of communicating with the Federal Student Aid Information Center, including telephone and Internet contact information.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 1455:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 4, considered and passed Senate.

Vol. 146 (2000): Sept. 25, considered and passed House.



Public Law 106–421
106th Congress

An Act

Nov. 1, 2000
[S. 1705]

Castle Rock
Ranch
Acquisition Act of
2000.
16 USC 431 note.

To direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Castle Rock Ranch Acquisition Act of 2000”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **MONUMENT.**—The term “Monument” means the Hagerman Fossil Beds National Monument, Idaho, depicted on the National Park Service map numbered 300/80,000, C.O. No. 161, and dated January 7, 1998.

(2) **RANCH.**—The term “Ranch” means the land comprising approximately 1,240 acres situated outside the boundary of the Reserve, known as the “Castle Rock Ranch”.

(3) **RESERVE.**—The term “Reserve” means the City of Rocks National Reserve, located near Almo, Idaho, depicted on the National Park Service map numbered 003/80,018, C.O. No. 169, and dated March 25, 1999.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. ACQUISITION OF CASTLE ROCK RANCH.

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary shall acquire, by donation or by purchase with donated or appropriated funds, the Ranch.

(b) **CONSENT OF LANDOWNER.**—The Secretary shall acquire land under subsection (a) only with the consent of the owner of the land.

SEC. 4. LAND EXCHANGE.

(a) **IN GENERAL.**—

(1) **FEDERAL AND STATE EXCHANGE.**—Subject to subsection (b), on completion of the acquisition under section 3(a), the Secretary shall convey the Ranch to the State of Idaho in exchange for approximately 492.87 acres of land near Hagerman, Idaho, located within the boundary of the Monument.

(2) **STATE AND PRIVATE LANDOWNER EXCHANGE.**—On completion of the exchange under paragraph (1), the State

of Idaho may exchange portions of the Ranch for private land within the boundaries of the Reserve, with the consent of the owners of the private land.

(b) **CONDITION OF EXCHANGE.**—As a condition of the land exchange under subsection (a)(1), the State of Idaho shall administer all private land acquired within the Reserve through an exchange under this Act in accordance with title II of the Arizona-Idaho Conservation Act of 1988 (16 U.S.C. 460yy et seq.).

(c) **ADMINISTRATION.**—State land acquired by the United States in the land exchange under subsection (a)(1) shall be administered by the Secretary as part of the Monument.

(d) **NO EXPANSION OF RESERVE.**—Acquisition of the Ranch by a Federal or State agency shall not constitute any expansion of the Reserve.

(e) **NO EFFECT ON EASEMENTS.**—Nothing in this Act affects any easement in existence on the date of enactment of this Act.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 1705:

HOUSE REPORTS: No. 106–749 (Comm. on Resources).

SENATE REPORTS: No. 106–262 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

Oct. 17, considered and passed House.



Public Law 106–422
106th Congress

An Act

Nov. 1, 2000
[S. 1707]

To amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE TENNESSEE VALLEY AUTHORITY AS AN ESTABLISHMENT UNDER THE INSPECTOR GENERAL ACT OF 1978.

5 USC app. 8G
note.

(a) FINDINGS.—Congress finds that—

(1) Inspectors General serve an important function in preventing and eliminating fraud, waste, and abuse in the Federal Government; and

(2) independence is vital for an Inspector General to function effectively.

(b) ESTABLISHMENT OF INSPECTOR GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 8G(a)(2) by striking “the Tennessee Valley Authority,”; and

(2) in section 11—

(A) in paragraph (1) by striking “or the Commissioner of Social Security, Social Security Administration;” and inserting “the Commissioner of Social Security, Social Security Administration; or the Board of Directors of the Tennessee Valley Authority;” and

(B) in paragraph (2) by striking “or the Social Security Administration;” and inserting “the Social Security Administration, or the Tennessee Valley Authority;”.

(c) EXECUTIVE SCHEDULE POSITION.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following:

“Inspector General, Tennessee Valley Authority.”.

5 USC app. 8G
note.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) INSPECTOR GENERAL.—The person serving as Inspector General of the Tennessee Valley Authority on the effective date of this section—

(A) may continue such service until the President makes an appointment under section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.) consistent with the amendments made by this section; and

(B) shall be subject to section 8G (c) and (d) of the Inspector General Act of 1978 (5 U.S.C. App.) as applicable to the Board of Directors of the Tennessee Valley Authority, unless that person is appointed by the President, by and with the advice and consent of the Senate, to be Inspector General of the Tennessee Valley Authority.

SEC. 2. ESTABLISHMENT OF INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY AND INSPECTORS GENERAL FORENSIC LABORATORY.

5 USC app. 6
note.

(a) **INSPECTORS GENERAL CRIMINAL INVESTIGATOR ACADEMY.—**

(1) **ESTABLISHMENT.**—There is established the Criminal Investigator Academy within the Department of the Treasury. The Criminal Investigator Academy is established for the purpose of performing investigator training services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **EXECUTIVE DIRECTOR.**—The Criminal Investigator Academy shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) **INSPECTORS GENERAL FORENSIC LABORATORY.—**

(1) **ESTABLISHMENT.**—There is established the Inspectors General Forensic Laboratory within the Department of the Treasury. The Inspectors General Forensic Laboratory is established for the purpose of performing forensic services for offices of inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **EXECUTIVE DIRECTOR.**—The Inspectors General Forensic Laboratory shall be administered by an Executive Director who shall report to an inspector general for an establishment as defined in section 11 of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) designated by the President's Council on Integrity and Efficiency; or

(B) if that council is eliminated, by a majority vote of the inspectors general created under the Inspector General Act of 1978 (5 U.S.C. App.).

(c) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(33) a separate appropriation account for appropriations for the Inspectors General Criminal Investigator Academy and the Inspectors General Forensic Laboratory of the Department of the Treasury.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2001 and each fiscal year thereafter.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 1707:

SENATE REPORTS: No. 106–218 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 17, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–423
106th Congress

An Act

To provide to the Timbisha Shoshone Tribe a permanent land base within its
aboriginal homeland, and for other purposes.

Nov. 1, 2000
[S. 2102]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Timbisha Shoshone Homeland
Act”.

Timbisha
Shoshone
Homeland Act.
California.
Nevada.
Historic
preservation.
16 USC 410aaa
note.
16 USC 410aaa
note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since time immemorial, the Timbisha Shoshone Tribe
has lived in portions of California and Nevada. The Tribe’s
ancestral homeland includes the area that now comprises Death
Valley National Park and other areas of California and Nevada
now administered by the Bureau of Land Management.

(2) Since 1936, the Tribe has lived and governed the affairs
of the Tribe on approximately 40 acres of land near Furnace
Creek in the Park.

(3) The Tribe achieved Federal recognition in 1983 but
does not have a land base within the Tribe’s ancestral home-
land.

(4) Since the Tribe commenced use and occupancy of the
Furnace Creek area, the Tribe’s membership has grown. Tribal
members have a desire and need for housing, government and
administrative facilities, cultural facilities, and sustainable eco-
nomic development to provide decent, safe, and healthy condi-
tions for themselves and their families.

(5) The interests of both the Tribe and the National Park
Service would be enhanced by recognizing their coexistence
on the same land and by establishing partnerships for compat-
ible land uses and for the interpretation of the Tribe’s history
and culture for visitors to the Park.

(6) The interests of both the Tribe and the United States
would be enhanced by the establishment of a land base for
the Tribe and by further delineation of the rights and obliga-
tions of each with respect to the Furnace Creek area and
to the Park as a whole.

SEC. 3. PURPOSES.

Consistent with the recommendations of the report required
by section 705(b) of the California Desert Protection Act of 1994
(Public Law 103–433; 108 Stat. 4498), the purposes of this Act
are—

16 USC 410aaa
note.

(1) to provide in trust to the Tribe land on which the Tribe can live permanently and govern the Tribe's affairs in a modern community within the ancestral homeland of the Tribe outside and within the Park;

(2) to formally recognize the contributions by the Tribe to the history, culture, and ecology of the Park and surrounding area;

(3) to ensure that the resources within the Park are protected and enhanced by—

(A) cooperative activities within the Tribe's ancestral homeland; and

(B) partnerships between the Tribe and the National Park Service and partnerships involving the Bureau of Land Management;

(4) to ensure that such activities are not in derogation of the purposes and values for which the Park was established;

(5) to provide opportunities for a richer visitor experience at the Park through direct interactions between visitors and the Tribe including guided tours, interpretation, and the establishment of a tribal museum and cultural center;

(6) to provide appropriate opportunities for economically viable and ecologically sustainable visitor-related development, by the Tribe within the Park, that is not in derogation of the purposes and values for which the Park was established; and

(7) to provide trust lands for the Tribe in 4 separate parcels of land that is now managed by the Bureau of Land Management and authorize the purchase of 2 parcels now held in private ownership to be taken into trust for the Tribe.

16 USC 410aaa
note.

SEC. 4. DEFINITIONS.

In this Act:

(1) **PARK.**—The term “Park” means Death Valley National Park, including any additions to that Park.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior or the designee of the Secretary.

(3) **TRIBAL.**—The term “tribal” means of or pertaining to the Tribe.

(4) **TRIBE.**—The term “Tribe” means the Timbisha Shoshone Tribe, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(5) **TRUST LANDS.**—The term “trust lands” means those lands taken into trust pursuant to this Act.

16 USC 410aaa
note.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA SHOSHONE HOMELAND.

(a) **IN GENERAL.**—Subject to valid existing rights (existing on the date of enactment of this Act), all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are declared to be held in trust by the United States for the benefit of the Tribe. All maps referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Land Management.

(b) **PARK LANDS AND BUREAU OF LAND MANAGEMENT LANDS DESCRIBED.**—

(1) IN GENERAL.—The following lands and water shall be held in trust for the Tribe pursuant to subsection (a):

(A) Furnace Creek, Death Valley National Park, California, an area of 313.99 acres for community development, residential development, historic restoration, and visitor-related economic development, depicted as Tract 37 on the map of Township 27 North, Range 1 East, of the San Bernardino Meridian, California, numbered Map #1 and dated December 2, 1999, together with 92 acre feet per annum of surface and ground water for the purposes associated with the transfer of such lands. This area shall include a 25-acre, nondevelopment zone at the north end of the area and an Adobe Restoration zone containing several historic adobe homes, which shall be managed by the Tribe as a tribal historic district.

(B) Death Valley Junction, California, an area of approximately 1,000 acres, as generally depicted on the map entitled “Death Valley Junction, California”, numbered Map #2 and dated April 12, 2000, together with 15.1 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(C)(i) Centennial, California, an area of approximately 640 acres, as generally depicted on the map entitled “Centennial, California”, numbered Map #3 and dated April 12, 2000, together with an amount of ground water not to exceed 10 acre feet per annum for the purposes associated with the transfer of such lands.

(ii) If the Secretary determines that there is insufficient ground water available on the lands described in clause (i) to satisfy the Tribe’s right to ground water to fulfill the purposes associated with the transfer of such lands, then the Tribe and the Secretary shall, within 2 years of such determination, identify approximately 640 acres of land that are administered by the Bureau of Land Management in that portion of Inyo County, California, to the north and east of the China Lake Naval Weapons Center, to be a mutually agreed upon substitute for the lands described in clause (i). If the Secretary determines that sufficient water is available to fulfill the purposes associated with the transfer of the lands described in the preceding sentence, then the Tribe shall request that the Secretary accept such lands into trust for the benefit of the Timbisha Shoshone Tribe, and the Secretary shall accept such lands, together with an amount of water not to exceed 10 acre feet per annum, into trust for the Tribe as a substitute for the lands described in clause (i).

(D) Scotty’s Junction, Nevada, an area of approximately 2,800 acres, as generally depicted on the map entitled “Scotty’s Junction, Nevada”, numbered Map #4 and dated April 12, 2000, together with 375.5 acre feet per annum of ground water for the purposes associated with the transfer of such lands.

(E) Lida, Nevada, Community Parcel, an area of approximately 3,000 acres, as generally depicted on the map entitled “Lida, Nevada, Community Parcel”, numbered Map #5 and dated April 12, 2000, together with 14.7 acre

feet per annum of ground water for the purposes associated with the transfer of such lands.

(2) WATER RIGHTS.—The priority date of the Federal water rights described in subparagraphs (A) through (E) of paragraph (1) shall be the date of enactment of this Act, and such Federal water rights shall be junior to Federal and State water rights existing on such date of enactment. Such Federal water rights shall not be subject to relinquishment, forfeiture or abandonment.

(3) LIMITATIONS ON FURNACE CREEK AREA DEVELOPMENT.—

(A) DEVELOPMENT.—Recognizing the mutual interests and responsibilities of the Tribe and the National Park Service in and for the conservation and protection of the resources in the area described in paragraph (1), development in the area shall be limited to—

(i) for purposes of community and residential development—

(I) a maximum of 50 single-family residences; and

(II) a tribal community center with space for tribal offices, recreation facilities, a multipurpose room and kitchen, and senior and youth facilities;

(ii) for purposes of economic development—

(I) a small-to-moderate desert inn; and

(II) a tribal museum and cultural center with a gift shop; and

(iii) the infrastructure necessary to support the level of development described in clauses (i) and (ii).

(B) EXCEPTION.—Notwithstanding the provisions of subparagraph (A)(ii), the National Park Service and the Tribe are authorized to negotiate mutually agreed upon, visitor-related economic development in lieu of the development set forth in that subparagraph if such alternative development will have no greater environmental impact than the development set forth in that subparagraph.

(C) RIGHT-OF-WAY.—The Tribe shall have a right-of-way for ingress and egress on Highway 190 in California.

(4) LIMITATIONS ON IMPACT ON MINING CLAIMS.—Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have all the rights incident to mining claims, including the rights of ingress and egress on the land described in paragraph (1)(E). Any person with such an existing mining claim shall have the right to occupy and use so much of the surface of the land as is required for all purposes reasonably necessary to mine and remove the minerals from the land, including the removal of timber for mining purposes. Such a mining claim shall terminate when the claim is determined to be invalid or is abandoned.

Deadline.

(c) LEGAL DESCRIPTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall file a legal description of the areas described in subsection (b) with the Committee on Resources of the House of Representatives and with the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal description shall have the

same force and effect as if the information contained in the description were included in that subsection except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in the legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Land Management.

(d) **ADDITIONAL TRUST RESOURCES.**—The Secretary may purchase from willing sellers the following parcels and appurtenant water rights, or the water rights separately, to be taken into trust for the Tribe:

(1) Indian Rancheria Site, California, an area of approximately 120 acres, as generally depicted on the map entitled “Indian Rancheria Site, California” numbered Map #6 and dated December 3, 1999.

(2) Lida Ranch, Nevada, an area of approximately 2,340 acres, as generally depicted on the map entitled “Lida Ranch” numbered Map #7 and dated April 6, 2000, or another parcel mutually agreed upon by the Secretary and the Tribe.

(e) **SPECIAL USE AREAS.**—

(1) **IN GENERAL.**—The areas described in this subsection shall be nonexclusive special use areas for the Tribe, subject to other Federal law. Members of the Tribe are authorized to use these areas for low impact, ecologically sustainable, traditional practices pursuant to a jointly established management plan mutually agreed upon by the Tribe, and by the National Park Service or the Bureau of Land Management, as appropriate. All maps referred to in paragraph (4) shall be on file and available for public inspection in the offices of the National Park Service and Bureau of Land Management.

(2) **RECOGNITION OF THE HISTORY AND CULTURE OF THE TRIBE.**—In the special use areas, in recognition of the significant contributions the Tribe has made to the history, ecology, and culture of the Park and to ensure that the visitor experience in the Park will be enhanced by the increased and continued presence of the Tribe, the Secretary shall permit the Tribe’s continued use of Park resources for traditional tribal purposes, practices, and activities.

(3) **RESOURCE USE BY THE TRIBE.**—In the special use areas, any use of Park resources by the Tribe for traditional purposes, practices, and activities shall not include the taking of wildlife and shall not be in derogation of purposes and values for which the Park was established.

(4) **SPECIFIC AREAS.**—The following areas are designated special use areas pursuant to paragraph (1):

(A) **MESQUITE USE AREA.**—The area generally depicted on the map entitled “Mesquite Use Area” numbered Map #8 and dated April 12, 2000. The Tribe may use this area for processing mesquite using traditional plant management techniques such as thinning, pruning, harvesting, removing excess sand, and removing exotic species. The National Park Service may limit and condition, but not prohibit entirely, public use of this area or parts of this area, in consultation with the Tribe. This area shall be managed in accordance with the jointly established management plan referred to in paragraph (1).

(B) **BUFFER AREA.**—An area of approximately 1,500 acres, as generally depicted on the map entitled “Buffer Area” numbered Map #8 and dated April 12, 2000. The National Park Service shall restrict visitor use of this area to protect the privacy of the Tribe and to provide an opportunity for the Tribe to conduct community affairs without undue disruption from the public.

(C) **TIMBISHA SHOSHONE NATURAL AND CULTURAL PRESERVATION AREA.**—An area that primarily consists of Park lands and also a small portion of Bureau of Land Management land in California, as generally depicted on the map entitled “Timbisha Shoshone Natural and Cultural Preservation Area” numbered Map #9 and dated April 12, 2000.

(5) **ADDITIONAL PROVISIONS.**—With respect to the Timbisha Shoshone Natural and Cultural Preservation Area designated in paragraph (4)(C)—

(A) the Tribe may establish and maintain a tribal resource management field office, garage, and storage area, all within the area of the existing ranger station at Wildrose (existing as of the date of enactment of this Act);

(B) the Tribe also may use traditional camps for tribal members at Wildrose and Hunter Mountain in accordance with the jointly established management plan referred to in paragraph (1);

(C) the area shall be depicted on maps of the Park and Bureau of Land Management that are provided for general visitor use;

(D) the National Park Service and the Bureau of Land Management shall accommodate access by the Tribe to and use by the Tribe of—

(i) the area (including portions described in subparagraph (E)) for traditional cultural and religious activities, in a manner consistent with the purpose and intent of Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(ii) areas designated as wilderness (including portions described in subparagraph (E)), in a manner consistent with the purpose and intent of the Wilderness Act (16 U.S.C. 1131 et seq.); and

(E)(i) on the request of the Tribe, the National Park Service and the Bureau of Land Management shall temporarily close to the general public, 1 or more specific portions of the area in order to protect the privacy of tribal members engaging in traditional cultural and religious activities in those portions; and

(ii) any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described in clause (i).

(f) **ACCESS AND USE.**—Members of the Tribe shall have the right to enter and use the Park without payment of any fee for admission into the Park.

(g) **ADMINISTRATION.**—The trust lands shall constitute the Timbisha Shoshone Reservation and shall be administered pursuant to the laws and regulations applicable to other Indian trust lands, except as otherwise provided in this Act.

SEC. 6. IMPLEMENTATION PROCESS.16 USC 410aaa
note.

(a) **GOVERNMENT-TO-GOVERNMENT AGREEMENTS.**—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act, the National Park Service, the Bureau of Land Management, and the Tribe shall enter into government-to-government consultations and shall develop protocols to review planned development in the Park. The National Park Service and the Bureau of Land Management are authorized to enter into cooperative agreements with the Tribe for the purpose of providing training on the interpretation, management, protection, and preservation of the natural and cultural resources of the areas designated for special uses by the Tribe in section 5(e)(4).

(b) **STANDARDS.**—The National Park Service and the Tribe shall develop mutually agreed upon standards for size, impact, and design for use in planning, resource protection, and development of the Furnace Creek area and for the facilities at Wildrose. The standards shall be based on standards for recognized best practices for environmental sustainability and shall not be less restrictive than the environmental standards applied within the National Park System at any given time. Development in the area shall be conducted in a manner consistent with the standards, which shall be reviewed periodically and revised as necessary.

(c) **WATER MONITORING.**—The Secretary and the Tribe shall develop mutually agreed upon standards for a water monitoring system to assess the effects of water use at Scotty's Junction and at Death Valley Junction on the tribal trust lands described in subparagraphs (A), (B), and (D) of section 5(b)(1), and on the Park. Water monitoring shall be conducted in a manner that is consistent with such standards, which shall be reviewed periodically and revised as necessary.

SEC. 7. MISCELLANEOUS PROVISIONS.16 USC 410aaa
note.

(a) **TRIBAL EMPLOYMENT.**—In employing individuals to perform any construction, maintenance, interpretation, or other service in the Park, the Secretary shall, insofar as practicable, give first preference to qualified members of the Tribe.

(b) **GAMING.**—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on trust lands within the Park.

(c) **INITIAL RESERVATION.**—Lands taken into trust for the Tribe pursuant to section 5, except for the Park land described in subsections (b)(1)(A) and (d)(1) of such section, shall be considered to be the Tribe's initial reservation for purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(d) **TRIBAL JURISDICTION OVER TRUST LANDS.**—All trust lands that are transferred under this Act and located within California shall be exempt from section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, upon the certification by the Secretary, after consultation with the Attorney General, that the law enforcement system in place for such lands will be adequate to provide for the public safety and the public interest, except that no such certification may take effect until the expiration of the 3-year period beginning on the date of enactment of this Act.

Effective date.

114 STAT. 1882

PUBLIC LAW 106–423—NOV. 1, 2000

16 USC 410aaa
note.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 2102:

SENATE REPORTS: No. 106–327 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 19, considered and passed Senate.

Oct. 17, considered and passed House.



Public Law 106–424
106th Congress

An Act

To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003, and for other purposes.

Nov. 1, 2000
[S. 2412]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “National Transportation Safety Board Amendments Act of 2000”.

(b) **REFERENCES.**—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

National
Transportation
Safety Board
Amendments Act
of 2000.
49 USC 1101
note.

SEC. 2. DEFINITIONS.

Section 1101 is amended to read as follows:

“§ 1101. Definitions

“Section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter. In this chapter, the term ‘accident’ includes damage to or destruction of vehicles in surface or air transportation or pipelines, regardless of whether the initiating event is accidental or otherwise.”.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS.

(a) **IN GENERAL.**—Section 1113(b)(1)(I) is amended to read as follows:

“(I) negotiate and enter into agreements with individuals and private entities and departments, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries for the provision of facilities, accident-related and technical services or training in accident investigation theory and techniques, and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.”.

(b) **DEPOSIT OF AMOUNTS.**—

(1) Section 1113(b)(2) is amended—

(A) by inserting “as offsetting collections” after “to be credited”; and

(B) by adding after “Board.” the following: “The Board shall maintain an annual record of collections received under paragraph (1)(I) of this subsection.”.

(2) Section 1114(a) is amended—

(A) by inserting “(1)” before “Except”; and

(B) by adding at the end thereof the following:

“(2) The Board shall deposit in the Treasury amounts received under paragraph (1) to be credited to the appropriation of the Board as offsetting collections.”.

(3) Section 1115(d) is amended by striking “of the ‘National Transportation Safety Board, Salaries and Expenses’” and inserting “of the Board”.

SEC. 4. OVERTIME PAY.

Section 1113 is amended by adding at the end the following:

“(g) OVERTIME PAY.—

“(1) IN GENERAL.—Subject to the requirements of this section and notwithstanding paragraphs (1) and (2) of section 5542(a) of title 5, for an employee of the Board whose basic pay is at a rate which equals or exceeds the minimum rate of basic pay for GS-10 of the General Schedule, the Board may establish an overtime hourly rate of pay for the employee with respect to work performed at the scene of an accident (including travel to or from the scene) and other work that is critical to an accident investigation in an amount equal to one and one-half times the hourly rate of basic pay of the employee. All of such amount shall be considered to be premium pay.

“(2) LIMITATION ON OVERTIME PAY TO AN EMPLOYEE.—An employee of the Board may not receive overtime pay under paragraph (1), for work performed in a calendar year, in an amount that exceeds 15 percent of the annual rate of basic pay of the employee for such calendar year.

“(3) LIMITATION ON TOTAL AMOUNT OF OVERTIME PAY.—The Board may not make overtime payments under paragraph (1) for work performed in any fiscal year in a total amount that exceeds 1.5 percent of the amount appropriated to carry out this chapter for that fiscal year.

“(4) BASIC PAY DEFINED.—In this subsection, the term ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 of title 5 (or similar provision of law) and any special rate of pay under section 5305 of title 5 (or similar provision of law).

“(5) ANNUAL REPORT.—Not later than January 31, 2002, and annually thereafter, the Board shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House Transportation and Infrastructure Committee a report identifying the total amount of overtime payments made under this subsection in the preceding fiscal year, and the number of employees whose overtime pay under this subsection was limited in that fiscal year as a result of the 15 percent limit established by paragraph (2).”.

SEC. 5. RECORDERS.

(a) COCKPIT VIDEO RECORDINGS.—Section 1114(c) is amended—

(1) by striking “VOICE” in the subsection heading;

(2) by striking “cockpit voice recorder” in paragraphs (1) and (2) and inserting “cockpit voice or video recorder”; and

(3) by inserting “or any written depiction of visual information” after “transcript” in the second sentence of paragraph (1).

Deadline.

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1114 is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (e) the following:

“(d) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

“(1) CONFIDENTIALITY OF RECORDINGS.—The Board may not disclose publicly any part of a surface vehicle voice or video recorder recording or transcript of oral communications by or among drivers, train employees, or other operating employees responsible for the movement and direction of the vehicle or vessel, or between such operating employees and company communication centers, related to an accident investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information that the Board decides is relevant to the accident—

“(A) if the Board holds a public hearing on the accident, at the time of the hearing; or

“(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the accident are placed in the public docket.

“(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations.”.

(2) CONFORMING AMENDMENT.—The first sentence of section 1114(a) is amended by striking “and (e)” and inserting “(d), and (f)”.

(c) DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—

(1) IN GENERAL.—Section 1154 is amended—

(A) by striking the section heading and inserting the following:

“§ 1154. Discovery and use of cockpit and surface vehicle recordings and transcripts”;

(B) by striking “cockpit voice recorder” each place it appears in subsection (a) and inserting “cockpit or surface vehicle recorder”;

(C) by striking “section 1114(c)” each place it appears in subsection (a) and inserting “section 1114(c) or 1114(d)”; and

(D) by adding at the end the following:

“(6) In this subsection:

“(A) RECORDER.—The term ‘recorder’ means a voice or video recorder.

“(B) TRANSCRIPT.—The term ‘transcript’ includes any written depiction of visual information obtained from a video recorder.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 is amended by striking the item relating to section 1154 and inserting the following:

“1154. Discovery and use of cockpit and surface vehicle recordings and transcripts.”.

SEC. 6. PRIORITY OF INVESTIGATIONS.

(a) IN GENERAL.—Section 1131(a)(2) is amended—

(1) by striking “(2) An investigation” and inserting:

“(2)(A) Subject to the requirements of this paragraph, an investigation”; and

(2) by adding at the end the following:

“(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

“(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.”.

Deadline.
49 USC 1131
note.

(b) **REVISION OF 1977 AGREEMENT.**—Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act.

SEC. 7. PUBLIC AIRCRAFT INVESTIGATION CLARIFICATION.

Section 1131(d) is amended by striking “1134(b)(2)” and inserting “1134 (a), (b), (d), and (f)”.

Deadline.
49 USC 1131
note.

SEC. 8. MEMORANDUM OF UNDERSTANDING.

Not later than 1 year after the date of the enactment of this Act, the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.

Reports.
49 USC 1113
note.

SEC. 9. TRAVEL BUDGETS.

The Chairman of the National Transportation Safety Board shall establish annual fiscal year budgets for non-accident-related travel expenditures for Board members which shall be approved by the Board and submitted to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure together with an annual report detailing the non-accident-related travel of each Board member. The report shall include separate accounting for foreign and domestic travel, including any personnel or other expenses associated with that travel.

SEC. 10. CHIEF FINANCIAL OFFICER.

Section 1111 is amended—

(1) by redesignating subsection (h) as subsection (i); and
(2) by inserting after subsection (g) the following:

“(h) CHIEF FINANCIAL OFFICER.—The Chairman shall designate an officer or employee of the Board as the Chief Financial Officer. The Chief Financial Officer shall—

“(1) report directly to the Chairman on financial management and budget execution;

“(2) direct, manage, and provide policy guidance and oversight on financial management and property and inventory control; and

“(3) review the fees, rents, and other charges imposed by the Board for services and things of value it provides, and suggest appropriate revisions to those charges to reflect costs incurred by the Board in providing those services and things of value.”.

SEC. 11. IMPROVED AUDIT PROCEDURES.

The National Transportation Safety Board, in consultation with the Inspector General of the Department of Transportation, shall develop and implement comprehensive internal audit controls for its financial programs based on the findings and recommendations of the private sector audit firm contract entered into by the Board in March, 2000. The improved internal audit controls shall, at a minimum, address Board asset management systems, including systems for accounting management, debt collection, travel, and property and inventory management and control.

49 USC 1111
note.

SEC. 12. AUTHORITY OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter III of chapter 11 of subtitle II is amended by adding at the end the following:

“§ 1137. Authority of the Inspector General

“(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

“(2) issue findings and recommendations for actions to address such problems; and

“(3) report periodically to Congress on any progress made in implementing actions to address such problems.

“(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(d) REIMBURSEMENT.—The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.”.

(b) CONFORMING AMENDMENT.—The subchapter analysis for such subchapter is amended by adding at the end the following: “1137. Authority of the Inspector General.”.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 1118 is amended to read as follows:

“§ 1118. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated for the purposes of this chapter \$57,000,000 for fiscal year 2000, \$65,000,000 for fiscal year 2001, and \$72,000,000 for fiscal year 2002, such sums to remain available until expended.

“(b) EMERGENCY FUND.—The Board has an emergency fund of \$2,000,000 available for necessary expenses of the Board, not otherwise provided for, for accident investigations. Amounts equal to the amounts expended annually out of the fund are authorized to be appropriated to the emergency fund.”.

49 USC 44703
note.

SEC. 14. CREDITING OF LAW ENFORCEMENT FLIGHT TIME.

In determining whether an individual meets the aeronautical experience requirements imposed under section 44703 of title 49, United States Code, for an airman certificate or rating, the Secretary of Transportation shall take into account any time spent by that individual operating a public aircraft as defined in section 40102 of title 49, United States Code, if that aircraft is—

- (1) identifiable by category and class; and
- (2) used in law enforcement activities.

SEC. 15. TECHNICAL CORRECTION.

Section 46301(d)(2) of title 49, United States Code, is amended by striking “46302, 46303,” and inserting “46301(b), 46302, 46303, 46318,”.

SEC. 16. CONFIRMATION OF INTERIM FINAL RULE ISSUANCE UNDER SECTION 45301.

The publication, by the Department of Transportation, Federal Aviation Administration, in the Federal Register of June 6, 2000 (65 FR 36002) of an interim final rule concerning Fees for FAA Services for Certain Flights (Docket No. FAA-00-7018) is deemed to have been issued in accordance with the requirements of section 45301(b)(2) of title 49, United States Code.

SEC. 17. AERONAUTICAL CHARTING.

(a) IN GENERAL.—Section 44721 of title 49, United States Code, is amended—

- (1) by striking paragraphs (3) and (4) of subsection (c); and

- (2) by adding at the end of subsection (g)(1) the following:

“(D) CONTINUATION OF PRICES.—The price of any product created under subsection (d) may correspond to the price of a comparable product produced by a department of the United States Government as that price was in effect on September 30, 2000, and may remain in effect until modified by regulation under section 9701 of title 31, United States Code.”; and

(3) by adding at the end of subsection (g) the following:

“(5) CREDITING AMOUNTS RECEIVED.—Notwithstanding any other provision of law, amounts received for the sale of products created and services performed under this section shall be fully credited to the account of the Federal Aviation Administration that funded the provision of the products or services and shall remain available until expended.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2000. 49 USC 44721 note.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S. 2412 (H.R. 2910):

HOUSE REPORTS: No. 106–335 accompanying H.R. 2910 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 106–386 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed Senate.

Oct. 17, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 1, Presidential statement.



Public Law 106–425
106th Congress

An Act

Nov. 1, 2000

[S. 2917]

Santo Domingo
Pueblo Claims
Settlement Act of
2000.
Native
Americans.
New Mexico.
25 USC 1777
note.
25 USC 1777.

To settle the land claims of the Pueblo of Santo Domingo.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Santo Domingo Pueblo Claims
Settlement Act of 2000”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in *United States v. Thompson* (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board “ignored an express congressional directive” in section 14 of the Pueblo Lands Act, which “contemplated that the Pueblo would retain title to and possession of all overlap land”.

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo’s purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo’s title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo’s lawsuit asserting this claim, *Pueblo of Santo Domingo v. Rael* (Civil No. 83–1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo’s claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and

mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of \$8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of \$15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS.

25 USC 1777a.

In this Act:

(1) **FEDERALLY ADMINISTERED LANDS.**—The term “federally administered lands” means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) **FUND.**—The term “Fund” means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) **PUEBLO.**—The term “Pueblo” means the Pueblo of Santo Domingo.

(4) **SANTO DOMINGO PUEBLO GRANT.**—The term “Santo Domingo Pueblo Grant” means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior unless expressly stated otherwise.

(6) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo’s Land Title and Trespass Claims.

25 USC 1777b.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

25 USC 1777c.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) **RELINQUISHMENT, EXTINGUISHMENT, AND COMPROMISE OF SANTO DOMINGO CLAIMS.**—

(1) **EXTINGUISHMENT.**—

(A) **IN GENERAL.**—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo’s land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) **CLAIMS.**—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo’s claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo’s land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo’s claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo’s land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) RULE OF CONSTRUCTION.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the "sliver area" and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) CONFIRMATION OF DETERMINATION.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) TRANSFERS PRIOR TO ENACTMENT.—

(A) IN GENERAL.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph

(A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) EFFECTIVE DATE.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of \$8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) TRUST FUNDS; AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury a trust fund to be known as the "Pueblo of Santo

Domingo Land Claims Settlement Fund". Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93-134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103-412 shall not be applicable to the Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) \$5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) \$5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) LIMITATION ON DISBURSAL.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV-83-1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of \$8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) DEPOSITS.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) ACTIVITIES UPON COMPROMISE.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No.

355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV-83-1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

25 USC 1777d.

(a) **IN GENERAL.**—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) **LIMITATION.**—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired

by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S.2917:

SENATE REPORTS: No. 106-506 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 11, considered and passed Senate.

Oct. 17, considered and passed House.



Public Law 106–426
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Nov. 3, 2000
[H.J. Res. 123]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “November 3, 2000”, and by adding, at the end, the following new section:

“SEC. 120. Notwithstanding any other provision of this joint resolution, except section 107, \$7,100,000 shall be available for obligation by the Administrator of General Services for expenses necessary to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note).”.

Ante, pp. 810,
866, 1073, 1318,
1397, 1398, 1450,
1550, 1551, 1676,
1741, 1811.

Approved November 3, 2000.

LEGISLATIVE HISTORY—H.J. Res. 123:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Nov. 2, considered and passed House and Senate.



Public Law 106–427
106th Congress

Joint Resolution

Nov. 4, 2000
[H.J. Res. 124]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “November 4, 2000”.

Ante, p. 1897.

Approved November 4, 2000.

LEGISLATIVE HISTORY—H.J. Res. 124:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Nov. 3, considered and passed House and Senate.



Public Law 106–428
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Nov. 4, 2000

[H.J. Res. 84]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “November 14, 2000”.

Ante, p. 1898.

Approved November 4, 2000.

LEGISLATIVE HISTORY—H.J. Res. 84:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 18, considered and passed House.

Vol. 146 (2000): Nov. 1, considered and passed Senate, amended.

Nov. 3, House concurred in Senate amendments.



*Public Law 106–429
106th Congress

An Act

Nov. 6, 2000
[H.R. 4811]

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Incorporation by
reference.

SECTION 101. (a) The provisions of H.R. 5526 of the 106th Congress, as introduced on October 24, 2000, are hereby enacted into law.

Publication.
1 USC 112 note.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in subsection (a) of this section.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4811 (S. 2522):

HOUSE REPORTS: No. 106–720 (Comm. on Appropriations) and No. 106–997 (Comm. of Conference).

SENATE REPORTS: No. 106–291 accompanying S. 2522 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 12, 13, considered and passed House.

July 18, considered and passed Senate, amended, in lieu of S. 2522.

Oct. 25, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 6, Presidential statement.

*ENDNOTE: The following appendix was added pursuant to the provisions of section 101 of this Act.



TABLE OF CONTENTS

The table of contents is as follows:

APPENDIX A—H.R. 5526

APPENDIX A-1—S. 3140

APPENDIX A—H.R. 5526

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$865,000,000 to remain available until September 30, 2004: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2019 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2001, 2002, 2003, and 2004: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$62,000,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2001.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$38,000,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2001 and 2002: *Provided further*, That such sums shall remain available through fiscal year 2010 for the disbursement of direct and guaranteed loans obligated in fiscal years 2001 and 2002: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private

Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until September 30, 2002.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2001, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, \$963,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other infectious diseases; and (7) basic education programs for children: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for basic education and ongoing health programs: *Provided further*, That of the funds appropriated under this heading, not to exceed \$125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: \$295,000,000 for child survival and maternal health; \$30,000,000 for vulnerable children; \$300,000,000 for HIV/AIDS; \$125,000,000 for other infectious diseases; \$103,000,000 for children's basic education; and \$110,000,000 for UNICEF: *Provided further*, That of the funds appropriated under this heading, up to \$50,000,000 may be made available for a United States contribution to the Global Fund for Children's Vaccines, up to \$10,000,000 may be made available for the International AIDS Vaccine Initiative, and up to \$20,000,000 may be made available for a United States contribution to an international HIV/AIDS fund as authorized by subtitle B, title I of Public Law 106-264, or a comparable international HIV/AIDS fund.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533) and the provisions of section 401 of the Foreign Assistance Act of 1969, \$1,305,000,000, to remain available until September 30, 2002: *Provided*, That of the amount appropriated under this heading, up to \$12,000,000 may be made available for and apportioned directly to the Inter-American Foundation: *Provided further*, That of the amount appropriated under this heading, up to \$16,000,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on

International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, not less than \$310,000,000 should be made available for agriculture and rural development programs of which \$30,000,000 should be made available for plant biotechnology research and development: *Provided further*, That not less than \$2,300,000 should be made available for core support for the International Fertilizer Development Center: *Provided further*, That of the funds appropriated under this heading, not less than \$5,200,000 shall be made available to AmeriCares for the construction, rehabilitation, and operation of community-based primary healthcare facilities in Nicaragua, Honduras, Guatemala, and El Salvador: *Provided further*, That of the funds appropriated under this heading, not less than \$500,000 should be made available for support of the United States Telecommunications Training Institute: *Provided further*, That of the funds appropriated under this heading, not less than \$17,000,000 should be made available for the American Schools and Hospitals Abroad program: *Provided further*, That of the funds appropriated under this heading, not less than \$2,000,000 should be available to support an international media training center.

CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than \$15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the

island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings “Development Assistance” and “Economic Support Fund”, not less than \$35,000,000 shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the headings “Economic Support Fund” and “Development Assistance”, not less than \$6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: *Provided*, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: *Provided further*, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CONSERVATION FUND

Of the funds made available under the headings “Development Assistance” and “Economic Support Fund”, not less than \$4,000,000 should be made available to support the preservation of habitats and related activities for endangered wildlife.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$165,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, \$1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That guarantees of loans made under this heading in support of micro-enterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, \$500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2002.

DEVELOPMENT CREDIT PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, \$1,500,000, as authorized by section 635 of the Foreign Assistance Act of 1961: *Provided*, That such funds shall be made available only for urban and environmental programs: *Provided further*, That for the cost of direct loans and loan guarantees, up to \$5,000,000 of funds appropriated by this Act under the heading “Development Assistance”, may be transferred to and merged with funds appropriated under this heading to be made available for the purposes of part I of the Foreign Assistance Act of 1961: *Provided further*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the Agency for International Development, \$4,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2002.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY
FUND

For payment to the “Foreign Service Retirement and Disability Fund”, as authorized by the Foreign Service Act of 1980, \$44,489,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL
DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$520,000,000: *Provided*, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed \$1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL
DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, \$27,000,000, to remain available until September 30, 2002, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,295,000,000, to remain available until September 30, 2002: *Provided*, That of the funds appropriated under this heading, not less than \$840,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: *Provided further*, That not less than \$695,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than \$150,000,000 should be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under

this heading, not less than \$25,000,000 shall be made available for assistance for East Timor of which up to \$1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That of the funds appropriated under this heading, in addition to funds otherwise made available for Indonesia, not less than \$5,000,000 should be made available for economic rehabilitation and related activities in Aceh, Indonesia: *Provided further*, That funds made available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives: *Provided further*, That none of the funds appropriated under this heading shall be obligated for regional or global programs, except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading not less than \$12,000,000 should be made available for Mongolia: *Provided further*, That up to \$10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in the previous proviso, the term “assistance” includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2002.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$600,000,000, to remain available until September 30, 2002, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That of the funds appropriated under this heading not less than \$5,000,000 shall be made available for assistance for the Baltic States: *Provided further*, That funds made available for assistance for Kosova from funds appropriated under this heading and under the headings “Economic Support Fund” and “International Narcotics Control and Law Enforcement” shall not exceed 15 percent of the total resources pledged by all donors for calendar year 2001 for assistance for Kosova as of March 31, 2001: *Provided further*, That of the funds

made available under this heading for Kosova, not less than \$1,300,000 should be made available to support the National Albanian American Council's training program for Kosovar women: *Provided further*, That none of the funds made available under this Act for assistance for Kosova shall be made available for large scale physical infrastructure reconstruction: *Provided further*, That of the funds made available under this heading and the headings "International Narcotics Control and Law Enforcement" and "Economic Support Fund", not to exceed \$80,000,000 shall be made available for Bosnia and Herzegovina.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 532 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that

intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$810,000,000, to remain available until September 30, 2002: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, 15 percent may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the amounts appropriated under this heading not less than \$20,000,000 shall be made available solely for the Russian Far East: *Provided further*, That of the funds appropriated under this heading, not less than \$1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons.

(b) Of the funds appropriated under this heading, not less than \$170,000,000 should be made available for assistance for Ukraine: *Provided*, That of this amount, not less than \$25,000,000 should be made available for nuclear reactor safety initiatives, and not less than \$5,000,000 should be made available for the Ukrainian Land and Resource Management Center.

(c) Of the funds appropriated under this heading, not less than \$92,000,000 shall be made available for assistance for Georgia of which not less than \$25,000,000 should be made available to support Border Security Guard and export control initiatives.

(d) Of the funds appropriated under this heading, not less than \$90,000,000 shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region. Activities authorized under title V (nonproliferation

and disarmament programs and activities) of the FREEDOM Support Act shall not be counted against the 25 percent limitation.

(g) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(h)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(i) Of the funds appropriated under this heading for assistance for Russia, and the heading “Migration and Refugee Assistance”, not less than \$10,000,000 shall be made available to non-government organizations providing humanitarian relief in Chechnya and Ingushetia.

(j) Of the funds appropriated under this heading, not less than \$45,000,000 shall be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental health, and to combat infectious diseases, and for related activities.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$265,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2002.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$325,000,000, to remain available until expended: *Provided*, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That during fiscal year 2001, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$700,000,000, which shall remain available until expended: *Provided*, That not more than \$14,500,000 shall be available for administrative expenses: *Provided further*, That funds appropriated under this heading to support activities and programs conducted by the United Nations High Commissioner for Refugees shall be made available after reporting at least 5 days in advance to the Committees on Appropriations: *Provided further*, That the reporting requirement contained in the previous proviso may be waived for any such obligation if failure to waive this requirement would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, a report to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 5 days after such obligation: *Provided further*, That not less than \$60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE
FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$15,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, \$311,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided further*, That of this amount not to exceed \$15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, \$40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: *Provided further*, That of the funds made available for demining and related activities, not to exceed \$500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as

the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$238,000,000, to remain available until expended: *Provided*, That of this amount, not less than \$13,000,000 shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

- (a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign

exchange which are generally referred to as “enclave” loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: *Provided further*, That the authority provided by section 572 of Public Law 100-461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$55,000,000, of which up to \$1,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$3,545,000,000: *Provided*, That of the funds appropriated under this heading, not less than \$1,980,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2000, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than \$520,000,000 shall be available for the procurement in Israel of defense articles

and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, not less than \$75,000,000 should be available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, not less than \$3,000,000 shall be made available for assistance for Malta: *Provided further*, That of the funds appropriated by this paragraph, not less than \$8,500,000 shall be made available for assistance for Tunisia: *Provided further*, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than \$5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: *Provided further*, That of the funds appropriated by this paragraph, not less than \$8,000,000 shall be made available for Georgia: *Provided further*, That during fiscal year 2001, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than \$4,000,000 under the authority of this proviso for Georgia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the

minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$33,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than \$340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2001 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlaid for Egypt during fiscal year 2001 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2000, whichever is later: *Provided further*, That the Committees on Appropriations shall be informed at least 10 days prior to the obligation of any interest accrued by the account established by the previous proviso.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$127,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$108,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$775,000,000, to remain available until expended: *Provided*, That the Secretary of the Treasury shall: (1) accord high priority to encouraging the International Development Association to establish and implement a policy to provide new assistance on grant terms to enhanced HIPC Initiative countries that have reached the completion point; and (2) submit a report to the Speaker of the House of Representatives, the President of the Senate, and the Committees on Appropriations no later than June 30, 2001, on the progress reached in achieving the objective set forth in clause (1): *Provided further*, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury

shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE
AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$10,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$25,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$10,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$72,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$6,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$97,548,522.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND
DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL
DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$5,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$186,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That not less than \$5,000,000 should be made available to the World Food Program: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled “International Disaster Assistance”, and “United States Emergency Refugee and Migration Assistance Fund”, not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL
INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: *Provided*, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country’s loan obligations to such institution.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed \$126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading “Foreign Military Financing Program”, not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading “International Military Education and Training”, not to exceed \$50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading “Trade and Development Agency”, not to exceed \$2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for “Nonproliferation, Anti-terrorism, Demining and Related Programs”) pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall

include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 2001.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading “Assistance for Eastern Europe and the Baltic States”, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

- (1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or
- (2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank

for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for “Child Survival and Disease Programs Fund”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Assistance for Eastern Europe and the Baltic States”, “Assistance for the Independent States of the Former Soviet Union”, “Economic Support Fund”, “Peacekeeping Operations”, “Operating Expenses of the Agency for International Development”, “Operating Expenses of the Agency for International Development Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL
ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2002.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures. Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund

in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading “Assistance for the Independent States of the Former Soviet Union” and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development “program, project, and activity” shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to \$16,000,000 of the funds made available by this Act for assistance under the heading “Child Survival and Disease Programs Fund”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: *Provided*, That up to \$1,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People’s Republic of China, unless the President

of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings “International Military Education and Training” and “Foreign Military Financing Program”, may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for “Economic Support Fund” may be made available to provide general support and grants for nongovernmental organizations located outside the People’s Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People’s Republic of China to foster rule of law and democracy in that country: *Provided*, That none of the funds made available for activities to foster democracy in the People’s Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading “Economic Support Fund” that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: *Provided further*, That upon enactment of this Act funds appropriated by this or any prior Acts making appropriations for foreign operations, export financing, and related programs, that are provided to the National Endowment for Democracy shall be provided notwithstanding any other provision of law or regulation: *Provided further*, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not to exceed \$2,000,000 may be made available to nongovernmental organizations located outside the People’s Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental

conservation in Tibetan communities in that country: *Provided further*, That the final proviso in section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113) is amended by striking “Robert F. Kennedy Memorial Center for Human Rights” and inserting “Jamestown Foundation”.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

REPORT ON IMPLEMENTATION OF SUPPLEMENTAL APPROPRIATIONS

SEC. 528. (a) Beginning not later than January 1, 2001, the Secretary of State shall provide quarterly reports to the Committees on Appropriations providing information on the use of funds appropriated in title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113). Each report shall include the following—

(1) the current and projected status of obligations and expenditures by appropriations account, by country, and by program, project, and activity;

(2) the contractors and subcontractors engaged in activities funded from appropriations contained in title VI; and

(3) the procedures and processes under which decisions have been or will be made on which programs, projects, and activities are funded through appropriations contained in title VI.

(b) For each report required by this section, a classified annex may be submitted if deemed necessary and appropriate.

(c) The last quarterly report required by this section shall be provided to the Committees on Appropriations by January 1, 2002.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

PERU

SEC. 530. (a) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter during fiscal year 2001, the Secretary of State shall determine and report to the Committees on Appropriations whether the Government of Peru has made substantial progress in creating the conditions for free and fair elections, and in respecting human rights, the rule of law, the independence and constitutional role of the judiciary and national congress, and freedom of expression and independent media.

(b) PROHIBITION.—If the Secretary determines and reports pursuant to subsection (a) that the Government of Peru has not made substantial progress, no funds appropriated by this Act may be made available for assistance for the Central Government of Peru.

(c) Of the funds appropriated by this Act, not less than \$2,000,000 should be made available to support the work of nongovernmental organizations and the Organization of American States in promoting free and fair elections, democratic institutions, and human rights in Peru.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

- (A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—
 - (i) project and sector assistance activities; or
 - (ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO
INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, “international financial institutions” are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

- (1) such assistance is in the national interest of the United States;
- (2) such assistance will directly benefit the needy people in that country; or
- (3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for “International Organizations and Programs” in this or any other Act, including prior appropriations

Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

CLEAN COAL TECHNOLOGY

SEC. 537. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote

the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID's Development Credit Authority.

SPECIAL AUTHORITIES

SEC. 538. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of

6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND
NORMALIZING RELATIONS WITH ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for “Economic Support Fund”, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2001, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States,

the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2001, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal shall

not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Child Survival and Disease Programs Fund”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 556. (a) **AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

- (1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 557. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of

1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

ASSISTANCE FOR HAITI

SEC. 558. (a) None of the funds appropriated by this or any previous appropriations Act for foreign operations, export financing and related programs shall be made available for assistance for the central Government of Haiti until—

(1) the Secretary of State reports to the Committees on Appropriations that Haiti has held free and fair elections to seat a new parliament; and

(2) the Director of the Office of National Drug Control Policy reports to the Committees on Appropriations that the Government of Haiti is fully cooperating with United States efforts to interdict illicit drug traffic through Haiti to the United States.

(b) Not more than 11 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF
SECRETARY OF STATE

SEC. 559. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 2000.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS
AGENCIES

SEC. 560. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI COAST GUARD

SEC. 561. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 562. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 563. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 564. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term “international financial institution” includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(I) assistance to refugees and internally displaced persons returning to their homes in Bosnia from which they had been forced to leave on the basis of their ethnicity.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in any sanctioned country, entity, or municipality described in subsection (e) in which a person publicly indicted by the Tribunal is in residence or is engaged in extended activity and competent local authorities have failed to notify the Tribunal or failed to take necessary and significant steps to apprehend and transfer such persons to the Tribunal or in which competent local authorities have obstructed the work of the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State

information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committees on Appropriations and Foreign Relations and the Select Committee on Intelligence of the Senate and the Committees on Appropriations and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term “country” means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term “entity” refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term “Dayton Agreement” means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term “Tribunal” means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 565. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 566. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2001, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President’s submission of the Budget of the United States Government for Fiscal Year 2002: *Provided*, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President’s Budget Appendix: *Provided further*, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 567. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 568. Of the funds appropriated in titles II and III of this Act under the headings “Economic Support Fund”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peacekeeping Operations”, for refugees resettling in Israel under the heading “Migration and Refugee Assistance”, and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, not more than a total of \$5,241,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: *Provided*, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2001 be made available for activities that, if funded under this Act, would be required to count against this ceiling: *Provided further*, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 569. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 570. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

FOREIGN MILITARY TRAINING REPORT

SEC. 571. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2001, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military

personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2000 and 2001, including those proposed for fiscal year 2001. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 572. (a) Of the funds made available under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs”, not to exceed \$55,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as “KEDO”), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended;

(5) there is no credible evidence that North Korea is seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel;

(6) North Korea is complying with its commitments regarding access to suspect underground construction at Kumchang-ni;

(7) there is no credible evidence that North Korea is engaged in a nuclear weapons program, including efforts to acquire, develop, test, produce, or deploy such weapons; and

(8) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile

threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2002 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

AFRICAN DEVELOPMENT FOUNDATION

SEC. 573. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 574. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 575. Notwithstanding any other provision of law, of the funds appropriated under the heading “Economic Support Fund”, not less than \$25,000,000 shall be made available for programs benefiting the Iraqi people, of which not less than \$12,000,000 should be made available for food, medicine, and other humanitarian assistance (including related administrative, communications, logistical, and transportation costs) to be provided to the Iraqi people inside Iraq: *Provided*, That such assistance should be provided through the Iraqi National Congress Support Foundation or the Iraqi National Congress: *Provided further*, That not less than \$6,000,000 of the amounts made available for programs benefiting the Iraqi people should be made available to the Iraqi National Congress Support Foundation or the Iraqi National Congress for the production and broadcasting inside Iraq of radio and satellite television programming: *Provided further*, That funds may

be made available to support efforts to bring about political transition in Iraq which may be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105-338) for political, economic, humanitarian, and other activities of such groups, and not to exceed \$2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes: *Provided further*, That none of these funds may be made available for administrative expenses of the Department of State: *Provided further*, That the President shall, not later than 60 days after the date of enactment of this Act, submit to the Committees on Appropriations of the Senate and the House of Representatives a plan (in classified or unclassified form) for the transfer to the Iraqi National Congress Support Foundation or the Iraqi National Congress of humanitarian assistance for the Iraqi people pursuant to this paragraph, and for the commencement of broadcasting operations pursuant to this paragraph.

AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET JUSTIFICATION

SEC. 576. The Agency for International Development shall submit to the Committees on Appropriations a detailed budget justification that is consistent with the requirements of section 515, for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget justification format no later than November 15, 2000, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget justification will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the 2 previous fiscal years; (2) the President's request for new budget authority and estimated carryover obligational authority for the budget year; (3) the disaggregation of budget data and staff levels by program and activity for each bureau, field mission, and central office; and (4) the need for a user-friendly, transparent budget narrative.

KYOTO PROTOCOL

SEC. 577. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

WEST BANK AND GAZA PROGRAM

SEC. 578. For fiscal year 2001, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under

the heading “Economic Support Fund” for the West Bank and Gaza.

INDONESIA

SEC. 579. (a) Funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be made available for Indonesia if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

- (1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;
- (2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;
- (3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;
- (4) not impeding the activities of the United Nations Transitional Authority in East Timor;
- (5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and
- (6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

MAN AND THE BIOSPHERE

SEC. 580. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund.

TAIWAN REPORTING REQUIREMENT

SEC. 581. Not less than 30 days prior to the next round of arms talks between the United States and Taiwan, the President shall consult, on a classified basis, with appropriate Congressional leaders and committee chairmen and ranking members regarding the following matters:

- (1) Taiwan’s requests for purchase of defense articles and defense services during the pending round of arms talks;
- (2) the Administration’s assessment of the legitimate defense needs of Taiwan, in light of Taiwan’s requests; and
- (3) the decision-making process used by the Executive branch to consider those requests.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN CENTRAL EUROPE

SEC. 582. Funds appropriated or otherwise made available by this Act for United States assistance for Eastern Europe and the Baltic States should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING
SIERRA LEONE

SEC. 583. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 584. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), is amended by striking “December 31, 2000” and inserting in lieu thereof “December 31, 2001”.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 585. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs”, not more than \$25,000,000 for fiscal year 2001 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the “UNFPA”).

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2001 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(d) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(1) Not later than February 15, 2001, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

INDOCHINESE PAROLEES

SEC. 586. (a) The status of certain aliens from Vietnam, Cambodia, and Laos described in subsection (b) of this section may be adjusted by the Attorney General, under such regulations as she may prescribe, to that of an alien lawfully admitted permanent residence if—

(1) within 3 years after the date of promulgation by the Attorney General of regulations in connection with this title the alien makes an application for such adjustment and pays the appropriate fee;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence except as described in subsection (c); and

(3) the alien had been physically present in the United States prior to October 1, 1997.

(b) The benefits provided by subsection (a) shall apply to any alien who is a native or citizen of Vietnam, Laos, or Cambodia and who was inspected and paroled into the United States before October 1, 1997 and was physically present in the United States on October 1, 1997; and

(1) was paroled into the United States from Vietnam under the auspices of the Orderly Departure Program; or

(2) was paroled into the United States from a refugee camp in East Asia; or

(3) was paroled into the United States from a displaced person camp administered by the United Nations High Commissioner for Refugees in Thailand.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) and (9) of section 212(a) of the Immigration and Nationality Act shall not be applicable to any alien seeking admission to the United States under this subsection, and notwithstanding any other provision of law, the Attorney General may waive 212(a)(1); 212(a)(6)(B), (C), and (F); 212(8)(A); 212(a)(10)(B) and (D) with respect to such an alien in order to prevent extreme hardship to the alien or the alien's spouse, parent, son or daughter, who is a citizen of the United States or an alien lawfully admitted for permanent residence. Any such waiver by the Attorney General shall be in writing and shall be granted only on an individual basis following an investigation.

(d) CEILING.—The number of aliens who may be provided adjustment of status under this provision shall not exceed 5,000.

(e) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a lawful permanent resident as of the date of the alien's inspection and parole described in subsection (b)(1), (b)(2) and (b)(3).

(f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 587. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 588. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) Implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) Implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) Taking steps to establish an independent fraud and corruption investigative organization or office;

(4) Implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) Taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2001 to the Committees on Appropriations on progress made by each International Financial Institution, and, to the extent pertinent to its lending programs, the International Monetary Fund, to fulfill the objectives identified in subsection (a) and on progress of the International Monetary Fund to implement procedures for annual independent external audits of central bank financial statements for countries making use of Fund resources under all new arrangements with the Fund.

(c) DEFINITIONS.—The term “International Financial Institutions” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 589. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

FOREIGN MILITARY EXPENDITURES REPORT

SEC. 590. Section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993 (Public Law 102-391) is amended by repealing paragraph (2) relating to military expenditures.

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 591. Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of Public Law 106-113, is amended—

(1) in subsection (b), by striking “year 2000” and inserting in lieu thereof “years 2000 and 2001”; and

(2) in subsection (c)(2), by striking “6290f” and inserting in lieu thereof “290f”.

REPEAL OF REQUIREMENT FOR ANNUAL GAO REPORT ON THE FINANCIAL OPERATIONS OF THE INTERNATIONAL MONETARY FUND

SEC. 592. Section 1706 of the International Financial Institutions Act (22 U.S.C. 262r-5) is repealed.

EXTENSION OF GAO AUTHORITIES

SEC. 593. The funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106-31 shall remain available until expended.

FUNDING FOR SERBIA

SEC. 594. (a) Of funds made available in this Act, up to \$100,000,000 may be made available for assistance for Serbia: *Provided*, That none of these funds may be made available for assistance for Serbia after March 31, 2001 unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2001, the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations of the House of Representatives and the Senate that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b), (c), and (d) shall not apply to Montenegro, Kosova, humanitarian assistance or assistance to promote democracy in municipalities.

(e) The Secretary of State should instruct the United States representatives to regional and international organizations to support membership for the Government of the Federal Republic of Yugoslavia (FRY) subject to a certification by the President to the Committees on Appropriations of the House of Representatives and the Senate that the FRY has applied for membership on the same basis as the other successor states to the FRY and has taken appropriate steps to resolve issues related to state liabilities, assets and property.

FORESTRY INITIATIVE

SEC. 595. (a) The provisions of S. 3140 of the 106th Congress, as introduced on September 28, 2000 are hereby enacted into law.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bill referred to in subsection (a) of this section.

USER FEES

SEC. 596. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 597. Funds appropriated by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: *Provided*, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 598. Not to exceed \$425,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance: *Provided*, That notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, none of such funds may be obligated or expended until February 15, 2001.

TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$135,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: *Provided*, That none of the funds appropriated under this heading may be made available for nonproject assistance: *Provided further*, That prior to any obligation of funds appropriated under this heading, the Administrator of the Agency for International Development shall provide the Committees on Appropriations with a detailed report containing the amount of the proposed obligation and a description of the programs and projects, on a country-by-country basis, to be funded with such amount: *Provided further*, That up to \$12,000,000 of the funds appropriated under this heading may be charged to finance obligations for which appropriations available under chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 were initially charged for assistance for rehabilitation and reconstruction for Mozambique, Madagascar, and southern Africa: *Provided further*, That of the funds appropriated under this heading, up to \$5,000,000 may be used for administrative

expenses, including auditing costs, of the Agency for International Development associated with the assistance furnished under this heading: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the Agency for International Development”, \$13,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for “Assistance for Eastern Europe and the Baltic States”, \$75,825,000, to remain available until September 30, 2002: *Provided*, That this amount shall only be available for assistance for Montenegro, Croatia, and Serbia: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for “International Military Education and Training”, \$2,875,000, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe: *Provided*, That funds appropriated in this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That the entire amount is designated

by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, to enable the President to carry out section 23 of the Arms Export Control Act, \$31,000,000, to remain available until September 30, 2002, for grants to countries of the Balkans and southeast Europe: *Provided*, That funds appropriated in this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds made available under this heading shall be nonrepayable, notwithstanding sections 23(b) and 23(c) of the Act: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For an additional amount for “Debt restructuring” \$210,000,000 for a contribution to the “Heavily Indebted Poor Countries Trust Fund” of the International Bank for Reconstruction and Development (HIPC Trust Fund): *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. LIMITATION ON SUPPLEMENTAL FUNDS FOR POPULATION PLANNING.—Amounts appropriated under this title or under any other provision of law for fiscal year 2001 that are in addition to the funds made available under title II of this Act shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599 of this Act, notwithstanding section 543 of this Act.

TITLE VII—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$5,000,000,000.

GENERAL PROVISION

ADJUSTMENT OF 2001 DISCRETIONARY SPENDING CAPS

SEC. 701. (a) Section 251(c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)(5)) is amended by striking subparagraph (A) and inserting the following:

“(A) for the discretionary category: \$637,000,000,000 in new budget authority and \$612,695,000,000 in outlays;”.

(b)(1) Except as provided in paragraph (2), in preparing the report in calendar year 2000 as required by section 254(f) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(f)) with respect to fiscal year 2001, the Office of Management and Budget shall not make the calculations required by section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Paragraph (1) shall not apply to the calculations permitted by subparagraph (B), (C), (F), and (G) of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Under the terms of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 adjustments for rounding shall be provided for the first amount referred to in section 251(c)(5)(A) of such Act, as amended by this section, equal to 0.5 percent of such amount.

TITLE VIII—INTERNATIONAL DEBT FORGIVENESS AND
INTERNATIONAL FINANCIAL INSTITUTIONS REFORM

SEC. 801. DEBT RELIEF UNDER THE HEAVILY INDEBTED POOR COUNTRIES (HIPC) INITIATIVE.

(a) REPEAL OF LIMITATION ON AVAILABILITY OF EARNINGS ON PROFITS OF NONPUBLIC GOLD SALES.—Paragraph (1) of section 62 of the Bretton Woods Agreements Act, as added by section 503(a) of H.R. 3425 of the 106th Congress (as enacted by section 1000(a)(5) of Public Law 106-113 (113 Stat. 1536)), is amended—

(1) by adding “and” at the end of subparagraph (B); and
(2) by striking subparagraph (D).

(b) CONTRIBUTIONS TO HIPC TRUST FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS.—There is authorized to be appropriated for the period beginning October 1, 2000, and ending September 30, 2003, \$435,000,000 for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank.

(2) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(c) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act, the Secretary shall certify to the appropriate congressional committees that the following requirements are satisfied:

(A) IMPLEMENTATION BY THE BANK OF CERTAIN POLICIES.—The Bank is implementing—

(i) policies providing for the suspension of a loan if funds are being diverted for purposes other than the purpose for which the loan was intended;

(ii) policies seeking to prevent loans from displacing private sector financing;

(iii) policies requiring that loans other than project loans must be disbursed—

(I) on the basis of specific prior reforms; or

(II) incrementally upon implementation of specific reforms after initial disbursement;

(iv) policies seeking to minimize the number of projects receiving financing that would displace a population involuntarily or be to the detriment of the people or culture of the area into which the displaced population is to be moved;

(v) policies vigorously promoting open markets and liberalization of trade in goods and services;

(vi) policies providing that financing by the Bank concentrates chiefly on projects and programs that promote economic and social progress rather than short-term liquidity financing; and

(vii) policies providing for the establishment of appropriate qualitative and quantitative indicators to measure progress toward graduation from receiving financing on concessionary terms, including an estimated timetable by which countries may graduate over the next 15 years.

(B) IMPLEMENTATION BY THE FUND OF CERTAIN POLICIES.—The Fund is implementing—

(i) policies providing for the suspension of a financing if funds are being diverted for purposes other than the purpose for which the financing was intended;

(ii) policies seeking to ensure that financing by the Fund normally serves as a catalyst for private sector financing and does not displace such financing;

(iii) policies requiring that financing must be disbursed—

(I) on the basis of specific prior reforms; or

(II) incrementally upon implementation of specific reforms after initial disbursement;

(iv) policies vigorously promoting open markets and liberalization of trade in goods and services;

(v) policies providing that financing by the Fund concentrates chiefly on short-term balance of payments financing; and

(vi) policies providing for the use, in conjunction with the Bank, of appropriate qualitative and quantitative indicators to measure progress toward graduation from receiving financing on concessionary terms, including an estimated timetable by which countries may graduate over the next 15 years.

(2) EXCEPTION.—In the event that the Secretary cannot certify that a policy described in paragraph (1)(A) or (1)(B) is being implemented, the Secretary shall, not later than 30 days after the date of enactment of this Act, submit a report to the appropriate congressional committees on the progress, if any, made by the Bank or the Fund in adopting and implementing such policy, as the case may be.

SEC. 802. STRENGTHENING PROCEDURES FOR MONITORING USE OF FUNDS BY MULTILATERAL DEVELOPMENT BANKS.

(a) IN GENERAL.—The Secretary shall instruct the United States Executive Director of each multilateral development bank to exert the influence of the United States to strengthen the bank's procedures and management controls intended to ensure that funds disbursed by the bank to borrowing countries are used as intended and in a manner that complies with the conditions of the bank's loan to that country.

(b) PROGRESS EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report evaluating the progress made toward achieving the objectives of subsection (a), including a description of—

(1) any progress made in improving the supervision, monitoring, and auditing of programs and projects supported by each multilateral development bank, in order to identify and reduce bribery and corruption;

(2) any progress made in developing each multilateral development bank's priorities for allocating anticorruption assistance;

(3) country-specific anticorruption programs supported by each multilateral development bank;

(4) actions taken to identify and discipline multilateral development bank employees suspected of knowingly being involved in corrupt activities; and

(5) the outcome of efforts to harmonize procurement practices across all multilateral development banks.

SEC. 803. REPORTS ON POLICIES, OPERATIONS, AND MANAGEMENT OF INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) ANNUAL REPORT ON FINANCIAL OPERATIONS.—Beginning 180 days after the date of enactment of this Act, or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the sufficiency of audits of the financial operations of each multilateral development bank conducted by persons or entities outside such bank.

(b) ANNUAL REPORT ON UNITED STATES SUPPORTED POLICIES.—Beginning 180 days after the date of enactment of this Act, or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Secretary shall submit a report to the appropriate congressional committees on—

(1) the actions taken by recipient countries, as a result of the assistance allocated to them by the multilateral development banks under programs referred to in section 802(b), to strengthen governance and reduce the opportunity for bribery and corruption; and

(2) how International Development Association-financed projects contribute to the eventual graduation of a representative sample of countries from reliance on financing on concessionary terms and international development assistance.

(c) AMENDMENT OF REPORT ON FUND.—Section 1705(a) of the International Financial Institutions Act (22 U.S.C. 262r-4(a)) is amended—

(1) by inserting “(1)” before “the progress”; and

(2) by inserting before the period at the end the following: “, and (2) the progress made by the International Monetary Fund in adopting and implementing the policies described in section 801(c)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001”.

(d) REPORT ON DEBT RELIEF.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the history of debt relief programs led by, or coordinated with, international financial institutions, including but not limited to—

(1) the extent to which poor countries and the poorest-of-the-poor benefit from debt relief, including measurable evidence of any such benefits; and

(2) the extent to which debt relief contributes to the graduation of a country from reliance on financing on concessionary terms and international development assistance.

SEC. 804. REPEAL OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS.

Section 209(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2169(d); relating to bilateral funding for international financial institutions) is repealed.

SEC. 805. REFOCUSED ACTIVITIES OF THE IMF.

The Bretton Woods Agreement Act is amended by adding the following new section:

“SEC. 63. PRINCIPLES FOR INTERNATIONAL MONETARY FUND LENDING.

“It is the policy of the United States to work to implement reforms in the International Monetary Fund (IMF) to achieve the following goals:

“(1) SHORT-TERM BALANCE OF PAYMENTS FINANCING.—Lending from the general resources of the Fund should concentrate chiefly on short-term balance of payments financing.

“(2) LIMITATIONS ON MEDIUM-TERM FINANCING.—Use of medium-term lending from the general resources of the Fund should be limited to a set of well-defined circumstances, such as—

“(A) when a member’s balance of payments problems will be protracted;

“(B) such member has a strong structural reform program in place; and

“(C) the member has little or no access to private sources of capital.

“(3) PREMIUM PRICING.—Premium pricing should be introduced for lending from the general resources of the Fund, for greater than 200 percent of a member’s quota in the Fund, to discourage excessive use of Fund lending and to encourage members to rely on private financing to the maximum extent possible.

“(4) REDRESSING MISREPORTING OF INFORMATION.—The Fund should have in place and apply systematically a strong framework of safeguards and measures to respond to, correct, and discourage cases of misreporting of information in the context of a Fund program, including—

“(A) suspending Fund disbursements and ensuring that Fund lending is not resumed to members that engage in serious misreporting of material information until such time as remedial actions and sanctions, as appropriate, have been applied;

“(B) ensuring that members make early repayments, where appropriate, of Fund resources disbursed on the basis of misreported information;

“(C) making public cases of serious misreporting of material information;

“(D) requiring all members receiving new disbursements from the Fund to undertake annually independent audits of central bank financial statements and publish the resulting audits; and

“(E) requiring all members seeking new loans from the Fund to provide to the Fund detailed information regarding their internal control procedures, financial reporting and audit mechanisms and, in cases where there are questions about the adequacy of these systems, undertaking an on-site review and identifying needed remedies.”.

SEC. 806. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Banking and Financial Services and the Committee on Appropriations of the House of Representatives.

(2) BANK.—The term “Bank” means the International Bank for Reconstruction and Development.

(3) FUND.—The term “Fund” means the International Monetary Fund.

(4) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term “international financial institutions” means the multilateral development banks and the International Monetary Fund.

(5) MULTILATERAL DEVELOPMENT BANKS.—The term “multilateral development banks” means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

PUBLIC LAW 106–429—APPENDIX A 114 STAT. 1900A–69

(6) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001”.

ENDNOTE: The following appendix was added pursuant to the provisions of section 595 of this Appendix (114 Stat. 1900A–60).

APPENDIX A-1—S. 3140

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kentucky National Forest Land Transfer Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States owns over 40,000 acres of land and mineral rights administered by the Tennessee Valley Authority within the Daniel Boone National Forest in the State of Kentucky;

(2) the land and mineral rights were acquired by the Tennessee Valley Authority for purposes of power production using funds derived from ratepayers;

(3) the management of the land and mineral rights should be carried out in accordance with the laws governing the management of national forests; and

(4) the Tennessee Valley Authority, on behalf of the ratepayers of the Authority, should be reasonably compensated for the land and mineral rights of the Authority transferred within the Daniel Boone National Forest.

(b) PURPOSES.—The purposes of this Act are—

(1) to transfer administrative jurisdiction over land of the Tennessee Valley Authority within the Daniel Boone National Forest to the Secretary of Agriculture; and

(2) to compensate the Tennessee Valley Authority for the reasonable value of the transfer of jurisdiction.

SEC. 3. DEFINITIONS.

In this Act:

(1) COVERED LAND.—

(A) IN GENERAL.—The term “covered land” means all land and interests in land owned or managed by the Tennessee Valley Authority within the boundaries of the Daniel Boone National Forest in the State of Kentucky that are transferred under this Act, including surface and subsurface estates.

(B) EXCLUSIONS.—The term “covered land” does not include any land or interest in land owned or managed by the Tennessee Valley Authority for the transmission of water, gas, or power, including power line easements and associated facilities.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER COVERED LAND.

(a) **IN GENERAL.**—All covered land is transferred to the administrative jurisdiction of the Secretary to be managed in accordance with the laws (including regulations) pertaining to the National Forest System.

(b) **AUTHORITY OF SECRETARY OF INTERIOR OVER MINERAL RESOURCES.**—The transfer of the covered land shall be subject to the authority of the Secretary of the Interior with respect to mineral resources underlying National Forest System land, including laws pertaining to mineral leasing and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

(c) **SURFACE MINING.**—No surface mining shall be permitted with respect to any covered land except as provided under section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)(2)).

SEC. 5. MONETARY CREDITS.

(a) **IN GENERAL.**—In consideration for the transfer provided under section 4, the Secretary of the Interior shall provide to the Tennessee Valley Authority monetary credits with a value of \$4,000,000 that may be used for the payment of—

(1) not more than 50 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the contiguous 48 States under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(2) not more than 10 percent of the bonus or other payments made by successful bidders in any sales of mineral, oil, gas, or geothermal leases in the State of Alaska under the laws referred to in paragraph (1);

(3) not more than 50 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the contiguous 48 States issued under the laws referred to in paragraph (1); or

(4) not more than 10 percent of any royalty, rental, or advance royalty payment made to the United States to maintain any mineral, oil, gas, or geothermal lease in the State of Alaska issued under the laws referred to in paragraph (1).

(b) **VALUE OF CREDITS.**—The total amount of credits provided under subsection (a) shall be considered equal to the fair market value of the covered land.

(c) **ACCEPTANCE OF CREDITS.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall accept credits provided under subsection (a) in the same manner as cash for the payments described under subsection (a).

(2) **USE OF CREDITS.**—The use of the credits shall be subject to the laws (including regulations) governing such payments, to the extent the laws are consistent with this section.

(d) **TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.**—All credits accepted by the Secretary of the Interior under subsection (c) for the payments described in subsection (a) shall be considered to be money received for the purpose of section 35 of the Mineral

Leasing Act (30 U.S.C. 191) and section 20 of the Geothermal Steam Act of 1970 (30 U.S.C. 1019).

(e) EXCHANGE ACCOUNT.—

(1) ESTABLISHMENT.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall establish an exchange account for the Tennessee Valley Authority for the monetary credits provided under subsection (a).

(2) ADMINISTRATION.—The account shall—

(A) be established with the Minerals Management Service of the Department of the Interior; and

(B) have an initial balance of credits equal to \$4,000,000.

(3) USE OF CREDITS.—

(A) IN GENERAL.—The credits shall be available to the Tennessee Valley Authority for the purposes described in subsection (a).

(B) ADJUSTMENT OF BALANCE.—The Secretary of the Interior shall adjust the balance of credits in the account to reflect credits accepted by the Secretary of the Interior under subsection (c).

(f) TRANSFER OR SALE OF CREDITS.—

(1) IN GENERAL.—The Tennessee Valley Authority may transfer or sell any credits in the account of the Authority to another person or entity.

(2) USE OF TRANSFERRED CREDITS.—Credits transferred or sold under paragraph (1) may be used in accordance with this subsection only by a person or entity that is qualified to bid on, or that holds, a mineral, oil, or gas lease under—

(A) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(B) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(C) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) NOTIFICATION.—

(A) IN GENERAL.—Not later than 30 days after the transfer or sale of any credits, the Tennessee Valley Authority shall notify the Secretary of the Interior of the transfer or sale.

(B) VALIDITY OF TRANSFER OR SALE.—The transfer or sale of any credit shall not be valid until the Secretary of the Interior has received the notification required under subparagraph (A).

(4) TIME LIMIT ON USE OF CREDITS.—

(A) IN GENERAL.—On the date that is 5 years after the date on which an account is established for the Tennessee Valley Authority under subsection (e), the Secretary of the Interior shall terminate the account.

(B) UNUSED CREDITS.—Any credits that originated in the terminated account and have not been used as of the termination date, including any credits transferred or sold under this subsection, shall expire.

SEC. 6. EXISTING AUTHORIZATIONS.

(a) **IN GENERAL.**—Nothing in this Act affects any valid existing rights under any lease, permit, or other authorization by the Tennessee Valley Authority on covered land in effect before the date of enactment of this Act.

(b) **RENEWAL.**—Renewal of any existing lease, permit, or other authorization on covered land shall be at the discretion of the Secretary on terms and conditions determined by the Secretary.

SEC. 7. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) **DEFINITIONS.**—In this section:

(1) **ENVIRONMENTAL LAW.**—

(A) **IN GENERAL.**—The term “environmental law” means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural or cultural resources, or the environment.

(B) **INCLUSIONS.**—The term “environmental law” includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(viii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ix) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) **HAZARDOUS SUBSTANCE, POLLUTANT OR CONTAMINANT, RELEASE, AND RESPONSE ACTION.**—The terms “hazardous substance”, “pollutant or contaminant”, “release”, and “response action” have the meanings given the terms in section 101 and other provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) **DOCUMENTATION OF EXISTING CONDITIONS.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the covered land.

(2) **ADDITIONAL DOCUMENTATION.**—The Tennessee Valley Authority shall provide the Secretary with any additional documentation and information regarding the environmental condition of the covered land as such documentation and information becomes available.

(c) **ACTION REQUIRED.**—

(1) **ASSESSMENT.**—Not later than 120 days after the date of enactment of this Act, the Tennessee Valley Authority shall

provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on covered land.

(2) MEMORANDUM OF UNDERSTANDING.—If the assessment concludes that action is required under any environmental law with respect to any portion of the covered land, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of understanding that—

(A) provides for the performance by the Tennessee Valley Authority of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(d) DOCUMENTATION DEMONSTRATING ACTION.—The Tennessee Valley Authority shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on covered land.

(e) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of covered land under this Act, and the requirements of this section, shall not affect the responsibilities and liabilities of the Tennessee Valley Authority under any environmental law.

(2) ACCESS.—The Tennessee Valley Authority shall have access to the property that may be reasonably required to carry out a responsibility or satisfy a liability referred to in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfer of covered land under this Act as the Secretary considers to be appropriate to protect the interest of the United States concerning the continuation of any responsibilities and liabilities under any environmental law.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Nothing in this Act affects, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(f) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations on covered land resulting in the release or threatened release of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay—

(1) the costs of related response actions; and

(2) the costs of related actions to remediate petroleum products or their derivatives.

Public Law 106–430
106th Congress

An Act

To require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

Nov. 6, 2000
[H.R. 5178]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Needlestick Safety and Prevention Act”.

Needlestick
Safety and
Prevention Act.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Numerous workers who are occupationally exposed to bloodborne pathogens have contracted fatal and other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C from exposure to blood and other potentially infectious materials in their workplace.

(2) In 1991 the Occupational Safety and Health Administration issued a standard regulating occupational exposure to bloodborne pathogens, including the human immunodeficiency virus, (HIV), the hepatitis B virus (HBV), and the hepatitis C virus (HCV).

(3) Compliance with the bloodborne pathogens standard has significantly reduced the risk that workers will contract a bloodborne disease in the course of their work.

(4) Nevertheless, occupational exposure to bloodborne pathogens from accidental sharps injuries in health care settings continues to be a serious problem. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV.

(5) Since publication of the bloodborne pathogens standard in 1991 there has been a substantial increase in the number and assortment of effective engineering controls available to employers. There is now a large body of research and data concerning the effectiveness of newer engineering controls, including safer medical devices.

(6) 396 interested parties responded to a Request for Information (in this section referred to as the “RFI”) conducted

by the Occupational Safety and Health Administration in 1998 on engineering and work practice controls used to eliminate or minimize the risk of occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps. Comments were provided by health care facilities, groups representing healthcare workers, researchers, educational institutions, professional and industry associations, and manufacturers of medical devices.

(7) Numerous studies have demonstrated that the use of safer medical devices, such as needleless systems and sharps with engineered sharps injury protections, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

(8) In March 2000, the Centers for Disease Control and Prevention estimated that, depending on the type of device used and the procedure involved, 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices.

(9) The OSHA 200 Log, as it is currently maintained, does not sufficiently reflect injuries that may involve exposure to bloodborne pathogens in healthcare facilities. More than 98 percent of healthcare facilities responding to the RFI have adopted surveillance systems in addition to the OSHA 200 Log. Information gathered through these surveillance systems is commonly used for hazard identification and evaluation of program and device effectiveness.

(10) Training and education in the use of safer medical devices and safer work practices are significant elements in the prevention of percutaneous exposure incidents. Staff involvement in the device selection and evaluation process is also an important element to achieving a reduction in sharps injuries, particularly as new safer devices are introduced into the work setting.

(11) Modification of the bloodborne pathogens standard is appropriate to set forth in greater detail its requirement that employers identify, evaluate, and make use of effective safer medical devices.

SEC. 3. BLOODBORNE PATHOGENS STANDARD.

The bloodborne pathogens standard published at 29 CFR 1910.1030 shall be revised as follows:

(1) The definition of “Engineering Controls” (at 29 CFR 1910.1030(b)) shall include as additional examples of controls the following: “safer medical devices, such as sharps with engineered sharps injury protections and needleless systems”.

(2) The term “Sharps with Engineered Sharps Injury Protections” shall be added to the definitions (at 29 CFR 1910.1030(b)) and defined as “a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident”.

(3) The term “Needleless Systems” shall be added to the definitions (at 29 CFR 1910.1030(b)) and defined as “a device that does not use needles for: (A) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established; (B) the administration of medication or

fluids; or (C) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps”.

(4) In addition to the existing requirements concerning exposure control plans (29 CFR 1910.1030(c)(1)(iv)), the review and update of such plans shall be required to also—

(A) “reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens”; and

(B) “document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure”.

(5) The following additional recordkeeping requirement shall be added to the bloodborne pathogens standard at 29 CFR 1910.1030(h): “The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum—

Records.

“(A) the type and brand of device involved in the incident,

“(B) the department or work area where the exposure incident occurred, and

“(C) an explanation of how the incident occurred.”.

The requirement for such sharps injury log shall not apply to any employer who is not required to maintain a log of occupational injuries and illnesses under 29 CFR 1904 and the sharps injury log shall be maintained for the period required by 29 CFR 1904.6.

(6) The following new section shall be added to the bloodborne pathogens standard: “An employer, who is required to establish an Exposure Control Plan shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan.”.

SEC. 4. EFFECT OF MODIFICATIONS.

The modifications under section 3 shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

SEC. 5. PROCEDURE AND EFFECTIVE DATE.

(a) PROCEDURE.—The modifications of the bloodborne pathogens standard prescribed by section 3 shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(b) EFFECTIVE DATE.—The modifications to the bloodborne pathogens standard required by section 3 shall—

(1) within 6 months of the date of the enactment of this Act, be made and published in the Federal Register by the

Deadline.
Federal Register,
publication.

114 STAT. 1904

PUBLIC LAW 106-430—NOV. 6, 2000

Secretary of Labor acting through the Occupational Safety and Health Administration; and

(2) at the end of 90 days after such publication, take effect.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 5178:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed House.

Oct. 26, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 6, Presidential statement.



Public Law 106–431
106th Congress

An Act

To establish the Saint Helena Island National Scenic Area.

Nov. 6, 2000

[H.R. 468]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Saint Helena
Island National
Scenic Area Act.
Michigan.
16 USC 546 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Saint Helena Island National Scenic Area Act”.

SEC. 2. ESTABLISHMENT OF SAINT HELENA ISLAND NATIONAL SCENIC AREA, MICHIGAN.

16 USC 546.

(a) **PURPOSE.**—The purposes of this Act are—

(1) to preserve and protect for present and future generations the outstanding resources and values of Saint Helena Island in Lake Michigan, Michigan; and

(2) to provide for the conservation, protection, and enhancement of primitive recreation opportunities, fish and wildlife habitat, vegetation, and historical and cultural resources of the island.

(b) **ESTABLISHMENT.**—For the purposes described in subsection (a), there shall be established the Saint Helena Island National Scenic Area (in this Act referred to as the “scenic area”).

(c) **EFFECTIVE UPON CONVEYANCE.**—Subsection (b) shall be effective upon conveyance of satisfactory title to the United States of the whole of Saint Helena Island, except that portion conveyed to the Great Lakes Lighthouse Keepers Association pursuant to section 1001 of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3948).

SEC. 3. BOUNDARIES.

16 USC 546a.

(a) **SAINT HELENA ISLAND.**—The scenic area shall comprise all of Saint Helena Island, in Lake Michigan, Michigan, and all associated rocks, pinnacles, islands, and islets within one-eighth mile of the shore of Saint Helena Island.

(b) **BOUNDARIES OF HIAWATHA NATIONAL FOREST EXTENDED.**—Upon establishment of the scenic area, the boundaries of the Hiawatha National Forest shall be extended to include all of the lands within the scenic area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 8 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9).

(c) **PAYMENTS TO LOCAL GOVERNMENTS.**—Solely for purposes of payments to local governments pursuant to section 6902 of title 31, United States Code, lands acquired by the United States under this Act shall be treated as entitlement lands.

16 USC 546a-1.

SEC. 4. ADMINISTRATION AND MANAGEMENT.

(a) **ADMINISTRATION.**—Subject to valid existing rights, the Secretary of Agriculture (in this Act referred to as the “Secretary”) shall administer the scenic area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes of this Act.

Deadline.

(b) **SPECIAL MANAGEMENT REQUIREMENTS.**—Within 3 years of the acquisition of 50 percent of the land authorized for acquisition under section 7, the Secretary shall develop an amendment to the land and resources management plan for the Hiawatha National Forest which will direct management of the scenic area. Such an amendment shall conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the land and resource management plan for the Hiawatha National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). In developing a plan for management of the scenic area, the Secretary shall address the following special management considerations:

(1) **PUBLIC ACCESS.**—Alternative means for providing public access from the mainland to the scenic area shall be considered, including any available existing services and facilities, concessionaires, special use permits, or other means of making public access available for the purposes of this Act.

(2) **ROADS.**—After the date of the enactment of this Act, no new permanent roads shall be constructed within the scenic area.

(3) **VEGETATION MANAGEMENT.**—No timber harvest shall be allowed within the scenic area, except as may be necessary in the control of fire, insects, and diseases, and to provide for public safety and trail access. Notwithstanding the foregoing, the Secretary may engage in vegetation manipulation practices for maintenance of wildlife habitat and visual quality. Trees cut for these purposes may be utilized, salvaged, or removed from the scenic area as authorized by the Secretary.

(4) **MOTORIZED TRAVEL.**—Motorized travel shall not be permitted within the scenic area, except on the waters of Lake Michigan, and as necessary for administrative use in furtherance of the purposes of this Act.

(5) **FIRE.**—Wildfires shall be suppressed in a manner consistent with the purposes of this Act, using such means as the Secretary deems appropriate.

(6) **INSECTS AND DISEASE.**—Insect and disease outbreaks may be controlled in the scenic area to maintain scenic quality, prevent tree mortality, or to reduce hazards to visitors.

(7) **DOCKAGE.**—The Secretary shall provide through concession, permit, or other means docking facilities consistent with the management plan developed pursuant to this section.

(8) **SAFETY.**—The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the scenic area in the event of fire or infestation of insects or disease.

(c) **CONSULTATION.**—In preparing the management plan, the Secretary shall consult with appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 5. FISH AND GAME.

16 USC 546a–2.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Michigan with respect to fish and wildlife in the scenic area.

SEC. 6. MINERALS.

16 USC 546a–3.

Subject to valid existing rights, the lands within the scenic area are hereby withdrawn from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the scenic area, except that common varieties of mineral materials, such as stone and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the scenic area.

SEC. 7. ACQUISITION.

16 USC 546a–4.

(a) **ACQUISITION OF LANDS WITHIN THE SCENIC AREA.**—The Secretary shall acquire, by purchase from willing sellers, gift, or exchange, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the scenic area to further the purposes of this Act.

(b) **ACQUISITION OF OTHER LANDS.**—The Secretary may acquire, by purchase from willing sellers, gift, or exchange, not more than 10 acres of land, including any improvements thereon, on the mainland to provide access to and administrative facilities for the scenic area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

16 USC 546a–5.

(a) **ACQUISITION OF LANDS.**—There are hereby authorized to be appropriated such sums as may be necessary for the acquisition of land, interests in land, or structures within the scenic area and on the mainland as provided in section 7.

(b) **OTHER PURPOSES.**—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the development and implementation of the management plan under section 4(b).

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 468:

HOUSE REPORTS: No. 106–255 (Comm. on Resources).

SENATE REPORTS: No. 106–392 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 21, considered and passed House.

Vol. 146 (2000): Oct. 5, considered and passed Senate, amended.

Oct. 12, House failed to concur in Senate amendment.

Oct. 24, House concurred in Senate amendment.



Public Law 106-432
106th Congress

An Act

Nov. 6, 2000
[H.R. 1725]

Miwaleta Park
Expansion Act.

To provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Miwaleta Park Expansion Act”.

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the “County”), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in paragraph (2) and consisting of—

(A) Miwaleta Park, a county park managed under agreement by the County on Federal land managed by the Bureau of Land Management; and

(B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 27, T31S, R4W, W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) USE OF LAND.—

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes consistent with the plan for expansion of the Miwaleta Park as approved in the Decision Record for Galesville Campground, EA #OR110-99-01, dated September 17, 1999.

(2) REVERSIONARY INTEREST.—

(A) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for park purposes as described in paragraph 2(b)(1)—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the United States shall have the right of immediate entry onto the land.

(B) DETERMINATION ON THE RECORD.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) IMPACT ON FERC WITHDRAWAL.—

(1) IN GENERAL.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 7161.

(2) CONFLICTS.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) COSTS OF CONVEYANCE.—Except as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 1725 (S. 977):

HOUSE REPORTS: No. 106–446 (Comm. on Resources).

SENATE REPORTS: No. 106–206 accompanying S. 977 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD: Vol. 146 (2000):

Mar. 21, considered and passed House.

Oct. 5, considered and passed Senate, amended.

Oct. 23, House concurred in Senate amendments.



Public Law 106–433
106th Congress

An Act

Nov. 6, 2000
[H.R. 3218]

To amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

Social Security
Number
Confidentiality
Act of 2000.
31 USC 3301
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Social Security Number Confidentiality Act of 2000”.

SEC. 2. OPEN DISCLOSURE OF SOCIAL SECURITY ACCOUNT NUMBERS ON THE FACE OF GOVERNMENT CHECK MAILINGS PROHIBITED.

Section 3327 of title 31 of the United States Code (relating to general authority to issue checks and other drafts) is amended—

(1) by inserting “(a)” before “The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) The Secretary of the Treasury shall take such actions as are necessary to ensure that Social Security account numbers (including derivatives of such numbers) are not visible on or through unopened mailings of checks or other drafts described in subsection (a) of this section.”.

31 USC 3327
note.
Applicability.

SEC. 3. EFFECTIVE DATE AND TRANSITIONAL RULE.

(a) **IN GENERAL.**—The amendments made by this Act shall apply with respect to all mailings of checks or other drafts issued on or after the date which is 3 years after the date of the enactment of this Act.

Deadline.
Reports.

(b) **PHASE-IN OF AMENDMENTS.**—Effective on the date of the enactment of this Act, the Secretary of the Treasury shall commence procedures to gradually implement the amendments made by this Act in advance of the effective date described in subsection (a). Not later than 1 year after the date of the enactment of this Act, and annually thereafter for each of the next 2 years, the Secretary shall transmit to each House of the Congress a report

describing the manner and extent to which the requirements of the preceding sentence have been carried out.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 3218:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 18, considered and passed House.

Oct. 25, considered and passed Senate.



Public Law 106-434
106th Congress

An Act

Nov. 6, 2000
[H.R. 3657]

To provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

KATY 101.3 FM. **SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.**

(a) **CONVEYANCE REQUIRED.**—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as “KATY”) all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) **LEGAL DESCRIPTION.**—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) **CONSIDERATION.**—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) **SETTLEMENT.**—In addition to the consideration referred to in subsection (c), upon the receipt of \$16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) **ACCESS REQUIREMENTS.**—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) **ADMINISTRATIVE COSTS.**—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) **ASSUMPTION OF LIABILITY.**—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless

the United States for any and all liability to General Telephone and Electronics Corporation (also known as “GTE”) KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words “Secretary of Agriculture”;

(2) by striking the words “with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),”;

(3) by inserting the words “, real property or interests in lands,” after the word “lands” the first time it is used;

(4) by striking “San Bernardino and Cleveland” and inserting “San Bernardino, Cleveland and Los Angeles”;

(5) by striking “county of Riverside” each place it appears and inserting “counties of Riverside and San Bernardino”;

(6) by striking “as to minimize soil erosion and flood damage” and inserting “for National Forest System purposes”; and

(7) after the “*Provided further, That*”, by striking the remainder of the sentence to the end of the paragraph, and inserting “twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.”.

SEC. 2. SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT CLARIFYING AMENDMENTS.

The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 is amended as follows:

(1) In the second sentence of section 2(d)(1), by striking “and the Committee on Agriculture, Nutrition, and Forestry”. *Ante*, p. 1362.

(2) In the second sentence of section 4(a)(3), by striking “Nothing in this section” and inserting “Nothing in this Act”.

(3) In section 4(c)(1), by striking “any person, including”. *Ante*, p. 1364.

(4) In section 5, by adding at the end the following: *Ante*, p. 1365.

“(j) WILDERNESS PROTECTION.—Nothing in this Act alters the

management of any areas designated as Wilderness which are within the boundaries of the National Monument. All such areas shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.), the laws designating such areas as Wilderness, and other applicable laws. If any part of this Act conflicts with any provision of those laws with respect to the management of the Wilderness areas, such provision shall control.”.

SEC. 3. TECHNICAL CORRECTION.

The Santo Domingo Pueblo Claims Settlement Act of 2000 is amended by adding at the end:

25 USC 1777e.

“SEC. 7. MISCELLANEOUS PROVISIONS.

Deadline.

“(a) EXCHANGE OF CERTAIN LANDS WITH NEW MEXICO.—

“(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

“(2) USE OF OTHER LANDS.—In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

“(3) VALUE OF LANDS.—The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

“(4) CONVEYANCE.—

“(A) BY SECRETARY.—Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

“(B) BY PUEBLO.—Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

“(b) OTHER EXCHANGES OF LAND.—

“(1) IN GENERAL.—In order to further the purposes of this Act—

“(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

“(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

“(2) LANDS.—The land described in this paragraph is the land, title to which was at issue in *Pueblo of Santo Domingo v. Rael* (Civil No. 83-1888 (D.N.M.)).

“(3) LAND TO BE HELD IN TRUST.—Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the provisions of section 5(a) relating to the extinguishment of the land claims of the Pueblo.

Deadline.

“(c) APPROVAL OF CERTAIN RESOLUTIONS.—All agreements, transactions, and conveyances authorized by Resolutions 97-010 and C22-99 as enacted by the Tribal Council of the Pueblo de Cochiti, and Resolution S.D. 12-99-36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to

receive compensation from the United States or any other party with respect to such overlapping lands.”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 3657 (S. 2111):

HOUSE REPORTS: No. 106–744 (Comm. on Resources).

SENATE REPORTS: No. 106–476 accompanying S. 2111 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, considered and passed House.

Oct. 19, considered and passed Senate, amended.

Oct. 23, House concurred in Senate amendment.



Public Law 106–435
106th Congress

An Act

Nov. 6, 2000
[H.R. 3679]

2002 Winter
Olympic
Commemorative
Coin Act.
Utah
31 USC 5112
note.

To provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “2002 Winter Olympic Commemorative Coin Act”.

SEC. 2. COIN SPECIFICATIONS.

(a) **DENOMINATIONS.**—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) **FIVE DOLLAR GOLD COINS.**—Not more than 80,000 \$5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) **ONE DOLLAR SILVER COINS.**—Not more than 400,000 \$1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) **DESIGN.**—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year “2002”, and inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) **NUMISMATIC ITEMS.**—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) **GOLD.**—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) **SILVER.**—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. SELECTION OF DESIGN.

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

- (A) the Commission of Fine Arts;
- (B) the United States Olympic Committee; and
- (C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereafter in this Act referred to as “Olympic Properties of the United States”); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) **TERMINATION OF MINTING AUTHORITY.**—No coins shall be minted under this Act after December 31, 2002.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS AT A DISCOUNT.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **SURCHARGE REQUIRED.**—All sales shall include a surcharge of \$35 per coin for the \$5 coins and \$10 per coin for the \$1 coins.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) **SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.**—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) **UNITED STATES OLYMPIC COMMITTEE.**—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 3679 (S. 2266):

SENATE REPORTS: No. 106–355 accompanying S. 2266 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 23, considered and passed Senate.



Public Law 106–436
106th Congress

An Act

To designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the “Larry Small Post Office Building”.

Nov. 6, 2000
[H.R. 4315]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, shall be known and designated as the “Larry Small Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Larry Small Post Office Building”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4315:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 2, considered and passed House.

Oct. 24, considered and passed Senate.



Public Law 106-437
106th Congress

An Act

Nov. 6, 2000

[H.R. 4404]

To permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEDICAL PAYMENTS.

(a) IN GENERAL.—Subsection (e) of the Policemen and Firemen's Retirement and Disability Act (39 Stat. 718, as amended by 71 Stat. 394) is amended by adding at the end the following new sentence: "Notwithstanding the previous sentence, in the case of any member of the United States Park Police, payment shall be made by the National Park Service upon a certificate of the Chief, United States Park Police, setting forth the necessity for such services or treatment and the nature of the injury or disease which rendered the same necessary."

(b) NATIONAL PARK SERVICE REIMBURSEMENT.—Section 6 of the Policemen and Firemen's Retirement and Disability Act Amendments of 1957 (71 Stat. 399) is amended by inserting after the first sentence the following new sentence: "Such sums are authorized to be appropriated to reimburse the National Park Service, on a monthly basis, for medical benefit payments made from funds appropriated to the National Park Service in the case of any member of the United States Park Police."

SEC. 2. INDEMNIFICATION.

(a) IN GENERAL.—Section 10(c) of the Act of August 18, 1970 (Public Law 91-383; 16 U.S.C. 1a-6(c)), is amended—

- (1) by striking "and" at the end of paragraph (2);
- (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
- (3) by inserting after paragraph (2) the following:

"(3) mutually waive, in any agreement pursuant to paragraphs (1) and (2) of this subsection or pursuant to subsection (b)(1) with any State or political subdivision thereof where State law requires such waiver and indemnification, any and all civil claims against all the other parties thereto and, subject to available appropriations, indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury, which may arise out of the parties' activities outside their respective jurisdictions under such agreement; and"

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 10(c) the Act of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)) (as redesignated by subsection (a)(2)), is further amended—
 (1) by striking “(5) the” and inserting “The”; and
 (2) by moving the text flush and 2 ems to the left.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4404:

HOUSE REPORTS: No. 106–854, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Oct. 26, considered and passed Senate.



Public Law 106–438
106th Congress

An Act

Nov. 6, 2000
[H.R. 4450]

To designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the “Judge Harry Augustus Cole Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, shall be known and designated as the “Judge Harry Augustus Cole Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Judge Harry Augustus Cole Post Office Building”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4450:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 24, considered and passed Senate.



Public Law 106–439
106th Congress

An Act

To designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the “Frederick L. Dewberry, Jr. Post Office Building”.

Nov. 6, 2000
[H.R. 4451]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, shall be known and designated as the “Frederick L. Dewberry, Jr. Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Frederick L. Dewberry, Jr. Post Office Building”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4451:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Sept. 25, considered and passed House.
Oct. 24, considered and passed Senate.



Public Law 106–440
106th Congress

An Act

Nov. 6, 2000
[H.R. 4625]

To designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the “Gertrude A. Barber Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, shall be known and designated as the “Gertrude A. Barber Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Gertrude A. Barber Post Office Building”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4625:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 19, considered and passed House.

Oct. 24, considered and passed Senate.



Public Law 106–441
106th Congress

An Act

To designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the “Samuel P. Roberts Post Office Building”.

Nov. 6, 2000
[H.R. 4786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, shall be known and designated as the “Samuel P. Roberts Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Samuel P. Roberts Post Office Building”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4786:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Sept. 19, considered and passed House.
Oct. 24, considered and passed Senate.



Public Law 106–442
106th Congress

An Act

Nov. 6, 2000
[H.R. 4957]

To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking “2000” and inserting “2005”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 4957:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Sept. 12, considered and passed House.
Oct. 26, considered and passed Senate.



Public Law 106–443
106th Congress

An Act

To extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

Nov. 6, 2000
[H.R. 5083]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) In 1988, the Los Angeles Board of Education voted to close Tweedy Elementary School in the City of South Gate, California, due to concerns about health risks at the site of the school.

(2) The school was temporarily relocated to South Gate Park on park land that was originally acquired with amounts provided by the Secretary of the Interior from the land and water conservation fund.

(3) In March 1991, the lease with the city that allowed the Los Angeles Unified School District to operate the school on park land expired, and no progress had been made in constructing new facilities to relocate the school and its students.

(4) In 1992, Congress enacted Public Law 102–443 (106 Stat. 2244), which authorized an 8-year extension in the lease for the use of the park land pending the construction of the new school.

(5) This 8-year extension is due to expire on October 23, 2000, and little progress has been made on the part of the Los Angeles Unified School District to relocate Tweedy Elementary School.

(6) In addition to the long-delayed Tweedy Elementary School relocation, recent studies have identified the need for additional educational facilities in the City of South Gate, including a new high school, junior high, and three primary centers in the near future.

(7) The lack of commitment, oversight, and accountability in finding a new site for Tweedy Elementary School must be corrected in any further lease extension, and a similar situation also must be avoided in addressing the construction of other education facilities in the City of South Gate.

**SEC. 2. CONTINUATION OF TEMPORARY USE OF PARK LANDS FOR
ELEMENTARY SCHOOL PURPOSES, SOUTH GATE, CALI-
FORNIA.**

Notwithstanding section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)), the City of South Gate, California, may extend until October 23, 2004, the lease between the City of South Gate and the Los Angeles Unified School District, dated June 8, 1988, and otherwise subject to expire on October 23, 2000, pursuant to Public Law 102-443 (106 Stat. 2244), regarding the use of approximately three acres of South Gate Park as the temporary site for Tweedy Elementary School.

**SEC. 3. REPORT ON PROGRESS TO RELOCATE TWEEDY ELEMENTARY
SCHOOL AND OTHER SCHOOL CONSTRUCTION.**

(a) **PERIODIC REPORTS REQUIRED.**—As a condition on the extension of the lease referred to in section 1 beyond October 23, 2000, the President of the Board of Education for the Los Angeles Unified School District shall require the preparation of periodic reports describing—

(1) the progress being made to relocate Tweedy Elementary School from South Gate Park to a permanent location; and

(2) the School District's construction plans for a new high school, middle school, and three primary centers in the City of South Gate, California.

(b) **ELEMENTS OF REPORT.**—Each report under subsection (a) shall describe—

(1) the progress being made in site selection and acquisition, facility design, and construction; and

(2) any factors hindering either the relocation of Tweedy Elementary School or progress on the School District's other construction plans for the City of South Gate.

(c) **SUBMISSION.**—The reports required by subsection (a) shall be submitted to the City Manager of the City of South Gate, the Congress, the Los Angeles Board of Education, and Padres Unidos Pro Nuevas Escuelas. The first report shall be submitted not later than May 1, 2001, and subsequent reports shall be submitted every 6 months thereafter during the term of the extended lease.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 5083:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 12, considered and passed House.

Oct. 26, considered and passed Senate.



Public Law 106–444
106th Congress

An Act

To amend title 44, United States Code, to ensure preservation of the records
of the Freedmen’s Bureau.

Nov. 6, 2000
[H.R. 5157]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Freedmen’s Bureau Records
Preservation Act of 2000”.

Freedmen’s
Bureau Records
Preservation Act
of 2000.
44 USC 101 note.

SEC. 2. PRESERVATION OF FREEDMEN’S BUREAU RECORDS.

(a) IN GENERAL.—Chapter 29 of title 44, United States Code,
is amended by adding at the end the following:

“§ 2910. Preservation of Freedmen’s Bureau records

“The Archivist shall preserve the records of the Bureau of
Refugees, Freedmen, and Abandoned Lands, commonly referred
to as the ‘Freedmen’s Bureau’, by using—

“(1) microfilm technology for preservation of the documents
comprising these records so that they can be maintained for
future generations; and

“(2) the results of the pilot project with the University
of Florida to create future partnerships with Howard University
and other institutions for the purposes of indexing these records
and making them more easily accessible to the public, including
historians, genealogists, and students, and for any other pur-
poses determined by the Archivist.”.

(b) CLERICAL AMENDMENT.—The table of sections at the begin-
ning of chapter 29 of title 44, United States Code, is amended
by adding at the end the following new item:

“2910. Preservation of Freedmen’s Bureau records.”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 2910 of title 44, United States Code (as added by section 2), a total of \$3,000,000 for fiscal years 2001 through 2005.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 5157:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 19, considered and passed House.

Oct. 26, considered and passed Senate.



Public Law 106–445
106th Congress

An Act

To clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

Nov. 6, 2000
[H.R. 5273]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Mint Numismatic Coin Clarification Act of 2000”.

United States
Mint Numismatic
Coin Clarification
Act of 2000.
31 USC 5101
note.

SEC. 2. CLARIFICATION OF MINT’S AUTHORITY.

(a) **SILVER PROOF COINS.**—Section 5132(a)(2)(B)(i) of title 31, United States Code, is amended by striking “paragraphs (1)” and inserting “paragraphs (2)”.

(b) **PLATINUM COINS.**—Section 5112(k) of title 31, United States Code, is amended by striking “bullion” and inserting “platinum bullion coins”.

SEC. 3. ADDITIONAL REPORT REQUIREMENT.

Section 5134(e)(2) of title 31, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “reflect” and inserting “contain”;

(2) by striking “and” at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(4) by adding at the end the following new subparagraph:
“(E) a supplemental schedule detailing—

“(i) the costs and expenses for the production, for the marketing, and for the distribution of each denomination of circulating coins produced by the Mint during the fiscal year and the per-unit cost of producing, of marketing, and of distributing each denomination of such coins; and

“(ii) the gross revenue derived from the sales of each such denomination of coins.”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 5273:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed House.

Oct. 24, considered and passed Senate.

Public Law 106–446
106th Congress

An Act

Nov. 6, 2000
[H.R. 5314]

To amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMOTION OF ADOPTION OF MILITARY WORKING DOGS.

(a) **ADOPTION OF MILITARY WORKING DOGS.**—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2582. Military working dogs: transfer and adoption at end of useful working life

“(a) **AVAILABILITY FOR ADOPTION.**—The Secretary of Defense may make a military working dog of the Department of Defense available for adoption by a person or entity referred to in subsection (c) at the end of the dog’s useful working life or when the dog is otherwise excess to the needs of the Department, unless the dog has been determined to be unsuitable for adoption under subsection (b).

“(b) **SUITABILITY FOR ADOPTION.**—The decision whether a particular military working dog is suitable or unsuitable for adoption under this section shall be made by the commander of the last unit to which the dog is assigned before being declared excess. The unit commander shall consider the recommendations of the unit’s veterinarian in making the decision regarding a dog’s adoptability.

“(c) **AUTHORIZED RECIPIENTS.**—Military working dogs may be adopted under this section by law enforcement agencies, former handlers of these dogs, and other persons capable of humanely caring for these dogs.

“(d) **CONSIDERATION.**—The transfer of a military working dog under this section may be without charge to the recipient.

“(e) **LIMITATIONS ON LIABILITY FOR TRANSFERRED DOGS.**—(1) Notwithstanding any other provision of law, the United States shall not be subject to any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or other economic loss) that results from, or is in any manner predicated upon, the act or omission of a former military working dog transferred under this section, including any training provided to the dog while a military working dog.

“(2) Notwithstanding any other provision of law, the United States shall not be liable for any veterinary expense associated

with a military working dog transferred under this section for a condition of the military working dog before transfer under this section, whether or not such condition is known at the time of transfer under this section.

“(f) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report specifying the number of military working dogs adopted under this section during the preceding year, the number of these dogs currently awaiting adoption, and the number of these dogs euthanized during the preceding year. With respect to each euthanized military working dog, the report shall contain an explanation of the reasons why the dog was euthanized rather than retained for adoption under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2582. Military working dogs: transfer and adoption at end of useful working life.”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—H.R. 5314:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed House.

Oct. 24, considered and passed Senate, amended.

Oct. 26, House concurred in Senate amendment.



Public Law 106–447
106th Congress

An Act

Nov. 6, 2000
[S. 614]

To provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Indian Tribal
Regulatory
Reform and
Business
Development Act
of 2000.
25 USC 4301
note.
25 USC 4301
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Regulatory Reform and Business Development Act of 2000”.

SEC. 2. FINDINGS; PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, Native Americans suffer rates of unemployment, poverty, poor health, substandard housing, and associated social ills which are greater than the rates for any other group in the United States;

(2) the capacity of Indian tribes to build strong Indian tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities conducted on Indian lands;

(3) beginning in 1970, with the issuance by the Nixon Administration of a special message to Congress on Indian Affairs, each President has reaffirmed the special government-to-government relationship between Indian tribes and the United States; and

(4) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the Indian tribes; and

(B) facilitate economic development on Indian lands.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To provide for a comprehensive review of the laws (including regulations) that affect investment and business decisions concerning activities conducted on Indian lands.

(2) To determine the extent to which those laws unnecessarily or inappropriately impair—

(A) investment and business development on Indian lands; or

(B) the financial stability and management efficiency of Indian tribal governments.

(3) To establish an authority to conduct the review under paragraph (1) and report findings and recommendations that result from the review to Congress and the President.

SEC. 3. DEFINITIONS.

25 USC 4301
note.

In this Act:

(1) **AUTHORITY.**—The term “Authority” means the Regulatory Reform and Business Development on Indian Lands Authority.

(2) **FEDERAL AGENCY.**—The term “Federal agency” means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(3) **INDIAN.**—The term “Indian” has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(4) **INDIAN LANDS.**—

(A) **IN GENERAL.**—The term “Indian lands” includes lands under the definition of—

(i) the term “Indian country” under section 1151 of title 18, United States Code; or

(ii) the term “reservation” under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) **FORMER INDIAN RESERVATIONS IN OKLAHOMA.**—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term “former Indian reservations in Oklahoma” shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

(7) **TRIBAL ORGANIZATION.**—The term “tribal organization” has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. ESTABLISHMENT OF AUTHORITY.

25 USC 4301
note.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior and other officials whom the Secretary determines to be appropriate, shall establish an authority to be known as the Regulatory Reform and Business Development on Indian Lands Authority.

Deadline.

(2) **PURPOSE.**—The Secretary shall establish the Authority under this subsection in order to facilitate the identification and subsequent removal of obstacles to investment, business

development, and the creation of wealth with respect to the economies of Native American communities.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Authority established under this section shall be composed of 21 members.

(2) **REPRESENTATIVES OF INDIAN TRIBES.**—12 members of the Authority shall be representatives of the Indian tribes from the areas of the Bureau of Indian Affairs. Each such area shall be represented by such a representative.

(3) **REPRESENTATIVES OF THE PRIVATE SECTOR.**—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

Deadline.

(c) **INITIAL MEETING.**—Not later than 90 days after the date of enactment of this Act, the Authority shall hold its initial meeting.

(d) **REVIEW.**—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

(e) **MEETINGS.**—The Authority shall meet at the call of the chairperson.

(f) **QUORUM.**—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(g) **CHAIRPERSON.**—The Authority shall select a chairperson from among its members.

Deadline.
23 USC 4301
note.

SEC. 5. REPORT.

Not later than 1 year after the date of enactment of this Act, the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

(1) the findings of the Authority concerning the review conducted under section 4(d); and

(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

25 USC 4301
note.

SEC. 6. POWERS OF THE AUTHORITY.

(a) **HEARINGS.**—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

(c) **POSTAL SERVICES.**—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Authority may accept, use, and dispose of gifts or donations of services or property.

25 USC 4301
note.

SEC. 7. AUTHORITY PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—

(1) NON-FEDERAL MEMBERS.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

(2) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(c) STAFF.—

(1) IN GENERAL.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Authority may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS-13 of the General Schedule established under section 5332 of title 5, United States Code.

SEC. 8. TERMINATION OF THE AUTHORITY.

The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

25 USC 4301
note.

SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

The activities of the Authority conducted under this Act shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

25 USC 4301
note.

114 STAT. 1938

PUBLIC LAW 106–447—NOV. 6, 2000

25 USC 4301
note.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Approved November 6, 2000.

LEGISLATIVE HISTORY—S. 614:

SENATE REPORTS: No. 106–151 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 15, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–448
106th Congress

An Act

To amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

Nov. 6, 2000
[S. 2812]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE
FOR NATURALIZATION OF ALIENS HAVING CERTAIN
DISABILITIES.**

Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by adding at the end the following: “The Attorney General may waive the taking of the oath by a person if in the opinion of the Attorney General the person is unable to understand, or to communicate an understanding of, its meaning because of a physical or developmental disability or mental impairment. If the Attorney General waives the taking of the oath by a person under the preceding sentence, the person shall be considered to have met the requirements of section 316(a)(3) with respect to attachment to the principles of the Constitution and well disposition to the good order and happiness of the United States.”.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to persons applying for naturalization before, on, or after the date of the enactment of this Act.

Applicability.
8 USC 1448 note.

Approved November 6, 2000.

LEGISLATIVE HISTORY—S. 2812 (H.R. 4838):

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 21, considered and passed Senate.

Oct. 10, considered and passed House, amended, in lieu of H.R. 4838.

Oct. 19, Senate concurred in House amendment.



Public Law 106–449
106th Congress

An Act

Nov. 6, 2000
[S. 3062]

To modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking “Not later than March 1 of each year (beginning with 1998)” and inserting “Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)”; and

(B) in paragraph (2)(A) by striking “that describe an acceptable level of performance by the government and a superior level of performance by the government”; and

(2) in subsection (b)—

(A) in paragraph (1) by striking “1999” and inserting “2001”; and

(B) in paragraph (2)(A) by striking “for an acceptable level of performance by the government and a superior level of performance by the government”.

Approved November 6, 2000.

LEGISLATIVE HISTORY—S. 3062:

SENATE REPORTS: No. 106–469 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 6, considered and passed Senate.

Oct. 19, considered and passed House.



Public Law 106–450
106th Congress

An Act

To amend the Fishermen’s Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

Nov. 7, 2000
[H.R. 1651]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—EXTENSION OF PERIOD FOR
REIMBURSEMENT UNDER FISHER-
MEN’S PROTECTIVE ACT OF 1967**

Fishermen’s
Protective Act
Amendments of
2000.

SEC. 101. SHORT TITLE.

This title may be cited as the “Fishermen’s Protective Act Amendments of 2000”.

22 USC 1971
note.

SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN’S PROTECTIVE ACT OF 1967.

(a) IN GENERAL.—Section 7(e) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking “2000” and inserting “2003”.

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking “Secretary of the Interior” and inserting “Secretary of Commerce”.

TITLE II—YUKON RIVER SALMON

Yukon River
Salmon Act of
2000.
Alaska.
Canada.
16 USC 5701
note.
16 USC 5721.

SEC. 201. SHORT TITLE.

This title may be cited as the “Yukon River Salmon Act of 2000”.

SEC. 202. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the “Panel”).

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this or any other title.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve 4-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 203. ADVISORY COMMITTEE.

16 USC 5722.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve 2-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

SEC. 204. EXEMPTION.

16 USC 5723.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 203.

SEC. 205. AUTHORITY AND RESPONSIBILITY.

16 USC 5724.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 206. ADMINISTRATIVE MATTERS.

16 USC 5725.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the

Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) **TREATMENT AS FEDERAL EMPLOYEES.**—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

16 USC 5726.

SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) **IN GENERAL.**—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) **COOPERATION WITH CANADA.**—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

16 USC 5727.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title \$4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to \$3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to \$1,200,000 shall be available

each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

(4) \$600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

TITLE III—FISHERY INFORMATION ACQUISITION

Fisheries Survey
Vessel
Authorization
Act of 2000.

SEC. 301. SHORT TITLE.

This title may be cited as the “Fisheries Survey Vessel Authorization Act of 2000”.

38 USC 891b
note.

SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

33 USC 891b
note.

(a) **IN GENERAL.**—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) **VESSEL REQUIREMENTS.**—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) **AUTHORIZATION.**—To carry out this section there are authorized to be appropriated to the Secretary \$60,000,000 for each of fiscal years 2002 and 2003.

TITLE IV—MISCELLANEOUS

SEC. 401. FISHERIES RESEARCH VESSEL PROCUREMENT.

33 USC 891e
note.

Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research

Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

Approved November 7, 2000.

LEGISLATIVE HISTORY—H.R. 1651:

HOUSE REPORTS: No. 106-197 (Comm. on Resources).

SENATE REPORTS: No. 106-302 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 13, considered and passed House.

Vol. 146 (2000): June 26, considered and passed Senate, amended.

Sept. 18, House concurred in Senate amendment with an amendment.

Oct. 25, Senate concurred in House amendment.



Public Law 106–451
106th Congress

An Act

To provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

Nov. 7, 2000
[H.R. 2442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wartime Violation of Italian American Civil Liberties Act”.

Wartime
Violation of
Italian American
Civil Liberties
Act.
50 USC app.
1981 note.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The freedom of more than 600,000 Italian-born immigrants in the United States and their families was restricted during World War II by Government measures that branded them “enemy aliens” and included carrying identification cards, travel restrictions, and seizure of personal property.

(2) During World War II more than 10,000 Italian Americans living on the West Coast were forced to leave their homes and prohibited from entering coastal zones. More than 50,000 were subjected to curfews.

(3) During World War II thousands of Italian American immigrants were arrested, and hundreds were interned in military camps.

(4) Hundreds of thousands of Italian Americans performed exemplary service and thousands sacrificed their lives in defense of the United States.

(5) At the time, Italians were the largest foreign-born group in the United States, and today are the fifth largest immigrant group in the United States, numbering approximately 15 million.

(6) The impact of the wartime experience was devastating to Italian American communities in the United States, and its effects are still being felt.

(7) A deliberate policy kept these measures from the public during the war. Even 50 years later much information is still classified, the full story remains unknown to the public, and it has never been acknowledged in any official capacity by the United States Government.

SEC. 3. REPORT.

The Attorney General shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than 1 year after the

Deadline.
50 USC app.
1981 note.

date of the enactment of this Act shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

(2) The names of all Italian Americans who were taken into custody.

(3) The names of all Italian Americans who were interned and the location where they were interned.

(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army's "Individual Exclusion Program".

(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066.

(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

(7) A list of ports from which Italian American fishermen were restricted.

(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

(9) The names of Italian Americans whose boats were confiscated.

(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

Records.

(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

(12) An explanation of whether Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, and if so, why other Italian Americans were not.

(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the story of the treatment of Italian Americans during World War II needs to be told in order to acknowledge that these events happened, to remember those whose lives were unjustly disrupted and whose freedoms were violated, to help repair the damage to the Italian American community, and to discourage the occurrence of similar injustices and violations of civil liberties in the future;

(2) Federal agencies, including the Department of Education and the National Endowment for the Humanities, should support projects such as—

(A) conferences, seminars, and lectures to heighten awareness of this unfortunate chapter in our Nation's history;

(B) the refurbishment of and payment of all expenses associated with the traveling exhibit “Una Storia Segreta”, exhibited at major cultural and educational institutions throughout the United States; and

(C) documentaries to allow this issue to be presented to the American public to raise its awareness;

(3) an independent, volunteer advisory committee should be established comprised of representatives of Italian American organizations, historians, and other interested individuals to assist in the compilation, research, and dissemination of information concerning the treatment of Italian Americans;

(4) after completion of the report required by this Act, financial support should be provided for the education of the American public through the production of a documentary film suited for public broadcast; and

(5) the President should, on behalf of the United States Government, formally acknowledge that these events during World War II represented a fundamental injustice against Italian Americans.

Approved November 7, 2000.

LEGISLATIVE HISTORY—H.R. 2442:

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 10, considered and passed House.

Vol. 146 (2000): Oct. 19, considered and passed Senate, amended.

Oct. 24, House concurred in Senate amendments.



Public Law 106–452
106th Congress

An Act

Nov. 7, 2000
[H.R. 4831]

To redesignate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the “Roberto Clemente Post Office”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, and known as the Logan Square Post Office, shall be known and designated as the “Roberto Clemente Post Office”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Roberto Clemente Post Office”.

Approved November 7, 2000.

LEGISLATIVE HISTORY—H.R. 4831:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed House.

Oct. 24, considered and passed Senate.



Public Law 106–453
106th Congress

An Act

To redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the “Arnold C. D’Amico Station”.

Nov. 7, 2000
[H.R. 4853]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the “Arnold C. D’Amico Station”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Arnold C. D’Amico Station”.

Approved November 7, 2000.

LEGISLATIVE HISTORY—H.R. 4853:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 12, considered and passed House.

Oct. 24, considered and passed Senate.



Public Law 106–454
106th Congress

An Act

Nov. 7, 2000
[H.R. 5229]

To designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the “Ruth Harris Coleman Post Office Building”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, shall be known and designated as the “Ruth Harris Coleman Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Ruth Harris Coleman Post Office Building”.

Approved November 7, 2000.

LEGISLATIVE HISTORY—H.R. 5229:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed House.

Oct. 24, considered and passed Senate.



Public Law 106–455
106th Congress

An Act

To address resource management issues in Glacier Bay National Park, Alaska.

Nov. 7, 2000

[S. 501]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Glacier Bay National Park Resource Management Act of 2000”.

Glacier Bay
National Park
Resource
Management Act
of 2000.
16 USC 410hh–4
note.
16 USC 410hh–4
note.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term “local residents” means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term “outer waters” means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term “park” means Glacier Bay National Park;

(4) the term “Secretary” means the Secretary of the Interior; and

(5) the term “State” means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State,

16 USC 410hh–4
note.

the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

Deadline.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the congressional committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such committees on a biennial basis.

16 USC 410hh-4
note.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) **STUDY.**—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) **RECOMMENDATIONS.**—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

16 USC 410hh-4
note.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 501:

SENATE REPORTS: No. 106-128 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–456
106th Congress

An Act

Designating certain land in the San Isabel National Forest in the State of Colorado
as the “Spanish Peaks Wilderness”.

Nov. 7, 2000
[S. 503]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Spanish Peaks
Wilderness Act of
2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Spanish Peaks Wilderness Act of 2000”.

SEC. 2. DESIGNATION OF SPANISH PEAKS WILDERNESS.

(a) COLORADO WILDERNESS ACT.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following:

“(20) SPANISH PEAKS WILDERNESS.—Certain land in the San Isabel National Forest that—

“(A) comprises approximately 18,000 acres, as generally depicted on a map entitled ‘Proposed Spanish Peaks Wilderness’, dated February 10, 1999; and

“(B) shall be known as the ‘Spanish Peaks Wilderness’.”.

(b) MAP; BOUNDARY DESCRIPTION.—

(1) FILING.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this Act as the “Secretary”), shall file a map and boundary description of the area designated under subsection (a) with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The map and boundary description under paragraph (1) shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756), except that the Secretary may correct clerical and typographical errors in the map and boundary description.

(3) AVAILABILITY.—The map and boundary description under paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

SEC. 3. ACCESS.

(a) IN GENERAL.—The Secretary shall allow the continuation of historic uses of the Bulls Eye Mine Road established before the date of enactment of this Act, subject to such terms and conditions as the Secretary may provide.

(b) PRIVATELY OWNED LAND.—Access to any privately owned land within the wilderness areas designated under section 2 shall be provided in accordance with section 5 of the Wilderness Act (16 U.S.C. 1134 et seq.).

SEC. 4. CONFORMING AMENDMENTS.

Section 10 of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is repealed.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 503 (H.R. 898):

HOUSE REPORTS: No. 106–173 accompanying H.R. 898 (Comm. on Resources).

SENATE REPORTS: No. 106–233 (Comm. on Energy and Natural Resources).

Vol. 146 (2000): Apr. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–457
106th Congress

An Act

To encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

Nov. 7, 2000
[S. 835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Estuaries and Clean Waters Act of 2000”.

(b) TABLE OF CONTENTS.—

Estuaries and
Clean Waters Act
of 2000.
33 USC 2901
note.

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Estuary habitat restoration program.
Sec. 105. Establishment of Estuary Habitat Restoration Council.
Sec. 106. Estuary habitat restoration strategy.
Sec. 107. Monitoring of estuary habitat restoration projects.
Sec. 108. Reporting.
Sec. 109. Funding.
Sec. 110. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Chesapeake Bay.

TITLE III—NATIONAL ESTUARY PROGRAM

Sec. 301. Addition to national estuary program.
Sec. 302. Grants.
Sec. 303. Authorization of appropriations.

TITLE IV—LONG ISLAND SOUND RESTORATION

Sec. 401. Short title.
Sec. 402. Innovative methodologies and technologies.
Sec. 403. Assistance for distressed communities.
Sec. 404. Authorization of appropriations.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

Sec. 501. Short title.
Sec. 502. Lake Pontchartrain basin.

TITLE VI—ALTERNATIVE WATER SOURCES

Sec. 601. Short title.
Sec. 602. Pilot program for alternative water source projects.

TITLE VII—CLEAN LAKES

Sec. 701. Grants to States.

Sec. 702. Demonstration program.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 801. Short title.

Sec. 802. Purpose.

Sec. 803. Definitions.

Sec. 804. Actions to be taken by the Commission and the Administrator.

Sec. 805. Negotiation of new treaty minute.

Sec. 806. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Purchase of American-made equipment and products.

Sec. 902. Long-term estuary assessment.

Sec. 903. Rural sanitation grants.

TITLE I—ESTUARY RESTORATION

Estuary
Restoration Act
of 2000.
33 USC 2901
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “Estuary Restoration Act of 2000”.

33 USC 2901.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities through the use of the environmental technology innovation program associated with the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies.

33 USC 2902.

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term “Council” means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term “estuary” means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries, including the area located in the Great Lakes biogeographic region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act.

(3) ESTUARY HABITAT.—The term “estuary habitat” means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term “estuary habitat restoration activity” means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term “estuary habitat restoration activity” includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term “estuary habitat restoration activity” does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term “estuary habitat restoration project” means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term “estuary habitat restoration plan” means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term “estuary habitat restoration plan” includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) NON-FEDERAL INTEREST.—The term “non-Federal interest” means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(f)(2), a nongovernmental organization.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(10) STATE.—The term “State” means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

33 USC 2903.

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) ORIGIN OF PROJECTS.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary shall select estuary habitat restoration projects from a list of project proposals submitted by the Estuary Habitat Restoration Council under section 105(b).

(2) REQUIRED ELEMENTS.—Each estuary habitat restoration project selected by the Secretary must—

(A) address restoration needs identified in an estuary habitat restoration plan;

(B) be consistent with the estuary habitat restoration strategy developed under section 106;

(C) include a monitoring plan that is consistent with standards for monitoring developed under section 107 to ensure that short-term and long-term restoration goals are achieved; and

(D) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out items of local cooperation and properly maintain the project.

(3) FACTORS FOR SELECTION OF PROJECTS.—In selecting an estuary habitat restoration project, the Secretary shall consider the following factors:

(A) Whether the project is part of an approved Federal estuary management or habitat restoration plan.

(B) The technical feasibility of the project.

(C) The scientific merit of the project.

(D) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(E) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(F) Whether the project is cost-effective.

(G) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(H) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(4) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (3)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing of or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2) and subsection (e)(2), the Federal share of the cost of an estuary habitat restoration project (other than the cost of operation and maintenance of the project) carried out under this title shall not exceed 65 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing of or a demonstration of an innovative technology described in subsection (c)(4)(B) shall be 85 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 106, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(f) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary may not carry out an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (d)(3); and

(B) provide for maintenance and monitoring of the project.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project to be undertaken under this title, the Secretary, in consultation and coordination with appropriate State and local governmental agencies and Indian tribes, may allow a nongovernmental organization to serve as the non-Federal interest for the project.

(g) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, upon the recommendation of the Council, determines such delegation is appropriate.

33 USC 2904.

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the “Estuary Habitat Restoration Council”.

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and developing recommendations concerning such proposals based on the factors specified in section 104(c)(3);

(2) submitting to the Secretary a list of recommended projects, including a recommended priority order and any recommendation as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(g);

(3) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(4) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(5) providing advice on the development of the database, monitoring standards, and report required under sections 107 and 108.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary’s designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary’s designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator’s designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary’s designee).

(5) The Secretary of Agriculture (or such Secretary’s designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) PROHIBITION OF COMPENSATION.—Members of the Council may not receive compensation for their service as members of the Council.

(e) CHAIRPERSON.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) CONVENING OF COUNCIL.—

(1) FIRST MEETING.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson. Deadline.

(2) ADDITIONAL MEETINGS.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) COUNCIL PROCEDURES.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) PUBLIC PARTICIPATION.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

(i) ADVICE.—The Council shall consult with persons with recognized scientific expertise in estuary or estuary habitat restoration, representatives of State agencies, local or regional government agencies, and nongovernmental organizations with expertise in estuary or estuary habitat restoration, and representatives of Indian tribes, agricultural interests, fishing interests, and other estuary users—

(1) to assist the Council in the development of the estuary habitat restoration strategy to be developed under section 106; and

(2) to provide advice and recommendations to the Council on proposed estuary habitat restoration projects, including advice on the scientific merit, technical merit, and feasibility of a project.

SEC. 106. ESTUARY HABITAT RESTORATION STRATEGY.

33 USC 2905.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat. Deadline.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) **ELEMENTS OF THE STRATEGY.**—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

Federal Register,
publication.

(e) **PUBLIC REVIEW AND COMMENT.**—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) **PERIODIC REVISION.**—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

33 USC 2906.

SEC. 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) **UNDER SECRETARY.**—In this section, the term “Under Secretary” means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) **DATABASE OF RESTORATION PROJECT INFORMATION.**—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) **MONITORING DATA STANDARDS.**—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) **COORDINATION OF DATA.**—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) **USE OF EXISTING PROGRAMS.**—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) **PUBLIC AVAILABILITY.**—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 108. REPORTING.

33 USC 2907.

(a) **IN GENERAL.**—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) **CONTENTS OF REPORT.**—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 107(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. FUNDING.

33 USC 2908.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **ESTUARY HABITAT RESTORATION PROJECTS.**—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) \$40,000,000 for fiscal year 2001;

(B) \$50,000,000 for each of fiscal years 2002 and 2003;

(C) \$60,000,000 for fiscal year 2004; and

(D) \$75,000,000 for fiscal year 2005.

Such sums shall remain available until expended.

(2) **MONITORING.**—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, \$1,500,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council.

33 USC 2909.

SEC. 110. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

TITLE II—CHESAPEAKE BAY RESTORATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Chesapeake Bay Restoration Act of 2000”.

Chesapeake Bay
Restoration Act
of 2000.
State listing.
33 USC 1251
note.

SEC. 202. FINDINGS AND PURPOSES.

33 USC 1267
note.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this title are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 203. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

“SEC. 117. CHESAPEAKE BAY.

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADMINISTRATIVE COST.—The term ‘administrative cost’ means the cost of salaries and fringe benefits incurred in administering a grant under this section.

“(2) CHESAPEAKE BAY AGREEMENT.—The term ‘Chesapeake Bay Agreement’ means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

“(3) CHESAPEAKE BAY ECOSYSTEM.—The term ‘Chesapeake Bay ecosystem’ means the ecosystem of the Chesapeake Bay and its watershed.

“(4) CHESAPEAKE BAY PROGRAM.—The term ‘Chesapeake Bay Program’ means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

“(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term ‘Chesapeake Executive Council’ means the signatories to the Chesapeake Bay Agreement.

“(6) SIGNATORY JURISDICTION.—The term ‘signatory jurisdiction’ means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

“(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

“(2) PROGRAM OFFICE.—

“(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

“(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

“(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

“(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

“(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

“(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

“(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

“(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

“(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

“(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

Government
organization.

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

“(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

“(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

“(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(e) IMPLEMENTATION AND MONITORING GRANTS.—

“(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

“(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate; and

“(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

“(2) PROPOSALS.—

“(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

“(B) CONTENTS.—A proposal under subparagraph (A) shall include—

“(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

“(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

“(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

Deadline.
Public
information.

“(4) FEDERAL SHARE.—The Federal share of a grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

“(5) NON-FEDERAL SHARE.—A grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

“(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

“(A) all projects and activities funded for the fiscal year;

“(B) the goals and objectives of projects funded for the previous fiscal year; and

“(C) the net benefits of projects funded for previous fiscal years.

“(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

“(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

“(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

“(3) BUDGET COORDINATION.—

“(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

“(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

“(g) CHESAPEAKE BAY PROGRAM.—

“(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

“(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

“(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

“(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating

the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

“(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

“(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

“(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

“(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

“(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

“(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

“(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

“(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

“(1) IN GENERAL.—Not later than April 22, 2003, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study. Deadline.

“(2) REQUIREMENTS.—The study and report shall—

“(A) assess the state of the Chesapeake Bay ecosystem;

“(B) compare the current state of the Chesapeake Bay ecosystem with its state in 1975, 1985, and 1995;

“(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

“(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

“(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

“(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality Deadline.

that have resulted from investments made through the Chesapeake Bay Program.

“(2) REQUIREMENTS.—The study shall—

“(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

“(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

“(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

“(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.”.

TITLE III—NATIONAL ESTUARY PROGRAM.

SEC. 301. ADDITION TO NATIONAL ESTUARY PROGRAM.

Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting “Lake Pontchartrain Basin, Louisiana and Mississippi;” before “and Peconic Bay, New York.”.

SEC. 302. GRANTS.

Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) PURPOSES.—Grants under this subsection shall be made to pay for activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

“(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

“(A) shall not exceed—

“(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

“(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

“(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking “\$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991” and inserting “\$35,000,000 for each of fiscal years 2001 through 2005”.

TITLE IV—LONG ISLAND SOUND RESTORATION

Long Island
Sound
Restoration Act.
33 USC 1251
note.

SEC. 401. SHORT TITLE.

This title may be cited as the “Long Island Sound Restoration Act”.

SEC. 402. INNOVATIVE METHODOLOGIES AND TECHNOLOGIES.

Section 119(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1269(c)(1)) is amended by inserting “, including efforts to establish, within the process for granting watershed general permits, a system for promoting innovative methodologies and technologies that are cost-effective and consistent with the goals of the Plan” before the semicolon at the end.

SEC. 403. ASSISTANCE FOR DISTRESSED COMMUNITIES.

Section 119 of the Federal Water Pollution Control Act (33 U.S.C. 1269) is amended—

- (1) by redesignating subsection (e) as subsection (f); and
- (2) by inserting after subsection (d) the following:

“(e) ASSISTANCE TO DISTRESSED COMMUNITIES.—

“(1) ELIGIBLE COMMUNITIES.—For the purposes of this subsection, a distressed community is any community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

“(2) PRIORITY.—In making assistance available under this section for the upgrading of wastewater treatment facilities, the Administrator may give priority to a distressed community.”.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (as redesignated by section 403 of this Act) is amended—

- (1) in paragraph (1) by striking “1991 through 2001” and inserting “2001 through 2005”; and
- (2) in paragraph (2) by striking “not to exceed \$3,000,000 for each of the fiscal years 1991 through 2001” and inserting “not to exceed \$40,000,000 for each of fiscal years 2001 through 2005”.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

Lake
Pontchartrain
Basin
Restoration Act
of 2000.

SEC. 501. SHORT TITLE.

This title may be cited as the “Lake Pontchartrain Basin Restoration Act of 2000”.

SEC. 502. LAKE PONTCHARTRAIN BASIN.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

33 USC 1273.

“SEC. 121. LAKE PONTCHARTRAIN BASIN.

“(a) ESTABLISHMENT OF RESTORATION PROGRAM.—The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

“(b) PURPOSE.—The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

“(c) DUTIES.—In carrying out the program, the Administrator shall—

“(1) provide administrative and technical assistance to a management conference convened for the Basin under section 320;

“(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

“(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

“(4) develop a comprehensive research plan to address the technical needs of the program;

“(5) coordinate the grant, research, and planning programs authorized under this section; and

“(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

“(d) GRANTS.—The Administrator may make grants—

“(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 320; and

“(2) for public education projects recommended by the management conference.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) BASIN.—The term ‘Basin’ means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

“(2) PROGRAM.—The term ‘program’ means the Lake Pontchartrain Basin Restoration Program established under subsection (a).

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

“(2) PUBLIC EDUCATION PROJECTS.—Not more than 15 percent of the amount appropriated pursuant to paragraph (1) in a fiscal year may be expended on grants for public education projects under subsection (d)(2).”.

Public
information.

TITLE VI—ALTERNATIVE WATER SOURCES

SEC. 601. SHORT TITLE.

This title may be cited as the “Alternative Water Sources Act of 2000”.

Alternative
Water Sources
Act of 2000.
33 USC 1251
note.

SEC. 602. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

“SEC. 220. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

33 USC 1300.

“(a) POLICY.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act and all of the provisions of this section shall be carried out in accordance with the provisions of section 101(g).

“(b) IN GENERAL.—The Administrator may establish a pilot program to make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

“(c) ELIGIBLE ENTITY.—The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

“(d) SELECTION OF PROJECTS.—

“(1) LIMITATION.—A project that has received funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

“(2) ADDITIONAL CONSIDERATION.—In making grants under this section, the Administrator shall consider whether the project is located within the boundaries of a State or area referred to in section 1 of the Reclamation Act of June 17, 1902 (32 Stat. 385), and within the geographic scope of the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

“(3) GEOGRAPHICAL DISTRIBUTION.—Alternative water source projects selected by the Administrator under this section shall reflect a variety of geographical and environmental conditions.

“(e) COMMITTEE RESOLUTION PROCEDURE.—

“(1) IN GENERAL.—No appropriation shall be made for any alternative water source project under this section, the total Federal cost of which exceeds \$3,000,000, if such project has not been approved by a resolution adopted by the Committee on Transportation and Infrastructure of the House of Representatives or the Committee on Environment and Public Works of the Senate.

“(2) REQUIREMENTS FOR SECURING CONSIDERATION.—For purposes of securing consideration of approval under paragraph (1), the Administrator shall provide to a committee referred to in paragraph (1) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the alternative water source project.

“(f) USES OF GRANTS.—Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

“(g) COST SHARING.—The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

Deadline.

“(h) REPORTS.—On or before September 30, 2004, the Administrator shall transmit to Congress a report on the results of the pilot program established under this section, including progress made toward meeting the critical water supply needs of the participants in the pilot program.

“(i) DEFINITIONS.—In this section, the following definitions apply:

“(1) ALTERNATIVE WATER SOURCE PROJECT.—The term ‘alternative water source project’ means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water or wastewater or by treating wastewater. Such term does not include water treatment or distribution facilities.

“(2) CRITICAL WATER SUPPLY NEEDS.—The term ‘critical water supply needs’ means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$75,000,000 for fiscal years 2002 through 2004. Such sums shall remain available until expended.”.

TITLE VII—CLEAN LAKES

SEC. 701. GRANTS TO STATES.

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking “\$50,000,000” the first place it appears and all that follows through “1990” and inserting “\$50,000,000 for each of fiscal years 2001 through 2005”.

SEC. 702. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting “Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota; Walker Lake, Nevada; Lake Tahoe, California and Nevada; Ten Mile Lakes, Oregon;

Woahink Lake, Oregon; Highland Lake, Connecticut; Lily Lake, New Jersey; Strawbridge Lake, New Jersey; Baboosic Lake, New Hampshire; French Pond, New Hampshire; Dillon Reservoir, Ohio; Tohopekaliga Lake, Florida; Lake Apopka, Florida; Lake George, New York; Lake Wallenpaupack, Pennsylvania; Lake Allatoona, Georgia;” after “Sauk Lake, Minnesota;”;

(2) in paragraph (3) by striking “By” and inserting “Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by”; and

(3) in paragraph (4)(B)(i) by striking “\$15,000,000” and inserting “\$25,000,000”.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

SEC. 801. SHORT TITLE.

This title may be cited as the “Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000”.

SEC. 802. PURPOSE.

The purpose of this title is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **COMMISSION.**—The term “Commission” means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) **IWTP.**—The term “IWTP” means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) **SECONDARY TREATMENT.**—The term “secondary treatment” has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of State.

(6) **MEXICAN FACILITY.**—The term “Mexican facility” means a proposed public-private wastewater treatment facility to be constructed and operated under this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) **MGD.**—The term “mgd” means million gallons per day.

Tijuana River
Valley Estuary
and Beach
Sewage Cleanup
Act of 2000.
Mexico.
22 USC 277d–43
note.
22 USC 277d–43
note.

22 USC 277d–43.

22 USC 277d-44. **SEC. 804. ACTIONS TO BE TAKEN BY THE COMMISSION AND THE ADMINISTRATOR.****(a) SECONDARY TREATMENT.—**

(1) **IN GENERAL.**—Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 1005 of this Act, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) **ADDITIONAL AUTHORITY.**—Subject to the results of the comprehensive plan developed under subsection (b) revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

Deadline.

(b) **COMPREHENSIVE PLAN.**—Not later than 24 months after the date of enactment of this Act, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) CONTRACT.—

(1) **IN GENERAL.**—Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 5, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) and make payments under such contract.

(2) **TERMS.**—Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a), additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 20 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Maintenance by the owner of the Mexican facility at all times throughout the term of the contract of a 20 percent equity position in the capital structure of the Mexican facility.

(I) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility, with such annual payment to maintain the owner's 20 percent equity position throughout the term of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(K) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(L) The use of competitive procedures, consistent with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(M) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(N) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this section and the contract.

Records.

(O) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (N) to facilitate the monitoring and evaluation required under subsection (d).

Records.

(P) Offsets or credits against the payments to be made by the Commission under this section to reflect an agreed upon percentage of payments that the owner of the Mexican facility receives through the sale of water treated by the facility.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—The Inspector General of the Department of State shall monitor the implementation of any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

Deadline.

(2) REPORT.—The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

22 USC 277d-45. **SEC. 805. NEGOTIATION OF NEW TREATY MINUTE.**

(a) CONGRESSIONAL STATEMENT.—In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of this title, in order that the other provisions of this title to address such pollution may be implemented as soon as possible.

(b) NEGOTIATION.—

(1) INITIATION.—The Secretary is requested to initiate negotiations with Mexico, within 60 days after the date of enactment of this Act, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of this title.

(2) IMPLEMENTATION.—Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) MATTERS TO BE ADDRESSED.—A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use

is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of this title.

SEC. 806. AUTHORIZATION OF APPROPRIATIONS.

22 USC 277d–46.

There is authorized to be appropriated a total of \$156,000,000 for fiscal years 2001 through 2005 to carry out this title. Such sums shall remain available until expended.

TITLE IX—GENERAL PROVISIONS

SEC. 901. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

33 USC 2901 note.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—The head of each Federal Agency providing financial assistance under this Act, to the extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

SEC. 902. LONG-TERM ESTUARY ASSESSMENT.

Mississippi.
33 USC 2901
note.

(a) IN GENERAL.—The Secretary of Commerce (acting through the Under Secretary for Oceans and Atmosphere) and the Secretary of the Interior (acting through the Director of the Geological Survey) may carry out a long-term estuary assessment project (in this section referred to as the “project”) in accordance with the requirements of this section.

(b) PURPOSE.—The purpose of the project shall be to establish a network of strategic environmental assessment and monitoring projects for the Mississippi River south of Vicksburg, Mississippi, and the Gulf of Mexico, in order to develop advanced long-term assessment and monitoring systems and models relating to the Mississippi River and other aquatic ecosystems, including developing equipment and techniques necessary to implement the project.

(c) MANAGEMENT AGREEMENT.—To establish, operate, and implement the project, the Secretary of Commerce and the Secretary of the Interior may enter into a management agreement with a university-based consortium.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) \$1,000,000 for fiscal year 2001 to develop the management agreement under subsection (c); and

(2) \$4,000,000 for each of fiscal years 2002, 2003, 2004, and 2005 to carry out the project.

Such sums shall remain available until expended.

SEC. 903. RURAL SANITATION GRANTS.

Section 303(e) of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a(e)) is amended by striking “\$15,000,000” and all that follows through “section.” and inserting the following: “to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 835 (H.R. 1775) (H.R. 3039):

HOUSE REPORTS: Nos. 106–550 accompanying H.R. 3039 (Comm. on Transportation and Infrastructure), 106–561, Pt. 1 (Comm. Transportation and Infrastructure) and Pt. 2 (Comm. on Resources) both accompanying H.R. 1775, and 106–995 (Comm. of Conference).

SENATE REPORTS: No. 106–189 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD Vol. 146 (2000):

Mar. 30, considered and passed Senate.
Sept. 12, considered and passed House, amended.
Oct. 23, Senate agreed to conference report.
Oct. 25, House agreed to conference report.



Public Law 106–458
106th Congress

An Act

To authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

Nov. 7, 2000
[S. 1088]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arizona National
Forest
Improvement Act
of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Arizona National Forest Improvement Act of 2000”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term “City” means the city of Sedona, Arizona.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled “Camp Verde Administrative Site”, dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled “Cave Creek Administrative Site”, dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled “Fredonia Duplex Dwelling, Fredonia Ranger Dwelling”, dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled “Groom Creek Administrative Site”, dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled “Payson Administrative Site”, dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled “Sedona Administrative Site”, dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land,

existing improvements, and improvements constructed to the specifications of the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) **CASH EQUALIZATION.**—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) **SOLICITATION OF OFFERS.**—

(1) **IN GENERAL.**—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) **REJECTION OF OFFERS.**—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) **REVOCATIONS.**—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) **IN GENERAL.**—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled “Sedona Effluent Management Plan”, dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) **DESCRIPTION.**—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) **CONSIDERATION.**—

(1) **FAIR MARKET VALUE.**—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) **COST OF APPRAISAL.**—The City shall pay the cost of the appraisal of the land.

(3) **PAYMENT.**—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or Deadline.

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

- (1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or
- (2) the acquisition of land and or an interest in land in the State of Arizona.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 1088:

SENATE REPORTS: No. 106-115 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–459
106th Congress

An Act

To amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

Nov. 7, 2000
[S. 1211]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking “\$75,000,000 for subsection 202(a)” and inserting “\$175,000,000 for section 202(a)”; and

(B) by striking “paragraph 202(a)(6)” and inserting “paragraph (6) of section 202(a)”; and

(2) in the second sentence, by striking “paragraph 202(a)(6)” and inserting “section 202(a)(6)”.

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives no later than June 30, 2000.

Deadline.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 1211:

HOUSE REPORTS: No. 106–814 (Comm. on Resources).

SENATE REPORTS: No. 106–175 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–460
106th Congress

An Act

Nov. 7, 2000
[S. 1218]

To direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to valid existing rights, the Secretary of the Interior shall issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of approximately 2.06 acres of land as follows: T.25 N, R.24 E, Montana Prime Meridian, section 27, block 2, school reserve, and section 27, block 3, lot 13.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 1218:

SENATE REPORTS: No. 106–245 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–461
106th Congress

An Act

To authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

Nov. 7, 2000
[S. 1275]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hoover Dam Miscellaneous Sales Act”.

Hoover Dam
Miscellaneous
Sales Act.
43 USC 619 note.

SEC. 2. FINDINGS.

43 USC 619 note.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

43 USC 619 note.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

43 USC 619 note.

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

43 USC 619 note. **SEC. 5. COSTS AND REVENUES.**

(a) **COSTS.**—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) **REVENUES.**—

(1) **USE FOR REPAYMENT OF SALES COSTS.**—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) **USE FOR REPAYMENT OF CONSTRUCTION COSTS.**—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 1275:

HOUSE REPORTS: No. 106–808 (Comm. on Resources).

SENATE REPORTS: No. 106–195 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–462
106th Congress

An Act

To reduce the fractionated ownership of Indian lands, and for other purposes.

Nov. 7, 2000

[S. 1586]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Land Consolidation Act Amendments of 2000”.

Indian Land
Consolidation Act
Amendments of
2000.
25 USC 2201
note.

TITLE I—INDIAN LAND CONSOLIDATION

SEC. 101. FINDINGS.

25 USC 2201
note.

Congress finds that—

(1) in the 1800’s and early 1900’s, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owner’s consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in *Babbitt v. Youpee* (117 S Ct. 727 (1997)), the United States Supreme Court found the application of section 207

of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of the Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests “to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206”;

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

25 USC 2201
note.

SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

25 USC 2201
note.

SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking “(1) ‘tribe’” and inserting “(1) ‘Indian tribe’ or ‘tribe’”;

(B) by striking paragraph (2) and inserting the following:

“(2) ‘Indian’ means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of ‘Indian’ under a provision of Federal law if the Secretary determines that using such law’s definition of Indian is consistent with the purposes of this Act;”;

(C) by striking “and” at the end of paragraph (3);

(D) by striking the period at the end of paragraph

(4) and inserting “; and”; and

(E) by adding at the end the following:

“(5) ‘heirs of the first or second degree’ means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.”;

(2) in section 205—

25 USC 2204.

(A) in the matter preceding paragraph (1)—

(i) by striking “Any Indian” and inserting “(a) IN GENERAL.—Subject to subsection (b), any Indian”;

(ii) by striking the colon and inserting the following: “. Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.”;

(iii) by striking “: *Provided, That—*” and inserting the following:

“(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—”;

(B) in paragraph (2)—

(i) by striking “If,” and inserting “if”; and

(ii) by adding “and” at the end; and

(C) by striking paragraph (3) and inserting the following:

“(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.”;

(3) by striking section 206 and inserting the following: 25 USC 2205.

“SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

“(a) TRIBAL PROBATE CODES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

“(A) located within that Indian tribe’s reservation; or

“(B) otherwise subject to the jurisdiction of that Indian tribe.

“(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

“(A) rules of intestate succession; and

“(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

“(b) SECRETARIAL APPROVAL.—

“(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

“(2) REVIEW AND APPROVAL.—

Deadline.

“(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

“(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

“(E) AMENDMENTS.—

Deadline.

“(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

“(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

“(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

“(A) the date specified in section 207(g)(5); or

“(B) 180 days after the date of approval.

“(4) LIMITATIONS.—

“(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

“(5) REPEALS.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

Effective date.

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

“(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent’s death. The Secretary shall transfer such payment to the devisee.

“(2) LIMITATION.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent’s estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

“(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

“(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

“(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

“(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

“(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

“(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following: 25 USC 2206.

“SEC. 207. DESCENT AND DISTRIBUTION.

“(a) TESTAMENTARY DISPOSITION.—

“(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

“(A) the decedent’s Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

“(3) REMAINDER.—

“(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent’s Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

“(B) DESCENT OF INTERESTS.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent’s collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent’s death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(C) DEFINITION.—For purposes of this section, the term ‘collateral heirs of the first or second degree’ means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent’s estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent’s estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

“(6) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent’s heirs of the first or second degree or collateral heirs of the first or second degree.

“(B) ACQUISITION OF INTEREST BY TRIBE.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

“(b) INTESTATE SUCCESSION.—

“(1) IN GENERAL.—An interest in trust or restricted land shall pass by intestate succession only to a decedent’s spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

“(2) LIFE ESTATE.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

“(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent’s collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent’s death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent’s estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

“(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

“(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

“(2) INTESTATE.—

“(A) IN GENERAL.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land; shall be held as tenancy in common.

“(B) LIMITED INTEREST.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land; shall be held by such heirs with the right of survivorship.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—This subsection (other than subparagraph (B)) shall become effective on the later of—

“(i) the date referred to in subsection (g)(5); or

“(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

“(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

“(d) DESCENT OF OFF-RESERVATION LANDS.—

“(1) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term ‘Indian reservation’ includes lands located within—

Oklahoma.

“(A)(i) Oklahoma; and

“(ii) the boundaries of an Indian tribe’s former reservation (as defined and determined by the Secretary);

“(B) the boundaries of any Indian tribe’s current or former reservation; or

“(C) any area where the Secretary is required to provide special assistance or consideration of a tribe’s acquisition of land or interests in land.

“(2) DESCENT.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(A) by testate or intestate succession in trust to an Indian; or

“(B) in fee status to any other devisees or heirs.

“(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent’s heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent’s estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

“(f) ESTATE PLANNING ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

“(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

“(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

“(B) assist Indian landowners in accessing information pursuant to section 217(e).

“(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

“(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

Deadline.
Notification.

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners

of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

“(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

“(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

“(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

“(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

“(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

“(B) through the Federal Register;

“(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

“(D) through any other means determined appropriate by the Secretary.

“(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

Notification.
Federal Register,
publication.

“(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).”;

(5) in section 208, by striking “section 206” and inserting “subsections (a) and (b) of section 206”; and

25 USC 2207.

(6) by adding at the end the following:

“SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

25 USC 2212.

“(a) ACQUISITION BY SECRETARY.—

“(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

“(2) AUTHORITY OF SECRETARY.—

“(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

“(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

“(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under

this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

“(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

“(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

“(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court’s decision in *Babbitt v. Youpee* (117 S Ct. 727 (1997));

“(3) to the extent practicable—

“(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

“(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

“(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary’s land acquisition program; and

“(4) shall minimize the administrative costs associated with the land acquisition program.

“(c) SALE OF INTEREST TO INDIAN LANDOWNERS.—

“(1) CONVEYANCE AT REQUEST.—

“(A) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

“(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(2) MULTIPLE OWNERS.—If more than one Indian owner requests an interest under paragraph (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

“(3) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

25 USC 2213.

“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

“(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources,

consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

“(b) CONDITIONS.—

“(1) IN GENERAL.—The conditions described in this paragraph are as follows:

“(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

“(i) the Secretary makes any of the findings under paragraph (2)(A); or

“(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

“(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

“(A) the Secretary makes a finding that—

“(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

“(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

“(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

“(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

25 USC 2214.

“SEC. 215. ESTABLISHING FAIR MARKET VALUE.

“For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

25 USC 2215.

“SEC. 216. ACQUISITION FUND.

“(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

“(b) DEPOSITS; USE.—

“(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

“(A) be deposited in the Acquisition Fund; and

“(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

“(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

25 USC 2216.

“SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.

“(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

“(1) involving individual Indians;

“(2) between Indians and the tribal government that exercises jurisdiction over the land; or

“(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved;

in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

“(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

“(1) IN GENERAL.—

“(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

“(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

“(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

“(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner’s spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

“(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

“(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

“(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

“(1) other Indian owners of interests in trust or restricted lands within the same reservation;

“(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

“(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

“(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

25 USC 2217.

“SEC. 218. REPORTS TO CONGRESS.

“(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

“(1) the number of fractional interests in trust or restricted lands acquired; and

“(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty record-keeping systems of the Bureau of Indian Affairs.

“(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

25 USC 2218.

“SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

“(a) APPROVAL BY THE SECRETARY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

“(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

“(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

“(3) DEFINITION.—In this section, the term ‘allotted land’ includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

“(b) APPLICABLE PERCENTAGE.—

“(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

“(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

“(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

“(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

“(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

“(2) DETERMINATION OF OWNERS.—

“(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court’s decision in *Babbitt v. Youpee* (117 S Ct. 727 (1997)).

“(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

“(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

“(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

“(d) EFFECT OF APPROVAL.—

“(1) APPLICATION TO ALL PARTIES.—

“(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

“(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

“(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

“(ii) all other parties to the lease or agreement.

“(2) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

“(e) DISTRIBUTION OF PROCEEDS.—

“(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

“(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

25 USC 2219.

“SEC. 220. APPLICATION TO ALASKA.

“(a) FINDINGS.—Congress finds that—

“(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

“(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

“(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.”.

25 USC 2206
note.

SEC. 104. JUDICIAL REVIEW.

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of the Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of the Interior with respect to such challenge.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.25 USC 2201
note.

There are authorized to be appropriated not to exceed \$8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 106. CONFORMING AMENDMENTS.

(a) **PATENTS HELD IN TRUST.**—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking “and partition”; and

(B) by striking “except” and inserting “except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except”.

(b) **ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.**—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking “under” and inserting “under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to”; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking “with regulations” and inserting “with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations”.

(c) **TRANSFER OF LANDS.**—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking “member or:” and inserting “member or, except as provided by the Indian Land Consolidation Act,”.

TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

25 USC 396 note.

(a) **DEFINITIONS.**—In this section:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) **INDIVIDUALLY OWNED NAVAJO INDIAN ALLOTTED LAND.**—The term “individually owned Navajo Indian allotted land” means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) **NAVAJO INDIAN.**—The term “Navajo Indian” means a member of the Navajo Nation.

(4) **NAVAJO INDIAN ALLOTTED LAND.**—The term “Navajo Indian allotted land” means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term “owner” means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 1586:

SENATE REPORTS: No. 106–361 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 26, considered and passed Senate.

Oct. 23, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 11, Presidential statement.



Public Law 106–463
106th Congress

An Act

Nov. 7, 2000
[S. 2300]

To amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

Coal Market
Competition Act
of 2000.
30 USC 181 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coal Market Competition Act of 2000”.

30 USC 184 note.

SEC. 2. FINDINGS.

Congress finds that—

(1) Federal land contains commercial deposits of coal, the Nation’s largest deposits of coal being located on Federal land in Utah, Colorado, Montana, and the Powder River Basin of Wyoming;

(2) coal is mined on Federal land through Federal coal leases under the Act of February 25, 1920 (commonly known as the “Mineral Leasing Act”) (30 U.S.C. 181 et seq.);

(3) the sub-bituminous coal from these mines is low in sulfur, making it the cleanest burning coal for energy production;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal coal leases has been in place since 1976;

(B) currently the coal lease acreage limit of 46,080 acres per State is less than the per-State Federal lease acreage limit for potash (96,000 acres) and oil and gas (246,080 acres);

(6) coal producers in Wyoming and Utah are operating mines on Federal leaseholds that contain total acreage close to the coal lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases for State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to coal;

(8) existing coal mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas are subject to 10-year reclamation plans, and the reclaimed acreage is counted against the State and national acreage limits;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure

investments, coal producers need certainty that sufficient acreage of leasable coal will be available for mining in the future; and

(10) to maintain the vitality of the domestic coal industry and ensure the continued flow of valuable revenues to the Federal and State governments and of energy to the American public from coal production on Federal land, the Mineral Leasing Act should be amended to increase the acreage limitation for Federal coal leases.

SEC. 3. COAL MINING ON FEDERAL LAND.

Section 27(a) of the Act of February 25, 1920 (30 U.S.C. 184(a)), is amended—

(1) by striking “(a)” and all that follows through “No person” and inserting “(a) COAL LEASES.—No person”;

(2) by striking “forty-six thousand and eighty acres” and inserting “75,000 acres”; and

(3) by striking “one hundred thousand acres” each place it appears and inserting “150,000 acres”.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 2300:

SENATE REPORTS: No. 106–378 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–464
106th Congress

An Act

Nov. 7, 2000
[S. 2719]

To provide for business development and trade promotion for Native Americans,
and for other purposes.

Native American
Business
Development,
Trade Promotion,
and Tourism Act
of 2000.
25 USC 4301
note.
25 USC 4301.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Business
Development, Trade Promotion, and Tourism Act of 2000”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States
Constitution recognizes the special relationship between the
United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon
Administration of the Indian self-determination era, each Presi-
dent has reaffirmed the special government-to-government rela-
tionship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memo-
randum to the heads of departments and agencies that obli-
gated all Federal departments and agencies, particularly those
that have an impact on economic development, to evaluate
the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sov-
ereignty and the special relationship between Indian tribes
and the United States, Indian tribes retain the right to enter
into contracts and agreements to trade freely, and seek enforce-
ment of treaty and trade rights;

(5) Congress has carried out the responsibility of the United
States for the protection and preservation of Indian tribes and
the resources of Indian tribes through the endorsement of trea-
ties, and the enactment of other laws, including laws that
provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and pre-
serve the sovereignty of Indian tribes in order to foster strong
tribal governments, Indian self-determination, and economic
self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal
governments and vigorous economies is hindered by the
inability of Indian tribes to engage communities that surround
Indian lands and outside investors in economic activities on
Indian lands;

(8) despite the availability of abundant natural resources
on Indian lands and a rich cultural legacy that accords great

value to self-determination, self-reliance, and independence, Native Americans suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of Native American communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (7) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for Native Americans can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Native American economies by—

(A) encouraging the formation of new businesses by eligible entities, and the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian lands and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce the number of Indians at poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

25 USC 4302.

In this Act:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an Indian tribe or tribal organization, an Indian arts and crafts

organization, as that term is defined in section 2 of the Act of August 27, 1935 (commonly known as the “Indian Arts and Crafts Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a), a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) INDIAN.—The term “Indian” has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) INDIAN GOODS AND SERVICES.—The term “Indian goods and services” means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the “Indian Arts and Crafts Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term “Indian lands” includes lands under the definition of—

(i) the term “Indian country” under section 1151 of title 18, United States Code; or

(ii) the term “reservation” under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term “former Indian reservations in Oklahoma” shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN-OWNED BUSINESS.—The term “Indian-owned business” means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(6) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(8) TRIBAL ENTERPRISE.—The term “tribal enterprise” means a commercial activity or business managed or controlled by an Indian tribe.

(9) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

25 USC 4303.

(a) IN GENERAL.—

(1) **ESTABLISHMENT.**—There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this Act as the “Office”).

(2) **DIRECTOR.**—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development (referred to in this Act as the “Director”). The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) DUTIES OF THE SECRETARY.—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) **INTERAGENCY COORDINATION.**—The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) **ACTIVITIES.**—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) **ASSISTANCE.**—In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(5) PRIORITIES.—In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(6) PROHIBITION.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

25 USC 4304.

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the “program”).

(b) COORDINATION OF FEDERAL PROGRAMS AND SERVICES.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) ACTIVITIES.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) TECHNICAL ASSISTANCE.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) PRIORITIES.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

25 USC 4305.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) PROJECTS DESCRIBED.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma;

(D) for the Indians of the Great Plains area (as determined by the Secretary); and

(E) for Alaska Natives in Alaska.

(b) ASSISTANCE.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

- (1) feasibility studies conducted as part of that project;
- (2) market analyses;
- (3) participation in tourism and trade missions; and
- (4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) **INFRASTRUCTURE DEVELOPMENT.**—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

25 USC 4306.
Deadline.

SEC. 7. REPORT TO CONGRESS.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) **CONTENTS OF REPORT.**—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

25 USC 4307.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 2719:

CONGRESSIONAL RECORD, Vol. 146 (2000):
June 28, considered and passed Senate.
Oct. 23, considered and passed House.



Public Law 106–465
106th Congress

An Act

To authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

Nov. 7, 2000
[S. 2950]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sand Creek Massacre National Historic Site Establishment Act of 2000”.

Sand Creek
Massacre
National Historic
Site
Establishment
Act of 2000.
16 USC 461 note.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105–243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term “descendant” means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term “site” means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term “State” means the State of Colorado.

(6) TRIBE.—The term “tribe” means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, “Sand Creek Massacre Historic Site”, numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–9(c)).

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

- (1) this Act;
- (2) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);
- (3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and
- (4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

- (1) to protect and preserve the site, including—
 - (A) the topographic features that the Secretary determines are important to the site;
 - (B) artifacts and other physical remains of the Sand Creek Massacre; and
 - (C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;
- (2)(A) to interpret the natural and cultural resource values associated with the site; and
- (B) provide for public understanding and appreciation of, and preserve for future generations, those values; and
- (3) to memorialize, commemorate, and provide information to visitors to the site to—
 - (A) enhance cultural understanding about the site; and
 - (B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

- (1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and
- (2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states “Sand Creek

Battleground, November 29 and 30, 1864", within the boundary of the site.

(c) **COST-EFFECTIVENESS.**—

(1) **IN GENERAL.**—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) **SUPPORT FACILITIES.**—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

Deadline.

(a) **IN GENERAL.**—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) **INCLUSIONS.**—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

SEC. 8. NEEDS OF DESCENDANTS.

(a) **IN GENERAL.**—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) **COMMEMORATIVE NEEDS.**—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) **ACCESS.**—

(1) **IN GENERAL.**—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) CONDITIONS OF ACCESS.—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

- (A) Native American human remains;
- (B) associated funerary objects;
- (C) unassociated funerary objects;
- (D) sacred objects; and
- (E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 2950:

SENATE REPORTS: No. 106–418 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–466
106th Congress

An Act

Nov. 7, 2000
[S. 3022]

To direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

Nampa and
Meridian
Conveyance Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nampa and Meridian Conveyance Act”.

SEC. 2. CONVEYANCE OF FACILITIES.

The Secretary of the Interior (in this Act referred to as the “Secretary”) shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the “District”) in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425–99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

SEC. 3. LIABILITY.

Effective date.

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 4. EXISTING RIGHTS NOT AFFECTED.

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

Approved November 7, 2000.

LEGISLATIVE HISTORY—S. 3022:

SENATE REPORTS: No. 106–480 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–467
106th Congress

An Act

Nov. 9, 2000
[H.R. 1235]

To authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION.

The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California; and

(2) the exchange of water among Solano Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Solano Project, California.

SEC. 2. LIMITATION.

The authorization under section 1 shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the City of Fairfield for delivery of Solano Project water.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 1235:

HOUSE REPORTS: No. 106–426 (Comm. on Resources).

SENATE REPORTS: No. 106–433 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 1, considered and passed House.

Vol. 146 (2000): Oct. 27, considered and passed Senate.



Public Law 106–468
106th Congress

An Act

To authorize the Attorney General to provide grants for organizations to find missing adults.

Nov. 9, 2000

[H.R. 2780]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Kristen’s Act.

SECTION 1. SHORT TITLE.

42 USC 14661
note.

This Act may be cited as “Kristen’s Act”.

SEC. 2. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

42 USC 14665.

(a) IN GENERAL.—The Attorney General may make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs—

(1) to assist law enforcement and families in locating missing adults;

(2) to maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(3) to maintain statistical information of adults reported as missing;

(4) to provide informational resources and referrals to families of missing adults;

(5) to assist in public notification and victim advocacy related to missing adults; and

(6) to establish and maintain a national clearinghouse for missing adults.

(b) REGULATIONS.—The Attorney General may make such rules and regulations as may be necessary to carry out this Act.

114 STAT. 2028

PUBLIC LAW 106-468—NOV. 9, 2000

42 USC 14665
note.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$1,000,000 each year for fiscal years 2001 through 2004.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 2780:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 19, considered and passed House.

Oct. 26, considered and passed Senate.



Public Law 106–469
106th Congress

An Act

To extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

Nov. 9, 2000
[H.R. 2884]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Act of 2000”.

Energy Act of
2000.
42 USC 6201
note.

**TITLE I—STRATEGIC PETROLEUM
RESERVE**

Energy Policy
and Conservation
Act Amendments
of 2000.

SEC. 101. SHORT TITLE.

This title may be cited as the “Energy Policy and Conservation Act Amendments of 2000”.

42 USC 6201
note.

SEC. 102. AMENDMENT TO SECTION 2 OF THE ENERGY POLICY AND CONSERVATION ACT.

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

- (1) in paragraph (1) by striking “standby” and “, subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and”; and
- (2) by striking paragraphs (3) and (6).

SEC. 103. AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

- (1) by striking section 102 (42 U.S.C. 6211) and its heading;
- (2) by striking section 104(b)(1);
- (3) by striking section 106 (42 U.S.C. 6214) and its heading;
- (4) by amending section 151(b) (42 U.S.C. 6231) to read

as follows:

“(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.”;

- (5) in section 152 (42 U.S.C. 6232)—

(A) by striking paragraphs (1), (3), and (7); and

50 USC app.
2071 note.

(B) in paragraph (11) by striking “; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve”.

(6) by striking section 153 (42 U.S.C. 6233) and its heading;

(7) in section 154 (42 U.S.C. 6234)—

(A) by amending subsection (a) to read as follows:

“(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.”;

(B) by amending subsection (b) to read as follows:

“(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.”; and

(C) by striking subsections (c), (d), and (e);

(8) by striking section 155 (42 U.S.C. 6235) and its heading;

(9) by striking section 156 (42 U.S.C. 6236) and its heading;

(10) by striking section 157 (42 U.S.C. 6237) and its heading;

(11) by striking section 158 (42 U.S.C. 6238) and its heading;

(12) by amending the heading for section 159 (42 U.S.C. 6239) to read, “Development, Operation, and Maintenance of the Reserve”;

(13) in section 159 (42 U.S.C. 6239)—

(A) by striking subsections (a), (b), (c), (d), and (e);

(B) by amending subsection (f) to read as follows:

“(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may—

“(1) issue rules, regulations, or orders;

“(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

“(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

“(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

“(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

“(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

“(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

“(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.”; and

(C) in subsection (g)—

(i) by striking “implementation” and inserting “development”; and

(ii) by striking “Plan”;

(D) by striking subsections (h) and (i);

(E) by amending subsection (j) to read as follows:

“(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress.”; and

(F) by amending subsection (l) to read as follows:

“(l) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).”;

(14) in section 160 (42 U.S.C. 6240)—

(A) in subsection (a), by striking all before the dash and inserting the following—

“(a) The Secretary may acquire, place in storage, transport, or exchange”;

(B) in subsection (a)(1) by striking all after “Federal lands”;

(C) in subsection (b), by striking “, including the Early Storage Reserve and the Regional Petroleum Reserve” and by striking paragraph (2); and

(D) by striking subsections (c), (d), (e), and (g);

(15) in section 161 (42 U.S.C. 6241)—

(A) by striking “Distribution of the Reserve” in the title of this section and inserting “Sale of Petroleum Products”;

(B) in subsection (a), by striking “drawdown and distribute” and inserting “drawdown and sell petroleum products in”;

(C) by striking subsections (b), (c), and (f);

(D) by amending subsection (d)(1) to read as follows:

“(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.”;

(E) by amending subsection (e) to read as follows:

“(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

“(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this section.”; and

(F) in subsection (g)—

(i) by amending paragraph (1) to read as follows:

“(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.”;

(ii) by striking paragraph (2);

- (iii) in paragraph (4), by striking “90” and inserting “95”;
- (iv) in paragraph (5), by striking “drawdown and distribution” and inserting “test”;
- (v) by amending paragraph (6) to read as follows:
“(6) In the case of a sale of any petroleum products under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire petroleum products for the Reserve within the 12-month period beginning after completion of the sale.”; and
- (vi) in paragraph (8), by striking “drawdown and distribution” and inserting “test”;
- (G) in subsection (h)—
 - (i) in paragraph (1) by striking “distribute” and inserting “sell petroleum products from”;
 - (ii) by striking “and” at the end of paragraph (1)(A) and by striking “shortage,” at the end of paragraph (1)(B) and inserting “shortage; and
 - “(C) the Secretary of Defense has found that action taken under this subsection will not impair national security.”;
 - (iii) in paragraph (2) by striking “In no case may the Reserve” and inserting “Petroleum products from the Reserve may not”; and
 - (iv) in paragraph (3) by striking “distribution” each time it appears and inserting “sale”;
- (16) by striking section 164 (42 U.S.C. 6244) and its heading;
- (17) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows:

“ANNUAL REPORT

“SEC. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

- “(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;
- “(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;
- “(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;
- “(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;
- “(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;
- “(6) a summary of the actions taken to develop, operate, and maintain the Reserve;
- “(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year;

“(8) a summary of expenses for the year, and the number of Federal and contractor employees;

“(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

“(10) a summary of foreign oil storage agreements and their implementation status;

“(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.”;

(18) in section 166 (42 U.S.C. 6246) by striking “for fiscal year 1997.”;

(19) in section 167 (42 U.S.C. 6247)—

(A) in subsection (b)—

(i) by striking “and the drawdown” and inserting “for test sales of petroleum products from the Reserve, and for the drawdown, sale,”;

(ii) by striking paragraph (1); and

(iii) in paragraph (2), by striking “after fiscal year 1982”; and

(B) by striking subsection (e);

(20) in section 171 (42 U.S.C. 6249)—

(A) by amending subsection (b)(2)(B) to read as follows:

“(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.”;

(B) in subsection (b)(3), by striking “distribution of” and inserting “sale of petroleum products from”;

(21) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(22) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(23) in section 181 (42 U.S.C. 6251), by striking “March 31, 2000” each time it appears and inserting “September 30, 2003”.

SEC. 104. AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by striking part A (42 U.S.C. 6261 through 6264) and its heading;

(2) by adding at the end of section 256(h), “There are authorized to be appropriated for fiscal years 2000 through 2003, such sums as may be necessary.” 42 USC 6276.

(3) by striking part C (42 U.S.C. 6281 through 6282) and its heading; and

(4) in section 281 (42 U.S.C. 6285), by striking “March 31, 2000” each time it appears and inserting “September 30, 2003”.

SEC. 105. CLERICAL AMENDMENTS.

The table of contents for the Energy Policy and Conservation Act is amended—

(1) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(2) by amending the item relating to section 159 to read as follows: “Development, Operation, and Maintenance of the Reserve.”;

(3) by amending the item relating to section 161 to read as follows: “Drawdown and Sale of Petroleum Products”; and

(4) by amending the item relating to section 165 to read as follows: “Annual Report”.

TITLE II—HEATING OIL RESERVE

SEC. 201. NORTHEAST HOME HEATING OIL RESERVE.

(a) Title I of the Energy Policy and Conservation Act is amended by—

- 42 USC 6251. (1) redesignating part D as part E;
 (2) redesignating section 181 as section 191; and
 (3) inserting after part C the following new part D:

“PART D—NORTHEAST HOME HEATING OIL RESERVE

“ESTABLISHMENT

42 USC 6250. “SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

“(b) For the purposes of this part—

“(1) the term ‘Northeast’ means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey;

“(2) the term ‘petroleum distillate’ includes heating oil and diesel fuel; and

“(3) the term ‘Reserve’ means the Northeast Home Heating Oil Reserve established under this part.

“AUTHORITY

42 USC 6250a. “SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

“(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

“(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

“(3) acquire by purchase, exchange (including exchange of petroleum products from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

“(4) store petroleum distillate in facilities not owned by the United States; and

“(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including

to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

“CONDITIONS FOR RELEASE; PLAN

“SEC. 183. (a) FINDING.—The Secretary may sell products from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

42 USC 6250a.

“(1) a dislocation in the heating oil market has resulted from such interruption; or

“(2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

“(b) DEFINITION.—For purposes of this section a ‘dislocation in the heating oil market’ shall be deemed to occur only when—

“(1) The price differential between crude oil, as reflected in an industry daily publication such as ‘Platt’s Oilgram Price Report’ or ‘Oil Daily’ and No. 2 heating oil, as reported in the Energy Information Administration’s retail price data for the Northeast, increases by more than 60 percent over its 5 year rolling average for the months of mid-October through March, and continues for 7 consecutive days; and

“(2) The price differential continues to increase during the most recent week for which price information is available.

“(c) CONTINUING EVALUATION.—The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

“(d) RELEASE OF PETROLEUM DISTILLATE.—After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that—

“(1) the Secretary may—

“(A) sell petroleum distillate from the Reserve through a competitive process, or

“(B) enter into exchange agreements for the petroleum distillate that results in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;

“(2) in all such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and

“(3) the Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

“(e) PLAN.—Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

Deadline.

“(1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;

“(2) the acquisition of petroleum distillate for storage in the Reserve;

“(3) the anticipated methods of disposition of petroleum distillate from the Reserve;

“(4) the estimated costs of establishment, maintenance, and operation of the Reserve;

“(5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and

“(6) actions to ensure quality of the petroleum distillate in the Reserve.

“NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

42 USC 6250c.

“SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the ‘Northeast Home Heating Oil Reserve Account’ (referred to in this section as the ‘Account’).

“(b) the Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

“(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

“EXEMPTIONS

42 USC 6250d.

“SEC. 185. An action taken under this part is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code.

“AUTHORIZATION OF APPROPRIATIONS

42 USC 6250e.

“SEC. 186. There are authorized to be appropriated for fiscal years 2001, 2002, and 2003 such sums as may be necessary to implement this part.”.

SEC. 202. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) HEATING OIL STUDY.—The Secretary shall conduct a study on—

(1) the use of energy futures and options contracts to provide cost-effective protection from sudden surges in the price of heating oil (including No. 2 fuel oil, propane, and kerosene) for State and local government agencies, consumer cooperatives, and other organizations that purchase heating oil in bulk to market to end use consumers in the Northeast (as defined in section 201); and

(2) how to most effectively inform organizations identified in paragraph (1) about the benefits and risks of using energy futures and options contracts.

(b) REPORT.—The Secretary shall transmit the study required in this section to the Committee on Commerce of the House of Representatives and the Committee on Energy and Natural

Resources of the Senate not later than 180 days after the enactment of this section. The report shall contain a review of prior studies conducted on the subjects described in subsection (a). Deadline.

TITLE III—MARGINAL WELL PURCHASES

SEC. 301. PURCHASE OF OIL FROM MARGINAL WELLS.

(a) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

“PURCHASE OF OIL FROM MARGINAL WELLS

“SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than \$15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at \$15.00 per barrel, adjusted for inflation. 42 USC 6247b.

“(b) DEFINITION OF MARGINAL WELL.—The term ‘marginal well’ has the same meaning as the definition of ‘stripper well property’ in section 613A(c)(6)(E) of the Internal Revenue Code (26 U.S.C. 613A(c)(6)(E)).”

(b) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

“Sec. 169. Purchase of oil from marginal wells.”.

TITLE IV—FEDERAL ENERGY MANAGEMENT

SEC. 401. FEMP.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)(iii), is amended by striking “\$750,000” and inserting “\$10,000,000”.

TITLE V—ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

SEC. 501. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

“SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS. 16 USC 823c.

“(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this

part over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

“(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

“(2) gives equal consideration to the purposes of—

“(A) energy conservation;

“(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

“(C) the protection of recreational opportunities;

“(D) the preservation of other aspects of environmental quality;

“(E) the interests of Alaska Natives; and

“(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

“(3) requires, as a condition of a license for any project works—

“(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

“(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

“(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

“(b) DEFINITION OF ‘QUALIFYING PROJECT WORKS’.—For purposes of this section, the term ‘qualifying project works’ means project works—

“(1) that are not part of a project licensed under this part or exempted from licensing under this part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of the enactment of this section;

“(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of the enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

“(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

“(4) that are located entirely within the boundaries of the State of Alaska; and

“(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section

102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

“(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

“(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

“(1) the approval of the Secretary having jurisdiction over such lands; and

“(2) such conditions as the Secretary may prescribe.

“(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska’s regulatory program.

“(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

“(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State’s program to ensure compliance with the provisions of this section.

Notification.
Deadline.

“(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

“(i) DETERMINATION BY THE COMMISSION.—(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska’s regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

Deadline.

“(2) The Commission’s review required by paragraph (1) shall be completed within 1 year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska’s regulatory program for water-power development complies with the requirements of subsection (a).

Deadline.

“(3) If the Commission fails to issue a final order in accordance with paragraph (2) the State of Alaska’s regulatory program for water-power development shall be deemed to be in compliance with subsection (a).”.

TITLE VI—WEATHERIZATION, SUMMER FILL, HYDROELECTRIC LICENSING PROCEDURES, AND INVENTORY OF OIL AND GAS RESERVES

SEC. 601. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW- INCOME PERSONS.

42 USC 6863
note.

(a) The matter under the heading, “ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)” in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A-180), is amended by striking “grants:” and all that follows and inserting “grants.”

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking “(A)”;

(B) striking “approve a State’s application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan” and inserting “establish”; and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking “paragraphs (3) and (4)” and inserting “paragraph (3)”;

(B) striking “\$1,600” and inserting “\$2,500”;

(C) striking “and” at the end of subparagraph (C);

(D) striking the period and inserting “, and” in subparagraph (D); and

(E) inserting after subparagraph (D) the following new subparagraph:

“(E) the cost of making heating and cooling modifications, including replacement”;

(4) in subsection (c)(3) by—

(A) striking “1991, the \$1,600 per dwelling unit limitation” and inserting “2000, the \$2,500 per dwelling unit average”;

(B) striking “limitation” and inserting “average” each time it appears; and

(C) inserting “the” after “beginning of” in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 602. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

42 USC 6283.

“SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

“(a) DEFINITIONS.—In this section:

“(1) BUDGET CONTRACT.—The term ‘budget contract’ means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

“(2) **FIXED-PRICE CONTRACT.**—The term ‘fixed-price contract’ means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

“(3) **PRICE CAP CONTRACT.**—The term ‘price cap contract’ means a contract between a retailer and a consumer under which the retailer charges the consumer the market price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may exceed a maximum amount stated in the contract.

“(b) **ASSISTANCE.**—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

“(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

“(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements,

to avoid severe seasonal price increases for and supply shortages of those products.

“(c) **PREFERENCE.**—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) \$25,000,000 for fiscal year 2001; and

“(2) such sums as are necessary for each fiscal year thereafter.

“(e) **INAPPLICABILITY OF EXPIRATION PROVISION.**—Section 281 does not apply to this section.”.

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

“Sec. 273. Summer fill and fuel budgeting programs.”.

SEC. 603. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall, in consultation with other appropriate agencies, immediately undertake a comprehensive review of policies, procedures, and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within 6 months of the date of the enactment of this section to the Congress, including any recommendations for legislative changes.

Reports.

Deadline.

SEC. 604. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

42 USC 6217.

(a) **IN GENERAL.**—The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore Federal lands. The inventory shall identify—

(1) the United States Geological Survey reserve estimates of the oil and gas resources underlying these lands; and

(2) the extent and nature of any restrictions or impediments to the development of such resources.

(b) **REGULAR UPDATE.**—Once completed, the USGS reserve estimates and the surface availability data as provided in subsection (a)(2) shall be regularly updated and made publically available.

(c) **INVENTORY.**—The inventory shall be provided to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate within 2 years after the date of the enactment of this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 605. ANNUAL HOME HEATING READINESS REPORTS.

(a) **IN GENERAL.**—Part A of title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

42 USC 6216.

Deadline.

“SEC. 108. ANNUAL HOME HEATING READINESS REPORTS.

“(a) **IN GENERAL.**—On or before September 1 of each year, the Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

“(b) **CONTENTS.**—The Home Heating Readiness Report shall include—

“(1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;

“(2) an evaluation of—

“(A) global and regional crude oil and refined product supplies;

“(B) the adequacy and utilization of refinery capacity;

“(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

“(D) weather conditions;

“(E) the refined product transportation system;

“(F) market inefficiencies; and

“(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

“(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil, and propane; and

“(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

“(c) INFORMATION REQUESTS.—The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4).”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) in the table of contents in the first section (42 U.S.C. prec. 6201), by inserting after the item relating to section 106 the following:

“Sec. 107. Major fuel burning stationary source.

“Sec. 108. Annual home heating readiness reports.”;

and

(2) in section 107 (42 U.S.C. 6215), by striking “SEC. 107.

(a) No Governor” and inserting the following:

“SEC. 107. MAJOR FUEL BURNING STATIONARY SOURCE.

“(a) No Governor”.

TITLE VII—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 2000

National Oilheat
Research
Alliance Act of
2000.

SEC. 701. SHORT TITLE.

This title may be cited as the “National Oilheat Research Alliance Act of 2000”.

42 USC 6201
note.

SEC. 702. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately \$12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

42 USC 6201
note.

SEC. 703. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term “Alliance” means a national oilheat research alliance established under section 704.

42 USC 6201
note.

(2) CONSUMER EDUCATION.—The term “consumer education” means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term “exchange” means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term “industry trade association” means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term “No. 1 distillate” means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term “No. 2 dyed distillate” means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term “oilheat” means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate,

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term “oilheat industry” means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term “oilheat industry” does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term “public member” means a member of the Alliance described in section 705(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term “qualified industry organization” means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term “qualified State association” means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term “retail marketer” means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term “wholesale distributor” means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate;
or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term “State” means the several States, except the State of Alaska.

SEC. 704. REFERENDA.

42 USC 6201
note.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 707.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm

Deadline.

the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of the enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 25 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class or more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class.

(3) TERMINATION BY A STATE.—A State may elect to terminate participation by notifying the Alliance that 50 percent of the oilheat volume in the State has voted in a referendum to withdraw.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 705, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

42 USC 6201
note.

SEC. 705. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), one member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) Five representatives of retail marketers, one each to be selected by the qualified State associations of the five States with the highest volume of annual oilheat sales.

(D) Five additional representatives of retail marketers.

(E) Twenty-one representatives of wholesale distributors.

(F) Six public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than two full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 706. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

42 USC 6201
note.

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 707.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) **ADVISORY COMMITTEES.**—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) **VOTING.**—Each member of the Alliance shall have one vote in matters before the Alliance.

(d) **ADMINISTRATIVE EXPENSES.**—

(1) **IN GENERAL.**—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 707) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) **REIMBURSEMENT OF THE SECRETARY.**—

(A) **IN GENERAL.**—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) **LIMITATION.**—Reimbursement under subparagraph

(A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of one employee of the Department of Energy.

(e) **BUDGET.**—

(1) **PUBLICATION OF PROPOSED BUDGET.**—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) **SUBMISSION TO THE SECRETARY AND CONGRESS.**—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) **RECOMMENDATIONS BY THE SECRETARY.**—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) **IMPLEMENTATION.**—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) **RECORDS; AUDITS.**—

(1) **RECORDS.**—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) **AUDITS.**—

(A) **IN GENERAL.**—The records of the Alliance (including fee assessment reports and applications for refunds under section 707(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) **AVAILABILITY OF AUDIT REPORTS.**—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) **POLICIES AND PROCEDURES.**—

(i) **IN GENERAL.**—The Alliance shall establish policies and procedures for auditing compliance with this title.

Public
information.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

42 USC 6201
note.

SEC. 707. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed

on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING; TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

Public
information.

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

42 USC 6201
note.

SEC. 708. MARKET SURVEY AND CONSUMER PROTECTION.

(a) **PRICE ANALYSIS.**—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) **AUTHORITY TO RESTRICT ACTIVITIES.**—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

42 USC 6201
note.

SEC. 709. COMPLIANCE.

(a) **IN GENERAL.**—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 707.

(b) **COSTS.**—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

42 USC 6201
note.

SEC. 710. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 707 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

42 USC 6201
note.

SEC. 711. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 712. VIOLATIONS.42 USC 6201
note.

(a) **PROHIBITION.**—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 707, that includes—

- (1) a reference to a private brand name;
- (2) a false or unwarranted claim on behalf of oilheat or related products; or
- (3) a reference with respect to the attributes or use of any competing product.

(b) **COMPLAINTS.**—

(1) **IN GENERAL.**—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) **TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.**—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) **CESSATION OF ACTIVITIES.**—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) **RESOLUTION BY PARTIES.**—

(1) **IN GENERAL.**—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

Deadline.

(2) **WITHDRAWAL OF COMPLAINT.**—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) **RELIEF.**—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) **ATTORNEY'S FEES.**—

(1) **MERITORIOUS CASE.**—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an

attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

42 USC 6201
note.
Effective date.

SEC. 713. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 2884:

HOUSE REPORTS: No. 106–359 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 11, 12, considered and passed House.

Oct. 19, considered and passed Senate, amended.

Oct. 24, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 9, Presidential statement.



Public Law 106–470
106th Congress

An Act

To direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

Nov. 9, 2000
[H.R. 4312]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Upper Housatonic National Heritage Area Study Act of 2000”.

Upper
Housatonic
National
Heritage Area
Study Act of
2000.

SEC. 2. AUTHORIZATION OF STUDY.

(a) IN GENERAL.—The Secretary of the Interior (“the Secretary”) shall conduct a study of the Upper Housatonic National Heritage Area (“Study Area”). The study shall include analysis, documentation, and determinations regarding whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) CONSULTATION.—In conducting the study, the Secretary shall consult with the State historic preservation officers, State historical societies and other appropriate organizations.

SEC. 3. BOUNDARIES OF THE STUDY AREA.

The Study Area shall be comprised of—

(1) part of the Housatonic River's watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Dalton, Egremont, Great Barrington, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

Deadline.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first available for this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$300,000 to carry out the provisions of this Act.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4312 (S. 2421):

SENATE REPORTS: No. 106-317 accompanying S. 2421 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Oct. 27, considered and passed Senate.



Public Law 106–471
106th Congress

An Act

To designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.

Nov. 9, 2000
[H.R. 4646]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled “An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas”, approved June 7, 1988 (102 Stat. 584) is amended—

16 USC 1132
note.

- (1) in paragraph (5), by striking “and” at the end;
- (2) in paragraph (6), by striking the period and inserting a semicolon; and
- (3) by adding at the end the following new paragraphs:
 - “(7) certain lands in the George Washington National Forest, which comprise approximately 5,963 acres, as generally depicted on a map entitled ‘The Priest Wilderness Study Area’, dated June 6, 2000, and which shall be known as the Priest Wilderness Area; and
 - “(8) certain lands in the George Washington National Forest, which comprise approximately 4,608 acres, as generally depicted on a map entitled ‘The Three Ridges Wilderness Study Area’, dated June 6, 2000, and which shall be known as the Three Ridges Wilderness Area.”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4646 (S. 2865):

SENATE REPORTS: No. 106–442 accompanying S. 2865 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.
Oct. 27, considered and passed Senate.



Public Law 106–472
106th Congress

An Act

Nov. 9, 2000
[H.R. 4788]

To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

Grain Standards
and Warehouse
Improvement Act
of 2000.
7 USC 71 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Grain Standards and Warehouse Improvement Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

- Sec. 101. Sampling for export grain.
- Sec. 102. Geographic boundaries for official agencies.
- Sec. 103. Authorization to collect fees.
- Sec. 104. Testing of equipment.
- Sec. 105. Limitation on administrative and supervisory costs.
- Sec. 106. Licenses and authorizations.
- Sec. 107. Grain additives.
- Sec. 108. Authorization of appropriations.
- Sec. 109. Advisory committee.
- Sec. 110. Conforming amendments.
- Sec. 111. Special effective date for certain expired provisions.

TITLE II—WAREHOUSES

- Sec. 201. Storage of agricultural products in warehouses.
- Sec. 202. Regulations.

TITLE III—MISCELLANEOUS

- Sec. 301. Energy generation, transmission, and distribution facilities efficiency grants and loans in rural communities with extremely high energy costs.
- Sec. 302. Carry forward adjustment.
- Sec. 303. Fees and penalties for mediation and arbitration of disputes involving agricultural products moving in foreign commerce under multinational entities.
- Sec. 304. Community facilities grant program for rural communities with extreme unemployment and severe economic depression.
- Sec. 305. Community facilities grant program for rural communities with high levels of out-migration or loss of population.
- Sec. 306. State agricultural mediation programs.
- Sec. 307. Adjustments to nutrition programs.

- Sec. 308. Authorization for Secretary of Agriculture to purchase and transfer land.
Sec. 309. Extension of time period for filing certain complaints alleging preparation of false inspection certificates.
Sec. 310. International food relief partnership.

TITLE I—GRAIN STANDARDS

SEC. 101. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking “(on the basis” and all that follows through “from the United States”).

SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) INSPECTION AUTHORITY.—Section 7(f) of the United States Grain Standards Act (7 U.S.C. 79(f)) is amended by striking paragraph (2) and inserting the following:

“(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—

Not more than one official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than one designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

“(A) allow more than one designated official agency to carry out inspections within the same geographical area as part of a pilot program; and

“(B) allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if the Secretary also determines that—

“(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

“(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area; or

“(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis.”.

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended—

(1) by striking “(i) No” and inserting the following:

“(i) UNAUTHORIZED WEIGHING PROHIBITED.—

“(1) IN GENERAL.—No”;

(2) by striking the second sentence; and

(3) by adding at the end the following:

“(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—

Not more than one designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than one designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

“(A) allow more than one designated official agency to carry out the weighing provisions within the same geographical area as part of a pilot program; and

“(B) allow a designated official agency to cross boundary lines to carry out the weighing provisions in another geographic area if the Secretary also determines that—

“(i) the current designated official agency for that geographic area is unable to provide the weighing services in a timely manner; or

“(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area.”.

SEC. 103. AUTHORIZATION TO COLLECT FEES.

(a) **INSPECTION AND SUPERVISORY FEES.**—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking “2000” and inserting “2005”.

(b) **WEIGHING AND SUPERVISORY FEES.**—Section 7A(1)(3) of the United States Grain Standards Act (7 U.S.C. 79a(1)(3)) is amended in the first sentence by striking “2000” and inserting “2005”.

SEC. 104. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking “but at least annually and”.

SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking “2000” and inserting “2005”; and

(2) by striking “40 per centum” and inserting “30 percent”.

SEC. 106. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting “inspection, weighing,” after “laboratory testing,”.

SEC. 107. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting “, or prohibit disguising the quality of grain,” after “sound and pure grain”.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking “2000” and inserting “2005”.

SEC. 109. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking “2000” and inserting “2005”.

SEC. 110. CONFORMING AMENDMENTS.

(a) Section 8 of the United States Grain Standards Act of 1976 (7 U.S.C. 79 note; Public Law 94-582) is amended—

(1) by striking “(a)”;

(2) by striking subsection (b).

7 USC 79.

7 USC 79 note.

(b) Sections 23, 24, and 25 of the United States Grain Standards Act of 1976 (7 U.S.C. 87e–1; 7 U.S.C. 76 note; Public Law 94–582) are repealed.

(c) Section 27 of the United States Grain Standards Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is amended by striking “; and thereafter” and all that follows and inserting a period.

SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED PROVISIONS.

7 USC 79 note.

The amendments made by sections 103, 105, 108, and 109 shall take effect as if enacted on September 30, 2000.

TITLE II—WAREHOUSES

SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE.

7 USC 241 note.

“This Act may be cited as the ‘United States Warehouse Act’.

“SEC. 2. DEFINITIONS.

7 USC 241.

“In this Act:

“(1) **AGRICULTURAL PRODUCT.**—The term ‘agricultural product’ means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

“(2) **APPROVAL.**—The term ‘approval’ means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

“(3) **DEPARTMENT.**—The term ‘Department’ means the Department of Agriculture.

“(4) **ELECTRONIC DOCUMENT.**—The term ‘electronic document’ means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

“(5) **ELECTRONIC RECEIPT.**—The term ‘electronic receipt’ means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

“(6) **HOLDER.**—The term ‘holder’ means a person that has possession in fact or by operation of law of a receipt or any electronic document.

“(7) **PERSON.**—The term ‘person’ means—

“(A) a person (as defined in section 1 of title 1, United States Code);

“(B) a State; and

“(C) a political subdivision of a State.

“(8) **RECEIPT.**—The term ‘receipt’ means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

“(9) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Agriculture.

“(10) **WAREHOUSE.**—The term ‘warehouse’ means a structure or other approved storage facility, as determined by the

Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

“(11) WAREHOUSE OPERATOR.—The term ‘warehouse operator’ means a person that is lawfully engaged in the business of storing or handling agricultural products.

7 USC 242.

“SEC. 3. POWERS OF SECRETARY.

“(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

“(1) each warehouse operator licensed under this Act;

“(2) each person that has obtained an approval to engage in an activity under this Act; and

“(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this Act.

“(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

“(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

“(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

“(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

“(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

“(g) WAREHOUSE OPERATOR’S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator’s care of and responsibility for agricultural products stored or handled by the warehouse operator.

“(h) SYSTEMS FOR ELECTRONIC CONVEYANCE.—

“(1) REGULATIONS GOVERNING ELECTRONIC SYSTEMS.—Except as provided in paragraph (2), the Secretary may promulgate regulations governing one or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

“(2) LIMITATIONS.—The Secretary shall not have the authority under this Act to establish—

“(A) one or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

“(B) rules to determine security interests of persons affected by this Act.

“(i) EXAMINATION AND AUDITS.—In addition to the authority provided under subsection (l), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

“(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

“(2) any State agency that regulates the storage of an agricultural product by such a person; or

“(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

“(j) LICENSES FOR OPERATION OF WAREHOUSES.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

“(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

“(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

“(k) LICENSING OF OTHER PERSONS.—

“(1) IN GENERAL.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

“(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

“(B) to sample such an agricultural product;

“(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

“(D) to weigh such an agricultural product and certify the weight of the agricultural product.

“(2) CONDITION.—As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this Act (including regulations promulgated under this Act).

“(l) EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.—The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

“(1) a warehouse operator operating a warehouse licensed under this Act;

“(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

“(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

“(m) COOPERATION WITH STATES.—The Secretary may—

“(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

“(2) enter into cooperative agreements with States to perform activities authorized under this Act.

7 USC 243.

“SEC. 4. IMPOSITION AND COLLECTION OF FEES.

“(a) IN GENERAL.—The Secretary shall assess persons covered by this Act fees to cover the costs of administering this Act.

“(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

“(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

“(d) INTEREST.—Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

“(e) EFFICIENCIES AND COST EFFECTIVENESS.—

“(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

“(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

7 USC 244.

“SEC. 5. QUALITY AND VALUE STANDARDS.

“If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

7 USC 245.

“SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.

“(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person’s performance of the activities so licensed or approved.

“(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

“(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

“(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

“SEC. 7. MAINTENANCE OF RECORDS.

7 USC 246.

“To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

“(1) A warehouse operator that is licensed under this Act.

“(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

“(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this Act.

“SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.

7 USC 247.

“(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

“(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

“(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

“(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

“(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

“SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.

7 USC 248.

“(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

“(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

“SEC. 10. TRANSFER OF STORED AGRICULTURAL PRODUCTS.

7 USC 249.

“(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from one warehouse to another warehouse for continued storage.

“(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

“SEC. 11. WAREHOUSE RECEIPTS.

7 USC 250.

“(a) IN GENERAL.—At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

“(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

“(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall

contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

“(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

“(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

“(2) OTHER DOCUMENTS.—If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

“(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in section 3(h)(2), notwithstanding any other provision of Federal or State law:

“(1) IN GENERAL.—The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

“(2) ELECTRONIC RECEIPT OR ELECTRONIC DOCUMENT SYSTEMS.—Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in one or more locations and approved by the Secretary in accordance with regulations issued under this Act.

“(3) TREATMENT OF HOLDER.—Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this Act shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

“(4) NONDISCRIMINATION.—An electronic receipt issued, or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

“(5) SECURITY INTERESTS.—If more than one security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this Act, the priority of the security interest shall be determined by the applicable Federal or State law.

“(6) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

“(7) OPTION FOR NON-FEDERALLY LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a warehouse operator not licensed under this Act may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this Act.

“(8) APPLICATION TO STATE-LICENSED WAREHOUSE OPERATORS.—This subsection shall not apply to a warehouse operator

that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

“(A) not to issue electronic receipts authorized under this subsection; or

“(B) to issue electronic receipts authorized under State law.

“SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS. 7 USC 251.

“(a) **PROMPT DELIVERY.**—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

“(1) the holder of the receipt for the agricultural product;

or

“(2) the person that deposited the product, if no receipt has been issued.

“(b) **PAYMENT TO ACCOMPANY DEMAND.**—Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman’s lien, shall be made if requested by the warehouse operator.

“(c) **SURRENDER OF RECEIPT.**—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

“(d) **CANCELLATION OF RECEIPT.**—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

“SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.

7 USC 252.

“(a) **IN GENERAL.**—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

“(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

“(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

“(b) **TEMPORARY SUSPENSION.**—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

“(c) **AUTHORITY TO CONDUCT HEARINGS.**—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

“(d) **JUDICIAL REVIEW.**—

“(1) **JURISDICTION.**—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

“(2) **PROCEDURE.**—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

7 USC 253.

“SEC. 14. PUBLIC INFORMATION.

“(a) IN GENERAL.—The Secretary may release to the public the names, addresses, and locations of all persons—

“(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

“(2) with respect to which a license or approval has been suspended or revoked under section 13, the results of any investigation made or hearing conducted under this Act, including the reasons for the suspension or revocation.

“(b) CONFIDENTIALITY.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

7 USC 254.

“SEC. 15. PENALTIES FOR NONCOMPLIANCE.

“If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

“(1) of not more than \$25,000 per violation, if an agricultural product is not involved in the violation; or

“(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

7 USC 255.

“SEC. 16. JURISDICTION AND ARBITRATION.

“(a) FEDERAL JURISDICTION.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

“(b) ARBITRATION.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

7 USC 256.

“SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”.

7 USC 241 note.

SEC. 202. REGULATIONS.

Deadline.
Federal Register,
publication.

(a) PROPOSED REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201.

Deadline.

(b) FINAL REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

(c) EFFECTIVENESS OF EXISTING ACT.—The United States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed before the amendment made by section 201) shall be effective until the earlier of—

(1) the date on which final regulations are promulgated under subsection (b); or

(2) August 1, 2001.

TITLE III—MISCELLANEOUS

SEC. 301. ENERGY GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS IN RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

“SEC. 19. ENERGY GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS IN RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.

7 USC 918a.

“(a) IN GENERAL.—The Secretary, acting through the Rural Utilities Service, may—

“(1) in coordination with State rural development initiatives, make grants and loans to persons, States, political subdivisions of States, and other entities organized under the laws of States to acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities serving communities in which the average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy (as determined by the Energy Information Agency using the most recent data available);

“(2) make grants and loans to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) to acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities serving communities described in paragraph (1); and

“(3) make grants to State entities, in existence as of the date of the enactment of this section, to establish and support a revolving fund to provide a more cost-effective means of purchasing fuel where the fuel cannot be shipped by means of surface transportation.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year.

“(2) LIMITATION ON PLANNING AND ADMINISTRATIVE EXPENSES.—Not more than 4 percent of the amounts made available under paragraph (1) may be used for planning and administrative expenses.”.

SEC. 302. CARRY FORWARD ADJUSTMENT.

The amendments made by section 204(b)(10)(A) of the Agricultural Risk Protection Act of 2000 shall apply beginning with undermarketings of the 2001 crop of burley tobacco and with marketings of the 2002 crop of burley tobacco.

7 USC 1314e note.

SEC. 303. FEES AND PENALTIES FOR MEDIATION AND ARBITRATION OF DISPUTES INVOLVING AGRICULTURAL PRODUCTS MOVING IN FOREIGN COMMERCE UNDER MULTINATIONAL ENTITIES.

Section 203(e) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(e)) is amended—

(1) by striking “(e) To” and inserting the following:

“(e) DEVELOPMENT OF NEW MARKETS.—

“(1) IN GENERAL.—To”; and
 (2) by adding at the end the following:

“(2) FEES AND PENALTIES.—

“(A) IN GENERAL.—In carrying out paragraph (1), the Secretary may assess and collect reasonable fees and late payment penalties to mediate and arbitrate disputes arising between parties in connection with transactions involving agricultural products moving in foreign commerce under the jurisdiction of a multinational entity.

“(B) DEPOSIT.—Fees and penalties collected under subparagraph (A) shall be deposited into the account that incurred the cost of providing the mediation or arbitration service.

“(C) AVAILABILITY.—Fees and penalties collected under subparagraph (A) shall be available to the Secretary without further Act of appropriation and shall remain available until expended to pay the expenses of the Secretary for providing mediation and arbitration services under this paragraph.

“(D) NO REQUIREMENT FOR USE OF SERVICES.—No person shall be required by the Secretary to use the mediation and arbitration services provided under this paragraph.”.

SEC. 304. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH EXTREME UNEMPLOYMENT AND SEVERE ECONOMIC DEPRESSION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

“(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH EXTREME UNEMPLOYMENT AND SEVERE ECONOMIC DEPRESSION.—

“(A) DEFINITION OF NOT EMPLOYED RATE.—In this paragraph, the term ‘not employed rate’, with respect to a community, means the percentage of individuals over the age of 18 who reside within the community and who are ready, willing, and able to be employed but are unable to find employment, as determined by the department of labor of the State in which the community is located.

“(B) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in rural communities with respect to which the not employed rate is greater than the lesser of—

“(i) 500 percent of the average national unemployment rate on the date of the enactment of this paragraph, as determined by the Bureau of Labor Statistics; or

“(ii) 200 percent of the average national unemployment rate during the Great Depression, as determined by the Bureau of Labor Statistics.

“(C) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.”.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking “section 306(a)(19)” and inserting “paragraph (19) or (20) of section 306(a)”.

SEC. 305. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 304(a)) is amended by adding at the end the following:

“(21) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

“(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

“(i) that is represented by—

“(I) any political subdivision of a State;

“(II) an Indian tribe on a Federal or State reservation; or

“(III) other federally recognized Indian tribal group;

“(ii) that is located in a rural area (as defined in section 381A);

“(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

“(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

“(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.”.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) (as amended by section 304(b)) is amended by striking “paragraph (19) or (20)” and inserting “paragraph (19), (20), or (21)”.

SEC. 306. STATE AGRICULTURAL MEDIATION PROGRAMS.

(a) **ELIGIBLE PERSON; MEDIATION SERVICES.**—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

“(1) **ISSUES COVERED.**—

“(A) **IN GENERAL.**—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

“(B) **OTHER ISSUES.**—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in one or more of the following issues under the jurisdiction of the Department of Agriculture:

“(i) Wetlands determinations.

“(ii) Compliance with farm programs, including conservation programs.

“(iii) Agricultural credit.

“(iv) Rural water loan programs.

“(v) Grazing on National Forest System land.

“(vi) Pesticides.

“(vii) Such other issues as the Secretary considers appropriate.

“(2) **PERSONS ELIGIBLE FOR MEDIATION.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the persons referred to in paragraph (1) include—

“(i) agricultural producers;

“(ii) creditors of producers (as applicable); and

“(iii) persons directly affected by actions of the Department of Agriculture.

“(B) **VOLUNTARY PARTICIPATION.**—

“(i) **IN GENERAL.**—Subject to clause (ii) and section 503, a person may not be compelled to participate in mediation services provided under this Act.

“(ii) **STATE LAWS.**—Clause (i) shall not affect a State law requiring mediation before foreclosure on agricultural land or property.”; and

(2) by adding at the end the following:

“(d) **DEFINITION OF MEDIATION SERVICES.**—In this section, the term ‘mediation services’, with respect to mediation or a request for mediation, may include all activities related to—

“(1) the intake and scheduling of cases;

“(2) the provision of background and selected information regarding the mediation process;

“(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

“(4) the mediation session.”.

(b) **USE OF MEDIATION GRANTS.**—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking “Each” and inserting the following:

“(1) **IN GENERAL.**—Each”; and

(2) by adding at the end the following:

“(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

“(A) salaries;

“(B) reasonable fees and costs of mediators;

“(C) office rent and expenses, such as utilities and equipment rental;

“(D) office supplies;

“(E) administrative costs, such as workers’ compensation, liability insurance, the employer’s share of Social Security, and necessary travel;

“(F) education and training;

“(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

“(H) costs associated with publicity and promotion of the mediation program;

“(I) preparation of the parties for mediation; and

“(J) financial advisory and counseling services for parties requesting mediation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking “2000” and inserting “2005”.

SEC. 307. ADJUSTMENTS TO NUTRITION PROGRAMS.

(a) PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.—Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended by striking “2000” and inserting “2003”.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—

(1) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking “continental” and inserting “contiguous States of the”.

(2) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking “at least 20 local agencies” and inserting “not more than 20 local agencies”.

(c) CHILD AND ADULT CARE FOOD PROGRAM.—

(1) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(A) by striking the section heading and all that follows through “SEC. 17.” and inserting the following:

“SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.”;

and

(B) in subsection (a)(6)(C)(ii), by striking “and” at the end.

(2) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(A) by striking “(D) HEARING.—An institution” and inserting the following:

“(D) HEARING.—

“(i) IN GENERAL.—Except as provided in clause (ii), an institution”; and
 (B) by adding at the end the following:

“(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

“(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

“(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

“(III) REVIEW PROCEDURE.—The review shall—

“(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

“(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

“(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

“(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

“(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

“(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1).”.

(3) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(A) in clause (iii), by striking “all families” and inserting “all low-income families”; and

Deadline.

(B) in clause (iv), by striking “made” and inserting “reported for fiscal year 1998”.

SEC. 308. AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO PURCHASE AND TRANSFER LAND.

Subject to the availability of funds appropriated to the Agricultural Research Service, the Secretary of Agriculture may—

(1) purchase a tract of land in the State of South Carolina that is contiguous to land owned on the date of the enactment of this Act by the Department of Agriculture, acting through the Coastal Plains Soil, Water, and Plant Research Center of the Agricultural Research Service; and

(2) transfer land owned by the Department of Agriculture to the Florence Darlington Technical College, South Carolina, in exchange for land owned by the College.

SEC. 309. EXTENSION OF TIME PERIOD FOR FILING CERTAIN COMPLAINTS ALLEGING PREPARATION OF FALSE INSPECTION CERTIFICATES.

Notwithstanding section 6(a)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)), a person that desires to file a complaint under section 6 of that Act involving the allegation of a false inspection certificate prepared by a grader of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York, prior to October 27, 1999, may file the complaint not later than January 1, 2001.

SEC. 310. INTERNATIONAL FOOD RELIEF PARTNERSHIP.

(a) ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.—Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

“SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

7 USC 1726b.

“(a) IN GENERAL.—The Administrator may provide grants to—

“(1) United States nonprofit organizations (described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986) for the preparation of shelf-stable prepackaged foods requested by eligible organizations and the establishment and maintenance of stockpiles of the foods in the United States; and

“(2) private voluntary organizations and international organizations for the rapid transportation, delivery, and distribution of shelf-stable prepackaged foods described in paragraph (1) to needy individuals in foreign countries.

“(b) GRANTS FOR ESTABLISHMENT OF STOCKPILES.—

“(1) IN GENERAL.—Not more than 70 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(1).

“(2) PRIORITY.—In providing grants under subsection (a)(1), the Administrator shall provide a preference to a United States nonprofit organization that agrees to provide—

“(A) non-Federal funds in an amount equal to 50 percent of the amount of funds received under a grant under subsection (a)(1);

“(B) an in-kind contribution in an amount equal to that percentage; or

“(C) a combination of such funds and an in-kind contribution,

for the preparation of shelf-stable prepackaged foods and the establishment and maintenance of stockpiles of the foods in the United States in accordance with subsection (a)(1).

“(c) GRANTS FOR RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION.—Not less than 20 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(2).

“(d) ADMINISTRATION.—Not more than 10 percent of the amount made available to carry out this section may be used by the Administrator for the administration of grants under subsection (a).

Deadline.

“(e) REGULATIONS OR GUIDELINES.—Not later than 180 days after the date of the enactment of this section, the Administrator, in consultation with the Secretary, shall issue such regulations or guidelines as the Administrator determines to be necessary to carry out this section, including regulations or guidelines that provide to United States nonprofit organizations eligible to receive grants under subsection (a)(1) guidance with respect to the requirements for qualified shelf-stable prepackaged foods and the quantity of the foods to be stockpiled by the organizations.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, in addition to amounts otherwise available to carry out this section, \$3,000,000 for each of fiscal years 2001 and 2002, to remain available until expended.”.

(b) PREPOSITIONING OF COMMODITIES.—Section 407(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is amended by adding at the end the following:

“(4) PREPOSITIONING.—Funds made available for fiscal years 2001 and 2002 to carry out titles II and III may be used by the Administrator to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries, except that for each such fiscal year not more than \$2,000,000 of such funds may be used to store agricultural commodities for prepositioning in foreign countries.”.

SEC. 311. COTTON FUTURES.

Subsection (d)(2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: “A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance.”.

SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

7 USC 181 note.
Deadline.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled “Packers and Stockyards Programs:

Actions Needed to Improve Investigations of Competitive Practices”, GAO/RCED–00–242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

7 USC 181 note.

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

Deadline.
7 USC 181 note.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

Deadline.
7 USC 181 note.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

“SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

7 USC 228d.

“Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

Deadline.

“(1) assesses the general economic state of the cattle and hog industries;

“(2) describes changing business practices in those industries; and

“(3) identifies market operations or activities in those industries that appear to raise concerns under this Act.”.

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

“SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

16 USC 1012.

“(a) DEFINITIONS.—For purposes of this section:

“(1) REHABILITATION.—The term ‘rehabilitation’, with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure

and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

“(2) COVERED WATER RESOURCE PROJECT.—The term ‘covered water resource project’ means a work of improvement carried out under any of the following:

“(A) This Act.

“(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

“(C) The pilot watershed program authorized under the heading ‘FLOOD PREVENTION’ of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

“(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

“(3) STRUCTURAL MEASURE.—The term ‘structural measure’ means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

“(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

“(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

“(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

“(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or other developmental regulations are in place in the watershed

in which the structural measures to be rehabilitated under the agreement are located so that—

“(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

“(B) society can realize the full benefits of the rehabilitation investment.

“(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

“(d) PROHIBITED USE.—

“(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

“(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

“(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

“(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

“(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

- “(1) \$5,000,000 for fiscal year 2001;
- “(2) \$10,000,000 for fiscal year 2002;
- “(3) \$15,000,000 for fiscal year 2003;
- “(4) \$25,000,000 for fiscal year 2004; and
- “(5) \$35,000,000 for fiscal year 2005.

“(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

“(j) RECORDKEEPING AND REPORTS.—

“(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

“(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.”.

Deadline.

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161-DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161-DI, entitled “Boundary Survey for South Carolina Forestry Commission”, dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the revisionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225-HI, entitled “South Carolina Forestry Commission Boardman Land Exchange”, dated June 9, 1999, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

“(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.”.

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds of the Commodity Credit Corporation to pay for all expenses associated with the

pork checkoff referendum ordered by the Secretary on February 25, 2000.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4788 (S. 3001):

SENATE REPORTS: No. 106–391 accompanying S. 3001 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendment with an amendment.

Oct. 24, Senate concurred in House amendment.



Public Law 106–473
106th Congress

An Act

To require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

Nov. 9, 2000
[H.R. 4794]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Washington-Rochambeau Revolutionary Route National Heritage Act of 2000”.

Washington-
Rochambeau
Revolutionary
Route National
Heritage Act of
2000.

SEC. 2. STUDY OF THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE.

(a) **IN GENERAL.**—Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Jean Baptiste Donatien de Vimeur, comte de Rochambeau during the American Revolutionary War.

Deadline.

(b) **CONSULTATION.**—In conducting the study required by subsection (a), the Secretary shall consult with State and local historic associations and societies, State historic preservation agencies, and other appropriate organizations.

(c) **CONTENTS.**—The study shall—

(1) identify the full range of resources and historic themes associated with the route referred to in subsection (a), including its relationship to the American Revolutionary War;

(2) identify alternatives for National Park Service involvement with preservation and interpretation of the route referred to in subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified pursuant to paragraph (2).

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4794:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 23, considered and passed House.

Oct. 27, considered and passed Senate.



Public Law 106–474
106th Congress

An Act

To establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

Nov. 9, 2000
[H.R. 4846]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Recording Preservation Act of 2000”.

National
Recording
Preservation Act
of 2000.
2 USC 1701 note.

**TITLE I—SOUND RECORDING PRESER-
VATION BY THE LIBRARY OF CON-
GRESS**

Subtitle A—National Recording Registry

**SEC. 101. NATIONAL RECORDING REGISTRY OF THE LIBRARY OF CON-
GRESS.**

Establishment.
2 USC 1701.

The Librarian of Congress shall establish the National Recording Registry for the purpose of maintaining and preserving sound recordings that are culturally, historically, or aesthetically significant.

SEC. 102. DUTIES OF LIBRARIAN OF CONGRESS.

2 USC 1702.

(a) ESTABLISHMENT OF CRITERIA AND PROCEDURES.—For purposes of carrying out this subtitle, the Librarian shall—

(1) establish criteria and procedures under which sound recordings may be included in the National Recording Registry, except that no sound recording shall be eligible for inclusion in the National Recording Registry until 10 years after the recording’s creation;

(2) establish procedures under which the general public may make recommendations to the National Recording Preservation Board established under subtitle C regarding the inclusion of sound recordings in the National Recording Registry; and

(3) determine which sound recordings satisfy the criteria established under paragraph (1) and select such recordings for inclusion in the National Recording Registry.

(b) PUBLICATION OF SOUND RECORDINGS IN THE REGISTRY.—The Librarian shall publish in the Federal Register the name of

Federal Register,
publication.

each sound recording that is selected for inclusion in the National Recording Registry.

2 USC 1703.

SEC. 103. SEAL OF THE NATIONAL RECORDING REGISTRY.

(a) **IN GENERAL.**—The Librarian shall provide a seal to indicate that a sound recording has been included in the National Recording Registry and is the Registry version of that recording.

(b) **USE OF SEAL.**—The Librarian shall establish guidelines for approval of the use of the seal provided under subsection (a), and shall include in the guidelines the following:

(1) The seal may only be used on recording copies of the Registry version of a sound recording.

(2) The seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines.

(3) In the case of copyrighted mass distributed, broadcast, or published works, only the copyright legal owner or an authorized licensee of that copyright owner may place or authorize the placement of the seal on any recording copy of the Registry version of any sound recording that is maintained in the National Recording Registry Collection in the Library of Congress.

(4) Anyone authorized to place the seal on any recording copy of any Registry version of a sound recording may accompany such seal with the following language: “This sound recording is selected for inclusion in the National Recording Registry by the Librarian of Congress in consultation with the National Recording Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance.”.

(c) **EFFECTIVE DATE OF THE SEAL.**—The use of the seal provided under subsection (a) with respect to a sound recording shall be effective beginning on the date the Librarian publishes in the Federal Register (in accordance with section 102(b)) the name of the recording, as selected for inclusion in the National Recording Registry.

(d) **PROHIBITED USES OF THE SEAL.**—

(1) **PROHIBITION ON DISTRIBUTION AND EXHIBITION.**—No person may knowingly distribute or exhibit to the public a version of a sound recording or any copy of a sound recording which bears the seal described in subsection (a) if such recording—

(A) is not included in the National Recording Registry;

or

(B) is included in the National Recording Registry but has not been approved for use of the seal by the Librarian pursuant to the guidelines established under subsection (b).

(2) **PROHIBITION ON PROMOTION.**—No person may knowingly use the seal described in subsection (a) to promote any version of a sound recording or recording copy other than a Registry version.

(e) **REMEDIES FOR VIOLATIONS.**—

(1) **JURISDICTION.**—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of subsection (d).

(2) **RELIEF.**—

(A) REMOVAL OF SEAL.—Except as provided in subparagraph (B), relief for violation of subsection (d) shall be limited to the removal of the seal from the sound recording involved in the violation.

(B) FINE AND INJUNCTIVE RELIEF.—In the case of a pattern or practice of the willful violation of subsection (d), the court may order a civil fine of not more than \$10,000 and appropriate injunctive relief.

(3) LIMITATION OF REMEDIES.—The remedies provided in this subsection shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in subsection (a).

SEC. 104. NATIONAL RECORDING REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS. 2 USC 1704.

(a) IN GENERAL.—All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall be maintained in the Library of Congress and be known as the “National Recording Registry Collection of the Library of Congress”. The Librarian shall by regulation and in accordance with title 17, United States Code, provide for reasonable access to the sound recordings and other materials in such collection for scholarly and research purposes.

Regulations.

(b) ACQUISITION OF QUALITY COPIES.—

(1) IN GENERAL.—The Librarian shall seek to obtain, by gift from the owner, a quality copy of the Registry version of each sound recording included in the National Recording Registry.

(2) LIMIT ON NUMBER OF COPIES.—Not more than one copy of the same version or take of any sound recording may be preserved in the National Recording Registry. Nothing in the preceding sentence may be construed to prohibit the Librarian from making or distributing copies of sound recordings included in the Registry for purposes of carrying out this Act.

(c) PROPERTY OF UNITED STATES.—All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

Subtitle B—National Sound Recording Preservation Program

SEC. 111. ESTABLISHMENT OF PROGRAM BY LIBRARIAN OF CONGRESS. 2 USC 1711.

(a) IN GENERAL.—The Librarian shall, after consultation with the National Recording Preservation Board established under subtitle C, implement a comprehensive national sound recording preservation program, in conjunction with other sound recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to sound recording preservation, and taking into account studies conducted by the Board.

(b) CONTENTS OF PROGRAM SPECIFIED.—The program established under subsection (a) shall—

(1) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(2) generate public awareness of and support for these activities;

(3) increase accessibility of sound recordings for educational purposes;

(4) undertake studies and investigations of sound recording preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices; and

(5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia, to ensure that preserved sound recordings included in the National Recording Registry are stored in a proper manner and disseminated to researchers, scholars, and the public as may be appropriate in accordance with title 17, United States Code, and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

2 USC 1712.

SEC. 112. PROMOTING ACCESSIBILITY AND PUBLIC AWARENESS OF SOUND RECORDINGS.

The Librarian shall carry out activities to make sound recordings included in the National Recording Registry more broadly accessible for research and educational purposes and to generate public awareness and support of the Registry and the comprehensive national sound recording preservation program established under this subtitle.

Subtitle C—National Recording Preservation Board

2 USC 1721.

SEC. 121. ESTABLISHMENT.

The Librarian shall establish in the Library of Congress a National Recording Preservation Board whose members shall be selected in accordance with the procedures described in section 122.

2 USC 1722.

SEC. 122. APPOINTMENT OF MEMBERS.

(a) SELECTIONS FROM LISTS SUBMITTED BY ORGANIZATIONS.—

(1) IN GENERAL.—The Librarian shall request each organization described in paragraph (2) to submit a list of three candidates qualified to serve as a member of the Board. The Librarian shall appoint one member from each such list, and shall designate from that list an alternate who may attend at Board expense those meetings which the individual appointed to the Board cannot attend.

(2) ORGANIZATIONS DESCRIBED.—The organizations described in this paragraph are as follows:

(A) National Academy of Recording Arts and Sciences (NARAS).

(B) Recording Industry Association of America (RIAA).

(C) Association for Recorded Sound Collections (ARSC).

(D) American Society of Composers, Authors and Publishers (ASCAP).

(E) Broadcast Music, Inc. (BMI).

- (F) Songwriters Association (SESAC).
- (G) American Federation of Musicians (AF of M).
- (H) Music Library Association.
- (I) American Musicological Society.
- (J) National Archives and Record Administration.
- (K) National Association of Recording Merchandisers (NARM).
- (L) Society for Ethnomusicology.
- (M) American Folklore Society.
- (N) Country Music Foundation.
- (O) Audio Engineering Society (AES).
- (P) National Academy of Popular Music.
- (Q) Digital Media Association (DiMA).

(b) **OTHER MEMBERS.**—In addition to the members appointed under subsection (a), the Librarian may appoint not more than five members-at-large. The Librarian shall select an alternate for each member-at-large, who may attend at Board expense those meetings that the member-at-large cannot attend.

(c) **CHAIR.**—The Librarian shall appoint one member of the Board to serve as Chair.

(d) **TERM OF OFFICE.**—

(1) **TERMS.**—The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) **REMOVAL OF MEMBER OF ORGANIZATION.**—The Librarian shall have the authority to remove any member of the Board (or, in the case of a member appointed under subsection (a)(1), the organization that such member represents) if the member or organization over any consecutive 2-year period fails to attend at least one regularly scheduled Board meeting.

(3) **VACANCIES.**—A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member's predecessor.

SEC. 123. SERVICE OF MEMBERS; MEETINGS.

2 USC 1723.

(a) **REIMBURSEMENT OF EXPENSES.**—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) **CONFLICT OF INTEREST.**—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(c) **MEETINGS.**—The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(d) **QUORUM.**—Eleven members of the Board shall constitute a quorum for the transaction of business.

SEC. 124. RESPONSIBILITIES OF BOARD.

2 USC 1724.

(a) **REVIEW AND RECOMMENDATION OF NOMINATIONS FOR NATIONAL RECORDING REGISTRY.**—

(1) **IN GENERAL.**—The Board shall review nominations of sound recordings submitted to it for inclusion in the National Recording Registry and advise the Librarian, as provided in subtitle A, with respect to the inclusion of such recordings

in the Registry and the preservation of these and other sound recordings that are culturally, historically, or aesthetically significant.

(2) **SOURCE OF NOMINATIONS.**—The Board shall consider for inclusion in the National Recording Registry nominations submitted by the general public as well as representatives of sound recording archives and the sound recording industry (such as the guilds and societies representing sound recording artists) and other creative artists.

(b) **STUDY AND REPORT ON SOUND RECORDING PRESERVATION AND RESTORATION.**—The Board shall conduct a study and issue a report on the following issues:

(1) The current state of sound recording archiving, preservation and restoration activities.

(2) Taking into account the research and other activities carried out by or on behalf of the National Audio-Visual Conservation Center at Culpeper, Virginia—

(A) the methodology and standards needed to make the transition from analog “open reel” preservation of sound recordings to digital preservation of sound recordings; and

(B) standards for access to preserved sound recordings by researchers, educators, and other interested parties.

(3) The establishment of clear standards for copying old sound recordings (including equipment specifications and equalization guidelines).

(4) Current laws and restrictions regarding the use of archives of sound recordings, including recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

2 USC 1725.

SEC. 125. GENERAL POWERS OF BOARD.

(a) **IN GENERAL.**—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(b) **SERVICE ON FOUNDATION.**—Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36, United States Code.

Subtitle D—General Provisions

2 USC 1741.

SEC. 131. DEFINITIONS.

As used in this title:

(1) The term “Librarian” means the Librarian of Congress.

(2) The term “Board” means the National Recording Preservation Board.

(3) The term “sound recording” has the meaning given such term in section 101 of title 17, United States Code.

(4) The term “publication” has the meaning given such term in section 101 of title 17, United States Code.

(5) The term “Registry version” means, with respect to a sound recording, the version of a recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

SEC. 132. STAFF; EXPERTS AND CONSULTANTS.

2 USC 1742.

(a) **STAFF.**—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) **EXPERTS AND CONSULTANTS.**—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for level 15 of the General Schedule. In no case may a member of the Board (including an alternate member) be paid as an expert or consultant under this section.

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

2 USC 1743.

There are authorized to be appropriated to the Librarian for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act such sums as may be necessary to carry out this title, except that the amount authorized for any fiscal year may not exceed \$250,000.

TITLE II—NATIONAL RECORDING PRESERVATION FOUNDATION

SEC. 201. NATIONAL RECORDING PRESERVATION FOUNDATION.

(a) **IN GENERAL.**—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1523 the following:

“CHAPTER 1524—NATIONAL RECORDING PRESERVATION FOUNDATION

“Sec.

“152401. Organization.

“152402. Purposes.

“152403. Board of directors.

“152404. Officers and employees.

“152405. Powers.

“152406. Principal office.

“152407. Provision and acceptance of support by Librarian of Congress.

“152408. Service of process.

“152409. Civil action by Attorney General for equitable relief.

“152410. Immunity of United States Government.

“152411. Authorization of appropriations.

“152412. Annual report.

“§ 152401. Organization

“(a) **FEDERAL CHARTER.**—The National Recording Preservation Foundation (in this chapter, the ‘corporation’) is a federally chartered corporation.

“(b) **NATURE OF CORPORATION.**—The corporation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

“(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

“§ 152402. Purposes

“The purposes of the corporation are to—

“(1) encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation’s sound recording heritage held at the Library of Congress and other public and nonprofit archives throughout the United States; and

“(2) further the goals of the Library of Congress and the National Recording Preservation Board in connection with their activities under the National Recording Preservation Act of 2000.

“§ 152403. Board of directors

“(a) GENERAL.—The board of directors is the governing body of the corporation.

“(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress (hereafter in this chapter referred to as the ‘Librarian’) is an ex officio nonvoting member of the board. Not later than 90 days after the date of the enactment of this chapter, the Librarian shall appoint the directors to the board in accordance with paragraph (2).

“(2)(A) The board consists of nine directors.

“(B) Each director shall be a United States citizen.

“(C) At least six directors shall be knowledgeable or experienced in sound recording production, distribution, preservation, or restoration, including two who are sitting members of the National Recording Preservation Board. These six directors shall, to the extent practicable, represent diverse points of view from the sound recording community.

“(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

“(4) The terms of office of the directors are 4 years. An individual may not serve more than two consecutive terms.

“(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

“(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the bylaws of the corporation.

“(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the corporation.

“(e) MEETINGS.—The board shall meet at the call of the Librarian for regularly scheduled meetings.

“(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

“(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

Deadline.

“§ 152404. Officers and employees

“(a) SECRETARY OF THE BOARD.—(1) The Librarian shall appoint a Secretary of the Board to serve as executive director of the corporation. The Librarian may remove the Secretary.

“(2) The Secretary shall be knowledgeable and experienced in matters relating to—

“(A) sound recording preservation and restoration activities;

“(B) financial management; and

“(C) fundraising.

“(b) APPOINTMENT OF OFFICERS.—Except as provided in subsection (a) of this section, the board of directors appoints, removes, and replaces officers of the corporation.

“(c) APPOINTMENT OF EMPLOYEES.—Except as provided in subsection (a) of this section, the Secretary appoints, removes, and replaces employees of the corporation.

“(d) STATUS AND COMPENSATION OF EMPLOYEES.—Employees of the corporation (including the Secretary)—

“(1) are not employees of the Library of Congress;

“(2) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

“(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an employee may not be paid more than the annual rate of basic pay for level 15 of the General Schedule under section 5107 of title 5.

“§ 152405. Powers

“(a) GENERAL.—The corporation may—

“(1) adopt a constitution and bylaws;

“(2) adopt a seal which shall be judicially noticed; and

“(3) do any other act necessary to carry out this chapter.

“(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

“(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

“(2) to acquire property or an interest in property by purchase or exchange;

“(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

“(4) to borrow money and issue instruments of indebtedness;

“(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

“(6) to sue and be sued; and

“(7) to do any other act necessary and proper to carry out the purposes of the corporation.

“(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the corporation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the corporation.

“§ 152406. Principal office

“The principal office of the corporation shall be in the District of Columbia. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

“§ 152407. Provision and acceptance of support by Librarian of Congress

“(a) PROVISION BY LIBRARIAN.—(1) The Librarian may provide personnel, facilities, and other administrative services to the corporation. Administrative services may include reimbursement of expenses under section 152403(f).

“(2) The corporation shall reimburse the Librarian for support provided under paragraph (1) of this subsection. Amounts reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the support.

“(b) ACCEPTANCE BY LIBRARIAN.—The Librarian may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Library of Congress.

“§ 152408. Service of process

“The corporation shall have a designated agent to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

“§ 152409. Civil action by Attorney General for equitable relief

“The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

“(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152402 of this title; or

“(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

“§ 152410. Immunity of United States Government

“The United States Government is not liable for any debts, defaults, acts, or omissions of the corporation. The full faith and credit of the Government does not extend to any obligation of the corporation.

“§ 152411. Authorization of appropriations

“(a) AUTHORIZATION.—There are authorized to be appropriated to the corporation for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter an amount not to exceed the amount of private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

“(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Except as permitted under section 152407, amounts authorized

under this section may not be used by the corporation for administrative expenses of the corporation, including salaries, travel, transportation, and overhead expenses.

“§ 152412. Annual report

“As soon as practicable after the end of each fiscal year, the corporation shall submit a report to the Librarian for transmission to Congress on the activities of the corporation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1523 the following new item:

“1524. National Recording Preservation Foundation152401”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4846:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 25, considered and passed Senate, amended.

Nov. 1, House disagreed to Senate amendments. Senate receded from its amendments.



Public Law 106–475
106th Congress

An Act

Nov. 9, 2000
[H.R. 4864]

Veterans Claims
Assistance Act of
2000.
38 USC 101 note.

To amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Claims Assistance Act of 2000”.

SEC. 2. CLARIFICATION OF DEFINITION OF “CLAIMANT” FOR PURPOSES OF VETERANS CLAIMS.

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

“§5100. Definition of ‘claimant’

“For purposes of this chapter, the term ‘claimant’ means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.”.

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:

“§5102. Application forms furnished upon request; notice to claimants of incomplete applications

“(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

“(b) INCOMPLETE APPLICATIONS.—If a claimant’s application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant’s representative, if any, of the information necessary to complete the application.

“§5103. Notice to claimants of required information and evidence

“(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant’s representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the

claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

“(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within 1 year from the date of such notification, no benefit may be paid or furnished by reason of the claimant’s application.

“(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

“§5103A. Duty to assist claimants

“(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant’s claim for a benefit under a law administered by the Secretary.

“(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

“(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant’s application.

“(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

“(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

“(A) identify the records the Secretary is unable to obtain;

“(B) briefly explain the efforts that the Secretary made to obtain those records; and

“(C) describe any further action to be taken by the Secretary with respect to the claim.

“(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

“(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:

“(1) The claimant’s service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant’s active military, naval, or air service that are held or maintained by a governmental entity.

“(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the

expense of the Department, if the claimant furnishes information sufficient to locate those records.

“(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

“(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

“(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

“(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

“(B) indicates that the disability or symptoms may be associated with the claimant’s active military, naval, or air service; but

“(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

“(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

“(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance under subsection (a) to a claimant in substantiating a claim as the Secretary considers appropriate.”.

(b) REENACTMENT OF RULE FOR CLAIMANT’S LACKING A MAILING ADDRESS.—Chapter 51 of such title is further amended by adding at the end the following new section:

“§5126. Benefits not to be denied based on lack of mailing address

“Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.”.

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

“§5107. Claimant responsibility; benefit of the doubt

“(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

“(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance

of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant.”.

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: “The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.”.

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

“5100. Definition of ‘claimant’.”;

(2) by striking the items relating to sections 5102 and 5103 and inserting the following:

“5102. Application forms furnished upon request; notice to claimants of incomplete applications.

“5103. Notice to claimants of required information and evidence.

“5103A. Duty to assist claimants.”;

(3) by striking the item relating to section 5107 and inserting the following:

“5107. Claimant responsibility; benefit of the doubt.”;

and

(4) by adding at the end the following new item:

“5126. Benefits not to be denied based on lack of mailing address.”.

SEC. 7. EFFECTIVE DATE.

38 USC 5107
note.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of that date.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary’s own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that

term was used in section 5107(a) of title 38, United States Code, as in effect during that period).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than 2 years after the date of the enactment of this Act.

(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate a claim described in this subsection.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4864 (S. 1810):

HOUSE REPORTS: No. 106–781 (Comm. on Veterans' Affairs).

SENATE REPORTS: No. 106–397 accompanying S. 1810 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Sept. 25, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 9, Presidential statement.



Public Law 106–476
106th Congress

An Act

To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

Nov. 9, 2000
[H.R. 4868]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tariff Suspension and Trade Act of 2000”.

Tariff Suspension
and Trade Act of
2000.
19 USC 1654
note.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

- Sec. 1101. HIV/AIDS drug.
- Sec. 1102. HIV/AIDS drug.
- Sec. 1103. Triacetoneamine.
- Sec. 1104. Instant print film in rolls.
- Sec. 1105. Color instant print film.
- Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
- Sec. 1107. Cibacron red LS–B HC.
- Sec. 1108. Cibacron brilliant blue FN–G.
- Sec. 1109. Cibacron scarlet LS–2G HC.
- Sec. 1110. MUB 738 INT.
- Sec. 1111. Fenbuconazole.
- Sec. 1112. 2,6-Dichlorotoluene.
- Sec. 1113. 3-Amino-3-methyl-1-pentyne.
- Sec. 1114. Triazamate.
- Sec. 1115. Methoxyfenozide.
- Sec. 1116. 1-Fluoro-2-nitrobenzene.
- Sec. 1117. PHBA.
- Sec. 1118. THQ (toluhydroquinone).
- Sec. 1119. 2,4-Dicumylphenol.
- Sec. 1120. Certain cathode-ray tubes.
- Sec. 1121. Other cathode-ray tubes.
- Sec. 1122. Certain raw cotton.
- Sec. 1123. Rhinovirus drug.
- Sec. 1124. Butralin.
- Sec. 1125. Branched dodecylbenzene.
- Sec. 1126. Certain fluorinated compound.
- Sec. 1127. Certain light absorbing photo dye.
- Sec. 1128. Filter Blue Green photo dye.
- Sec. 1129. Certain light absorbing photo dyes.
- Sec. 1130. 4,4'-Difluorobenzophenone.

Sec. 1131. A fluorinated compound.
Sec. 1132. DiTMP.
Sec. 1133. HPA.
Sec. 1134. APE.
Sec. 1135. TMPDE.
Sec. 1136. TMPME.
Sec. 1137. Tungsten concentrates.
Sec. 1138. 2-Chloro Amino Toluene.
Sec. 1139. Certain ion-exchange resins.
Sec. 1140. 11-Aminoundecanoic acid.
Sec. 1141. Dimethoxy butanone (DMB).
Sec. 1142. Dichloro aniline (DCA).
Sec. 1143. Diphenyl sulfide.
Sec. 1144. Trifluralin.
Sec. 1145. Diethyl imidazolidinone (DMI).
Sec. 1146. Ethalfluralin.
Sec. 1147. Benfluralin.
Sec. 1148. 3-Amino-5-mercapto-1,2,4-triazole (AMT).
Sec. 1149. Diethyl phosphorochlorodithioate (DEPCT).
Sec. 1150. Refined quinoline.
Sec. 1151. DMDS.
Sec. 1152. Vision inspection systems.
Sec. 1153. Anode presses.
Sec. 1154. Trim and form machines.
Sec. 1155. Certain assembly machines.
Sec. 1156. Thionyl chloride.
Sec. 1157. Phenylmethyl hydrazinecarboxylate.
Sec. 1158. Tralkoxydim formulated.
Sec. 1159. KN002.
Sec. 1160. KL084.
Sec. 1161. IN-N5297.
Sec. 1162. Azoxystrobin formulated.
Sec. 1163. Fungafflor 500 EC.
Sec. 1164. Norbloc 7966.
Sec. 1165. Imazalil.
Sec. 1166. 1,5-Dichloroanthraquinone.
Sec. 1167. Ultraviolet dye.
Sec. 1168. Vinclozolin.
Sec. 1169. Tepraloxydim.
Sec. 1170. Pyridaben.
Sec. 1171. 2-Acetylnicotinic acid.
Sec. 1172. SAMe.
Sec. 1173. Procion crimson H-EXL.
Sec. 1174. Dispersol crimson SF grains.
Sec. 1175. Procion navy H-EXL.
Sec. 1176. Procion yellow H-EXL.
Sec. 1177. 2-Phenylphenol.
Sec. 1178. 2-Methoxy-1-propene.
Sec. 1179. 3,5-Difluoroaniline.
Sec. 1180. Quinclorac.
Sec. 1181. Dispersol black XF grains.
Sec. 1182. Fluroxypyr, 1-methylheptyl ester (FME).
Sec. 1183. Solsperser 17260.
Sec. 1184. Solsperser 17000.
Sec. 1185. Solsperser 5000.
Sec. 1186. Certain TAED chemicals.
Sec. 1187. Isobornyl acetate.
Sec. 1188. Solvent blue 124.
Sec. 1189. Solvent blue 104.
Sec. 1190. Pro-jet magenta 364 stage.
Sec. 1191. 4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide.
Sec. 1192. Undecylenic acid.
Sec. 1193. 2-Methyl-4-chlorophenoxyacetic acid.
Sec. 1194. Iminodisuccinate.
Sec. 1195. Iminodisuccinate salts and aqueous solutions.
Sec. 1196. Poly(vinyl chloride) (PVC) self-adhesive sheets.
Sec. 1197. 2-Butyl-2-ethylpropanediol.
Sec. 1198. Cyclohexadec-8-en-1-one.
Sec. 1199. Paint additive chemical.
Sec. 1200. o-Cumyl-octylphenol.
Sec. 1201. Certain polyamides.
Sec. 1202. Mesamoll.

- Sec. 1203. Vulkalent E/C.
 Sec. 1204. Baytron M.
 Sec. 1205. Baytron C–R.
 Sec. 1206. Baytron P.
 Sec. 1207. Molds for use in certain DVDs.
 Sec. 1208. KN001 (a hydrochloride).
 Sec. 1209. Certain compound optical microscopes.
 Sec. 1210. DPC 083.
 Sec. 1211. DPC 961.
 Sec. 1212. Petroleum sulfonic acids, sodium salts.
 Sec. 1213. Pro-jet cyan 1 press paste.
 Sec. 1214. Pro-jet black ALC powder.
 Sec. 1215. Pro-jet fast yellow 2 RO feed.
 Sec. 1216. Solvent yellow 145.
 Sec. 1217. Pro-jet fast magenta 2 RO feed.
 Sec. 1218. Pro-jet fast cyan 2 stage.
 Sec. 1219. Pro-jet cyan 485 stage.
 Sec. 1220. Triflurosulfuron methyl formulated product.
 Sec. 1221. Pro-jet fast cyan 3 stage.
 Sec. 1222. Pro-jet cyan 1 RO feed.
 Sec. 1223. Pro-jet fast black 287 NA paste/liquid feed.
 Sec. 1224. 4-(cyclopropyl- α -hydroxymethylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
 Sec. 1225. 4"-epimethylamino-4"-deoxyavermectin B_{1a} and B_{1b} benzoates.
 Sec. 1226. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
 Sec. 1227. Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl)-amino]carbonylbenzenesulfonamide] and 3,6-dichloro-2-methoxybenzoic acid.
 Sec. 1228. (E,E)- α -(methoxyimino)-2-[[[1-[3-(trifluoromethyl)phenyl]-ethylidene]amino]oxy]methyl]benzeneacetic acid, methyl ester.
 Sec. 1229. Formulations containing sulfur.
 Sec. 1230. Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea.
 Sec. 1231. Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
 Sec. 1232. (R)-2-[2,6-Dimethylphenyl)-methoxyacetylaminolpropionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl)-methoxyacetylaminolpropionic acid, methyl ester.
 Sec. 1233. Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester.
 Sec. 1234. Benzothiadiazole-7-carbothioic acid, S-methyl ester.
 Sec. 1235. O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate.
 Sec. 1236. 1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole.
 Sec. 1237. Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio]-5-thiazolyl]-4H-1,3,5-oxadiazin-4-imine.
 Sec. 1238. 1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
 Sec. 1239. 4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2H)-one.
 Sec. 1240. 4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile.
 Sec. 1241. Mixtures of 2-((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl)aminosulfonyl))-N,N-dimethyl-3-pyridinecarboxamide and application adjuvants.
 Sec. 1242. Monochrome glass envelopes.
 Sec. 1243. Ceramic coater.
 Sec. 1244. Pro-jet black 263 stage.
 Sec. 1245. Pro-jet fast black 286 paste.
 Sec. 1246. Bromine-containing compounds.
 Sec. 1247. Pyridinedicarboxylic acid.
 Sec. 1248. Certain semiconductor mold compounds.
 Sec. 1249. Solvent blue 67.
 Sec. 1250. Pigment blue 60.
 Sec. 1251. Menthyl anthranilate.
 Sec. 1252. 4-Bromo-2-fluoroacetanilide.
 Sec. 1253. Propiophenone.
 Sec. 1254. m-chlorobenzaldehyde.
 Sec. 1255. Ceramic knives.
 Sec. 1256. Stainless steel railcar body shells.
 Sec. 1257. Stainless steel railcar body shells of 148-passenger capacity.
 Sec. 1258. Pendimethalin.
 Sec. 1259. 3,5-Dibromo-4-hydroxybenzonitril ester and inerts.

Sec. 1260. 3,5-Dibromo-4-hydroxybenzonitril.
 Sec. 1261. Isoxaflutole.
 Sec. 1262. Cyclanilide technical.
 Sec. 1263. R115777.
 Sec. 1264. Bonding machines.
 Sec. 1265. Glyoxylic acid.
 Sec. 1266. Fluoride compounds.
 Sec. 1267. Cobalt boron.
 Sec. 1268. Certain steam or other vapor generating boilers used in nuclear facilities.
 Sec. 1269. Fipronil technical.
 Sec. 1270. KL540.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
 Sec. 1302. Technical correction.
 Sec. 1303. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
 Sec. 1402. Color television receiver entries.
 Sec. 1403. Copper and brass sheet and strip.
 Sec. 1404. Antifriction bearings.
 Sec. 1405. Other antifriction bearings.
 Sec. 1406. Printing cartridges.
 Sec. 1407. Liquidation or reliquidation of certain entries of N,N-dicyclohexyl-2-benzothiazolesulfenamide.
 Sec. 1408. Certain entries of tomato sauce preparation.
 Sec. 1409. Certain tomato sauce preparation entered in 1990 through 1992.
 Sec. 1410. Certain tomato sauce preparation entered in 1989 through 1995.
 Sec. 1411. Certain tomato sauce preparation entered in 1989 and 1990.
 Sec. 1412. Neoprene synchronous timing belts.
 Sec. 1413. Reliquidation of drawback claim number R74-10343996.
 Sec. 1414. Reliquidation of certain drawback claims filed in 1996.
 Sec. 1415. Reliquidation of certain drawback claims relating to exports of merchandise from May 1993 to July 1993.
 Sec. 1416. liquidation of certain drawback claims relating to exports claims filed between April 1994 and July 1994.
 Sec. 1417. Reliquidation of certain drawback claims relating to juices.
 Sec. 1418. Reliquidation of certain drawback claims filed in 1997.
 Sec. 1419. Reliquidation of drawback claim number WJU1111031-7.
 Sec. 1420. Liquidation or reliquidation of certain entries of athletic shoes.
 Sec. 1421. Reliquidation of certain drawback claims relating to juices.
 Sec. 1422. Drawback of finished petroleum derivatives.
 Sec. 1423. Reliquidation of certain entries of self-tapping screws.
 Sec. 1424. Reliquidation of certain entries of vacuum cleaners.
 Sec. 1425. Liquidation or reliquidation of certain entries of conveyor chains.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1431. Short title.
 Sec. 1432. Findings; purpose.
 Sec. 1433. Amendments to Harmonized Tariff Schedule of the United States.
 Sec. 1434. Regulations relating to entry procedures and sales of prototypes.
 Sec. 1435. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1441. Short title.
 Sec. 1442. Findings and purposes.
 Sec. 1443. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1451. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
 Sec. 1452. Exception from making report of arrival and formal entry for certain vessels.
 Sec. 1453. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.

Sec. 1454. International travel merchandise.
Sec. 1455. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1456. Treatment of personal effects of participants in international athletic events.
Sec. 1457. Collection of fees for customs services for arrival of certain ferries.
Sec. 1458. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1459. Cargo inspection.
Sec. 1460. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1461. Report on customs procedures.
Sec. 1462. Drawbacks for recycled materials.
Sec. 1463. Preservation of certain reporting requirements.
Sec. 1464. Importation of gum arabic.
Sec. 1465. Customs services at the Detroit Metropolitan Airport.

Subtitle C—Effective Date

Sec. 1471. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.
Sec. 2002. Chief Agricultural Negotiator.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA

Sec. 3001. Findings.
Sec. 3002. Termination of application of title IV of the Trade Act of 1974 to Georgia.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

Sec. 4001. Short title.
Sec. 4002. Modifications to rules governing reimportation of tobacco products.
Sec. 4003. Technical amendment to the Balanced Budget Act of 1997.
Sec. 4004. Requirements applicable to imports of certain cigarettes.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.07.10	9902.29.89	9902.30.55
9902.08.07	9902.29.94	9902.30.57
9902.29.10	9902.29.99	9902.30.61
9902.29.14	9902.30.00	9902.30.62
9902.29.22	9902.30.05	9902.30.81
9902.29.25	9902.30.08	9902.30.82
9902.29.27	9902.30.11	9902.30.85
9902.29.30	9902.30.13	9902.30.88
9902.29.31	9902.30.14	9902.30.94
9902.29.33	9902.30.15	9902.30.95
9902.29.38	9902.30.21	9902.30.97
9902.29.39	9902.30.23	9902.31.05
9902.29.40	9902.30.25	9902.38.07
9902.29.41	9902.30.27	9902.39.08
9902.29.42	9902.30.30	9902.39.10
9902.29.47	9902.30.32	9902.44.21

9902.29.48	9902.30.34	9902.57.02
9902.29.49	9902.30.35	9902.62.01
9902.29.56	9902.30.36	9902.62.04
9902.29.59	9902.30.37	9902.64.02
9902.29.64	9902.30.39	9902.70.12
9902.29.70	9902.30.40	9902.70.13
9902.29.71	9902.30.42	9902.70.14
9902.29.73	9902.30.43	9902.70.15
9902.29.77	9902.30.46	9902.78.01
9902.29.78	9902.30.47	9902.84.47
9902.29.79	9902.30.48	9902.85.40
9902.29.80	9902.30.50	9902.85.44
9902.29.81	9902.30.51	9902.98.00
9902.29.83	9902.30.52	
9902.29.84		

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methylbenzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1102. HIV/AIDS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1 <i>H</i> -imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.80	2,2,6,6-Tetramethyl-4-piperidine (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.37.02	Instant print film, in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	”.
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SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1107. CIBACRON RED LS-B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.04	Reactive Red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1108. CIBACRON BRILLIANT BLUE FN-G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]amino]-4,11-triphenodioxazinedisulfonic acid lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1109. CIBACRON SCARLET LS-2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.86	Reactive Red 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.91	2-Amino-4-(4-aminobenzoylamino)-benzenesulfonic acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.87	α -(2-(4-Chlorophenyl)ethyl- α -phenyl-1 <i>H</i> -1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369-43-6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.82	2,6-Dichlorotoluene (CAS No. 118-69-4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 18369-96-5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1 <i>H</i> -1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143-82-5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-, 2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl)hydrazide (CAS No. 161050-58-4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1116. 1-FLUORO-2-NITROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.04	1-Fluoro-2-nitrobenzene (CAS No. 001493-27-2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.03	p-Hydroxybenzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1119. 2,4-DICUMYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1120. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1121. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	”.
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SEC. 1122. CERTAIN RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	On or before 12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	On or before 12/31/2003	”.

SEC. 1123. RHINOVIRUS DRUG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.97	(2 <i>E</i> ,4 <i>S</i>)-4-((2 <i>R</i> ,5 <i>S</i>)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyl)amino)-1,4-dioxoheptyl)-amino)-5-((3 <i>S</i>)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1124. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.00	<i>N</i> -sec-Butyl-4- <i>tert</i> -butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1125. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1126. CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl)-ethynyl]phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1127. CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.55	4-Chloro-3-[4-[[4-(dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1 <i>H</i> -pyrazol-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1128. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187-44-6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1129. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1 <i>H</i> -pyrazol-1-yl]benzenesulfonic acid, compound with <i>N,N</i> -diethylethanamine (1:1) (CAS No. 109940-17-2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfo-phenyl)-1 <i>H</i> -pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfo-phenyl)-1 <i>H</i> -pyrazole-3-carboxylic acid, sodium salt, compound with <i>N,N</i> -diethylethanamine (CAS No. 90066-12-9); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1-(4-sulfo-phenyl)-1 <i>H</i> -pyrazol-4-yl]methylene]-3-methyl-5-oxo-1 <i>H</i> -pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266-02-1); 4-[4-[[4-(Dimethylamino)phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1 <i>H</i> -pyrazol-1-yl]benzenesulfonic acid, potassium salt (CAS No. 27268-31-1); 4,5-dihydro-5-oxo-4-[[4-(phenylamino)methylene]-1-(4-sulfo-phenyl)-1 <i>H</i> -pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfo-phenyl)-1 <i>H</i> -pyrazol-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfo-phenyl)-1 <i>H</i> -pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863-74-4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1130. 4,4'-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.85	Bis(4-fluorophenyl)methanone (CAS No. 345-92-6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1131. A FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.14	(4-Fluorophenyl)phenylmethanone (CAS No. 345-83-5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1132. DiTMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.10	Di-trimethylolpropane (CAS No. 23235-61-2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1133. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.09	Hydroxypivalic acid (CAS No. 4835-90-9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1134. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.15	Allyl pentaerythritol (CAS No. 1471-18-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1135. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.58	Trimethylolpropane, diallyl ether (CAS No. 682-09-7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1136. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.59	Trimethylolpropane monoallyl ether (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1137. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	”.
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SEC. 1138. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.62	2-Chloro- <i>p</i> -toluidine (CAS No. 95-74-9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1139. CERTAIN ION-EXCHANGE RESINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	”.
	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethylenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	

SEC. 1140. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1141. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1142. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.17	2,6-Dichloro aniline (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1143. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1144. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.02	α,α,α -Trifluoro-2,6-dinitro- <i>p</i> -toluidine (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	3.3%	No change	No change	On or before 12/31/2003	”.
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SEC. 1145. DIETHYL IMIDAZOLIDINONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.26	1,3-Diethyl-2-imidazolidinone (CAS No. 80-73-9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1146. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.30.49	<i>N</i> -Ethyl- <i>N</i> -(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)-benzenamine (CAS No. 55283-68-6) (provided for in subheading 2921.43.80)	3.5%	No change	No change	On or before 12/31/2003	”.
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SEC. 1147. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

“	9902.29.59	<i>N</i> -Butyl- <i>N</i> -ethyl- α,α,α -trifluoro-2,6-dinitro- <i>p</i> -toluidine (CAS No. 1861-40-1) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1148. 3-AMINO-5-MERCAPTO-1,2,4-TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.08	3-Amino-5-mercapto-1,2,4-triazole (CAS No. 16691-43-3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1149. DIETHYL PHOSPHOROCHLORODITHIOATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.58	<i>O,O</i> -Diethyl phosphorochlorodithioate (CAS No. 2524-04-1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1150. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.61	Quinoline (CAS No. 91-22-5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1151. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.33.92	2,2-Dithiobis(8-fluoro-5-methoxy)-1,2,4-triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1152. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.90.20	Automated visual inspection systems of a kind used for physical inspection of capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1153. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.70	Presses for pressing tantalum powder into anodes (provided for in subheading 8462.99.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1154. TRIM AND FORM MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.40	Trimming and forming machines used in the manufacture of surface mounted electronic components other than semiconductors prior to marking (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1155. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.30	Assembly machines for assembling anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1156. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1157. PHENYLMETHYL HYDRAZINECARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1158. TRALKOXYDIM FORMULATED.

(a) **IN GENERAL.**—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

“	9902.06.62	2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2001	”.
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)-propyl]-3-hydroxy-5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820-88-0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

(b) **CALENDAR YEAR 2002.**—

(1) **IN GENERAL.**—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking “Free” each place it appears and inserting “1.1%”; and

(B) by striking “On or before 12/31/2001” each place it appears and inserting “On or before 12/31/2002”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) **CALENDAR YEAR 2003.**—

(1) **IN GENERAL.**—Headings 9902.06.62 and 9902.06.01, as added by subsection (a), are amended—

(A) by striking “1.1%” each place it appears and inserting “2.3%”; and

(B) by striking “On or before 12/31/2002” each place it appears and inserting “On or before 12/31/2003”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1159. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.63	2-[2,4-Dichloro-5-hydroxyphenyl]-hydrazono]-1-piperidine-carboxylic acid, methyl ester (CAS No. 159393-46-1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1160. KL084.

(a) **CALENDAR YEAR 2000.**—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.29.69	2-Imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393-48-3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	”.
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(b) **CALENDAR YEAR 2001.**—

(1) **IN GENERAL.**—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking “5.4%” and inserting “4.7%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking “4.7%” and inserting “4.0%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(d) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.69, as added by subsection (a), is amended—

(A) by striking “4.0%” and inserting “3.3%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1161. IN-N5297.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.35	2-(Methoxycarbonyl)-benzylsulfonamide (CAS No. 59777-72-9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1162. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.38.01	Methyl (E)-2-[6-(2-cyanophenoxy)-pyrimidin-4-yloxy]phenyl-3-methoxyacrylate (CAS No. 131860-33-8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	”.
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SEC. 1163. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.09	Mixtures of enilconazole (CAS No. 35554-44-0 or 73790-28-0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1164. NORBLOC 7966.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.22	2-(2'-Hydroxy-5'-methacrylyloxyethylphenyl)-2H-benzotriazole (CAS No. 96478-09-0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1165. IMAZALIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.10	Enilconazole (CAS No. 35554-44-0 or 73790-28-0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1166. 1,5-DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.14	1,5-Dichloroanthraquinone (CAS No. 82-46-2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	”.
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SEC. 1167. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.19	9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1168. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.20	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471-44-8) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1169. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.64	Mixtures of <i>E</i> -2-[1-[(3-chloro-2-propenyl)oxyl-imino]propyl]-3-hydroxy-5- (tetrahydro-2 <i>H</i> -pyran-4-yl)-2-cyclohexen-1-one (CAS No. 149979-41-9) and application adjuvants (provided for in subheading 3808.30.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1170. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.30	4-Chloro-2-(1,1-dimethylethyl)-5-(((4-(1,1-dimethylethyl)phenyl)-methylthio)-3-(2 <i>H</i>)-pyridazinone (CAS No. 96489-71-3) (provided for in subheading 2933.90.22)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1171. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.02	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1172. SAME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.21.06	Food supplement preparation of <i>S</i> -adenosylmethionine 1,4-butanedisulfonate (CAS No. 101020–79–5) (provided for in subheading 2106.90.99)	5.5%	No change	No change	On or before 12/31/2003	”.
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SEC. 1173. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.60	1,5-Naphthalene-disulfonic acid, 2-((8-((4-chloro-6-((3-((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)-azo)-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino)-1,3,5-triazin-2-yl)amino)-methyl)phenyl)-amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)-azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1174. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.05	Mixture of 3-phenyl-7-(4-propoxyphenyl)benzo-(1,2- <i>b</i> :4,5- <i>b'</i>)-difuran-2,6-dione (CAS No. 79694–17–0); 4-(2,6-dihydro-2,6-dioxo-7-phenylbenzo-(1,2- <i>b</i> :4,5- <i>b'</i>)-difuran-3-yl)phenoxyacetic acid, 2-ethoxyethyl ester (CAS No. 126877–05–2); and 4-(2,6-dihydro-2,6-dioxo-7-(4-propoxyphenyl)benzo-(1,2- <i>b</i> :4,5- <i>b'</i>)-difuran-3-yl)-phenoxy/phenoxy)-acetic acid, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing mixture provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1175. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.50	Mixture of 2,7-naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulphophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-sulphophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554-27-8); and 1,5-Naphthalenedisulfonic acid, 2-[(8-[(4-chloro-6-[(3-[(4-chloro-6-[(7-[(1,5-disulfo-2-naphthalenyl)azo]-8-hydroxy-3,6-disulfo-1-naphthalenyl)amino]-1,3,5-triazin-2-yl)-amino)methyl]-phenyl)amino]-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo]-, octa- (CAS No. 186554-26-7) (the foregoing mixture provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1176. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.46	Reactive yellow 138:1 mixed with non-color dispersing agent, anti-dusting agent and water (CAS No. 72906-25-3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1177. 2-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.25	2-Phenylphenol (CAS No. 90-43-7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1178. 2-METHOXY-1-PROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.27	2-Methoxy-1-propene (CAS No. 116-11-0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1179. 3,5-DIFLUOROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.56	3,5-Difluoroaniline (CAS No. 372-39-4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	”.
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(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “7.4%” and inserting “6.7%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking “6.7%” and inserting “6.3%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1180. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.47	3,7-Dichloro-8-quinolinecarboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	”.
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(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking “6.8%” and inserting “5.9%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking “5.9%” and inserting “5.4%”; and

(B) by striking “On or before 12/31/2002” and inserting “On or before 12/31/2003”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1181. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.81	Mixture of Disperse blue 284, Disperse brown 19 and Disperse red 311 with non-color dispersing agent (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1182. FLUROXYPYR, 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.77	Fluroxypyr, 1-methylheptyl ester (1-Methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetate) (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1183. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.29	12-Hydroxyoctadecanoic acid, reaction product with <i>N,N</i> -dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879-66-2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1184. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with <i>N,N</i> -dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879-66-2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1185. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.03	1-Octadecanaminium, <i>N,N</i> -dimethyl- <i>N</i> -octadecyl-, (Sp-4-2)-[29 <i>H</i> ,31 <i>H</i> -phthalocyanine-2-sulfonato(3-)- <i>N</i> ²⁹ , <i>N</i> ³⁰ , <i>N</i> ³¹ , <i>N</i> ³²]cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1186. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.70	Tetraacetythylenediamine (CAS Nos. 10543-57-4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1187. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.71	Isobornyl acetate (CAS No. 125-12-2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1188. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.73	Solvent blue 124 (CAS No. 29243-26-3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1189. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.72	Solvent blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1190. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.00	5-[4-(4,5-Dimethyl-2-sulphophenylamino)-6-hydroxy-[1,3,5-triazin-2-yl amino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naphthalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1191. 4-AMINO-2,5-DIMETHOXY-N-PHENYLBENZENE SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.73	4-Amino-2,5-dimethoxy-N-phenylbenzene sulfonamide (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1192. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1193. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 94–74–6) and its 2-ethylhexyl ester (CAS No. 29450–45–1) (provided for in subheading 2918.90.20); and 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt (CAS No. 2039–46–5) (provided for in subheading 2921.19.60)	2.6%	No change	No change	On or before 12/31/2003	”.
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SEC. 1194. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1195. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1196. POLY(VINYL CHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.01	Poly(vinyl chloride) (PVC) self-adhesive sheets, of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1197. 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.84	2-Butyl-2-ethylpropane-1,3-diol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1198. CYCLOHEXADEC-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.85	Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1199. PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.33	<i>N</i> -Cyclopropyl- <i>N'</i> -(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1200. *o*-CUMYL-OCTYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.86	<i>o</i> -Cumyl-octylphenol (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1201. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.08	Micro-porous, ultrafine, spherical forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS No. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1202. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.14	Mixture of phenyl esters of C ₁₀ –C ₁₈ alkylsulfonic acids (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1203. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.31	Mixtures of <i>N</i> -phenyl- <i>N</i> -((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil (provided for in 3824.90.28)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1204. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.87	3,4-Ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1205. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.15	Aqueous catalytic preparations based on iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1206. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.15	Aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly(styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1207. MOLDS FOR USE IN CERTAIN DVDs.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.19	Molds for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8480.71.80)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1208. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.88	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1209. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting “cleanroom class 1” criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8” or more; and fitted with special microscope stages having a lateral movement range of 6” or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	”.
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SEC. 1210. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.92	(S)-6-Chloro-3,4-dihydro-4 <i>E</i> -cyclopropylethynyl-4-trifluoromethyl-2(1 <i>H</i>)-quinazolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1211. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.20.05	(S)-6-Chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1 <i>H</i>)-quinazolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1212. PETROLEUM SULFONIC ACIDS, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.34.01	Petroleum sulfonic acids, sodium salts (CAS No. 68608–26–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1213. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.20	Direct blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1214. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.23	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1215. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.99	Direct yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1216. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.46	Solvent yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1217. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.24	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1218. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.17	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1219. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.25	[(2-Hydroxyethylsulfamoyl)-sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1220. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.50	Methyl 2-[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (CAS No. 126535-15-7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1221. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.11	[29H,31H-Phthalocyaninato(2-)-xN29,xN30,xN31,xN32] copper,[[2-[4-(2-aminoethyl)-1-piperazinyl]ethyl]amino]sulfonylamino-sulfonyl[(2-hydroxyethyl)amino]-sulfonyl [[2-[[2-(1-piperazinyl)ethyl]-amino]ethyl]-amino]sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1222. PRO-JET CYAN 1 RO FEED.

(a) **CALENDAR YEAR 2000.**—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.65	Direct blue 199 sodium salt (CAS No. 90295-11-7) (provided for in subheading 3204.14.30)	9.5%	No change	No change	On or before 12/31/2000	”.
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(b) **CALENDAR YEAR 2001.**—

(1) **IN GENERAL.**—Heading 9902.32.65, as added by subsection (a), is amended—

(A) by striking “9.5%” and inserting “8.5%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) **CALENDAR YEAR 2002.**—

(1) **IN GENERAL.**—Heading 9902.32.65, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “8.5%” and inserting “7.4%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1223. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) **CALENDAR YEAR 2000.**—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.67	Direct black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	”.
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(b) **CALENDAR YEAR 2001.**—

(1) **IN GENERAL.**—Heading 9902.32.67, as added by subsection (a), is amended—

(A) by striking “7.8%” and inserting “7.1%”; and

(B) by striking “On or before 12/31/2000” and inserting “On or before 12/31/2001”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) **CALENDAR YEAR 2002.**—

(1) **IN GENERAL.**—Heading 9902.32.67, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking “7.1%” and inserting “6.4%”; and

(B) by striking “On or before 12/31/2001” and inserting “On or before 12/31/2002”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1224. 4-(CYCLOPROPYL- α -HYDROXYMETHYLENE)-3,5-DIOXOCYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.93	4-(Cyclopropyl- α -hydroxymethylene)-3,5-dioxocyclohexanecarboxylic acid, ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1225. 4"-EPIMETHYLAMINO-4"-DEOXYAVERMECTIN B_{1a} AND B_{1b} BENZOATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.94	4"-Epimethyl-amino-4"-deoxyavermectin B _{1a} and B _{1b} benzoates (CAS No. 137512–74–4, 155569–91–8, or 179607–18–2) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1226. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYLOXY)-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512-06-9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	”.
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SEC. 1227. MIXTURES OF 2-(2-CHLOROETHOXY)-N-[[4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL]-AMINO]CARBONYLBENZENESULFONAMIDE] AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.21	Mixtures of 2-(2-chloroethoxy)-N-[[4-methoxy-6-methyl-1,3,5-triazin-2-yl]amino]carbonylbenzene-sulfonamide] (CAS No. 82097-50-5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918-00-9) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1228. (E,E)- α -(METHOXYIMINO)-2-[[[1-[3-(TRIFLUOROMETHYL)PHENYL]-ETHYL-IDENE]AMINO]OXY]METHYL]BENZENEACETIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.41	(E,E)- α -(Methoxyimino)-2-[[[1-[3-(trifluoromethyl)phenyl]-ethyl-idene]amino]oxy]-methyl]benzeneacetic acid, methyl ester (CAS No. 141517-21-7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1229. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.13	Mixtures of sulfur (80 percent by weight) and application adjuvants (CAS No. 7704-34-9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1230. MIXTURES OF 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLOROETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.52	Mixtures of 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloroethoxy)-phenylsulfonyl]-urea (CAS No. 82097-50-5) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1231. MIXTURES OF 4-CYCLOPROPYL-6-METHYL-N-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.53	Mixtures of 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (CAS No. 131341-86-1) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1232. (R)-2-[2,6-DIMETHYLPHENYL]-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER AND (S)-2-[2,6-DIMETHYLPHENYL]-METHOXYACETYLAMINO]PROPIONIC ACID, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.31	(R)-2-[2,6-Dimethylphenyl]-methoxyacetylaminopropionic acid, methyl ester and (S)-2-[2,6-Dimethylphenyl]-methoxyacetylaminopropionic acid, methyl ester (CAS No. 69516-34-3) (both of the foregoing provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1233. MIXTURES OF BENZOTHIADIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.22	Mixtures of benzothiadiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158-54-2) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1234. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID, S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.42	Benzothialdiazole-7-carbothioic acid, S-methyl ester (CAS No. 135158-54-2) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1235. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.30	<i>O</i> -(4-Bromo-2-chlorophenyl)- <i>O</i> -ethyl- <i>S</i> -propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1236. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL]-METHYL]-1*H*-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.80	1-[[2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]-methyl]-1 <i>H</i> -1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1237. TETRAHYDRO-3-METHYL-N-NITRO-5-[[2-PHENYLTHIO)-5-THIAZOLYL]-4*H*-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.76	Tetrahydro-3-methyl-N-nitro-5-[[2-phenylthio)-5-thiazolyl]-4- <i>H</i> -1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	”.
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SEC. 1238. 1-(4-METHOXY-6-METHYLTRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.40	1-(4-Methoxy-6-methyltriazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1239. 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYLMETHYLENE)AMINO]-1,2,4-TRIAZIN-3(2*H*)-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.94	4,5-Dihydro-6-methyl-4-[(3-pyridinylmethylene)amino]-1,2,4-triazin-3(2 <i>H</i>)-one (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1240. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1*H*-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.97	4-(2,2-Difluoro-1,3-benzodioxol-4-yl)-1 <i>H</i> -pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1241. MIXTURES OF 2-((((4,6-DIMETHOXYPYRIMIDIN-2-YL)AMINOCARBONYL))AMINOSULFONYL)-*N,N*-DIMETHYL-3-PYRIDINECARBOXAMIDE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.69	Mixtures of 2-((((4,6-dimethoxypyrimidin-2-yl)aminocarbonyl))aminosulfonyl)- <i>N,N</i> -dimethyl-3-pyridinecarboxamide and application adjuvants (CAS No. 111991-09-4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1242. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1243. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1244. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.13	5-[4-(7-Amino-1-hydroxy-3-sulfonaphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1245. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.44	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo-6-sulfo-1-naphthalenylazo]-, sodium salt (CAS No. 201932-24-3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1246. BROMINE-CONTAINING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.28.08	2-Bromoethanesulfonic acid, sodium salt (CAS No. 4263-52-9) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2003	”.
	9902.28.09	4,4'-Dibromobiphenyl (CAS No. 92-86-4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	
	9902.28.10	4-Bromotoluene (CAS No. 106-38-7) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	

SEC. 1247. PYRIDINEDICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.29.38	1,4-Dihydro-2,6-dimethyl-1,4-diphenyl-3,5-pyridinedicarboxylic acid, dimethyl ester (CAS No. 83300-85-0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	”.
	9902.29.39	1-[2-[2-Chloro-3-[(1,3-dihydro-1,3,3-trimethyl-2 <i>H</i> -indol-2-ylidene)ethylidene]-1-cyclopenten-1-yl]ethenyl]-1,3,3-trimethyl-3 <i>H</i> -indolium salt with trifluoromethane-sulfonic acid (1:1) (CAS No. 128433-68-1) (provided for in subheading 2933.90.24)	Free	No change	No change	On or before 12/31/2003	
	9902.29.40	<i>N</i> -[4-[5-[4-(Dimethylamino)-phenyl]-1,5-diphenyl-2,4-pentadienyldiene]-2,5-cyclohexadien-1-ylidene]- <i>N</i> -methylmethanaminium salt with trifluoromethane-sulfonic acid (1:1) (CAS No. 100237-71-6) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2003	

SEC. 1248. CERTAIN SEMICONDUCTOR MOLD COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.07	Thermosetting epoxide molding compounds of a kind suitable for use in the manufacture of semiconductor devices, via transfer molding processes, containing 70 percent or more of silica, by weight, and having less than 75 parts per million of combined water-extractable content of chloride, bromide, potassium and sodium (provided for in subheading 3907.30.00)	3.5%	No change	No change	On or before 12/31/2003	”.
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SEC. 1249. SOLVENT BLUE 67.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.53	Solvent blue 67 (CAS No. 81457-65-0) (provided for in subheading 3204.19.11)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1250. PIGMENT BLUE 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.08	Pigment blue 60 (CAS No. 81–77–6) (provided for in subheading 3204.17.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1251. MENTHYL ANTHRANILATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.08.10	Menthyl anthranilate (CAS No. 134–09–08) (provided for in subheading 2922.49.27)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1252. 4-BROMO-2-FLUOROACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.15	4-Bromo-2-fluoroacetanilide (CAS No. 326–66–9) (provided for in subheading 2924.21.50)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1253. PROPIOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.16	Propiophenone (CAS No. 93–55–0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1254. *m*-CHLOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.17	<i>m</i> -Chlorobenzaldehyde (CAS No. 587–04–2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1255. CERAMIC KNIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.69.01	Knives having ceramic blades, such blades containing over 90 percent zirconia by weight (provided for in subheading 6911.10.80 or 6912.00.48)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1256. STAINLESS STEEL RAILCAR BODY SHELLS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.86.07	Railway car body shells of stainless steel, the foregoing which are designed for gallery type railway cars each having an aggregate capacity of 138 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1257. STAINLESS STEEL RAILCAR BODY SHELLS OF 148-PASSENGER CAPACITY.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.86.08	Railway car body shells of stainless steel, the foregoing which are designed for use in gallery type cab control railway cars each having an aggregate capacity of 148 passengers on two enclosed levels (provided for in subheading 8607.99.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1258. PENDIMETHALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.21.42	N-(Ethylpropyl)-3,4-dimethyl-2,6-dinitroaniline (Pendimethalin) (CAS No. 40487-42-1) (provided for in subheading 2921.49.50)	1.1%	No change	No change	On or before 12/31/2003	”.
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SEC. 1259. 3,5-DIBROMO-4-HYDOXYBENZONITRIL ESTER AND INERTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.04	Mixtures of octanoate and heptanoate esters of bromoxynil (3,5-Dibromo-4-hydroxybenzotrile) (CAS Nos. 1689-99-2 and 56634-95-8) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1260. 3,5-DIBROMO-4-HYDOXYBENZONITRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.18	Bromoxynil (3,5-dibromo-4-hydroxybenzotrile), octanoic acid ester (CAS No. 1689-99-2) (provided for in subheading 2926.90.25)	4.2%	No change	No change	On or before 12/31/2003	”.
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SEC. 1261. ISOXAFLUTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.79	4-(2-Methanesulfonyl-4-trifluoromethylbenzoyl)-5-cyclopropylisoxazole (CAS No. 141112-29-0) (provided for in subheading 2934.90.15)	1.0%	No change	No change	On or before 12/31/2003	”.
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SEC. 1262. CYCLANILIDE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.64	1-(2,4-Dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid (CAS No. 113136–77–9) (provided for in subheading 2924.29.47)	5.7%	No change	No change	On or before 12/31/2003	”.
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SEC. 1263. R115777.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.40	(R)-6-[Amino(4-chlorophenyl)(1-methyl-1 <i>H</i> -imidazol-5-yl)methyl]-4-(3-chlorophenyl)-1-methyl-2(1 <i>H</i>)-quinoline (CAS No. 192185–72–1) (provided for in subheading 2933.40.26)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1264. BONDING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.16	Bonding machines for use in the manufacture of digital versatile discs (DVDs) (provided for in subheading 8479.89.97)	1.7%	No change	No change	On or before 12/31/2003	”.
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SEC. 1265. GLYOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.13	Glyoxylic acid (CAS No. 298–12–4) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1266. FLUORIDE COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.28.20	Ammonium bifluoride (CAS No. 1341–49–7) (provided for in subheading 2826.11.10)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1267. COBALT BORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.80.05	Cobalt boron (provided for in subheading 8105.10.30)	Free	No change	No change	On or before 12/31/2003	”.
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SEC. 1268. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	”.
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(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of the enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

SEC. 1269. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.98	5-Amino-1-(2,6-dichloro-4-(trifluoromethyl)phenyl)-4-((1 <i>r,s</i>)-(trifluoromethylsulfinyl))-1 <i>H</i> -pyrazole-3-carbonitrile (CAS No. 120068-37-3) (provided for in subheading 2933.19.23)	5.6%	No change	No change	On or before 12/31/2003	”.
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SEC. 1270. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.91	Methyl-4-trifluoromethoxyphenyl- <i>N</i> -(chlorocarbonyl) carbamate (CAS No. 173903-15-6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	”.
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CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) **EXISTING DUTY SUSPENSIONS.**—Each of the following headings is amended by striking out the date in the effective period column and inserting “12/31/2003”:

- (1) Heading 9902.32.12 (relating to DMT).
- (2) Heading 9902.39.07 (relating to a certain polymer).
- (3) Heading 9902.29.07 (relating to 4-hexylresorcinol).
- (4) Heading 9902.29.37 (relating to certain sensitizing dyes).
- (5) Heading 9902.32.07 (relating to certain organic pigments and dyes).
- (6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).
- (7) Heading 9902.33.59 (relating to DPX-E6758).
- (8) Heading 9902.33.60 (relating to rimsulfuron).
- (9) Heading 9902.70.03 (relating to rolled glass).
- (10) Heading 9902.72.02 (relating to ferroboron).
- (11) Heading 9902.70.06 (relating to substrates of synthetic quartz or synthetic fused silica).
- (12) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).

(13) Heading 9902.32.92 (relating to β -bromo- β -nitrostyrene).

(14) Heading 9902.32.06 (relating to yttrium).

(15) Heading 9902.32.55 (relating to methyl thioglycolate).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetra- fluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting “12/31/2003”.

(c) OTHER MODIFICATIONS.—

(1) METHYL ESTERS.—

(A) CALENDAR YEAR 2001.—

(i) IN GENERAL.—Heading 9902.38.24 (relating to methyl esters) is amended—

(I) by striking “Free” and inserting “1.6%”; and

(II) by striking “12/31/2000” and inserting “12/31/2001”.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2001.

(B) CALENDAR YEAR 2002.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (A), is amended—

(I) by striking “1.6%” and inserting “1.8%”; and

(II) by striking “12/31/2001” and inserting “12/31/2002”.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2002.

(C) CALENDAR YEAR 2003.—

(i) IN GENERAL.—Heading 9902.38.24, as amended by subparagraph (B), is amended—

(I) by striking “1.8%” and inserting “1.9%”; and

(II) by striking “12/31/2002” and inserting “12/31/2003”.

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect on January 1, 2003.

(2) CERTAIN MANUFACTURING EQUIPMENT.—Headings 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 (relating to certain manufacturing equipment) are each amended—

(A) by striking “4011.91.50” each place it appears and inserting “4011.91”;

(B) by striking “4011.99.40” each place it appears and inserting “4011.99”; and

(C) by striking “86 cm” each place it appears and inserting “63.5 cm”.

(3) CARBAMIC ACID (U-9069).—Heading 9902.33.61 (relating to carbamic acid (U-9069)) is amended—

(A) by striking “7.6%” and inserting “Free”; and

(B) by striking the date in the effective period column and inserting “12/31/2003”.

(4) DPX-E9260.—Heading 9902.33.63 (relating to DPX-E9260) is amended—

(A) by striking “5.3%” and inserting “Free”; and

(B) by striking the date in the effective period column and inserting “12/31/2003”.

SEC. 1302. TECHNICAL CORRECTION.

Heading 9902.32.70 is amended by striking “(provided for in subheading 2916.39.45)” and inserting “(provided for in subheading 2916.39.75)”.

SEC. 1303. EFFECTIVE DATE.

Applicability.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) **IN GENERAL.**—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580-803-001).

(b) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) **ENTRY LIST.**—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
E85-0001814-6	10/05/89	Miami, FL
E85-0001844-3	10/30/89	Miami, FL
E85-0002268-4	07/21/90	Miami, FL
E85-0002510-9	12/15/90	Miami, FL
E85-0002511-7	12/15/90	Miami, FL
E85-0002509-1	12/15/90	Miami, FL
E85-0002527-3	12/12/90	Miami, FL
E85-0002550-0	12/20/90	Miami, FL
102-0121558-8	12/11/91	Miami, FL
E85-0002654-5	04/08/91	Miami, FL
E85-0002703-0	05/01/91	Miami, FL
E85-0002778-2	06/05/91	Miami, FL
E85-0002909-3	08/05/91	Miami, FL
E85-0002913-5	08/02/91	Miami, FL
102-0120990-4	10/18/91	Miami, FL
102-0120668-6	09/03/91	Miami, FL
102-0517007-8	11/20/91	Miami, FL
102-0122145-3	03/05/91	Miami, FL
102-0121173-6	Miami, FL
102-0121559-6	Miami, FL
E85-0002636-2	Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

Deadline.

(a) **IN GENERAL.**—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990,

and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A-583-009).

(b) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation. Deadline.

(c) **ENTRY LIST.**—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
509-0210046-5	August 18, 1989
815-0908228-5	June 25, 1989
707-0836829-8	April 4, 1990
707-0836940-3	April 12, 1990
707-0837161-5	April 25, 1990
707-0837231-6	May 3, 1990
707-0837497-3	May 17, 1990
707-0837498-1	May 24, 1990
707-0837612-7	May 31, 1990
707-0837817-2	June 13, 1990
707-0837949-3	June 19, 1990
707-0838712-4	August 7, 1990
707-0839000-3	August 29, 1990
707-0839234-8	September 15, 1990
707-0839284-3	September 12, 1990
707-0839595-2	October 2, 1990
707-0840048-9	November 1, 1990
707-0840049-7	November 1, 1990
707-0840176-8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) **IN GENERAL.**—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c). Deadline.

(b) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation. Deadline.

(c) **ENTRY LIST.**—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110-1197671-6	10/18/86	07/06/92
110-1198090-8	12/19/86	01/23/87
110-1271919-8	11/12/86	11/06/87
110-1272332-3	11/26/86	11/20/87
110-1955373-1	12/17/86	07/26/96
110-1271914-9	11/12/86	11/06/87
110-1279006-6	09/09/87	08/26/88
110-1279699-8	10/06/87	11/06/87
110-1280399-2	11/03/87	12/11/87
110-1280557-5	11/11/87	12/28/87
110-1280780-3	11/24/87	01/29/88
110-1281399-1	12/16/87	02/12/88
110-1282632-4	02/17/88	03/18/88
110-1286027-3	02/26/88	02/17/89
110-1286056-2	02/23/88	02/12/89
719-0736650-5	07/27/87	03/13/92

Entry number	Date of entry	Date of liquidation
110-1285877-2	09/08/88	06/02/89
110-1285885-5	09/08/88	06/02/89
110-1285959-8	09/13/88	06/02/89
110-1286057-0	03/01/88	04/01/88
110-1286061-2	03/02/88	02/24/89
110-1286120-6	03/13/88	03/03/89
110-1286122-2	03/13/88	03/03/89
110-1286123-0	03/13/88	03/03/89
110-1286124-8	03/13/88	03/03/89
110-1286133-9	03/20/88	04/15/88
110-1286134-7	03/20/88	04/15/88
110-1286151-1	03/15/88	09/15/89
110-1286194-1	03/22/88	08/24/90
110-1286262-6	04/04/88	06/09/89
110-1286264-2	03/30/88	06/09/89
110-1286293-1	04/09/88	06/02/89
110-1286294-9	04/09/88	06/02/89
110-1286330-1	04/13/88	06/02/89
110-1286332-7	04/13/88	06/02/89
110-1286376-4	04/20/88	06/02/89
110-1286398-8	04/29/88	06/02/89
110-1286399-6	04/29/88	06/02/89
110-1286418-4	05/06/88	06/02/89
110-1286419-2	05/06/88	06/02/89
110-1286465-5	05/13/88	06/02/89
110-1286467-1	05/13/88	06/02/89
110-1286488-7	05/20/88	07/01/88
110-1286489-5	05/20/88	07/01/88
110-1286490-3	05/20/88	07/01/88
110-1286567-8	05/27/88	06/02/89
110-1286578-5	06/03/88	06/02/89
110-1286579-3	06/03/88	06/02/89
110-1286638-7	06/10/88	06/02/89
110-1286683-3	06/17/88	06/02/89
110-1286685-8	06/17/88	06/02/89
110-1286703-9	06/24/88	07/29/88
110-1286725-2	06/24/88	06/02/89
110-1286740-1	07/01/88	06/02/89
110-1286824-3	07/08/88	06/02/89
110-1286863-1	07/20/88	06/02/89
110-1286910-0	07/24/88	06/02/89
110-1286913-4	07/29/88	06/02/89
110-1286942-3	07/26/88	09/09/88
110-1286990-2	08/02/88	06/02/89
110-1287007-4	08/05/88	06/02/89
110-1287058-7	08/09/88	06/02/89
110-1287195-7	09/22/88	06/02/89
110-1287376-3	09/29/88	06/02/89
110-1287377-1	09/29/88	06/02/89
110-1287378-9	09/29/88	06/02/89
110-1287573-5	10/06/88	06/02/89
110-1287581-8	10/06/88	06/02/89
110-1287756-6	10/11/88	06/29/90
110-1287762-4	10/11/88	06/02/89
110-1287780-6	10/14/88	06/02/89
110-1287783-0	10/14/88	06/02/89
110-1287906-7	10/18/88	06/02/89
110-1288061-0	10/25/88	06/02/89
110-1288086-7	10/27/88	06/02/89
110-1288229-3	11/03/88	06/02/89
110-1288370-5	11/08/88	06/29/90
110-1288408-3	11/10/88	06/29/90
110-1288688-0	11/24/88	06/02/89
110-1288692-2	11/24/88	06/02/89
110-1288847-2	11/29/88	06/29/90
110-1289041-1	12/07/88	06/02/89
110-1289248-2	12/22/88	06/02/89
110-1289250-8	12/21/88	06/02/89
110-1289260-7	12/22/88	06/02/89

Entry number	Date of entry	Date of liquidation
110-1289376-1	12/29/88	06/02/89
110-1289588-1	01/15/89	06/02/89
110-0935207-8	01/05/90	03/13/92
110-1294738-5	10/31/89	03/20/90
110-1204990-1	06/08/89	09/29/89
110-3669414-6	01/17/91	12/18/92
110-3670684-1	03/06/91	02/19/93
110-3672527-0	05/24/91	02/19/93
110-1231352-1	07/24/88	08/26/88
110-1231359-6	07/31/88	09/09/88
110-1286029-9	02/25/88	03/25/88
110-1286078-6	03/04/88	04/08/88
110-1286079-4	03/04/88	06/29/90
110-1286107-3	03/10/88	04/08/88
110-1286153-7	03/11/88	04/15/88
110-1286154-5	03/17/88	04/22/88
110-1286155-2	03/31/88	04/22/88
110-1286203-0	03/24/88	06/29/90
110-1286218-8	03/18/88	04/22/88
110-1286241-0	03/31/88	03/24/89
110-1286272-5	03/31/88	08/03/90
110-1286278-2	04/04/88	08/03/90
110-1286362-4	04/21/88	06/29/90
110-1286447-3	05/06/88	06/29/90
110-1286448-1	05/06/88	06/29/90
110-1286472-1	05/11/88	06/29/90
110-1286664-3	06/16/88	06/29/90
110-1286666-8	06/16/88	07/13/90
110-1286889-6	07/22/88	08/03/90
110-1286982-9	08/04/88	06/29/90
110-1287022-3	08/11/88	06/29/90
110-1804941-8	05/04/88	07/29/94
037-0022571-1	01/05/89	02/17/89
110-1135050-8	04/01/89	02/19/93
110-1135292-6	04/23/89	02/19/93
110-1135479-9	05/04/89	12/28/92
110-1136014-3	06/01/89	02/19/93
110-1136111-7	06/09/89	02/19/93
110-1136287-5	06/15/89	12/28/92
110-1136678-5	07/14/88	02/19/93
110-1136815-3	07/17/89	12/28/92
110-1137008-4	07/17/89	02/19/93
110-1137010-0	07/28/89	02/19/93
110-1231614-4	12/06/88	02/17/89
110-1231630-0	12/13/88	02/17/89
110-1231666-4	12/30/88	02/17/89
110-1231694-6	01/16/89	03/24/89
110-1231708-4	01/30/89	03/24/89
110-1231767-0	03/12/89	07/14/89
110-1232086-4	07/27/89	12/01/89
110-1287256-7	09/20/88	09/08/89
110-1287285-6	09/22/88	09/15/89
110-1287442-3	09/29/88	06/29/90
110-1287491-0	09/27/88	06/29/90
110-1287631-1	09/29/88	06/29/90
110-1287693-1	10/06/88	06/29/90
110-1288491-9	11/10/88	06/29/90
110-1288492-7	11/10/88	06/29/90
110-1288937-1	12/08/88	06/29/90
110-1710118-6	01/27/89	01/13/89
110-1137082-9	09/03/89	02/19/93
110-1138058-8	10/11/89	02/19/93
110-1138059-6	09/28/89	02/19/93
110-1138691-6	11/02/89	02/19/93
110-1138698-1	11/02/89	02/19/93
110-1139217-9	12/09/89	02/19/93
110-1139218-7	12/09/89	12/21/89
110-1139219-5	12/02/89	02/19/93
110-1139481-1	01/05/90	02/19/93

Entry number	Date of entry	Date of liquidation
110-1140423-0	02/17/90	02/19/93
110-1140641-7	03/08/90	02/19/93
110-1141086-4	04/01/90	02/19/93
110-1142313-1	06/06/90	02/19/93
110-1142728-0	06/30/90	02/19/93
110-1232095-5	08/06/89	12/01/89
110-1232136-7	09/02/89	12/29/89
110-1293737-8	08/29/89	08/21/92
110-1293738-6	08/31/89	08/21/92
110-1293859-0	09/07/89	08/21/92
110-1293861-6	09/06/89	08/21/92
110-1294009-1	09/14/89	08/21/92
110-1294111-5	09/19/89	08/21/92
110-1294328-5	10/05/89	08/21/92
110-1294685-8	10/24/89	08/21/92
110-1294686-6	10/24/89	08/21/92
110-1294798-9	10/31/89	08/21/92
110-1295026-4	11/09/89	08/21/92
110-1295087-6	11/14/89	03/16/90
110-1295088-4	11/16/89	08/21/92
110-1295089-2	11/16/89	08/21/92
110-1295245-0	11/21/89	08/21/92
110-1295493-6	12/05/89	08/21/92
110-1295497-7	12/05/89	08/21/92
110-1295898-6	12/28/89	08/21/92
110-1295903-4	12/28/89	08/21/92
110-1296025-5	01/04/90	08/21/92
110-1296161-8	01/11/90	08/21/92
110-1144353-5	09/25/90	12/18/92
110-1144821-1	10/25/90	12/18/92
110-0168803-2	04/12/88	06/03/88
110-0169139-0	06/01/88	06/02/88
110-0997195-0	03/07/88	03/03/89
110-0997254-5	04/06/88	04/21/89
110-1286074-5	03/04/88	04/08/88
110-1286102-4	03/08/88	04/08/88
110-1286207-1	03/24/88	04/29/88
110-1286213-9	03/22/88	04/22/88
110-1286931-6	07/28/88	06/29/90
110-1804871-7	04/25/88	05/31/88
110-1805132-3	06/08/88	07/08/88
110-1805446-7	07/27/88	07/27/88
110-1805532-4	08/10/88	08/20/88
110-0997647-0	08/29/88	09/01/89
110-1708605-6	10/26/88	12/02/88
110-1805772-6	09/14/88	11/04/88
110-1806199-1	11/09/88	12/30/88
110-1136661-1	07/13/89	03/05/93
110-1204481-1	03/18/89	04/23/93
110-1205395-2	07/27/89	06/12/92
110-1290615-9	03/09/89	06/29/90
110-1290884-1	03/21/89	06/29/90
110-1291022-7	03/28/89	06/29/90
110-1291140-7	04/06/89	07/21/89
110-1291141-5	04/06/89	06/29/90
110-1291142-3	04/06/89	06/29/90
110-1291624-0	05/04/89	06/29/90
110-1292258-6	06/06/89	06/29/90
110-1292396-4	06/15/89	06/29/90
110-1292853-4	07/11/89	06/29/90
110-1292977-1	07/19/89	06/29/90
110-1006092-6	12/05/89	12/14/90
110-1213703-7	10/02/90	06/12/92
110-1294110-7	09/19/89	08/21/92
110-1294223-8	09/28/89	08/21/92
110-1294331-9	10/05/89	08/21/92
110-1294437-4	10/13/89	03/02/90
110-1294439-0	10/12/89	08/21/92
110-1294440-8	10/13/89	08/21/92

Entry number	Date of entry	Date of liquidation
110-1294693-2	10/26/89	08/21/92
110-1295091-8	11/17/89	11/09/90
110-1295235-1	11/21/89	08/21/92
110-1295382-1	11/29/89	08/21/92
110-1295462-1	12/07/89	08/21/92
110-1295480-3	12/07/89	08/21/92
110-1010327-0	01/23/90	05/11/90
110-1142539-1	06/16/90	02/19/93
110-1525558-8	07/03/90	11/02/90
110-1867025-4	01/11/90	01/22/90
110-1867121-1	01/11/90	01/30/90
110-1811312-3	06/06/90	
110-1011310-5	09/06/90	01/04/91
110-1813363-4	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A-427-801). Deadline.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016-0112010-6	05/26/89
(4601)016-0112028-8	06/28/89
(4601)016-0112126-0	12/05/89
(4601)016-0112132-8	12/18/89
(4601)016-0112164-1	02/05/90
(4601)016-0112229-2	04/12/90
(4601)016-0112211-0	03/21/90

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A-427-801). Deadline.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an

entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016-0112223-5	04/04/90
(4601)710-0225218-8	08/24/90
(4601)710-0225239-4	09/05/90
(4601)710-0226079-3	05/21/91
(1704)J50-0016544-7	01/31/91
(4601)016-0112237-5	04/19/90
(4601)710-0226033-0	05/07/91
(4601)710-0226078-5	05/15/91
(4601)710-0225181-8	08/24/90
(4601)710-0225381-4	10/03/90

SEC. 1406. PRINTING CARTRIDGES.

Deadline.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.90.08 of the Harmonized Tariff Schedule of the United States (relating to parts of facsimile machines) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8473.30.50 of the Harmonized Tariff Schedule of the United States (relating to parts and accessories of machines classified under heading 8471 of such Schedule).

Deadline.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

Deadline.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Date of liquidation
01/29/97	112-9640193-6	05/23/97
01/30/97	112-9640390-8	05/16/97
02/01/97	112-9640130-8	05/16/97
02/21/97	112-9642191-8	06/06/97
02/18/97	112-9642236-1	06/06/97
02/24/97	112-9642831-9	06/06/97
02/28/97	2-9643311-1	06/13/97
03/07/97	112-9644155-1	06/20/97
03/14/97	112-9645020-6	06/27/97
03/18/97	112-9645367-1	07/07/97
03/20/97	112-9646067-6	07/11/97
03/20/97	112-9646027-0	07/11/97
03/24/97	112-9646463-7	07/11/97
03/26/97	112-9646461-1	07/11/97
03/24/97	112-9646390-2	07/11/97
03/31/97	112-9647021-2	07/18/97
04/04/97	112-9647329-9	07/18/97

Date of entry	Entry number	Date of liquidation
04/07/97	112–9647935–3	02/20/98
04/11/97	112–9300307–3	02/20/98
04/11/97	112–9300157–2	02/20/98
04/24/97	112–9301788–3	03/06/98
04/25/97	112–9302061–4	03/06/98
04/28/97	112–9302268–5	03/13/98
04/25/97	112–9302328–7	03/13/98
04/25/97	112–9302453–3	03/13/98
04/25/97	112–9302438–4	03/13/98
04/25/97	112–9302388–1	03/13/98
05/30/97	112–9306611–2	10/31/97
05/02/97	112–9302488–9	03/13/98
05/09/97	112–9303720–4	03/20/98
05/06/97	112–9303761–8	03/20/98
05/14/97	112–9304827–6	03/27/98
05/16/97	112–9304932–4	03/27/98
01/02/97	112–9636637–8	04/18/97
01/10/97	112–9637688–0	25/97
01/06/97	112–9637316–8	04/18/97
01/31/97	112–9640064–9	05/16/97
01/28/97	112–9639734–0	05/09/97
01/25/97	112–9639410–7	05/09/97
01/24/97	112–9639109–5	05/09/97
04/04/97	112–9647321–6	07/18/97

**SEC. 1407. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES
OF
N,N-DICYCLOHEXYL-2-
BENZOTHAZOLESULFENAMIDE.**

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, the Customs Service shall—

Deadlines.

(1) not later than 90 days after receiving a request described in subsection (b), liquidate or reliquidate as free from duty the entries listed in subsection (c); and

(2) within 90 days after such liquidation or reliquidation, refund any duties paid with respect to such entries, including interest from the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act.

Deadline.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0359145–4	11/26/96
0359144–7	11/26/96
0358011–9	10/30/96
0358010–1	10/30/96
0357091–2	10/08/96
0356909–6	10/01/96
0356480–8	09/27/96
0356482–4	09/24/96
0354733–2	08/07/96
0355663–0	08/27/96
0355278–7	08/20/96
0353571–7	07/03/96
0354382–8	07/23/96
0354204–4	07/18/96
0353162–5	06/25/96
0351633–7	05/14/96
0351558–6	05/07/96
0351267–4	04/27/96
0350615–5	04/12/96
0349995–5	03/25/96

0349485-7	03/11/96
0349243-0	02/27/96
0348597-6	02/17/96
0347203-6	01/02/96
0347759-7	01/17/96
0346113-8	12/12/95
0346119-5	11/29/95
0345065-1	10/31/95
0345066-9	10/31/95
0343859-9	10/03/95
0343860-7	10/03/95
0342557-0	08/30/95
0342558-8	08/30/95
0341557-1	07/31/95
0341558-9	07/31/95
0340382-5	07/06/95
0340838-6	06/28/95
0339139-2	06/07/95
0339144-2	05/31/95
0337866-2	04/26/95
0337667-4	04/26/95
0347103-8	04/12/95
0336953-9	03/29/95
0336954-7	03/29/95
0335799-7	03/01/95
0335800-3	03/01/95
0335445-7	02/14/95
0335020-8	02/09/95
0335019-0	02/01/95

SEC. 1408. CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION.

Deadline.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

Deadline.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
599-1501057-9	10/26/89
614-2717371-3	10/28/89
614-2717788-8	11/16/89
614-2717875-3	11/17/89

614-2723776-5	10/31/90
614-2725016-4	01/14/91
614-2725155-0	01/28/91
614-2725267-3	02/04/91
614-2725531-2	02/26/91
614-2725662-5	03/06/91
614-2725767-2	03/20/91
614-2725944-7	03/27/91
614-2726273-0	04/23/91
614-2726465-2	05/06/91
614-2726863-8	06/05/91
614-2727011-3	06/13/91
614-2727277-0	07/03/91
614-2727724-1	07/30/91
112-4021152-1	11/13/91
112-4021203-2	11/13/91
112-4021204-0	11/13/91
614-0081685-8	12/19/91
614-0081763-3	12/30/91
614-0082193-2	01/23/92
614-0082201-3	01/23/92
614-0082553-7	02/12/92
614-0082572-7	02/18/92
614-0082785-5	02/25/92
614-0082831-7	03/02/92
614-0083084-2	03/10/92
614-0083228-5	03/18/92
614-0083267-3	03/19/92
614-0083270-7	03/19/92
614-0083284-8	03/19/92
614-0083370-5	03/24/92
614-0083371-3	03/24/92
614-0083372-1	03/24/92
614-0083395-2	03/24/92
614-0083422-4	03/26/92
614-0083426-5	03/26/92
614-0083444-8	03/26/92
614-0083468-7	03/26/92
614-0083517-1	03/30/92
614-0083518-9	03/30/92
614-0083519-7	03/30/92
614-0083574-2	04/02/92
614-0083626-0	04/07/92
614-0083641-9	04/08/92
614-0083655-9	04/08/92
614-0083782-1	04/13/92
614-0083812-6	04/14/92
614-0083862-1	04/20/92
614-0083880-3	04/20/92
614-0083940-5	04/22/92
614-0083967-8	04/22/92
614-0084008-0	04/28/92
614-0084052-8	04/28/92
614-0084076-7	04/29/92
614-0084128-6	04/30/92
614-0084127-8	05/04/92
614-0084163-3	05/05/92
614-0084181-5	05/06/92
614-0084182-3	05/06/92
614-0084498-3	05/19/92
614-0084620-2	05/26/92
614-0084724-2	06/02/92
614-0084725-9	06/02/92
614-0084981-8	06/14/92
614-0084982-6	06/14/92
614-0084983-4	06/14/92
614-0086456-9	08/11/92
614-0086707-5	08/21/92
614-0086807-3	08/28/92
614-0086808-1	08/28/92
614-0088148-0	11/05/92
614-0088687-7	11/24/92

614-0091241-8	03/30/93
614-0091756-5	04/22/93
614-0091803-5	04/26/93
614-0096840-2	12/06/93
614-0095883-3	10/22/93
614-0095940-1	10/21/93
614-0096051-6	10/22/93
614-0096058-1	10/22/93
614-0096063-1	10/25/93
614-0096069-8	10/25/93
614-0100624-4	04/28/94
614-0100701-0	05/02/94
614-0099508-2	06/07/94
614-0002824-9	02/09/95
788-1003306-4	07/14/89

SEC. 1409. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1990 THROUGH 1992.

Deadline.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) **REQUESTS.**—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

Deadline.

(c) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) **AFFECTED ENTRIES.**—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
521-0010813-4	11/28/90
521-0011263-1	03/15/91
551-2047066-5	03/18/92
551-2047231-5	03/19/92
551-2047441-0	03/20/92
551-2053210-0	04/28/92
819-0565392-9	12/12/92

SEC. 1410. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 THROUGH 1995.

Deadline.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate

each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

Deadline.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

Deadline.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
614-2716855-6	10-11-89
614-2717619-5	11-11-89
614-2717846-4	11-25-89
614-2722580-2	09-01-90
614-2723739-3	11-03-90
614-2722163-7	08-04-90
614-2723558-7	10-25-90
614-2723104-0	09-29-90
614-2720674-5	05-10-90
614-2721638-9	07-07-90
614-2718704-4	01-06-90
614-2718411-6	12-16-89
614-2719146-7	02-03-90
614-2719562-5	03-03-90
614-2726258-1	04-26-91
614-2726290-4	05-03-91
614-2725646-8	03-21-91
614-2725926-4	04-06-91
614-2725443-0	02-23-91
614-0081157-8	12-02-91
614-0081303-8	12-03-91
614-2725276-4	02-09-91
614-2728765-3	10-05-91
614-2729005-3	10-19-91
614-2728060-9	08-24-91
614-2727885-0	08-10-91
614-2726744-0	06-01-91
614-2726987-5	06-15-91
614-2725094-1	01-26-91
614-2724766-4	01-07-91
614-2724768-1	12-30-90
614-0084694-7	05-30-92
614-0085303-4	06-30-92
614-0081812-8	01-07-92
614-0082595-8	02-23-92
614-0083467-9	03-31-92
614-0083466-1	03-31-92
614-0083680-7	04-18-92
614-0084025-4	05-02-92
614-0092533-7	05-14-93
614-0093248-1	06-25-93

614-0095915-3	10-26-93
614-0095752-0	10-13-93
614-0095753-8	10-13-93
614-0095275-2	09-24-93
614-0095445-1	10-07-93
614-0095421-2	10-08-93
614-0095814-8	10-22-93
614-0095813-0	10-22-93
614-0095811-4	10-22-93
614-0095914-6	10-26-93
614-0102424-7	06-23-94
614-0096922-8	12-07-93
614-0001090-8	10-20-94
614-0006610-8	06-23-95
614-0004345-3	03-29-95
614-0005582-0	04-28-95

SEC. 1411. CERTAIN TOMATO SAUCE PREPARATION ENTERED IN 1989 AND 1990.

Deadline. (a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

Deadline. (b) **REQUESTS.**—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

Deadline. (c) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) **AFFECTED ENTRIES.**—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
812-0507705-0	07/27/89
812-0507847-0	08/03/89
812-0507848-8	08/03/89
812-0509191-1	10/18/89
812-0509247-1	10/25/89
812-0509584-7	11/08/89
812-0510077-9	12/08/89
812-0510659-4	01/12/90

SEC. 1412. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) **IN GENERAL.**—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not

later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entry described in subsection (c).

(b) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation. Deadline.

(c) **ENTRY.**—The entry referred to in subsection (a) is the following:

Entry number	Date of entry	Date of liquidation
469-0015023-9	11/14/89	3/9/90

SEC. 1413. RELIQUIDATION OF DRAWBACK CLAIM NUMBER R74-10343996.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b). Deadline.

(b) **DRAWBACK CLAIM.**—The drawback claim referred to in subsection (a) is the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1994	R74-1034399 6	07/03/96

(c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation. Deadline.

SEC. 1414. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1996.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b). Deadline.

(b) **DRAWBACK CLAIMS.**—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
March 1993	R74-1034035 6	07/03/96
April 1993	R74-1034070 3	07/03/96

(c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation. Deadline.

SEC. 1415. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS OF MERCHANDISE FROM MAY 1993 TO JULY 1993.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after Deadline.

the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) **DRAWBACK CLAIMS.**—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
May 1993	R74-1034098 4	07/03/96
June 1993	R74-1034126 3	07/03/96
July 1993	R74-1034154 5	07/03/96

Deadline. (c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1416. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO EXPORTS CLAIMS FILED BETWEEN APRIL 1994 AND JULY 1994.

Deadline. (a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) **DRAWBACK CLAIMS.**—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
April 1994	R74-1034427 5	07/03/96
May 1994	R74-1034462 2	07/03/96
July 1994	C04-0032112 8	07/03/96

Deadline. (c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1417. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

Deadline. (a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b).

(b) **DRAWBACK CLAIMS.**—The drawback claims referred to in subsection (a) are the following:

Export Claim Month	Drawback Claim Number	Filing Date
August 1993	R74-1034189 1	07/03/96
September 1993	R74-1034217 0	07/03/96
December 1993	R74-1034308 7	07/03/96
January 1994	R74-1034336 8	07/03/96
February 1994	R74-1034371 5	07/03/96

Deadline. (c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1418. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS FILED IN 1997.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claims as filed described in subsection (b). Deadline.

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following:

Drawback Claim Number	Filing Date
WJU1111015-0	May 30, 1997
WJU1111030-9	August 6, 1997
WJU1111006-9	April 16, 1997
WJU1111005-2	February 26, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation. Deadline.

SEC. 1419. RELIQUIDATION OF DRAWBACK CLAIM NUMBER WJU1111031-7.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the drawback claim as filed described in subsection (b). Deadline.

(b) DRAWBACK CLAIM.—The drawback claim referred to in subsection (a) is the following:

Drawback Claim Number	Filing Date
WJU1111031-7 (excluding Invoice #24051)	October 16, 1997

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claim described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation. Deadline.

SEC. 1420. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF ATHLETIC SHOES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b). Deadline.

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221-0590991-9
 221-0890500-5 through 221-0890675-5
 221-0890677-1 through 221-0891427-0
 221-0891430-4 through 221-0891537-6
 221-0891539-2 through 221-0891554-1
 221-0891556-6 through 221-0891557-4
 221-0891559-0
 221-0891561-6 through 221-0891565-7

221-0891567-3 through 221-0891578-0
 221-0891582-0
 221-0891584-8 through 221-0891587-1
 221-0891589-7
 221-0891592-1 through 221-0891597-0
 221-0891604-4 through 221-0891605-1
 221-0891607-7 through 221-0891609-3

Deadline.

(c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

SEC. 1421. RELIQUIDATION OF CERTAIN DRAWBACK CLAIMS RELATING TO JUICES.

Deadline.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate each entry described in subsection (b) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such Schedule.

(b) **AFFECTED ENTRIES.**—The entries referred to in subsection (a) are as follows:

Entry number	Port of Entry	Date of Entry
T71-0000954-9	2809	10/16/96
T71-0000965-5	2809	11/05/96
T71-0000966-3	2809	11/05/96
T71-0000968-9	2809	11/25/96
T71-0000969-7	2809	12/23/96

Deadline.

(c) **PAYMENT OF AMOUNTS DUE.**—Any amounts due pursuant to the reliquidation of an entry described in subsection (b) shall be paid not later than 90 days after the date of such reliquidation.

SEC. 1422. DRAWBACK OF FINISHED PETROLEUM DERIVATIVES.

(a) **ADDITION OF CRUDE OIL, VINYL CHLORIDE, TEREPHTHALIC ACID, TRIMELLITIC ANHYDRIDE, ISOPHTHALIC ACID, ACRYLONITRILE, LUBRICATING OIL ADDITIVES, AND PREPARED ADDITIVES FOR MINERAL OILS FOR SUBSTITUTION.**—

(1) **IN GENERAL.**—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended—

(A) by inserting “2709.00,” after “2708,”; and

(B) by striking “2902, and 2909.19.14” and inserting “and 2902, and subheadings 2903.21.00, 2909.19.14, 2917.36, 2917.39.04, 2917.39.15, 2926.10.00, 3811.21.00, and 3811.90.00”.

19 USC 1313
note.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback claim filed on or after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(b) **DESIGNATION OF CERTAIN FINISHED PETROLEUM DERIVATIVES AS COMMERCIALY INTERCHANGEABLE.**—Section 313(p)(3)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(B)) is amended by adding at the end the following: “If an article is referred to

under the same eight-digit classification of the Harmonized Tariff Schedule of the United States as the qualified article on January 1, 2000, then whether or not the article has been reclassified under another eight-digit classification after January 1, 2000, the article shall be deemed to be an article that is referred to under the same eight-digit classification of such Schedule as the qualified article for purposes of the preceding sentence.”.

SEC. 1423. RELIQUIDATION OF CERTAIN ENTRIES OF SELF-TAPPING SCREWS.

(a) **IN GENERAL.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 7318.12 of the Harmonized Tariff Schedule of the United States (relating to wood screws); and

(2) shall reliquidate such merchandise under subheading 7318.14 of the Harmonized Tariff Schedule of the United States (relating to self-tapping screws), depending upon their diameter, at the rate of duty then applicable for such merchandise.

(b) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

Deadline.

(c) **AFFECTED ENTRIES.**—The entries referred to in subsection (a), filed at the port of Philadelphia, are as follows:

Entry No.	Date of entry	Liquidation Date
Av1-0893629-3	08-11-93	01-14-94
Av1-0893735-8	09-09-93	01-14-94
Av1-0893766-3	09-20-93	01-14-94
Av1-0893809-1	10-13-93	01-14-94
Av1-0893810-9	10-11-93	01-14-94
Av1-0893811-7	10-06-93	01-14-94
Av1-0893846-3	10-19-93	03-18-94
Av1-0893872-9	10-25-93	01-14-94
Av1-0893873-7	10-25-93	01-14-94
Av1-0893904-0	11-02-93	03-18-94
Av1-0893913-1	11-08-93	01-14-94
Av1-0893936-2	11-15-93	01-14-94
Av1-0893949-5	11-18-93	01-14-94
Av1-0893963-6	11-22-93	01-14-94
Av1-0893981-8	11-30-93	03-18-94
Av1-0894012-1	12-06-93	03-18-94
Av1-0894013-9	12-06-93	03-18-94
Av1-0894057-6	12-20-93	03-18-94
Av1-0894058-4	12-20-93	03-18-94
Av1-0894095-6	12-29-93	04-01-94
Av1-0894100-4	01-05-94	04-01-94
Av1-0894108-7	01-04-94	04-22-94
Av1-0894159-0	01-31-94	05-20-94
Av1-0894222-6	02-14-94	04-08-94
Av1-0894245-7	02-19-94	04-08-94
Av1-0894274-7	02-25-94	04-08-94
Av1-0894298-6	03-07-94	04-22-94
Av1-0894299-4	03-08-94	04-22-94
Av1-0894335-6	03-14-94	05-06-94

Entry No.	Date of entry	Liquidation Date
Av1-0894348-9	03-17-94	05-06-94
Av1-0894355-4	03-30-94	05-06-94
Av1-0894382-8	03-24-94	06-17-94
Av1-0894420-6	04-06-94	06-17-94
Av1-0894429-7	04-11-94	06-24-94
Av1-0894356-2	04-04-94	08-12-94
Av1-0894516-1	05-23-94	07-29-94
Av1-0894517-9	05-23-94	07-29-94
Av1-0894531-0	06-01-94	07-29-94
Av1-0894570-8	05-27-94	09-30-94
Av1-0894580-7	05-31-94	07-29-94
Av1-0894606-0	06-07-94	07-29-94
Av1-0894607-8	06-15-94	07-29-94
Av1-0894608-6	06-06-94	07-29-94
Av1-0894661-5	06-21-94	08-19-94
Av1-0894682-1	06-24-94	08-12-94
Av1-0894685-4	07-05-94	08-12-94
Av1-0894697-9	07-06-94	08-12-94
Av1-0894698-7	07-12-94	08-12-94
Av1-0894820-7	07-27-94	09-16-94
Av1-0894910-6	08-18-94	09-30-94

SEC. 1424. RELIQUIDATION OF CERTAIN ENTRIES OF VACUUM CLEANERS.

Deadline.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 8509.80.00 of the Harmonized Tariff Schedule of the United States; and

(2) shall reliquidate such merchandise under subheading 8509.10.00 of the Harmonized Tariff Schedule of the United States at the duty-free rate then applicable for such appliances.

Deadline.

(b) PAYMENTS OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be paid within 180 days after the date on which the request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the ports indicated, are as follows:

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
Baltimore, MD	004-7872032-9	1/11/99	11/19/99
Los Angeles, CA	004-7849971-8	11/19/98	10/01/99
Los Angeles, CA	004-7852693-2	11/25/98	10/08/99
Los Angeles, CA	004-7852699-9	11/25/98	10/08/99
Los Angeles, CA	004-7852722-9	11/25/98	10/08/99
Los Angeles, CA	004-7861673-3	12/8/98	10/22/99
Los Angeles, CA	004-7861692-3	12/8/98	10/22/99
Los Angeles, CA	004-7861704-6	12/8/98	10/22/99
Los Angeles, CA	004-7867000-3	12/17/98	11/05/99
Los Angeles, CA	004-7867004-5	12/17/98	11/05/99
Los Angeles, CA	004-7875266-0	1/3/99	11/19/99
Los Angeles, CA	004-7870717-7	1/6/99	11/05/99
Los Angeles, CA	004-7870733-4	1/6/99	11/05/99
Los Angeles, CA	004-7877886-3	1/7/99	11/19/99
Los Angeles, CA	004-7875246-2	1/13/99	11/12/99
San Francisco, CA	004-7850789-0	11/20/98	10/08/99
San Francisco, CA	004-7864752-2	12/14/98	10/29/99
San Francisco, CA	004-7869967-1	12/22/98	11/05/99

Port of Entry	Entry Number	Date of Entry	Date of Liquidation
San Francisco, CA	004-7872055-0	1/11/99	11/12/99
Seattle, WA	004-7847960-3	11/17/98	10/01/99
Seattle, WA	004-7850796-5	11/20/98	10/08/99
Seattle, WA	004-7856642-5	12/2/98	10/15/99
Seattle, WA	004-7861684-0	12/8/98	10/22/99
Seattle, WA	004-7861909-1	12/9/98	10/22/99
Seattle, WA	004-7866974-0	12/17/98	10/29/99
Seattle, WA	004-7870790-4	1/6/99	11/12/99
Seattle, WA	004-7877856-6	1/8/99	11/19/99
Seattle, WA	004-7875238-9	1/13/99	11/12/99
Tacoma, WA	004-7861076-9	12/8/98	10/22/99
Tacoma, WA	004-7869848-3	12/31/98	11/19/99
Tacoma, WA	004-7955061-8	5/7/99	07/02/99
Chicago, IL	004-7843214-9	11/10/98	11/25/98
Newark, NJ	004-7854863-9	11/30/98	10/15/99
Newark, NJ	004-7872138-4	1/11/99	11/19/99
New York City/JFK	004-7866439-4	12/16/98	10/29/99
Miami, FL	004-7859052-4	12/4/98	10/15/99
Miami, FL	004-7872013-9	1/11/99	11/12/99

SEC. 1425. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES OF CONVEYOR CHAINS. Deadlines.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry
110-0790274-3	April 2, 1996
110-0790467-3	April 3, 1996
110-0790424-4	April 8, 1996
110-0790537-3	April 11, 1996
110-0790637-1	April 11, 1996
110-0790754-4	April 17, 1996
110-0790655-3	April 23, 1996
110-0790690-0	April 24, 1996
110-0790938-3	April 29, 1996
110-0791044-9	May 3, 1996
110-0790873-2	May 3, 1996
110-0791060-5	May 8, 1996
110-0791198-3	May 15, 1996
110-0791255-1	May 17, 1996
110-0791403-7	May 31, 1996
110-0791555-4	June 5, 1996
110-0791506-7	June 5, 1996
110-0791665-1	June 11, 1996
110-0791621-4	June 12, 1996
110-0791766-7	June 20, 1996
110-0791863-2	June 24, 1996
110-0791832-7	June 26, 1996
110-0792094-3	July 6, 1996
110-0792098-4	July 10, 1996
110-0792216-2	July 15, 1996
110-0792287-3	July 20, 1996
110-0792366-5	August 1, 1996
110-0792570-2	August 7, 1996

Entry number	Date of entry
110-0792644-5	August 14, 1996
110-0792790-6	August 22, 1996
110-0792926-6	August 27, 1996
110-0792935-7	August 29, 1996
110-0793053-8	September 5, 1996
110-0793054-6	September 5, 1996
110-0793023-1	September 10, 1996
110-0793092-6	September 13, 1996
110-0793246-8	September 16, 1996
110-0793440-7	October 1, 1996
110-0793345-8	October 1, 1996
110-0793499-3	October 3, 1996
110-0793495-1	October 3, 1996
110-0793596-6	October 10, 1996
110-0793542-0	October 14, 1996
110-0793656-8	October 18, 1996
110-0793725-1	October 23, 1996
110-0793775-6	October 28, 1996
110-0793962-0	October 30, 1996
110-0794019-8	November 10, 1996
110-0794066-9	November 11, 1996
110-0793839-0	November 11, 1996
110-0794200-4	November 14, 1996
110-0794242-6	November 15, 1996
110-0794358-0	November 26, 1996
110-0794408-3	November 26, 1996
110-0794335-8	November 27, 1996
110-0794459-6	December 2, 1996
110-0794442-2	December 4, 1996
110-0794610-4	December 9, 1996
110-0794592-4	December 11, 1996
110-0794704-5	December 13, 1996
110-0794667-4	December 19, 1996
110-0794893-6	December 30, 1996
110-0794928-0	December 30, 1996
110-0794965-2	January 4, 1997
110-0795166-6	January 10, 1997
110-0795237-5	January 14, 1997
110-0795256-5	January 15, 1997
110-0795478-5	February 2, 1997
110-0795526-1	February 3, 1997
110-0795484-3	February 6, 1997
110-0795611-1	February 7, 1997
110-0795563-4	February 13, 1997
110-0795757-2	February 17, 1997
110-0795735-8	February 19, 1997
110-0795820-8	February 19, 1997
110-0795968-5	February 27, 1997
110-0795959-4	February 27, 1997
110-0796083-2	March 4, 1997
110-0796289-5	March 17, 1997
110-0796115-2	March 18, 1997
110-0796272-1	March 19, 1997
110-0796375-2	March 20, 1997
110-0796390-1	March 26, 1997
110-0796480-0	March 27, 1997
110-0790469-9	April 3, 1996
110-0791663-6	June 12, 1996
110-0792017-4	July 1, 1996
110-0792106-5	July 10, 1996
110-0792890-4	August 22, 1996
110-0793215-3	September 20, 1996
110-0793340-9	September 23, 1996
110-0793405-0	September 30, 1996
110-0795102-1	January 1, 1997
110-0795349-8	January 23, 1997
110-0795672-3	February 11, 1997

**CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO
PRODUCT DEVELOPMENT AND TESTING**

Product
Development and
Testing Act of
2000.

SEC. 1431. SHORT TITLE.

This chapter may be cited as the “Product Development and Testing Act of 2000”.

SEC. 1432. FINDINGS; PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as “prototypes”, used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) **PURPOSE.**—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1433. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) **HEADING.**—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

“	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation, or quality control purposes	Free	The rate applicable in the absence of this heading”.
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(b) **U.S. NOTE.**—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

“6. The following provisions apply to heading 9817.85.01:

“(a) For purposes of this subchapter, including heading 9817.85.01, the term ‘prototypes’ means originals or models of articles that—

“(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

“(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing for purse, prize, or commercial competition shall not be considered to be “development, testing, product evaluation, or quality control.”

“(b)(i) Prototypes may be imported only in limited noncommercial quantities in accordance with industry practice.

“(ii) Except as provided for by the Secretary of the Treasury, prototypes or parts of prototypes may not be sold after importation into the United States or be incorporated into other products that are sold.

“(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes if they comply with all applicable provisions of law and otherwise meet the definition of ‘prototypes’ under paragraph (a).”

SEC. 1434. REGULATIONS RELATING TO ENTRY PROCEDURES AND SALES OF PROTOTYPES.

(a) **IDENTIFICATION OF PROTOTYPES.**—The Secretary of the Treasury shall promulgate regulations regarding the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

Deadline.

(b) **SALES OF PROTOTYPES.**—Not later than 10 months after the date of the enactment of this Act, the Secretary of the Treasury shall promulgate final regulations regarding the sale of prototypes entered under heading 9817.85.01 of the Harmonized Tariff Schedule of the United States as scrap, or waste, or for recycling, if all duties are tendered for sales of the prototypes, including prototypes and parts of prototypes incorporated into other products, as scrap, waste, or recycled materials, at the rate of duty in effect

for such scrap, waste, or recycled materials at the time of importation of the prototypes.

SEC. 1435. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1433(a), on or after the date of the enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1433(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of the enactment of this Act.

**CHAPTER 3—PROHIBITION ON IMPORTATION OF
PRODUCTS MADE WITH DOG OR CAT FUR**

SEC. 1441. SHORT TITLE.

This chapter may be cited as the “Dog and Cat Protection Act of 2000”.

SEC. 1442. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true nature of the fur and mislead United States wholesalers, retailers, and consumers.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

Dog and Cat
Protection Act of
2000.

19 USC 1654
note.

19 USC 1308
note.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States because it applies equally to domestic and foreign producers and avoids any discrimination among foreign sources of competing products. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1443. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

(a) IN GENERAL.—Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

19 USC 1308.

“SEC. 308. PROHIBITION ON IMPORTATION OF DOG AND CAT FUR PRODUCTS.

“(a) DEFINITIONS.—In this section:

“(1) CAT FUR.—The term ‘cat fur’ means the pelt or skin of any animal of the species *Felis catus*.

“(2) INTERSTATE COMMERCE.—The term ‘interstate commerce’ means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

“(3) CUSTOMS LAWS.—The term ‘customs laws of the United States’ means any other law or regulation enforced or administered by the United States Customs Service.

“(4) DESIGNATED AUTHORITY.—The term ‘designated authority’ means the Secretary of the Treasury, with respect to the prohibitions under subsection (b)(1)(A), and the President

(or the President's designee), with respect to the prohibitions under subsection (b)(1)(B).

“(5) DOG FUR.—The term ‘dog fur’ means the pelt or skin of any animal of the species *Canis familiaris*.

“(6) DOG OR CAT FUR PRODUCT.—The term ‘dog or cat fur product’ means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

“(7) PERSON.—The term ‘person’ includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

“(8) UNITED STATES.—The term ‘United States’ means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

“(b) PROHIBITIONS.—

“(1) IN GENERAL.—It shall be unlawful for any person to—

“(A) import into, or export from, the United States any dog or cat fur product; or

“(B) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

“(2) EXCEPTION.—This subsection shall not apply to the importation, exportation, or transportation, for noncommercial purposes, of a personal pet that is deceased, including a pet preserved through taxidermy.

“(c) PENALTIES AND ENFORCEMENT.—

“(1) CIVIL PENALTIES.—

“(A) IN GENERAL.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under title 18, United States Code, or any other provision of law, be assessed a civil penalty by the designated authority of not more than—

“(i) \$10,000 for each separate knowing and intentional violation;

“(ii) \$5,000 for each separate grossly negligent violation; or

“(iii) \$3,000 for each separate negligent violation.

“(B) DEBARMENT.—The designated authority may prohibit a person from importing, exporting, transporting, distributing, manufacturing, or selling any fur product in the United States, if the designated authority finds that the person has engaged in a pattern or practice of actions that has resulted in a final administrative determination with respect to the assessment of civil penalties for knowing and intentional or grossly negligent violations of any provision of this section or any regulation issued under this section.

“(C) FACTORS IN ASSESSING PENALTIES.—In determining the amount of civil penalties under this paragraph, the designated authority shall take into account the degree of culpability, any history of prior violations under this section, ability to pay, the seriousness of the violation, and such other matters as fairness may require.

“(D) NOTICE.—No penalty may be assessed under this paragraph against a person unless the person is given notice and opportunity for a hearing with respect to such violation in accordance with section 554 of title 5, United States Code.

“(2) FORFEITURE.—Any dog or cat fur product manufactured, taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, imported, or exported contrary to the provisions of this section or any regulation issued under this section shall be subject to forfeiture to the United States.

“(3) ENFORCEMENT.—The Secretary of the Treasury shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(A), and the President shall enforce the provisions of this section with respect to the prohibitions under subsection (b)(1)(B).

Deadline.

“(4) REGULATIONS.—Not later than 270 days after the date of the enactment of this section, the designated authorities shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section. The regulations of the Secretary of the Treasury shall provide for a process by which testing laboratories, whether domestic or foreign, can qualify for certification by the United States Customs Service by demonstrating the reliability of the procedures used for determining the type of fur contained in articles intended for sale or consumption in interstate commerce. Use of a laboratory certified by the United States Customs Service to determine the nature of fur contained in an item to which subsection (b) applies is not required to avoid liability under this section but may, in a case in which a person can establish that the goods imported were tested by such a laboratory and that the item was not found to be a dog or cat fur product, prove dispositive in determining whether that person exercised reasonable care for purposes of paragraph (6).

“(5) REWARD.—The designated authority shall pay a reward of not less than \$500 to any person who furnishes information that establishes or leads to a civil penalty assessment, debarment, or forfeiture of property for any violation of this section or any regulation issued under this section.

“(6) AFFIRMATIVE DEFENSE.—Any person accused of a violation under this section has a defense to any proceeding brought under this section on account of such violation if that person establishes by a preponderance of the evidence that the person exercised reasonable care—

“(A) in determining the nature of the products alleged to have resulted in such violation; and

“(B) in ensuring that the products were accompanied by documentation, packaging, and labeling that were accurate as to the nature of the products.

“(7) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

Federal Register,
publication.

“(d) PUBLICATION OF NAMES OF CERTAIN VIOLATORS.—The designated authorities shall, at least once each year, publish in the Federal Register a list of the names of any producer, manufacturer, supplier, seller, importer, or exporter, whether or not located within

the customs territory of the United States or subject to the jurisdiction of the United States, against whom a final administrative determination with respect to the assessment of a civil penalty for a knowing and intentional or a grossly negligent violation has been made under this section.

“(e) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the designated authorities shall provide the following: Deadlines.

“(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of the enactment of this section, the designated authorities shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that United States Government personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

“(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of the enactment of this section, and on an annual basis thereafter, the designated authorities shall submit a report to Congress on the efforts of the United States Government to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of United States Government personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section. The report shall include the findings of the designated authorities as to whether any government has engaged in a pattern or practice of support for trade in products the importation of which are prohibited under this section.”.

(b) CONFORMING AMENDMENT.—Section 2(d) of the Fur Products Labeling Act (15 U.S.C. 69(d)) is amended by inserting “(other than any dog or cat fur product to which section 308 of the Tariff Act of 1930 applies)” after “shall not include such articles”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 19 USC 1308
note.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1451. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking “For the period beginning on” and all that follows through “the Secretary may prescribe” and inserting “The Secretary may prescribe”.

SEC. 1452. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—

(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking “bonded merchandise, or”.

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking “bonded merchandise or”.

(3) Section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91) is amended in subsection (a)(2) by striking “bonded merchandise or”.

(b) **ADDITIONAL AMENDMENT.**—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

“(6) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.”.

SEC. 1453. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) **DESIGNATION.**—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) **PRIVATE AIRCRAFT.**—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) **DEFINITION.**—In this section, the term “private aircraft” has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) **REPORT.**—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1454. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

“(c) **INTERNATIONAL TRAVEL MERCHANDISE.**—

“(1) **DEFINITIONS.**—For purposes of this section—

“(A) the term ‘international travel merchandise’ means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

“(B) the term ‘staging area’ is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

“(C) the term ‘duty-free merchandise’ means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

“(D) the term ‘manipulation’ means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

“(E) the term ‘cart’ means a portable container holding international travel merchandise on an aircraft for exportation.

“(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

Regulations.

“(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—

(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor’s bond shall also secure the manipulation of international travel merchandise in a staging area.

“(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

“(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

“(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.”.

Regulations.

SEC. 1455. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking “10 percent” each place it appears and inserting “5 percent”;

(B) effective January 1, 2001, by striking “5 percent” each place it appears and inserting “4 percent”; and

(C) effective January 1, 2002, by striking “4 percent” each place it appears and inserting “3 percent”.

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking “5 percent” each place it appears and inserting “3 percent”;

(B) effective January 1, 2001, by striking “3 percent” each place it appears and inserting “2 percent”; and

(C) effective January 1, 2002, by striking “2 percent” each place it appears and inserting “1.5 percent”.

SEC. 1456. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) **IN GENERAL.**—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

“	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics and Paralympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow		Free	Free	”.
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(b) **TAXES, FEES, INSPECTION.**—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

“6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) **TERMINATION OF TEMPORARY PROVISIONS.**—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1457. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

“(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or”.

SEC. 1458. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) **IN GENERAL.**—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the

chemical N-tert-Butyl-2-benzothiazolesulfenamide as “commercially interchangeable” within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) **APPLICABILITY.**—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1459. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such services have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1460. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) **IN GENERAL.**—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

“(j) **TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.**—In the case of merchandise that is purchased and invoiced as a single entity but—

“(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

“(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.”

(b) **REGULATIONS.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

Deadline.
19 USC 1484
note.

SEC. 1461. REPORT ON CUSTOMS PROCEDURES.

(a) **REVIEW AND REPORT.**—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

Deadline.

(2) report to the Congress, not later than 180 days after the date of the enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) **SPECIFIC MATTERS.**—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

SEC. 1462. DRAWBACKS FOR RECYCLED MATERIALS.

(a) **IN GENERAL.**—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

“(x) **DRAWBACKS FOR RECOVERED MATERIALS.**—For purposes of subsections (a), (b), and (c), the term ‘destruction’ includes a

process by which materials are recovered from imported merchandise or from an article manufactured from imported merchandise. In determining the amount of duties to be refunded as drawback to a claimant under this subsection, the value of recovered materials (including the value of any tax benefit or royalty payment) that accrues to the drawback claimant shall be deducted from the value of the imported merchandise that is destroyed, or from the value of the merchandise used, or designated as used, in the manufacture of the article.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to drawback claims filed on or after the date of the enactment of this Act. 19 USC 1313 note.

SEC. 1463. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS. 31 USC 1113 note.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

- (1) Section 163 of the Trade Act of 1974 (19 U.S.C. 2213).
- (2) Section 181 of the Trade Act of 1974 (19 U.S.C. 2241).

SEC. 1464. IMPORTATION OF GUM ARABIC.

(a) **FINDINGS.**—The Congress finds the following:

(1) The Republic of the Sudan produces 60 percent of the world’s supply of gum arabic in raw form and has a virtual monopoly on the world’s supply of the highest grade of gum arabic.

(2) The President imposed comprehensive sanctions against Sudan on November 3, 1997, under Executive Order No. 13067.

(3) The Secretary of the Treasury, upon recommendation of the Secretary of State, has issued limited licenses each year since the imposition of sanctions against Sudan under Executive Order No. 13067 to permit United States gum arabic processors to import gum arabic in raw form from Sudan due to a lack of alternative sources in other countries.

(4) The United States gum arabic processing industry consists of three small companies whose existence is threatened by the comprehensive sanctions in effect against Sudan.

(5) The United States gum arabic processing industry is working with the United States Agency for International Development to develop alternative sources of gum arabic in raw form in countries that are not subject to sanctions, but alternative sources of the highest grade of gum arabic in raw form are not currently available.

(b) **LICENSE APPLICATIONS TO IMPORT GUM ARABIC FROM SUDAN.**—Notwithstanding any other provision of law, the Secretary of the Treasury and the Secretary of State, in consultation with the Secretary of Commerce and the heads of other appropriate agencies—

(1) shall consider promptly any license application by a United States gum arabic processor to import gum arabic in raw form from the Republic of the Sudan; and

(2) in reviewing such license applications by United States gum arabic processors, shall consider whether adequate commercial quantities of the highest grade of gum arabic in raw form are available from countries not subject to United States sanctions in order to allow such United States processors of gum arabic to remain in business.

(c) **DEVELOPMENT OF ALTERNATIVE SOURCES OF GUM ARABIC.**—The President shall utilize such authority as is available to the President to promote the development in countries other than Sudan of alternative sources of the highest grade of gum arabic in raw form of sufficient commercial quality to be utilized in products intended for human consumption.

(d) **DEFINITION.**—In this section, the term “gum arabic in raw form” means gum arabic of the type described in subheadings 1301.20.00 and 1301.90.90 of the Harmonized Tariff Schedule of the United States.

SEC. 1465. CUSTOMS SERVICES AT THE DETROIT METROPOLITAN AIRPORT.

The Commissioner of the Customs Service shall re-implement the policy in effect prior to January 1, 1999, at the Detroit Metropolitan Airport to provide services at remote locations of the Airport, except that such services shall be provided only on a reimbursable basis.

Subtitle C—Effective Date

19 USC 58c note. **SEC. 1471. EFFECTIVE DATE.**

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) **CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) **QUALIFIED WORKER.**—For purposes of this subsection, a “qualified worker” means a worker who—

(A) was employed at the copper mining facility referenced in Trade Adjustment Assistance Certification TAW–31,402 during any part of the period covered by that certification and was separated from employment after the expiration of that certification; and

(B) was necessary for the environmental remediation or closure of such mining facility.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 2002. CHIEF AGRICULTURAL NEGOTIATOR.

Section 5314 of title 5, United States Code, is amended by inserting after “Deputy United States Trade Representatives (3).” the following:

“Chief Agricultural Negotiator.”.

TITLE III—EXTENSION OF NONDISCRIMINATORY TREATMENT TO GEORGIA**SEC. 3001. FINDINGS.**

19 USC 2434
note.

Congress finds that Georgia has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction;

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974;

(4) made progress toward democratic rule and creating a free market economic system since its independence from the Soviet Union;

(5) demonstrated strong and effective enforcement of internationally recognized core labor standards and a commitment to continue to improve effective enforcement of its laws reflecting such standards;

(6) committed to developing a system of governance in accordance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the “Helsinki Final Act”) regarding human rights and humanitarian affairs;

(7) endeavored to address issues related to its national and religious minorities and, as a member state of the Organization for Security and Cooperation in Europe (OSCE), committed to adopting special measures for ensuring that persons belonging to national minorities have full equality individually as well as in community with other members of their group;

(8) also committed to enacting legislation to provide protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, hostility, or hatred, including anti-Semitism;

(9) continued to return communal properties confiscated from national and religious minorities during the Soviet period, facilitating the reemergence of these communities in the national life of Georgia and establishing the legal framework for completion of this process in the future;

(10) concluded a bilateral trade agreement with the United States in 1993 and a bilateral investment treaty in 1994;

(11) demonstrated a strong desire to build a friendly and cooperative relationship with the United States; and

(12) acceded to the World Trade Organization on June 14, 2000, and the extension of unconditional normal trade relations treatment to the products of Georgia will enable the

United States to avail itself of all rights under the World Trade Organization with respect to Georgia.

19 USC 2434
note.

SEC. 3002. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO GEORGIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NON-DISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Georgia; and

(2) after making a determination under paragraph (1) with respect to Georgia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Georgia, title IV of the Trade Act of 1974 shall cease to apply to that country.

Imported
Cigarette
Compliance Act
of 2000.

TITLE IV—IMPORTED CIGARETTE COMPLIANCE

26 USC 1 note.

SEC. 4001. SHORT TITLE.

This title may be cited as the “Imported Cigarette Compliance Act of 2000”.

SEC. 4002. MODIFICATIONS TO RULES GOVERNING REIMPORTATION OF TOBACCO PRODUCTS.

(a) RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.—Section 5754 of the Internal Revenue Code of 1986 is amended to read as follows:

26 USC 5754.

“SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

“(a) EXPORT-LABELED TOBACCO PRODUCTS.—

“(1) IN GENERAL.—Tobacco products and cigarette papers and tubes manufactured in the United States and labeled for exportation under this chapter—

“(A) may be transferred to or removed from the premises of a manufacturer or an export warehouse proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

“(B) may be imported or brought into the United States, after their exportation, only if such articles either are eligible to be released from customs custody with the partial duty exemption provided in section 5704(d) or are returned to the original manufacturer of such article as provided in section 5704(c); and

“(C) may not be sold or held for sale for domestic consumption in the United States unless such articles are removed from their export packaging and repackaged by the original manufacturer into new packaging that does not contain an export label.

“(2) ALTERATIONS BY PERSONS OTHER THAN ORIGINAL MANUFACTURER.—This section shall apply to articles labeled for

export even if the packaging or the appearance of such packaging to the consumer of such articles has been modified or altered by a person other than the original manufacturer so as to remove or conceal or attempt to remove or conceal (including by the placement of a sticker over) any export label.

“(3) EXPORTS INCLUDE SHIPMENTS TO PUERTO RICO.—For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

“(b) EXPORT LABEL.—For purposes of this section, an article is labeled for export or contains an export label if it bears the mark, label, or notice required under section 5704(b).

“(c) CROSS REFERENCES.—

“(1) For exception to this section for personal use, see section 5761(c).

“(2) For civil penalties related to violations of this section, see section 5761(c).

“(3) For a criminal penalty applicable to any violation of this section, see section 5762(b).

“(4) For forfeiture provisions related to violations of this section, see section 5761(c).”.

(b) CLARIFICATION OF REIMPORTATION RULES.—Section 5704(d) of such Code (relating to tobacco products and cigarette papers and tubes exported and returned) is amended—

(1) by striking “a manufacturer of” and inserting “the original manufacturer of such”; and

(2) by inserting “authorized by such manufacturer to receive such articles” after “proprietor of an export warehouse”.

(c) REQUIREMENT TO DESTROY FORFEITED TOBACCO PRODUCTS.—The last sentence of subsection (c) of section 5761 of such Code is amended by striking “the jurisdiction of the United States” and all that follows through the end period and inserting “the jurisdiction of the United States shall be forfeited to the United States and destroyed. All vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) STUDY.—The Secretary of the Treasury shall report to Congress on the impact of requiring export warehouses to be authorized by the original manufacturer to receive relanded export-labeled cigarettes.

SEC. 4003. TECHNICAL AMENDMENT TO THE BALANCED BUDGET ACT OF 1997.

(a) IN GENERAL.—Subsection (c) of section 5761 of the Internal Revenue Code of 1986 is amended by adding at the end the following: “This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.”.

26 USC 5761
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 4004. REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES.

(a) **IN GENERAL.**—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following:

“TITLE VIII—REQUIREMENTS APPLICABLE TO IMPORTS OF CERTAIN CIGARETTES

19 USC 1681.

“SEC. 801. DEFINITIONS.

“In this title:

“(1) **SECRETARY.**—Except as otherwise indicated, the term ‘Secretary’ means the Secretary of the Treasury.

“(2) **PRIMARY PACKAGING.**—The term ‘primary packaging’ refers to the permanent packaging inside of the innermost cellophane or other transparent wrapping and labels, if any. Warnings or other statements shall be deemed ‘permanently imprinted’ only if printed directly on such primary packaging and not by way of stickers or other similar devices.

19 USC 1681a.

“SEC. 802. REQUIREMENTS FOR ENTRY OF CERTAIN CIGARETTES.

“(a) **GENERAL RULE.**—Except as provided in subsection (b), cigarettes may be imported into the United States only if—

“(1) the original manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit, to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manufacture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

“(2) the precise warning statements in the precise format specified in section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

“(A) the primary packaging of all those cigarettes; and

“(B) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;

“(3) the manufacturer or importer of those cigarettes is in compliance with respect to those cigarettes being imported into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c));

“(4) if such cigarettes bear a United States trademark registered for such cigarettes, the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

“(5) the importer has submitted at the time of entry all of the certificates described in subsection (c).

“(b) EXEMPTIONS.—Cigarettes satisfying the conditions of any of the following paragraphs shall not be subject to the requirements of subsection (a):

“(1) PERSONAL-USE CIGARETTES.—Cigarettes that are imported into the United States in personal use quantities that are allowed entry free of tax and duty under subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States.

“(2) CIGARETTES IMPORTED INTO THE UNITED STATES FOR ANALYSIS.—Cigarettes that are imported into the United States solely for the purpose of analysis in quantities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal or State government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

“(3) CIGARETTES INTENDED FOR NONCOMMERCIAL USE, REEXPORT, OR REPACKAGING.—Cigarettes—

“(A) for which the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States; and

“(B) for which the importer submits a certificate signed by the manufacturer or export warehouse (or a person authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in subparagraph (A)) stating, under penalties of perjury, with respect to those cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with paragraphs (1), (2), and (3) of subsection (a), and, to the extent applicable, section 5754(a)(1) (B) and (C) of the Internal Revenue Code of 1986.

For purposes of this section, a trademark is registered in the United States if it is registered in the United States Patent and Trademark Office under the provisions of title I of the Act of July 5, 1946 (popularly known as the ‘Trademark Act of 1946’), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

“(c) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS.—The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with subsection (a)(5) are—

“(1) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury, with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

“(2) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that—

“(A) the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are permanently imprinted on both—

“(i) the primary packaging of all those cigarettes; and

“(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers; and

“(B) with respect to those cigarettes being imported into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333(c)); and

“(3)(A) if such cigarettes bear a United States trademark registered for cigarettes, a certificate signed by the owner of such United States trademark registration for cigarettes (or a person authorized to act on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and

“(B) a certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in subparagraph (A) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the submission of certifications under this section in electronic form if, prior to the entry of any cigarettes into the United States, the person required to provide such certifications submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

19 USC 1681b.

“SEC. 803. ENFORCEMENT.

“(a) CIVIL PENALTY.—Any person who violates a provision of section 802 shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of \$1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

“(b) FORFEITURES.—Any tobacco product, cigarette papers, or tube that was imported into the United States or is sought to be imported into the United States in violation of, or without meeting the requirements of, section 802 shall be forfeited to the United States. Notwithstanding any other provision of law, any product forfeited to the United States pursuant to this title shall be destroyed.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 30 days after the date of the enactment of this Act. 19 USC 1681 note.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 4868:

HOUSE REPORTS: No. 106–789 (Comm. on Ways and Means).

SENATE REPORTS: No. 106–503 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 13, considered and passed Senate, amended.

Oct. 24, House concurred in Senate amendment with an amendment.

Oct. 26, Senate concurred in House amendment.



Public Law 106–477
106th Congress

An Act

Nov. 9, 2000
[H.R. 5110]

To designate the United States courthouse located at 3470 12th Street in Riverside, California, as the “George E. Brown, Jr. United States Courthouse”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 3470 12th Street in Riverside, California, shall be known and designated as the “George E. Brown, Jr. United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “George E. Brown, Jr. United States Courthouse”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 5110:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Nov. 1, considered and passed Senate.



Public Law 106–478
106th Congress

An Act

To designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the “William Kenzo Nakamura United States Courthouse”.

Nov. 9, 2000
[H.R. 5302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, shall be known and designated as the “William Kenzo Nakamura United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “William Kenzo Nakamura United States Courthouse”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 5302:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Nov. 1, considered and passed Senate.



Public Law 106–479
106th Congress

An Act

Nov. 9, 2000
[H.R. 5331]

To authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

40 USC 1003
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. MEMORIAL AND GARDENS TO HONOR AND COMMEMORATE
FREDERICK DOUGLASS.**

(a) **MEMORIAL AND GARDENS AUTHORIZED.**—The Frederick Douglass Gardens, Inc., is authorized to establish a memorial and gardens on lands under the administrative jurisdiction of the Secretary of the Interior in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

(b) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The establishment of the Frederick Douglass memorial and gardens shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

SEC. 2. PAYMENT OF EXPENSES.

The Frederick Douglass Gardens, Inc., shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial and gardens. No Federal funds may be used to pay any expense of the establishment of the memorial and gardens.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial and gardens (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b)), or upon expiration of the authority for the memorial and gardens under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial and gardens, Frederick Douglass Gardens, Inc., shall transmit the amount of the balance to the

Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 5331:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed House.

Oct. 26, considered and passed Senate.



Public Law 106–480
106th Congress

An Act

Nov. 9, 2000
[H.R. 5388]

To designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the “Herbert H. Bateman Education and Administrative Center”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 459f–5
note.

SECTION 1. DESIGNATION.

A building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, on Assateague Island, Virginia, shall be known and designated as the “Herbert H. Bateman Education and Administrative Center”.

16 USC 459f–5
note.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Herbert H. Bateman Education and Administrative Center”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 5388:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 24, considered and passed House.

Nov. 1, considered and passed Senate.



Public Law 106–481
106th Congress

An Act

To establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

Nov. 9, 2000
[H.R. 5410]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Library of Congress Fiscal Operations Improvement Act of 2000”.

Library of
Congress Fiscal
Operations
Improvement Act
of 2000.
2 USC 182a note.

**TITLE I—LIBRARY OF CONGRESS
REVOLVING FUNDS**

**SEC. 101. REVOLVING FUND FOR AUDIO AND VIDEO DUPLICATION
SERVICES ASSOCIATED WITH AUDIOVISUAL CONSERVA-
TION CENTER.**

2 USC 182a.

(a) **ESTABLISHMENT.**—There is hereby established in the Treasury a revolving fund for audio and video duplication and delivery services provided by the Librarian of Congress (hereafter in this Act referred to as the “Librarian”) which are associated with the national audiovisual conservation center established under the Act entitled “An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes”, approved December 15, 1997 (Public Law 105–144; 2 U.S.C. 141 note).

(b) **FEES FOR SERVICES.**—The Librarian may charge a fee for providing services described in subsection (a), and shall deposit any such fees charged into the revolving fund under this section.

(c) **CONTENTS OF FUND.**—

(1) **IN GENERAL.**—The revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (b).

(B) Any other amounts received by the Librarian which are attributable to the services described in subsection (a).

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) **DEPOSIT OF FUNDS DURING TRANSITION.**—The Librarian shall transfer to the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the services described in subsection (a).

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such services; and

(ii) the total value of the liabilities attributable to such services.

(d) **USE OF AMOUNTS IN FUND.**—Amounts in the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the services described in subsection (a).

2 USC 182b.

SEC. 102. REVOLVING FUND FOR GIFT SHOP, DECIMAL CLASSIFICATION, PHOTO DUPLICATION, AND RELATED SERVICES.

(a) **ESTABLISHMENT.**—There is hereby established in the Treasury a revolving fund for the following programs and activities of the Librarian:

(1) Decimal classification development.

(2) The operation of a gift shop or other sales of items associated with collections, exhibits, performances, and special events of the Library of Congress.

(3) Document reproduction and microfilming services.

(b) **INDIVIDUAL ACCOUNTING REQUIREMENT.**—A separate account shall be maintained in the revolving fund under this section with respect to the programs and activities described in each of the paragraphs of subsection (a).

(c) **FEES FOR SERVICES.**—The Librarian may charge a fee for services under any of the programs and activities described in subsection (a), and shall deposit any such fees charged into the account of the revolving fund under this section for such program or activity.

(d) **CONTENTS OF ACCOUNTS IN FUND.**—

(1) **IN GENERAL.**—Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c).

(B) Any other amounts received by the Librarian which are attributable to the programs and activities covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) **DEPOSIT OF FUNDS DURING TRANSITION.**—The Librarian shall transfer to each account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the programs and activities covered by such account.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such programs and activities; and

(ii) the total value of the liabilities attributable to such programs and activities.

(e) **USE OF AMOUNTS.**—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

SEC. 103. REVOLVING FUND FOR FEDLINK PROGRAM AND FEDERAL RESEARCH PROGRAM. 2 USC 182c.

(a) **ESTABLISHMENT.**—There is hereby established in the Treasury a revolving fund for the Federal Library and Information Network program (hereafter in this Act referred to as the “FEDLINK program”) of the Library of Congress (as described in subsection (f)(1)) and the Federal Research program of the Library of Congress (as described in subsection (f)(2)).

(b) **INDIVIDUAL ACCOUNTING REQUIREMENT.**—A separate account shall be maintained in the revolving fund under this section with respect to the programs described in subsection (a).

(c) **FEE FOR SERVICES.**—

(1) **IN GENERAL.**—The Librarian may charge a fee for services under the FEDLINK program and the Federal Research program, and shall deposit any such fees charged into the account of the revolving fund under this section for such program.

(2) **ADVANCES OF FUNDS.**—Participants in the FEDLINK program and the Federal Research program shall pay for products and services of the program by advance of funds—

(A) if the Librarian determines that amounts in the Revolving Fund are otherwise insufficient to cover the costs of providing such products and services; or

(B) upon agreement between participants and the Librarian.

(d) **CONTENTS OF FUND.**—

(1) **IN GENERAL.**—Each account of the revolving fund under this section shall consist of the following amounts:

(A) Amounts deposited by the Librarian under subsection (c).

(B) Any other amounts received by the Librarian which are attributable to the program covered by such account.

(C) Amounts deposited by the Librarian under paragraph (2).

(D) Such other amounts as may be appropriated under law.

(2) **DEPOSIT OF FUNDS DURING TRANSITION.**—Notwithstanding section 1535(d) of title 31, United States Code, the Librarian shall transfer to the appropriate account of the revolving fund under this section the following:

(A) Any obligated, unexpended balances existing as of the date of the transfer which are attributable to the FEDLINK program or the Federal Research program.

(B) An amount equal to the difference as of such date between—

(i) the total value of the supplies, inventories, equipment, gift fund balances, and other assets attributable to such program; and

(ii) the total value of the liabilities attributable to such program.

(e) **USE OF AMOUNTS IN FUND.**—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the program covered by each such account.

(f) **PROGRAMS DESCRIBED.**—

(1) **FEDLINK.**—In this section, the “FEDLINK program” is the program of the Library of Congress under which the Librarian provides the following services on behalf of participating Federal libraries, Federal information centers, other entities of the Federal Government, and the District of Columbia:

(A) The procurement of commercial information services, publications in any format, and library support services.

(B) Related accounting services.

(C) Related education, information, and support services.

(2) **FEDERAL RESEARCH PROGRAM.**—In this section, the “Federal Research program” is the program of the Library of Congress under which the Librarian provides research reports, translations, and analytical studies for entities of the Federal Government and the District of Columbia (other than any program of the Congressional Research Service).

2 USC 182d.

SEC. 104. AUDITS BY COMPTROLLER GENERAL.

Each of the revolving funds established under this title shall be subject to audit by the Comptroller General at the Comptroller General’s discretion.

2 USC 182a note.

SEC. 105. EFFECTIVE DATE.

The provisions of this title shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

TITLE II—LIBRARY OF CONGRESS TRUST FUND BOARD

SEC. 201. REVISIONS TO MEMBERSHIP AND OPERATION OF LIBRARY OF CONGRESS TRUST FUND BOARD.

(a) **ADDITION OF VICE CHAIR OF JOINT COMMITTEE ON THE LIBRARY AS BOARD MEMBER.**—Section 1 of the Act entitled “An Act to create a Library of Congress Trust Fund Board, and for other purposes”, approved March 3, 1925 (2 U.S.C. 154), is amended in the first sentence of the first paragraph by inserting “and the vice chair” after “chairman”.

(b) **QUORUM REQUIREMENT.**—Section 1 of such Act (2 U.S.C. 154) is amended in the second sentence of the first paragraph by striking “Nine” and inserting “Seven”.

(c) **TEMPORARY EXTENSION OF BOARD MEMBER TERM.**—Section 1 of such Act (2 U.S.C. 154) is amended in the first paragraph by inserting after the first sentence the following: “Upon request of the chair of the Board, any member whose term has expired may continue to serve on the Trust Fund Board until the earlier of the date on which such member’s successor is appointed or

the expiration of the 1-year period which begins on the date such member's term expires.”.

SEC. 202. EFFECTIVE DATE.

2 USC 154 note.

The amendments made by this title shall take effect on the date of the enactment of this Act.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 5410:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Oct. 31, considered and passed Senate.



Public Law 106–482
106th Congress

An Act

Nov. 9, 2000
[H.R. 5478]

To authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 87–438, as amended by Public Law 100–701; 102 Stat. 4640; 16 U.S.C. 431 note) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary of the Interior”; and

(2) by adding at the end the following new subsection:

New York.

“(b) RELOCATION OF HAMILTON GRANGE.—The Secretary is authorized to acquire by donation from the City of New York, New York, a parcel of land or suitable interests in such land, not to exceed 1 acre, to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to relocate the Hamilton Grange to such land. The acquired land or interests in land shall be in close proximity to the original location of Hamilton Grange and shall be added to and administered as part of the memorial.”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.R. 5478:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 24, considered and passed House.

Oct. 27, considered and passed Senate.



Public Law 106–483
106th Congress

Joint Resolution

Recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

Nov. 9, 2000
[H.J. Res. 102]

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

“I believe that every person has worth as an individual.

“I believe that every person is entitled to dignity and respect, regardless of race or color.

“I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

“Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

“I will discourage racial prejudice by others at every opportunity.

“I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.”;

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors,

State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is “Sign It, Live It”, is a powerful tool for facilitating dialogue on the Nation’s diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress recognizes that the Birmingham Pledge is a significant contribution toward fostering racial harmony and reconciliation in the United States and around the world;

(2) Congress commends the creators, promoters, and signatories of the Birmingham Pledge for the steps they are taking to make the United States and the world a better place for all people; and

(3) it is the sense of the Congress that a particular week should be designated as “National Birmingham Pledge Week”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—H.J. Res. 102:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, considered and passed House.

Oct. 26, considered and passed Senate, amended.

Oct. 30, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 17, Presidential statement.



Public Law 106–484
106th Congress

An Act

To provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

Nov. 9, 2000
[S. 484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bring Them Home Alive Act of 2000”.

Bring Them
Home Alive Act
of 2000.
8 USC 1157 note.

SEC. 2. AMERICAN VIETNAM WAR POW/MIA ASYLUM PROGRAM.

8 USC 1157 note.

(a) **ASYLUM FOR ELIGIBLE ALIENS.**—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) **ELIGIBILITY.**—Refugee status shall be granted under subsection (a) to—

(1) any alien who—

(A) is a national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union; and

(B) personally delivers into the custody of the United States Government a living American Vietnam War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) **DEFINITIONS.**—In this section:

(1) **AMERICAN VIETNAM WAR POW/MIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph

(B), the term “American Vietnam War POW/MIA” means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Vietnam War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Vietnam War.

(B) **EXCLUSION.**—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that

such individual is officially absent from such individual's post of duty without authority.

(2) **MISSING STATUS.**—The term “missing status”, with respect to the Vietnam War, means the status of an individual as a result of the Vietnam War if immediately before that status began the individual—

(A) was performing service in Vietnam; or

(B) was performing service in Southeast Asia in direct support of military operations in Vietnam.

(3) **VIETNAM WAR.**—The term “Vietnam War” means the conflict in Southeast Asia during the period that began on February 28, 1961, and ended on May 7, 1975.

8 USC 1157 note. **SEC. 3. AMERICAN KOREAN WAR POW/MIA ASYLUM PROGRAM.**

(a) **ASYLUM FOR ELIGIBLE ALIENS.**—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

(b) **ELIGIBILITY.**—Refugee status shall be granted under subsection (a) to—

(1) any alien—

(A) who is a national of North Korea, China, or any of the independent states of the former Soviet Union; and

(B) who personally delivers into the custody of the United States Government a living American Korean War POW/MIA; and

(2) any parent, spouse, or child of an alien described in paragraph (1).

(c) **DEFINITIONS.**—In this section:

(1) **AMERICAN KOREAN WAR POW/MIA.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “American Korean War POW/MIA” means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Korean War; or

(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Korean War.

(B) **EXCLUSION.**—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) **KOREAN WAR.**—The term “Korean War” means the conflict on the Korean peninsula during the period that began on June 27, 1950, and ended January 31, 1955.

(3) **MISSING STATUS.**—The term “missing status”, with respect to the Korean War, means the status of an individual as a result of the Korean War if immediately before that status began the individual—

(A) was performing service in the Korean peninsula;

or

(B) was performing service in Asia in direct support of military operations in the Korean peninsula.

SEC. 4. BROADCASTING INFORMATION ON THE “BRING THEM HOME ALIVE” PROGRAM. 8 USC 1157 note.

(a) **REQUIREMENT.**—

(1) **IN GENERAL.**—The International Broadcasting Bureau shall broadcast, through WORLDNET Television and Film Service and Radio, VOA-TV, VOA Radio, or otherwise, information that promotes the “Bring Them Home Alive” refugee program under this Act to foreign countries covered by paragraph (2).

(2) **COVERED COUNTRIES.**—The foreign countries covered by paragraph (1) are—

(A) Vietnam, Cambodia, Laos, China, and North Korea; and

(B) Russia and the other independent states of the former Soviet Union.

(b) **LEVEL OF PROGRAMMING.**—The International Broadcasting Bureau shall broadcast—

(1) at least 20 hours of the programming described in subsection (a)(1) during the 30-day period that begins 15 days after the date of enactment of this Act; and

(2) at least 10 hours of the programming described in subsection (a)(1) in each calendar quarter during the period beginning with the first calendar quarter that begins after the date of enactment of this Act and ending five years after the date of enactment of this Act.

(c) **AVAILABILITY OF INFORMATION ON THE INTERNET.**—The International Broadcasting Bureau shall ensure that information regarding the “Bring Them Home Alive” refugee program under this Act is readily available on the World Wide Web sites of the Bureau.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and any other recipient of Federal grants that engages in international broadcasting to the countries covered by subsection (a)(2) should broadcast information similar to the information required to be broadcast by subsection (a)(1).

(e) **DEFINITION.**—The term “International Broadcasting Bureau” means the International Broadcasting Bureau of the United States Information Agency or, on and after the effective date of title XIII of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277), the International Broadcasting Bureau of the Broadcasting Board of Governors.

8 USC 1157 note. **SEC. 5. INDEPENDENT STATES OF THE FORMER SOVIET UNION
DEFINED.**

In this Act, the term “independent states of the former Soviet Union” has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 484:

CONGRESSIONAL RECORD, Vol. 146 (2000):

May 24, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–485
106th Congress

An Act

To direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

Nov. 9, 2000
[S. 610]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) **IN GENERAL.**—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this Act as the “Secretary”), shall convey to the Westside Irrigation District, Wyoming (referred to in this Act as “Westside”), all right, title, and interest (excluding the mineral interest) of the United States in and to such portions of the Federal land in Big Horn County and Washakie County, Wyoming, described in subsection (c), as the district enters into an agreement with the Secretary to purchase.

(b) **PRICE.**—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) **LAND DESCRIPTION.**—

(1) **IN GENERAL.**—The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, as depicted on the map entitled “Westside Project” and dated May 9, 2000.

(2) **ADJUSTMENT.**—On agreement of the Secretary and Westside, acreage may be added to or subtracted from the land to be conveyed as necessary to satisfy any mitigation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) USE OF PROCEEDS.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 610:

SENATE REPORTS: No. 106–313 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–486
106th Congress

An Act

To review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

Nov. 9, 2000
[S. 698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 698:

SENATE REPORTS: No. 106–71 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.



Public Law 106–487
106th Congress

An Act

Nov. 9, 2000
[S. 710]

To authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

Vicksburg
Campaign Trail
Battlefields
Preservation Act
of 2000.
State listing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Vicksburg Campaign Trail Battlefields Preservation Act of 2000”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) **PURPOSE.**—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CAMPAIGN TRAIL STATE.**—The term “Campaign Trail State” means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) **CIVIL WAR BATTLEFIELD.**—The term “Civil War battlefield” includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich’s Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken’s Bend, Madison Parish, Louisiana;

(D) the route of Grant’s march through Louisiana from Milliken’s Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant’s landing site at Bruinsburg, and the route of Grant’s march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder’s Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton’s Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson’s Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail. Deadline.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal Government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as “Friends of the Vicksburg Campaign and Historic Trail”, in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

Deadline.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$1,500,000.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 710:

SENATE REPORTS: No. 106–184 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–488
106th Congress

An Act

To improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

Nov. 9, 2000
[S. 748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

Deadline.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate, and the Committee on Resources of the United States House of Representatives.

SEC. 2. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

16 USC 3198
note.

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska—

- (A) Bering Land Bridge National Preserve,
- (B) Cape Krusenstern National Monument,
- (C) Kobuk Valley National Park, and
- (D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, nonprofit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 748:

SENATE REPORTS: No. 106-72 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–489
106th Congress

An Act

To amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

Nov. 9, 2000
[S. 893]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF CHAPTER 111 OF TITLE 46, UNITED STATES CODE.

Section 11108 of title 46, United States Code, is amended—

(1) by inserting “(a) WITHHOLDING.—” before “WAGES”; and

(2) by adding at the end the following:

“(b) LIABILITY.—

“(1) LIMITATION ON JURISDICTION TO TAX.—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

“(2) APPLICATION.—This subsection applies to an individual—

“(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

“(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 893 (H.R. 1293):

HOUSE REPORTS: No. 106–927, Pt. 1 accompanying H.R. 1293 (Comm. on the Judiciary).

SENATE REPORTS: No. 106–421 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 28, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–490
106th Congress

An Act

Nov. 9, 2000
[S. 1030]

To provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1–2(d) and 2091.3–2(c) of title 43, Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW–143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the “Bill Barlow Ranch”.

(2) Approximately 2,315 acres of land in the tract known as the “T-Chair Ranch”.

(3) Approximately 3,948 acres of land in the tract known as the “Bob Christensen Ranch”.

(4) Approximately 11,609 acres of land in the tract known as the “John Christensen Ranch”.

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 1030:

HOUSE REPORTS: No. 106–898 (Comm. on Resources).

SENATE REPORTS: No. 106–174 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House.



Public Law 106–491
106th Congress

An Act

To amend the Act which established the Saint-Gaudens National Historic Site,
in the State of New Hampshire, by modifying the boundary and for other purposes.

Nov. 9, 2000
[S. 1367]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 88–543 (16 U.S.C. 461 (note)), which established Saint-Gaudens National Historic Site is amended—

(1) in section 3 by striking “not to exceed sixty-four acres of lands and interests therein” and inserting “279 acres of lands and buildings, or interests therein”;

(2) in section 6 by striking “\$2,677,000” from the first sentence and inserting “\$10,632,000”; and

(3) in section 6 by striking “\$80,000” from the last sentence and inserting “\$2,000,000”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 1367:

SENATE REPORTS: No. 106–314 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–492
106th Congress

An Act

Nov. 9, 2000
[S. 1438]

To establish the National Law Enforcement Museum on Federal land in the District of Columbia.

National Law
Enforcement
Museum Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Law Enforcement Museum Act”.

SEC. 2. FINDING.

Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **MEMORIAL FUND.**—The term “Memorial Fund” means the National Law Enforcement Officers Memorial Fund, Inc.

(2) **MUSEUM.**—The term “Museum” means the National Law Enforcement Museum established under section 4(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM.

(a) **CONSTRUCTION.**—

(1) **IN GENERAL.**—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—

(A) the National Law Enforcement Officers Memorial on the north;

(B) the United States Court of Appeals for the Armed Forces on the west;

(C) Court Building C on the east; and

(D) Old City Hall on the south.

(2) **UNDERGROUND FACILITY.**—The Memorial Fund shall be permitted to construct part of the Museum underground below E Street, NW.

(3) **CONSULTATION.**—The Museum Fund shall consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.

(b) **DESIGN AND PLANS.**—

(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

- (A) the Secretary;
- (B) the Commission of Fine Arts; and
- (C) the National Capital Planning Commission.

(3) DESIGN REQUIREMENTS.—The Museum shall be designed so that—

(A) there is available for underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall—

(i) an area extending to a line that is at least 57 feet, 6 inches, north of the northernmost facade of Old City Hall and parallel to that facade; plus

(ii) an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that facade;

(B) the underground portion of the Museum has a footprint of not less than 23,665 square feet;

(C) above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall running east to west parallel to Old City Hall;

(D) the aboveground portion of the Museum consists of 2 entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion; and

(E) no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall.

(4) PARKING.—The courts of the District of Columbia and the United States Court of Appeals for the Armed Forces may construct an underground parking structure in the southwest quadrant of United States Reservation #7.

(c) OPERATION AND USE.—The Memorial Fund shall own, operate, and maintain the Museum after completion of construction.

(d) FEDERAL SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(e) FUNDING VERIFICATION.—The Secretary shall not permit construction of the Museum to begin unless the Secretary determines that sufficient amounts are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b).

Termination
date.

(f) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to begin construction of the Museum by the date that is 10 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 1438 (H.R. 2710):

HOUSE REPORTS: No. 106–918 accompanying H.R. 2710 (Comm. on Resources).

SENATE REPORTS: No. 106–330 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 28, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–493
106th Congress

An Act

To provide for equal exchanges of land around the Cascade Reservoir.

Nov. 9, 2000

[S. 1778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGES OF LAND EXCESS TO CASCADE RESERVOIR RECLAMATION PROJECT.

16 USC 486a–
486a note.

Section 5 of Public Law 86–92 (73 Stat. 219) is amended by striking subsection (b) and inserting the following:

“(b) LAND EXCHANGES.—

“(1) IN GENERAL.—The Secretary may exchange land of either class described in subsection (a) for non-Federal land of not less than approximately equal value, as determined by an appraisal carried out in accordance with—

“(A) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

“(B) the publication entitled ‘Uniform Appraisal Standards for Federal Land Acquisitions’, as amended by the Interagency Land Acquisition Conference in consultation with the Department of Justice.

“(2) EQUALIZATION.—If the land exchanged under paragraph (1) is not of equal value, the values shall be equalized by the payment of funds by the Secretary or the grantor, as appropriate, in an amount equal to the amount by which the values of the land differ.”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 1778:

HOUSE REPORTS: No. 106–871 (Comm. on Resources).

SENATE REPORTS: No. 106–271 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106-494
106th Congress

An Act

Nov. 9, 2000

[S. 1894]

To provide for the conveyance of certain land to Park County, Wyoming.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) **FINDINGS.**—Congress finds that—

(1) over 82 percent of the land in Park County, Wyoming, is owned by the Federal Government;

(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resource surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) **DEFINITIONS.**—In this Act:

(1) **COUNTY.**—The term “County” means Park County, Wyoming.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the General Services Administration.

(c) **CONVEYANCE.**—In consideration of payment of \$240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) **DESCRIPTION OF PROPERTY.**—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	<i>Acreage</i>
Section 20, S½SE¼SW¼SE¼	5.00
Section 29, Lot 7	9.91
Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 14	0.04

Lot 15	9.73
S½NE¼NE¼NW¼	5.00
SW¼NE¼NW¼	10.00
SE¼NW¼NW¼	10.00
NW¼SW¼NW¼	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leaseable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 1894:

SENATE REPORTS: No. 106–315 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–495
106th Congress

An Act

Nov. 9, 2000

[S. 2069]

To permit the conveyance of certain land in Powell, Wyoming.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF PUBLIC PURPOSE CONDITION.

(a) FINDINGS.—Congress finds that—

(1) the parcel of land described in subsection (c) was patented to the town (now City) of Powell, Wyoming, by the United States General Land Office on October 17, 1934, to help establish a town near the Shoshone Irrigation Project;

(2) the land was patented with the condition that it be used forever for a public purpose, as required by section 3 of the Act of April 16, 1906 (43 U.S.C. 566);

(3) the land has been used to house the Powell Volunteer Fire Department, which serves the firefighting and rescue needs of a 577 square mile area in northwestern Wyoming;

(4) the land is located at the corner of U.S. Highway 14 and the main street of the business district of the City;

(5) because of the high traffic flow in the area, the location is no longer safe for the public or for the fire department;

(6) in response to population growth in the area and to National Fire Protection Association regulations, the fire department has purchased new firefighting equipment that is much larger than the existing fire hall can accommodate;

(7) accordingly, the fire department must construct a new fire department facility at a new and safe location;

(8) in order to relocate and construct a new facility, the City must sell the land to assist in financing the new fire department facility; and

(9) the Secretary of the Interior concurs that it is in the public interest to eliminate the public purpose condition to enable the land to be sold for that purpose.

(b) ELIMINATION OF CONDITION.—

(1) WAIVER.—The condition stated in section 3 of the Act of April 16, 1906 (43 U.S.C. 566), that land conveyed under that Act be used forever for a public purpose is waived insofar as the condition applies to the land described in subsection (c).

(2) INSTRUMENTS.—The Secretary of the Interior shall execute and cause to be recorded in the appropriate land records any instruments necessary to evidence the waiver made by paragraph (1).

(c) LAND DESCRIPTION.—The parcel of land described in this subsection is a parcel of land located in Powell, Park County, Wyoming, the legal description of which is as follows: Lot 23, Block 54, in the original town of Powell, according to the plat recorded in Book 82 of plats, Page 252, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 2069:

SENATE REPORTS: No. 106–402 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–496
106th Congress

An Act

Nov. 9, 2000
[S. 2425]

Bend Feed Canal
Pipeline Project
Act of 2000.

To authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bend Feed Canal Pipeline Project Act of 2000”.

SEC. 2. FEDERAL PARTICIPATION.

(a) The Secretary of the Interior, in cooperation with the Tumalo Irrigation District (referred to in this section as the “District”), is authorized to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

(b) The Federal share of the costs of the project shall not exceed 50 percent of the total, and shall be nonreimbursable. The District shall receive credit from the Secretary toward the District’s share of the project for any funds the District has provided toward the design, planning or construction prior to the enactment of this Act.

(c) Funds received under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

(d) Title to facilities constructed under this Act will be held by the District.

(e) Operations and maintenance of the facilities will be the responsibility of the District.

(f) There are authorized to be appropriated \$2,500,000 for the Federal share of the activities authorized under this Act.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 2425:

SENATE REPORTS: No. 106–359 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–497
106th Congress

An Act

To improve the cause of action for misrepresentation of Indian arts and crafts.

Nov. 9, 2000

[S. 2872]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Arts and Crafts Enforcement Act of 2000”.

Indian Arts and
Crafts
Enforcement Act
of 2000.
25 USC 305 note.

SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.

Section 6 of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes” (25 U.S.C. 305e) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101–644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, directly or indirectly,” after “against a person who”; and

(B) by inserting the following flush language after paragraph (2)(B):

“For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.”; and

(B) in paragraph (2)(A)—

(i) by striking “the amount recovered the amount” and inserting “the amount recovered—

“(i) the amount”; and

(ii) by adding at the end the following:

“(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and”;

(3) in subsection (d)(2), by inserting “subject to subsection (f),” after “(2)”; and

(4) by adding at the end the following:

“(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term ‘Indian product’ specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.”.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 2872:

SENATE REPORTS: No. 106–452 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–498
106th Congress

An Act

To authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

Nov. 9, 2000
[S. 2882]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Klamath Basin Water Supply Enhancement Act of 2000”.

Klamath Basin
Water Supply
Enhancement
Act of 2000.

SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River Basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed, in consultation with affected State, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a Federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on nonproject lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with State water law.

SEC. 3. ADDITIONAL STUDIES.

(a) **NONPROJECT LANDS.**—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of nonproject lands in the Upper Klamath Basin.

(b) **SURVEYS.**—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake.

Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) **HYDROLOGIC STUDIES.**—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the United States Geological Survey.

Deadline.

(d) **REPORTING REQUIREMENTS.**—The Secretary shall submit the findings of the studies conducted under section 2 and section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

SEC. 5. WATER RIGHTS

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be nonreimbursable and nonreturnable.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 2882:

SENATE REPORTS: No. 106–489 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–499
106th Congress

An Act

To authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River.

Nov. 9, 2000
[S. 2951]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) **IN GENERAL.**—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) **PURPOSE.**—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanagoan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) **COST SHARE.**—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 2951:

SENATE REPORTS: No. 106–431 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 13, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–500
106th Congress

An Act

Nov. 9, 2000
[S. 2977]

To assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERPRETIVE CENTER AND MUSEUM, DIAMOND VALLEY LAKE, HEMET, CALIFORNIA.

Contracts.

(a) **ASSISTANCE FOR ESTABLISHMENT OF CENTER AND MUSEUM.**—The Secretary of the Interior shall enter into an agreement with an appropriate entity for the purpose of sharing costs incurred to design, construct, furnish, and operate an interpretive center and museum, to be located on lands under the jurisdiction of the Metropolitan Water District of Southern California, intended to preserve, display, and interpret the paleontology discoveries made at and in the vicinity of the Diamond Valley Lake, near Hemet, California, and to promote other historical and cultural resources of the area.

(b) **ASSISTANCE FOR NONMOTORIZED TRAILS.**—The Secretary shall enter into an agreement with the State of California, a political subdivision of the State, or a combination of State and local public agencies for the purpose of sharing costs incurred to design, construct, and maintain a system of trails around the perimeter of the Diamond Valley Lake for use by pedestrians and nonmotorized vehicles.

(c) **MATCHING REQUIREMENT.**—The Secretary shall require the other parties to an agreement under this section to secure an amount of funds from non-Federal sources that is at least equal to the amount provided by the Secretary.

Deadline.

(d) **TIME FOR AGREEMENT.**—The Secretary shall enter into the agreements required by this section not later than 180 days after the date on which funds are first made available to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than \$14,000,000 to carry out this section.

Approved November 9, 2000.

LEGISLATIVE HISTORY—S. 2977 (H.R. 4187):

HOUSE REPORTS: No. 106–923 accompanying H.R. 4187 (Comm. on Resources).

SENATE REPORTS: No. 106–455 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.



Public Law 106–501
106th Congress

An Act

Nov. 13, 2000
[H.R. 782]

Older Americans
Act Amendments
of 2000.
42 USC 3001
note.

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Older Americans Act Amendments of 2000”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965

Sec. 101. Definitions.

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Subtitle A—Amendments to Title II of the Older Americans Act of 1965

Sec. 201. Functions of Assistant Secretary.

Sec. 202. Federal agency consultation.

Sec. 203. Evaluation.

Sec. 204. Reports.

Sec. 205. Authorization of appropriations.

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

Sec. 211. White House Conference.

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

Sec. 301. Purpose.

Sec. 302. Authorization of appropriations.

Sec. 303. Allotment; Federal share.

Sec. 304. Organization.

Sec. 305. Area plans.

Sec. 306. State plans.

Sec. 307. Planning, coordination, evaluation, and administration of State plans.

Sec. 308. Availability of disaster relief funds to tribal organizations.

Sec. 309. Nutrition services incentive program.

Sec. 310. Consumer contributions and waivers.

Sec. 311. Supportive services and senior centers.

Sec. 312. Nutrition services.

Sec. 313. Nutrition requirements.

Sec. 314. In-home services and additional assistance.

Sec. 315. Definition.

Sec. 316. National Family Caregiver Support program.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

Sec. 401. Projects and programs.

TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

Sec. 501. Amendment to title V of the Older Americans Act of 1965.

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

Sec. 601. Eligibility.

Sec. 602. Applications.

Sec. 603. Authorization of appropriations.

Sec. 604. General provisions.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

Sec. 701. Authorization of appropriations.

Sec. 702. Allotment.

Sec. 703. Additional State plan requirements.

Sec. 704. State long-term care ombudsman program.

Sec. 705. Prevention of elder abuse, neglect, and exploitation.

Sec. 706. Assistance programs.

Sec. 707. Native American programs.

TITLE VIII—TECHNICAL AND CONFORMING AMENDMENTS

Sec. 801. Technical and conforming amendments.

TITLE I—AMENDMENT TO TITLE I OF THE OLDER AMERICANS ACT OF 1965**SEC. 101. DEFINITIONS.**

Section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002) is amended—

(1) in paragraph (3), by striking “the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.” and inserting “and the Commonwealth of the Northern Mariana Islands.”;

(2) by striking paragraph (12) and inserting the following: “(12) The term ‘disease prevention and health promotion services’ means—

“(A) health risk assessments;

“(B) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, bone density, and nutrition screening;

“(C) nutritional counseling and educational services for individuals and their primary caregivers;

“(D) health promotion programs, including but not limited to programs relating to prevention and reduction of effects of chronic disabling conditions (including osteoporosis and cardiovascular disease), alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

“(E) programs regarding physical fitness, group exercise, and music therapy, art therapy, and dance-movement therapy, including programs for multigenerational participation that are provided by—

“(i) an institution of higher education;

“(ii) a local educational agency, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

“(iii) a community-based organization;

“(F) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

“(G) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

“(H) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

“(I) medication management screening and education to prevent incorrect medication and adverse drug reactions;

“(J) information concerning diagnosis, prevention, treatment, and rehabilitation concerning age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, diabetes, and Alzheimer’s disease and related disorders with neurological and organic brain dysfunction;

“(K) gerontological counseling; and

“(L) counseling regarding social services and followup health services based on any of the services described in subparagraphs (A) through (K).

The term shall not include services for which payment may be made under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).”;

(3) by striking paragraph (18) and redesignating paragraphs (19), (20), (21), and (22) as paragraphs (18), (19), (20), and (21);

(4) by striking paragraphs (19) and (20) (as redesignated) and inserting the following:

“(19) The term ‘in-home services’ includes—

“(A) services of homemakers and home health aides;

“(B) visiting and telephone reassurance;

“(C) chore maintenance;

“(D) in-home respite care for families, and adult day care as a respite service for families;

“(E) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than a program carried out under this Act);

“(F) personal care services; and

“(G) other in-home services as defined—

“(i) by the State agency in the State plan submitted in accordance with section 307; and

“(ii) by the area agency on aging in the area plan submitted in accordance with section 306.

“(20) The term ‘Native American’ means—

“(A) an Indian as defined in paragraph (5); and

“(B) a Native Hawaiian, as defined in section 625.”;

(5) by striking paragraph (23) and redesignating paragraphs (24) through (35) as paragraphs (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33);

(6) by striking paragraph (36) and redesignating the remaining paragraphs; and

(7) by adding at the end the following:

“(42) The term ‘family violence’ has the same meaning given the term in the Family Violence Prevention and Services Act (42 U.S.C. 10408).

“(43) The term ‘sexual assault’ has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).”.

TITLE II—AMENDMENTS TO TITLE II OF THE OLDER AMERICANS ACT OF 1965 AND THE OLDER AMERICANS ACT AMENDMENTS OF 1987

Subtitle A—Amendments to Title II of the Older Americans Act of 1965

SEC. 201. FUNCTIONS OF ASSISTANT SECRETARY.

Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(1) in subsection (a)—

(A) by striking paragraph (9) and redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11) respectively;

(B) by striking paragraphs (13) and (14) and redesignating the remaining paragraphs;

(C) in paragraph (15) (as redesignated), by inserting “and older individuals residing in rural areas” after “low-income minority individuals”;

(D) in paragraph (18)(B) (as redesignated), by striking “1990” and inserting “2000”;

(E) by striking paragraph (19) (as redesignated) and inserting the following:

“(19) conduct strict monitoring of State compliance with the requirements in effect, under this Act to prohibit conflicts of interest and to maintain the integrity and public purpose of services provided and service providers, under this Act in all contractual and commercial relationships;”;

(F) by striking paragraph (21) (as redesignated) and inserting the following:

“(21) establish information and assistance services as priority services for older individuals, and develop and operate, either directly or through contracts, grants, or cooperative agreements, a National Eldercare Locator Service, providing information and assistance services through a nationwide toll-free number to identify community resources for older individuals;”;

(G) by striking paragraph (24) (as redesignated) and inserting the following:

“(24) establish and carry out pension counseling and information programs described in section 215;” and

(H) by striking paragraph (27) and redesignating the remaining paragraphs;

(I) by adding a new paragraph (27):

“(27) improve the delivery of services to older individuals living in rural areas through—

“(A) synthesizing results of research on how best to meet the service needs of older individuals in rural areas;

“(B) developing a resource guide on best practices for States, area agencies on aging, and service providers;

“(C) providing training and technical assistance to States to implement these best practices of service delivery; and

“(D) submitting a report on the States’ experiences in implementing these best practices and the effect these innovations are having on improving service delivery in rural areas to the relevant committees not later than 36 months after enactment.”;

(2) in subsection (d)(4), by striking “1990” and inserting “2000”; and

(3) by adding at the end the following:

“(f)(1) The Assistant Secretary, in accordance with the process described in paragraph (2), and in collaboration with a representative group of State agencies, tribal organizations, area agencies on aging, and providers of services involved in the performance outcome measures shall develop and publish by December 31, 2001, a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under this Act. To the maximum extent possible, the Assistant Secretary shall use data currently collected (as of the date of development of the measures) by State agencies, area agencies on aging, and service providers through the National Aging Program Information System and other applicable sources of information in developing such measures.

“(2) The process for developing the performance outcome measures described in paragraph (1) shall include—

“(A) a review of such measures currently in use by State agencies and area agencies on aging (as of the date of the review);

“(B) development of a proposed set of such measures that provides information about the major activities performed and services provided under this Act;

“(C) pilot testing of the proposed set of such measures, including an identification of resource, infrastructure, and data collection issues at the State and local levels; and

“(D) evaluation of the pilot test and recommendations for modification of the proposed set of such measures.”.

SEC. 202. FEDERAL AGENCY CONSULTATION.

Title II of the Older Americans Act of 1965 (42 U.S.C. 3011 et seq.) is amended—

42 USC 3013.

(1) in section 203(a)(3)(A), by inserting “and older individuals residing in rural areas” after “low-income minority older individuals”;

42 USC 3015.

(2) by striking section 204 and inserting the following:

“SEC. 204. GIFTS AND DONATIONS.

“(a) GIFTS AND DONATIONS.—The Assistant Secretary may accept, use, and dispose of, on behalf of the United States, gifts or donations (in cash or in kind, including voluntary and uncompensated services or property), which shall be available until expended for the purposes specified in subsection (b). Gifts of cash and proceeds of the sale of property shall be available in addition to amounts appropriated to carry out this Act.

“(b) USE OF GIFTS AND DONATIONS.—Gifts and donations accepted pursuant to subsection (a) may be used either directly, or for grants to or contracts with public or nonprofit private entities, for the following activities:

“(1) The design and implementation of demonstrations of innovative ideas and best practices in programs and services for older individuals.

“(2) The planning and conduct of conferences for the purpose of exchanging information, among concerned individuals and public and private entities and organizations, relating to programs and services provided under this Act and other programs and services for older individuals.

“(3) The development, publication, and dissemination of informational materials (in print, visual, electronic, or other media) relating to the programs and services provided under this Act and other matters of concern to older individuals.

“(c) ETHICS GUIDELINES.—The Assistant Secretary shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this section because the acceptance of the gift or donation would—

“(1) reflect unfavorably upon the ability of the Administration, the Department of Health and Human Services, or any employee of the Administration or Department, to carry out responsibilities or official duties under this Act in a fair and objective manner; or

“(2) compromise the integrity or the appearance of integrity of programs or services provided under this Act or of any official involved in those programs or services.”;

(3) in section 205, by striking subsections (c) and (d) and redesignating subsection (e) as subsection (c); 42 USC 3016.

(4) by redesignating section 215 as section 216; and 42 USC 3020f.

(5) by inserting after section 214 the following:

“SEC. 215. PENSION COUNSELING AND INFORMATION PROGRAMS.

42 USC 3020e-1.

“(a) DEFINITIONS.—In this section:

“(1) PENSION AND OTHER RETIREMENT BENEFITS.—The term ‘pension and other retirement benefits’ means private, civil service, and other public pensions and retirement benefits, including benefits provided under—

“(A) the Social Security program under title II of the Social Security Act (42 U.S.C. 401 et seq.);

“(B) the railroad retirement program under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

“(C) the government retirement benefits programs under the Civil Service Retirement System set forth in chapter 83 of title 5, United States Code, the Federal Employees Retirement System set forth in chapter 84 of title 5, United States Code, or other Federal retirement systems; or

“(D) employee pension benefit plans as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

“(2) PENSION COUNSELING AND INFORMATION PROGRAM.—

The term ‘pension counseling and information program’ means a program described in subsection (b).

Grants.

“(b) PROGRAM AUTHORIZED.—The Assistant Secretary shall award grants to eligible entities to establish and carry out pension counseling and information programs that create or continue a sufficient number of pension assistance and counseling programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits, to individuals in the United States.

“(c) ELIGIBLE ENTITIES.—The Assistant Secretary shall award grants under this section to—

“(1) State agencies or area agencies on aging; and

“(2) nonprofit organizations with a proven record of providing—

“(A) services related to retirement of older individuals;

“(B) services to Native Americans; or

“(C) specific pension counseling.

“(d) CITIZEN ADVISORY PANEL.—The Assistant Secretary shall establish a citizen advisory panel to advise the Assistant Secretary regarding which entities should receive grant awards under this section. Such panel shall include representatives of business, labor, national senior advocates, and national pension rights advocates. The Assistant Secretary shall consult such panel prior to awarding grants under this section.

“(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require, including—

“(1) a plan to establish a pension counseling and information program that—

“(A) establishes or continues a State or area pension counseling and information program;

“(B) serves a specific geographic area;

“(C) provides counseling (including direct counseling and assistance to individuals who need information regarding pension and other retirement benefits) and information that may assist individuals in obtaining, or establishing rights to, and filing claims or complaints regarding, pension and other retirement benefits;

“(D) provides information on sources of pension and other retirement benefits;

“(E) establishes a system to make referrals for legal services and other advocacy programs;

“(F) establishes a system of referral to Federal, State, and local departments or agencies related to pension and other retirement benefits;

“(G) provides a sufficient number of staff positions (including volunteer positions) to ensure information, counseling, referral, and assistance regarding pension and other retirement benefits;

“(H) provides training programs for staff members, including volunteer staff members, of pension and other retirement benefits programs;

“(I) makes recommendations to the Administration, the Department of Labor and other Federal, State, and local agencies concerning issues for older individuals related to pension and other retirement benefits; and

“(J) establishes or continues an outreach program to provide information, counseling, referral and assistance regarding pension and other retirement benefits, with particular emphasis on outreach to women, minorities, older individuals residing in rural areas and low income retirees; and

“(2) an assurance that staff members (including volunteer staff members) have no conflict of interest in providing the services described in the plan described in paragraph (1).

“(f) CRITERIA.—The Assistant Secretary shall consider the following criteria in awarding grants under this section:

“(1) Evidence of a commitment by the entity to carry out a proposed pension counseling and information program.

“(2) The ability of the entity to perform effective outreach to affected populations, particularly populations that are identified in need of special outreach.

“(3) Reliable information that the population to be served by the entity has a demonstrable need for the services proposed to be provided under the program.

“(4) The ability of the entity to provide services under the program on a statewide or regional basis.

“(g) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Assistant Secretary shall award grants to eligible entities to establish training and technical assistance programs that shall provide information and technical assistance to the staffs of entities operating pension counseling and information programs described in subsection (b), and general assistance to such entities, including assistance in the design of program evaluation tools.

“(2) ELIGIBLE ENTITIES.—Entities that are eligible to receive a grant under this subsection include nonprofit private organizations with a record of providing national information, referral, and advocacy in matters related to pension and other retirement benefits.

“(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

“(h) PENSION ASSISTANCE HOTLINE AND INTRAGENCY COORDINATION.—

“(1) HOTLINE.—The Assistant Secretary shall enter into agreements with other Federal agencies to establish and administer a national telephone hotline that shall provide information regarding pension and other retirement benefits, and rights related to such benefits.

Contracts.

“(2) CONTENT.—Such hotline described in paragraph (1) shall provide information for individuals seeking outreach, information, counseling, referral, and assistance regarding pension and other retirement benefits, and rights related to such benefits.

Deadline.

“(3) AGREEMENTS.—The Assistant Secretary may enter into agreements with the Secretary of Labor and the heads of other Federal agencies that regulate the provision of pension and other retirement benefits in order to carry out this subsection.

“(i) REPORT TO CONGRESS.—Not later than 30 months after the date of the enactment of this section, the Assistant Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that—

“(1) summarizes the distribution of funds authorized for grants under this section and the expenditure of such funds;

“(2) summarizes the scope and content of training and assistance provided under a program carried out under this section and the degree to which the training and assistance can be replicated;

“(3) outlines the problems that individuals participating in programs funded under this section encountered concerning rights related to pension and other retirement benefits; and

“(4) makes recommendations regarding the manner in which services provided in programs funded under this section can be incorporated into the ongoing programs of State agencies, area agencies on aging, multipurpose senior centers and other similar entities.

“(j) ADMINISTRATIVE EXPENSES.—Of the funds appropriated under section 216 to carry out this section for a fiscal year, not more than \$100,000 may be used by the Administration for administrative expenses.”.

SEC. 203. EVALUATION.

Section 206 of the Older Americans Act of 1965 (42 U.S.C. 3017) is amended—

(1) in subsection (a), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(2) in subsection (c), by inserting “, older individuals residing in rural areas” after “minority individuals”;

(3) by striking subsection (g); and

(4) by redesignating subsection (h) as subsection (g).

SEC. 204. REPORTS.

Section 207 of the Older Americans Act of 1965 (42 U.S.C. 3018) is amended—

(1) in subsection (a)(4), by inserting “older individuals residing in rural areas,” after “low-income minority individuals,”; and

(2) in subsection (c)(5) by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 216 of the Older Americans Act of 1965 (42 U.S.C. 3020f) (as redesignated by section 202) is amended—

(1) in subsection (a)—

(A) by striking “(a) ADMINISTRATION.—” and inserting “(a) IN GENERAL.—”;

(B) by striking “1992” and all that follows through the period and inserting “2001, 2002, 2003, 2004, and 2005”; and

(C) by inserting “administration, salaries, and expenses of” after “appropriated for”; and

(2) by striking subsection (b) and inserting the following:

“(b) ELDERCARE LOCATOR SERVICE.—There are authorized to be appropriated to carry out section 202(a)(24) (relating to the National Eldercare Locator Service) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(c) PENSION COUNSELING AND INFORMATION PROGRAMS.—There are authorized to be appropriated to carry out section 215, such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.”.

Subtitle B—Amendments to the Older Americans Act Amendments of 1987

SEC. 211. WHITE HOUSE CONFERENCE.

Title II of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) by striking section 201;

(2) by redesignating sections 202, 203, 204, 205, 206, and 207, as sections 201, 202, 203, 204, 205, and 206, respectively;

(3) in section 201 (as redesignated by paragraph (2))—

(A) by striking subsections (a), (b), and (c) and inserting the following:

“(a) **AUTHORITY TO CALL CONFERENCE.**—Not later than December 31, 2005, the President shall convene the White House Conference on Aging in order to fulfill the purpose set forth in subsection (c) and to make fundamental policy recommendations regarding programs that are important to older individuals and to the families and communities of such individuals.

“(b) **PLANNING AND DIRECTION.**—The Conference described in subsection (a) shall be planned and conducted under the direction of the Secretary, in cooperation with the Assistant Secretary for Aging, the Director of the National Institute on Aging, the Administrator of the Health Care Financing Administration, the Social Security Administrator, and the heads of such other Federal agencies serving older individuals as are appropriate. Planning and conducting the Conference includes the assignment of personnel.

“(c) **PURPOSE.**—The purpose of the Conference described in subsection (a) shall be to gather individuals representing the spectrum of thought and experience in the field of aging to—

“(1) evaluate the manner in which the objectives of this Act can be met by using the resources and talents of older individuals, of families and communities of such individuals, and of individuals from the public and private sectors;

“(2) evaluate the manner in which national policies that are related to economic security and health care are prepared so that such policies serve individuals born from 1946 to 1964 and later, as the individuals become older individuals, including an examination of the Social Security, Medicare, and Medicaid programs carried out under titles II, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1395 et seq., and 1396 et seq.) in relation to providing services under this Act, and determine how well such policies respond to the needs of older individuals; and

Deadline.

“(3) develop not more than 50 recommendations to guide the President, Congress, and Federal agencies in serving older individuals.”; and

(B) in subsection (d)(2), by striking “and individuals from low-income families.” and inserting “individuals from low-income families, representatives of Federal, State, and local governments, and individuals from rural areas. A majority of such delegates shall be age 55 or older.”;

(4) in section 202 (as redesignated by paragraph (2))—

(A) in subsection (a)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(B) in subsection (b)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4) respectively;

(iii) in paragraph (1) (as redesignated by clause (ii))—

(I) by striking “subsection (a)(4)” and inserting “subsection (a)(3)”; and

(II) by striking “regarding such agenda,” and inserting “regarding such agenda, and”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “subsection (a)(6)” and inserting “subsection (a)(5)”; and

(C) in subsection (c), by adding at the end “Gifts may be earmarked by the donor or the executive committee for a specific purpose.”;

(5) in section 203(a) (as redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—There is established a Policy Committee comprised of 17 members to be selected, not later than 2 years prior to the date on which the Conference convenes, as follows:

“(A) PRESIDENTIAL APPOINTEES.—Nine members shall be selected by the President and shall include—

“(i) three members who are officers or employees of the United States; and

“(ii) six members with experience in the field of aging, including providers and consumers of aging services.

“(B) HOUSE APPOINTEES.—Two members shall be selected by the Speaker of the House of Representatives, after consultation with the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, and two members shall be selected by the Minority Leader of the House of Representatives, after consultation with such committees.

“(C) SENATE APPOINTEES.—Two members shall be selected by the Majority Leader of the Senate, after consultation with members of the Committee on Health, Education, Labor, and Pensions and the Special Committee on Aging of the Senate, and two members shall be selected by the Minority Leader of the Senate, after consultation with members of such committees.”;

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “Committee” and inserting “Committee for the Secretary”; and

(ii) by striking subparagraphs (D) and (E) and inserting the following:

“(D) establish the number of delegates to be selected under section 201(d)(2);

“(E) establish an executive committee consisting of three to five members, with a majority of such members being age 55 or older, to work with Conference staff; and

“(F) establish other committees as needed that have a majority of members who are age 55 or older.”; and

(C) by striking paragraph (3) and inserting the following:

“(3) VOTING; CHAIRPERSON.—

“(A) VOTING.—The Policy Committee shall act by the vote of a majority of the members present. A quorum of Committee members shall not be required to conduct Committee business.

“(B) CHAIRPERSON.—The President shall select the chairperson from among the members of the Policy Committee. The chairperson may vote only to break a tie vote of the other members of the Policy Committee.”;

President.

(6) by striking section 204 (as redesignated by paragraph (2)) and inserting the following:

“SEC. 204. REPORT OF THE CONFERENCE.

“(a) PRELIMINARY REPORT.—Not later than 100 days after the date on which the Conference adjourns, the Policy Committee shall publish and deliver to the chief executive officers of the States a preliminary report on the Conference. Comments on the preliminary report of the Conference shall be accepted by the Policy Committee.

Deadline.

“(b) FINAL REPORT.—Not later than 6 months after the date on which the Conference adjourns, the Policy Committee shall publish and transmit to the President and to Congress recommendations resulting from the Conference and suggestions for any administrative action and legislation necessary to implement the recommendations contained within the report.”; and

Deadline.
Publication.

(7) in section 206 (as redesignated by paragraph (2))—

(A) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

Appropriation
authorization.

“(A) such sums as may be necessary for the first fiscal year in which the Policy Committee plans the Conference and for the following fiscal year; and

“(B) such sums as may be necessary for the fiscal year in which the Conference is held.”; and

(B) in subsection (b)—

(i) in paragraph (1), by striking “section 203(c)” and inserting “section 202(c)”;

(ii) in paragraph (3), by striking “December 31, 1995” and inserting “December 31, 2005”.

TITLE III—AMENDMENTS TO TITLE III OF THE OLDER AMERICANS ACT OF 1965

SEC. 301. PURPOSE.

Section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by adding at the end the following:

“(d)(1) Any funds received under an allotment as described in section 304(a), or funds contributed toward the non-Federal share under section 304(d), shall be used only for activities and services to benefit older individuals and other individuals as specifically provided for in this title.

“(2) No provision of this title shall be construed as prohibiting a State agency or area agency on aging from providing services by using funds from sources not described in paragraph (1).”.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Older Americans Act of 1965 (42 U.S.C. 3023) is amended—

(1) by striking subsection (a)(1) and inserting the following:

“(a)(1) There are authorized to be appropriated to carry out part B (relating to supportive services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”;

(2) by striking subsection (b) and inserting the following:

“(b)(1) There are authorized to be appropriated to carry out subpart 1 of part C (relating to congregate nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(2) There are authorized to be appropriated to carry out subpart 2 of part C (relating to home delivered nutrition services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.”; and

(3) by striking subsections (d) through (g) and inserting the following:

“(d) There are authorized to be appropriated to carry out part D (relating to disease prevention and health promotion services) such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years.

“(e)(1) There are authorized to be appropriated to carry out part E (relating to family caregiver support) \$125,000,000 for fiscal year 2001 if the aggregate amount appropriated under subsection (a)(1) (relating to part B, supportive services), paragraphs (1) (relating to subpart 1 of part C, congregate nutrition services) and (2) (relating to subpart 2 of part C, home delivered nutrition services) of subsection (b), and (d) (relating to part D, disease prevention and health promotion services) of this section for fiscal year 2001 is not less than the aggregate amount appropriated under subsection (a)(1), paragraphs (1) and (2) of subsection (b), and subsection (d) of section 303 of the Older Americans Act of 1965 for fiscal year 2000.

“(2) There are authorized to be appropriated to carry out part E (relating to family caregiver support) such sums as may be necessary for each of the 4 succeeding fiscal years.

“(3) Of the funds appropriated under paragraphs (1) and (2)—

“(A) 4 percent of such funds shall be reserved to carry out activities described in section 375; and

“(B) 1 percent of such funds shall be reserved to carry out activities described in section 376.”.

SEC. 303. ALLOTMENT; FEDERAL SHARE.

(a) IN GENERAL.—Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended by striking subsection (a) and inserting the following:

“(a)(1) From the sums appropriated under subsections (a) through (d) of section 303 for each fiscal year, each State shall be allotted an amount which bears the same ratio to such sums as the population of older individuals in such State bears to the population of older individuals in all States.

“(2) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under paragraph (1) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (3).

“(3)(A) No State shall be allotted less than $\frac{1}{2}$ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

“(B) Guam and the United States Virgin Islands shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the sum appropriated for the fiscal year for which the determination is made.

“(C) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{16}$ of 1 percent of the sum appropriated for the fiscal year for which the determination is made. For the purposes of the exception contained in subparagraph (A) only, the term “State” does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(D) No State shall be allotted less than the total amount allotted to the State for fiscal year 2000 and no State shall receive a percentage increase above the fiscal year 2000 allotment that is less than 20 percent of the percentage increase above the fiscal year 2000 allotments for all of the States.

“(4) The number of individuals aged 60 or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census, and other reliable demographic data satisfactory to the Assistant Secretary.

“(5) State allotments for a fiscal year under this section shall be proportionally reduced to the extent that appropriations may be insufficient to provide the full allotments of the prior year.”.

(b) AVAILABILITY OF FUNDS FOR REALLOTMENT.—Section 304(b) of the Older Americans Act of 1965 (42 U.S.C. 3024(b)) is amended in the first sentence by striking “part B or C” and inserting “part B or C, or subpart 1 of part E,”.

SEC. 304. ORGANIZATION.

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended by—

(1) in paragraph (1)(E), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears; and

(2) in paragraph (2)—

(A) in subparagraph (E) by striking “,” and inserting “and older individuals residing in rural areas,” after “low-income minority individuals”;

(B) in subparagraph (G)(i) by inserting “and older individuals residing in rural areas” after “low-income minority older individuals”; and

(C) in subparagraph (G)(ii) by inserting “and older individuals residing in rural areas” after “low-income minority individuals”.

SEC. 305. AREA PLANS.

(a) IN GENERAL.—Section 306(a) of the Older Americans Act of 1965 (42 U.S.C. 3026(a)) is amended—

(1) in paragraph (1), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” in each place it appears;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “section 307(a)(22)” and inserting “section 307(a)(2)”;

(B) in subparagraph (B), by striking “services (homemaker” and all that follows through “maintenance, and” and inserting “services, including”; and

(C) in the matter following subparagraph (C), by striking “and specify annually in such plan, as submitted or as amended,” and inserting “and assurances that the area agency on aging will report annually to the State agency”;

(3) in paragraph (3)(A), by striking “paragraph (6)(E)(ii)” and inserting “paragraph (6)(C)”;

(4)(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4);

(5) in paragraph (4)(A)(i) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority individuals”;

(6) in paragraph (4)(A)(ii) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(7) in paragraph (4)(B)(i) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(8) in paragraph (4)(C) (as redesignated) by inserting “and older individuals residing in rural areas” after “low-income minority older individuals”;

(9) by inserting after paragraph (4) (as redesignated by paragraph (3)) the following:

“(5) provide assurances that the area agency on aging will coordinate planning, identification, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities, with agencies that develop or provide services for individuals with disabilities;”;

(10) in paragraph (6)—

(A) by striking subparagraphs (A), (B), (G), (I), (J), (K), (L), (O), (P), (Q), (R), and (S);

(B) by redesignating subparagraphs (C), (D), (E), (F), (H), (M), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively;

(C) in subparagraph (C) (as redesignated by subparagraph (B)), by striking “or adults” and inserting “, assistance to older individuals caring for relatives who are children”;

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by inserting “and older individuals residing in rural areas” after “minority individuals”; and

(E) in subparagraph (F) (as redesignated by subparagraph (B)), by adding “and” after the semicolon;

(11) by striking paragraphs (7) through (13) and inserting the following:

“(7) provide that the area agency on aging will facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including—

“(A) development of case management services as a component of the long-term care services, consistent with the requirements of paragraph (8);

“(B) involvement of long-term care providers in the coordination of such services; and

“(C) increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities;

“(8) provide that case management services provided under this title through the area agency on aging will—

“(A) not duplicate case management services provided through other Federal and State programs;

“(B) be coordinated with services described in subparagraph (A); and

“(C) be provided by a public agency or a nonprofit private agency that—

“(i) gives each older individual seeking services under this title a list of agencies that provide similar services within the jurisdiction of the area agency on aging;

“(ii) gives each individual described in clause (i) a statement specifying that the individual has a right to make an independent choice of service providers and documents receipt by such individual of such statement;

“(iii) has case managers acting as agents for the individuals receiving the services and not as promoters for the agency providing such services; or

“(iv) is located in a rural area and obtains a waiver of the requirements described in clauses (i) through (iii);

“(9) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(9), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 2000 in carrying out such a program under this title;

“(10) provide a grievance procedure for older individuals who are dissatisfied with or denied services under this title;

“(11) provide information and assurances concerning services to older individuals who are Native Americans (referred to in this paragraph as ‘older Native Americans’), including—

“(A) information concerning whether there is a significant population of older Native Americans in the planning and service area and if so, an assurance that the area agency on aging will pursue activities, including outreach, to increase access of those older Native Americans to programs and benefits provided under this title;

“(B) an assurance that the area agency on aging will, to the maximum extent practicable, coordinate the services the agency provides under this title with services provided under title VI; and

“(C) an assurance that the area agency on aging will make services under the area plan available, to the same extent as such services are available to older individuals within the planning and service area, to older Native Americans; and

“(12) provide that the area agency on aging will establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b) within the planning and service area.”;

(12) by redesignating paragraph (14) as paragraph (13);

(13) by inserting after paragraph (13) (as redesignated by paragraph (7)) the following:

“(14) provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title; and

“(15) provide assurances that preference in receiving services under this title will not be given by the area agency on aging to particular older individuals as a result of a contract or commercial relationship that is not carried out to implement this title.”; and

(14) by striking paragraphs (17) through (20).

(b) **WAIVERS.**—Section 306(b) of the Older Americans Act of 1965 (42 U.S.C. 3026(b)) is amended—

(1) in paragraph (1), by striking “(1)” and inserting before the period “and had conducted a timely public hearing upon request”; and

(2) by striking paragraph (2).

SEC. 306. STATE PLANS.

Section 307(a) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)) is amended—

(1) by striking paragraphs (1) through (5) and inserting the following:

“(1) The plan shall—

“(A) require each area agency on aging designated under section 305(a)(2)(A) to develop and submit to the State agency for approval, in accordance with a uniform

format developed by the State agency, an area plan meeting the requirements of section 306; and

“(B) be based on such area plans.

“(2) The plan shall provide that the State agency will—

“(A) evaluate, using uniform procedures described in section 202(a)(29), the need for supportive services (including legal assistance pursuant to 307(a)(11), information and assistance, and transportation services), nutrition services, and multipurpose senior centers within the State;

“(B) develop a standardized process to determine the extent to which public or private programs and resources (including volunteers and programs and services of voluntary organizations) that have the capacity and actually meet such need; and

“(C) specify a minimum proportion of the funds received by each area agency on aging in the State to carry out part B that will be expended (in the absence of a waiver under section 306(b) or 316) by such area agency on aging to provide each of the categories of services specified in section 306(a)(2).

“(3) The plan shall—

“(A) include (and may not be approved unless the Assistant Secretary approves) the statement and demonstration required by paragraphs (2) and (4) of section 305(d) (concerning intrastate distribution of funds); and

“(B) with respect to services for older individuals residing in rural areas—

“(i) provide assurances that the State agency will spend for each fiscal year, not less than the amount expended for such services for fiscal year 2000;

“(ii) identify, for each fiscal year to which the plan applies, the projected costs of providing such services (including the cost of providing access to such services); and

“(iii) describe the methods used to meet the needs for such services in the fiscal year preceding the first year to which such plan applies.

“(4) The plan shall provide that the State agency will conduct periodic evaluations of, and public hearings on, activities and projects carried out in the State under this title and title VII, including evaluations of the effectiveness of services provided to individuals with greatest economic need, greatest social need, or disabilities, with particular attention to low-income minority individuals and older individuals residing in rural areas.

“(5) The plan shall provide that the State agency will—

“(A) afford an opportunity for a hearing upon request, in accordance with published procedures, to any area agency on aging submitting a plan under this title, to any provider of (or applicant to provide) services;

“(B) issue guidelines applicable to grievance procedures required by section 306(a)(10); and

“(C) afford an opportunity for a public hearing, upon request, by any area agency on aging, by any provider of (or applicant to provide) services, or by any recipient of services under this title regarding any waiver request, including those under section 316.”;

(2) in paragraph (7), by striking subparagraph (C);

(3) by striking paragraphs (8) and (9) and inserting the following:

“(8)(A) The plan shall provide that no supportive services, nutrition services, or in-home services will be directly provided by the State agency or an area agency on aging in the State, unless, in the judgment of the State agency—

“(i) provision of such services by the State agency or the area agency on aging is necessary to assure an adequate supply of such services;

“(ii) such services are directly related to such State agency’s or area agency on aging’s administrative functions; or

“(iii) such services can be provided more economically, and with comparable quality, by such State agency or area agency on aging.

“(B) Regarding case management services, if the State agency or area agency on aging is already providing case management services (as of the date of submission of the plan) under a State program, the plan may specify that such agency is allowed to continue to provide case management services.

“(C) The plan may specify that an area agency on aging is allowed to directly provide information and assistance services and outreach.

“(9) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this title, and will expend for such purpose an amount that is not less than an amount expended by the State agency with funds received under this title for fiscal year 2000, and an amount that is not less than the amount expended by the State agency with funds received under title VII for fiscal year 2000.”;

(4) by striking paragraph (10) and inserting the following:

“(10) The plan shall provide assurances that the special needs of older individuals residing in rural areas will be taken into consideration and shall describe how those needs have been met and describe how funds have been allocated to meet those needs.”;

(5) by striking paragraphs (11), (12), (13), and (14);

(6) by redesignating paragraphs (15) and (16) as paragraphs (11) and (12), respectively;

(7) by striking paragraph (17);

(8) by redesignating paragraph (18) as paragraph (13);

(9) by striking paragraph (19);

(10) by redesignating paragraph (20) as paragraph (14);

(11) by striking paragraphs (21) and (22);

(12) by redesignating paragraphs (23), (24), (25), and (26) as paragraphs (15), (16), (17), and (18), respectively;

(13) in paragraph (16) (as redesignated by paragraph (12)), by inserting “and older individuals residing in rural areas” after “low-income minority individuals” each place it appears;

(14) in paragraph (17) (as redesignated by paragraph (12)), by inserting “to enhance services” before “and develop collaborative programs”;

(15) in paragraph (18) (as redesignated by paragraph (12)), by striking “section 306(a)(6)(I)” and inserting “section 306(a)(7)”;

(16) by striking paragraphs (27), (28), (29), and (31);

(17) by redesignating paragraphs (30) and (32) as paragraphs (19) and (20), respectively;

(18) by striking paragraphs (33), (34), and (35) and inserting the following:

“(21) The plan shall—

“(A) provide an assurance that the State agency will coordinate programs under this title and programs under title VI, if applicable; and

“(B) provide an assurance that the State agency will pursue activities to increase access by older individuals who are Native Americans to all aging programs and benefits provided by the agency, including programs and benefits provided under this title, if applicable, and specify the ways in which the State agency intends to implement the activities.”;

(19) by redesignating paragraph (36) as paragraph (22);

(20) by striking paragraphs (37), (38), (39), (40), and (43);

(21) by redesignating paragraphs (41), (42), and (44) as paragraphs (23), (24), and (25), respectively; and

(22) by adding at the end the following:

“(26) The plan shall provide assurances that funds received under this title will not be used to pay any part of a cost (including an administrative cost) incurred by the State agency or an area agency on aging to carry out a contract or commercial relationship that is not carried out to implement this title.”.

SEC. 307. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308(b) of the Older Americans Act of 1965 (42 U.S.C. 3028(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking “in its plan under section 307(a)(13) regarding Part C of this title,”; and

(ii) by striking “30 percent” and inserting “40 percent”;

(B) in subparagraph (B)—

(i) by striking “for fiscal year 1993, 1994, 1995, or 1996” and inserting “for any fiscal year”; and

(ii) by striking “to satisfy such need—” and all that follows and inserting “to satisfy such need an additional 10 percent of the funds so received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b).”; and

(C) by adding at the end the following:

“(C) A State’s request for a waiver under subparagraph (B) shall—

“(i) be not more than one page in length;

“(ii) include a request that the waiver be granted;

“(iii) specify the amount of the funds received by a State and attributable to funds appropriated under paragraph (1) or (2) of section 303(b), over the permissible 40 percent referred

to in subparagraph (A), that the State requires to satisfy the need for services under subpart 1 or 2 of part C; and

“(iv) not include a request for a waiver with respect to an amount if the transfer of the amount would jeopardize the appropriate provision of services under subpart 1 or 2 of part C.”; and

(2) by striking paragraph (5) and inserting the following:

“(5)(A) Notwithstanding any other provision of this title, of the funds received by a State attributable to funds appropriated under subsection (a)(1), and paragraphs (1) and (2) of subsection (b), of section 303, the State may elect to transfer not more than 30 percent for any fiscal year between programs under part B and part C, for use as the State considers appropriate. The State shall notify the Assistant Secretary of any such election.

“(B) At a minimum, the notification described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the provision of services from which the funding will be transferred.”.

SEC. 308. AVAILABILITY OF DISASTER RELIEF FUNDS TO TRIBAL ORGANIZATIONS.

Section 310 of the Older Americans Act of 1965 (42 U.S.C. 3030) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “(or to any tribal organization receiving a grant under title VI)” after “any State”; and

(ii) by inserting “(or funds used by such tribal organization)” before “for the delivery of supportive services”;

(B) in paragraph (2), by inserting “and such tribal organizations” after “States”; and

(C) in paragraph (3), by inserting “or such tribal organization” after “State” each place it appears; and

(2) in subsections (b)(1) and (c), by inserting “and such tribal organizations” after “States”.

SEC. 309. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) is amended—

(1) in the section heading, by striking “AVAILABILITY OF SURPLUS COMMODITIES” and inserting “NUTRITION SERVICES INCENTIVE PROGRAM”;

(2) by redesignating subsections (a), (b), (c), and (d) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting before subsection (c) (as redesignated by paragraph (2)) the following:

“(a) The purpose of this section is to provide incentives to encourage and reward effective performance by States and tribal organizations in the efficient delivery of nutritious meals to older individuals.

“(b)(1) The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency with a plan approved under this title for a fiscal year, and to each grantee with an application approved under title VI for such fiscal year,

an amount bearing the same ratio to the total amount appropriated for such fiscal year under subsection (e) as the number of meals served in the State under such plan approved for the preceding fiscal year (or the number of meals served by the title VI grantee, under such application approved for such preceding fiscal year), bears to the total number of such meals served in all States and by all title VI grantees under all such plans and applications approved for such preceding fiscal year.

“(2) For purposes of paragraph (1), in the case of a grantee that has an application approved under title VI for a fiscal year but that did not receive assistance under this section for the preceding fiscal year, the number of meals served by the title VI grantee for the preceding fiscal year shall be deemed to equal the number of meals that the Assistant Secretary estimates will be served by the title VI grantee in the fiscal year for which the application was approved.”;

(4) in subsection (c) (as redesignated by paragraph (2)), by striking paragraph (4);

(5) in subsection (d) (as redesignated by paragraph (2)), by striking “Notwithstanding” through “election” and inserting “In any case in which a State elects to receive cash payments,”;

(6) in subsection (d) (as redesignated by paragraph (2)), by adding at the end the following:

“(4) Among the commodities delivered under subsection (c), the Secretary of Agriculture shall give special emphasis to high protein foods. The Secretary of Agriculture, in consultation with the Assistant Secretary, is authorized to prescribe the terms and conditions respecting the donating of commodities under this subsection.”; and

(7) by striking subsection (e) (as redesignated by paragraph (2)) and inserting the following:

“(e) There are authorized to be appropriated to carry out this section (other than subsection (c)(1)) such sums as may be necessary for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

SEC. 310. CONSUMER CONTRIBUTIONS AND WAIVERS.

Part A of title III (42 U.S.C. 3021 et seq.) is amended by adding at the end the following:

“SEC. 315. CONSUMER CONTRIBUTIONS.

42 USC 3030c-2.

“(a) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a State is permitted to implement cost sharing for all services funded by this Act by recipients of the services.

“(2) EXCEPTION.—The State is not permitted to implement the cost sharing described in paragraph (1) for the following services:

“(A) Information and assistance, outreach, benefits counseling, or case management services.

“(B) Ombudsman, elder abuse prevention, legal assistance, or other consumer protection services.

“(C) Congregate and home delivered meals.

“(D) Any services delivered through tribal organizations.

“(3) PROHIBITIONS.—A State or tribal organization shall not permit the cost sharing described in paragraph (1) for any services delivered through tribal organizations. A State

shall not permit cost sharing by a low-income older individual if the income of such individual is at or below the Federal poverty line. A State may exclude from cost sharing low-income individuals whose incomes are above the Federal poverty line. A State shall not consider any assets, savings, or other property owned by older individuals when defining low-income individuals who are exempt from cost sharing, when creating a sliding scale for the cost sharing, or when seeking contributions from any older individual.

“(4) PAYMENT RATES.—If a State permits the cost sharing described in paragraph (1), such State shall establish a sliding scale, based solely on individual income and the cost of delivering services.

“(5) REQUIREMENTS.—If a State permits the cost sharing described in paragraph (1), such State shall require each area agency on aging in the State to ensure that each service provider involved, and the area agency on aging, will—

“(A) protect the privacy and confidentiality of each older individual with respect to the declaration or nondeclaration of individual income and to any share of costs paid or unpaid by an individual;

“(B) establish appropriate procedures to safeguard and account for cost share payments;

“(C) use each collected cost share payment to expand the service for which such payment was given;

“(D) not consider assets, savings, or other property owned by an older individual in determining whether cost sharing is permitted;

“(E) not deny any service for which funds are received under this Act for an older individual due to the income of such individual or such individual’s failure to make a cost sharing payment;

“(F) determine the eligibility of older individuals to cost share solely by a confidential declaration of income and with no requirement for verification; and

“(G) widely distribute State created written materials in languages reflecting the reading abilities of older individuals that describe the criteria for cost sharing, the State’s sliding scale, and the mandate described under subparagraph (E).

“(6) WAIVER.—An area agency on aging may request a waiver to the State’s cost sharing policies, and the State shall approve such a waiver if the area agency on aging can adequately demonstrate that—

“(A) a significant proportion of persons receiving services under this Act subject to cost sharing in the planning and service area have incomes below the threshold established in State policy; or

“(B) cost sharing would be an unreasonable administrative or financial burden upon the area agency on aging.

“(b) VOLUNTARY CONTRIBUTIONS.—

“(1) IN GENERAL.—Voluntary contributions shall be allowed and may be solicited for all services for which funds are received under this Act provided that the method of solicitation is non-coercive.

“(2) LOCAL DECISION.—The area agency on aging shall consult with the relevant service providers and older individuals

in agency's planning and service area in a State to determine the best method for accepting voluntary contributions under this subsection.

“(3) PROHIBITED ACTS.—The area agency on aging and service providers shall not means test for any service for which contributions are accepted or deny services to any individual who does not contribute to the cost of the service.

“(4) REQUIRED ACTS.—The area agency on aging shall ensure that each service provider will—

“(A) provide each recipient with an opportunity to voluntarily contribute to the cost of the service;

“(B) clearly inform each recipient that there is no obligation to contribute and that the contribution is purely voluntary;

“(C) protect the privacy and confidentiality of each recipient with respect to the recipient's contribution or lack of contribution;

“(D) establish appropriate procedures to safeguard and account for all contributions; and

“(E) use all collected contributions to expand the service for which the contributions were given.

“(c) PARTICIPATION.—

“(1) IN GENERAL.—The State and area agencies on aging, in conducting public hearings on State and area plans, shall solicit the views of older individuals, providers, and other stakeholders on implementation of cost-sharing in the service area or the State.

“(2) PLANS.—Prior to the implementation of cost sharing under subsection (a), each State and area agency on aging shall develop plans that are designed to ensure that the participation of low-income older individuals (with particular attention to low-income minority individuals and older individuals residing in rural areas) receiving services will not decrease with the implementation of the cost sharing under such subsection.

“(d) EVALUATION.—Not later than 1 year after the date of the enactment of the Older Americans Act Amendments of 2000, and annually thereafter, the Assistant Secretary shall conduct a comprehensive evaluation of practices for cost sharing to determine its impact on participation rates with particular attention to low-income and minority older individuals and older individuals residing in rural areas. If the Assistant Secretary finds that there is a disparate impact upon low-income or minority older individuals or older individuals residing in rural areas in any State or region within the State regarding the provision of services, the Assistant Secretary shall take corrective action to assure that such services are provided to all older individuals without regard to the cost sharing criteria. Deadline.

“SEC. 316. WAIVERS.

42 USC 3030c–3.

“(a) IN GENERAL.—The Assistant Secretary may waive any of the provisions specified in subsection (b) with respect to a State, upon receiving an application by the State agency containing or accompanied by documentation sufficient to establish, to the satisfaction of the Assistant Secretary, that—

“(1) approval of the State legislature has been obtained or is not required with respect to the proposal for which waiver is sought;

“(2) the State agency has collaborated with the area agencies on aging in the State and other organizations that would be affected with respect to the proposal for which waiver is sought;

“(3) the proposal has been made available for public review and comment, including the opportunity for a public hearing upon request, within the State (and a summary of all of the comments received has been included in the application); and

“(4) the State agency has given adequate consideration to the probable positive and negative consequences of approval of the waiver application, and the probable benefits for older individuals can reasonably be expected to outweigh any negative consequences, or particular circumstances in the State otherwise justify the waiver.

“(b) REQUIREMENTS SUBJECT TO WAIVER.—The provisions of this title that may be waived under this section are—

“(1) any provision of sections 305, 306, and 307 requiring statewide uniformity of programs carried out under this title, to the extent necessary to permit demonstrations, in limited areas of a State, of innovative approaches to assist older individuals;

“(2) any area plan requirement described in section 306(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

“(3) any State plan requirement described in section 307(a) if granting the waiver will promote innovations or improve service delivery and will not diminish services already provided under this Act;

“(4) any restriction under paragraph (5) of section 308(b), on the amount that may be transferred between programs carried out under part B and part C; and

“(5) the requirement of section 309(c) that certain amounts of a State allotment be used for the provision of services, with respect to a State that reduces expenditures under the State plan of the State (but only to the extent that the non-Federal share of the expenditures is not reduced below any minimum specified in section 304(d) or any other provision of this title).

“(c) DURATION OF WAIVER.—The application by a State agency for a waiver under this section shall include a recommendation as to the duration of the waiver (not to exceed the duration of the State plan of the State). The Assistant Secretary, in granting such a waiver, shall specify the duration of the waiver, which may be the duration recommended by the State agency or such shorter time period as the Assistant Secretary finds to be appropriate.

“(d) REPORTS TO SECRETARY.—With respect to each waiver granted under this section, not later than 1 year after the expiration of such waiver, and at any time during the waiver period that the Assistant Secretary may require, the State agency shall prepare and submit to the Assistant Secretary a report evaluating the impact of the waiver on the operation and effectiveness of programs and services provided under this title.”.

SEC. 311. SUPPORTIVE SERVICES AND SENIOR CENTERS.

Section 321 of the Older Americans Act of 1965 (42 U.S.C. 3030d) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “or both” and inserting “and services provided by an area agency on aging, in conjunction with local transportation service providers, public transportation agencies, and other local government agencies, that result in increased provision of such transportation services for older individuals”;

(B) in paragraph (4), by striking “or (D)” and all that follows and inserting “or (D) to assist older individuals in obtaining housing for which assistance is provided under programs of the Department of Housing and Urban Development”;

(C) in paragraph (5), by striking “including” and all that follows and inserting the following: “including—

“(A) client assessment, case management services, and development and coordination of community services;

“(B) supportive activities to meet the special needs of caregivers, including caretakers who provide in-home services to frail older individuals; and

“(C) in-home services and other community services, including home health, homemaker, shopping, escort, reader, and letter writing services, to assist older individuals to live independently in a home environment”;

(D) in paragraph (12), by inserting before the semicolon the following: “, and including the coordination of the services with programs administered by or receiving assistance from the Department of Labor, including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”;

(E) in paragraph (21), by striking “or”;

(F) by inserting after paragraph (21) the following:

“(22) in-home services for frail older individuals, including individuals with Alzheimer’s disease and related disorders with neurological and organic brain dysfunction, and their families, including in-home services defined by a State agency in the State plan submitted under section 307, taking into consideration the age, economic need, and noneconomic and nonhealth factors contributing to the frail condition and need for services of the individuals described in this paragraph, and in-home services defined by an area agency on aging in the area plan submitted under section 306.”;

(G) by redesignating paragraph (22) as paragraph (23);

and

(H) in paragraph (23) (as redesignated by subparagraph (G)), by inserting “necessary for the general welfare of older individuals” before the semicolon; and

(2) by adding at the end the following:

“(c) In carrying out the provisions of this part, to more efficiently and effectively deliver services to older individuals, each area agency on aging shall coordinate services described in subsection (a) with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the

services with agencies and organizations carrying out intergenerational programs or projects.

“(d) Funds made available under this part shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in subsection (a).”.

SEC. 312. NUTRITION SERVICES.

(a) **REPEAL.**—Subpart 3 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g-11 et seq.) is repealed.

(b) **REDESIGNATION.**—Part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030e et seq.) is amended by redesignating subpart 4 as subpart 3.

(c) **PROGRAM AUTHORIZED.**—Section 331(2) of the Older Americans Act of 1965 (42 U.S.C. 3030e(2)) is amended by inserting “, including adult day care facilities and multigenerational meal sites” before the semi-colon.

SEC. 313. NUTRITION REQUIREMENTS.

Subpart 4 of part C of title III of the Older Americans Act of 1965 (42 U.S.C. 3030g-21) is amended by striking section 339 and inserting the following:

42 USC 3030g-
21.

“SEC. 339. NUTRITION.

“A State that establishes and operates a nutrition project under this chapter shall—

“(1) solicit the advice of a dietitian or individual with comparable expertise in the planning of nutritional services, and

“(2) ensure that the project—

“(A) provides meals that—

“(i) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture,

“(ii) provide to each participating older individual—

“(I) a minimum of 33⅓ percent of the daily recommended dietary allowances as established by the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, if the project provides one meal per day,

“(II) a minimum of 66⅔ percent of the allowances if the project provides two meals per day, and

“(III) 100 percent of the allowances if the project provides three meals per day, and

“(iii) to the maximum extent practicable, are adjusted to meet any special dietary needs of program participants,

“(B) provides flexibility to local nutrition providers in designing meals that are appealing to program participants,

“(C) encourages providers to enter into contracts that limit the amount of time meals must spend in transit before they are consumed,

“(D) where feasible, encourages arrangements with schools and other facilities serving meals to children in order to promote intergenerational meal programs,

“(E) provides that meals, other than in-home meals, are provided in settings in as close proximity to the majority of eligible older individuals’ residences as feasible,

“(F) comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual,

“(G) ensures that meal providers carry out such project with the advice of dietitians (or individuals with comparable expertise), meal participants, and other individuals knowledgeable with regard to the needs of older individuals,

“(H) ensures that each participating area agency on aging establishes procedures that allow nutrition project administrators the option to offer a meal, on the same basis as meals provided to participating older individuals, to individuals providing volunteer services during the meal hours, and to individuals with disabilities who reside at home with and accompany older individuals eligible under this chapter,

“(I) ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities occupied primarily by older individuals at which congregate nutrition services are provided, and

“(J) provide for nutrition screening and, where appropriate, for nutrition education and counseling.”.

SEC. 314. IN-HOME SERVICES AND ADDITIONAL ASSISTANCE.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

- (1) by repealing parts D and E; and
- (2) by redesignating part F as part D.

42 USC 3030h–
3030l.

SEC. 315. DEFINITION.

Section 363 of the Older Americans Act of 1965 (42 U.S.C. 3030o) is repealed.

SEC. 316. NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

Title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.) is amended—

- (1) by repealing part G; and
- (2) by inserting after part D (as redesignated by section 313(2)) the following:

42 USC 3030p–
3030r.

**“PART E—NATIONAL FAMILY CAREGIVER
SUPPORT PROGRAM**

National Family
Caregiver
Support Act.

“SEC. 371. SHORT TITLE.

“This part may be cited as the ‘National Family Caregiver Support Act’.

42 USC 3001
note.

“Subpart 1—Caregiver Support Program

42 USC 3030s.

“SEC. 372. DEFINITIONS.

“In this subpart:

“(1) CHILD.—The term ‘child’ means an individual who is not more than 18 years of age.

“(2) FAMILY CAREGIVER.—The term ‘family caregiver’ means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual.

“(3) GRANDPARENT OR OLDER INDIVIDUAL WHO IS A RELATIVE CAREGIVER.—The term ‘grandparent or older individual who is a relative caregiver’ means a grandparent or stepgrandparent of a child, or a relative of a child by blood or marriage, who is 60 years of age or older and—

“(A) lives with the child;

“(B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and

“(C) has a legal relationship to the child, as such legal custody or guardianship, or is raising the child informally.

42 USC 3030s-1.

“SEC. 373. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants to States with State plans approved under section 307, to pay for the Federal share of the cost of carrying out State programs, to enable area agencies on aging, or entities that such area agencies on aging contract with, to provide multifaceted systems of support services—

“(1) for family caregivers; and

“(2) for grandparents or older individuals who are relative caregivers.

“(b) SUPPORT SERVICES.—The services provided, in a State program under subsection (a), by an area agency on aging, or entity that such agency has contracted with, shall include—

“(1) information to caregivers about available services;

“(2) assistance to caregivers in gaining access to the services;

“(3) individual counseling, organization of support groups, and caregiver training to caregivers to assist the caregivers in making decisions and solving problems relating to their caregiving roles;

“(4) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

“(5) supplemental services, on a limited basis, to complement the care provided by caregivers.

“(c) POPULATION SERVED; PRIORITY.—

“(1) POPULATION SERVED.—Services under a State program under this subpart shall be provided to family caregivers, and grandparents and older individuals who are relative caregivers, and who—

“(A) are described in paragraph (1) or (2) of subsection (a); and

“(B) with regard to the services specified in paragraphs (4) and (5) of subsection (b), in the case of a caregiver described in paragraph (1), is providing care to an older

individual who meets the condition specified in subparagraph (A)(i) or (B) of section 102(28).

“(2) PRIORITY.—In providing services under this subpart, the State shall give priority for services to older individuals with greatest social and economic need, (with particular attention to low-income older individuals) and older individuals providing care and support to persons with mental retardation and related developmental disabilities (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001)) (referred to in this subpart as ‘developmental disabilities’).

“(d) COORDINATION WITH SERVICE PROVIDERS.—In carrying out this subpart, each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, with the activities of other community agencies and voluntary organizations providing the types of services described in subsection (b).

“(e) QUALITY STANDARDS AND MECHANISMS AND ACCOUNTABILITY.—

“(1) QUALITY STANDARDS AND MECHANISMS.—The State shall establish standards and mechanisms designed to assure the quality of services provided with assistance made available under this subpart.

“(2) DATA AND RECORDS.—The State shall collect data and maintain records relating to the State program in a standardized format specified by the Assistant Secretary. The State shall furnish the records to the Assistant Secretary, at such time as the Assistant Secretary may require, in order to enable the Assistant Secretary to monitor State program administration and compliance, and to evaluate and compare the effectiveness of the State programs.

“(3) REPORTS.—The State shall prepare and submit to the Assistant Secretary reports on the data and records required under paragraph (2), including information on the services funded under this subpart, and standards and mechanisms by which the quality of the services shall be assured.

“(f) CAREGIVER ALLOTMENT.—

“(1) IN GENERAL.—

“(A) From sums appropriated under section 303(e) for fiscal years 2001 through 2005, the Assistant Secretary shall allot amounts among the States proportionately based on the population of individuals 70 years of age or older in the States.

“(B) In determining the amounts allotted to States from the sums appropriated under section 303 for a fiscal year, the Assistant Secretary shall first determine the amount allotted to each State under subparagraph (A) and then proportionately adjust such amounts, if necessary, to meet the requirements of paragraph (2).

“(C) The number of individuals 70 years of age or older in any State and in all States shall be determined by the Assistant Secretary on the basis of the most recent data available from the Bureau of the Census and other reliable demographic data satisfactory to the Assistant Secretary.

“(2) MINIMUM ALLOTMENT.—

“(A) The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments under such paragraph to achieve the amounts described in subparagraph (B).

“(B)(i) Each State shall be allotted $\frac{1}{2}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(ii) Guam and the Virgin Islands of the United States shall each be allotted $\frac{1}{4}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(iii) American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted $\frac{1}{16}$ of 1 percent of the amount appropriated for the fiscal year for which the determination is made.

“(C) For the purposes of subparagraph (B)(i), the term ‘State’ does not include Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

“(g) AVAILABILITY OF FUNDS.—

“(1) USE OF FUNDS FOR ADMINISTRATION OF AREA PLANS.—Amounts made available to a State to carry out the State program under this subpart may be used, in addition to amounts available in accordance with section 303(c)(1), for costs of administration of area plans.

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—Notwithstanding section 304(d)(1)(D), the Federal share of the cost of carrying out a State program under this subpart shall be 75 percent.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the cost shall be provided from State and local sources.

“(C) LIMITATION.—A State may use not more than 10 percent of the total Federal and non-Federal share available to the State to provide support services to grandparents and older individuals who are relative caregivers.

42 USC 3030s-2. **“SEC. 374. MAINTENANCE OF EFFORT.**

“Funds made available under this subpart shall supplement, and not supplant, any Federal, State, or local funds expended by a State or unit of general purpose local government (including an area agency on aging) to provide services described in section 373.

“Subpart 2—National Innovation Programs

42 USC 3030s-11. **“SEC. 375. INNOVATION GRANT PROGRAM.**

“(a) IN GENERAL.—The Assistant Secretary shall carry out a program for making grants on a competitive basis to foster the development and testing of new approaches to sustaining the efforts of families and other informal caregivers of older individuals, and to serving particular groups of caregivers of older individuals, including low-income caregivers and geographically distant caregivers and linking family support programs with the State entity or agency that administers or funds programs for persons with mental retardation or related developmental disabilities and their families.

“(b) **EVALUATION AND DISSEMINATION OF RESULTS.**—The Assistant Secretary shall provide for evaluation of the effectiveness of programs and activities funded with grants made under this section, and for dissemination to States of descriptions and evaluations of such programs and activities, to enable States to incorporate successful approaches into their programs carried out under this part.

“(c) **SUNSET PROVISION.**—This section shall be effective for 3 fiscal years after the date of the enactment of the Older Americans Act Amendments of 2000.

“SEC. 376. ACTIVITIES OF NATIONAL SIGNIFICANCE.

42 USC 3030s–
12.

“(a) **IN GENERAL.**—The Assistant Secretary shall, directly or by grant or contract, carry out activities of national significance to promote quality and continuous improvement in the support provided to family and other informal caregivers of older individuals through program evaluation, training, technical assistance, and research.

“(b) **SUNSET PROVISION.**—This section shall be effective for 3 fiscal years after the date of the enactment of the Older Americans Act Amendments of 2000.”.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PRO- GRAMS

SEC. 401. PROJECTS AND PROGRAMS.

Title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa et seq.) is amended to read as follows:

“SEC. 401. PURPOSES.

42 USC 3031.

“The purposes of this title are—

“(1) to expand the Nation’s knowledge and understanding of the older population and the aging process;

“(2) to design, test, and promote the use of innovative ideas and best practices in programs and services for older individuals;

“(3) to help meet the needs for trained personnel in the field of aging; and

“(4) to increase awareness of citizens of all ages of the need to assume personal responsibility for their own longevity.

“PART A—GRANT PROGRAMS

“SEC. 411. PROGRAM AUTHORIZED.

42 USC 3032.

“(a) **IN GENERAL.**—For the purpose of carrying out this section, the Assistant Secretary may make grants to and enter into contracts with States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including tribal organizations, for—

“(1) education and training to develop an adequately trained workforce to work with and on behalf of older individuals;

“(2) applied social research and analysis to improve access to and delivery of services for older individuals;

“(3) evaluation of the performance of the programs, activities, and services provided under this section;

“(4) the development of methods and practices to improve the quality and effectiveness of the programs, services, and activities provided under this section;

“(5) the demonstration of new approaches to design, deliver, and coordinate programs and services for older individuals;

“(6) technical assistance in planning, developing, implementing, and improving the programs, services, and activities provided under this section;

“(7) coordination with the designated State agency described in section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(2)(A)(i)) to provide services to older individuals who are blind as described in such Act;

“(8) the training of graduate level professionals specializing in the mental health needs of older individuals; and

“(9) any other activities that the Assistant Secretary determines will achieve the objectives of this section.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

42 USC 3032a.

“SEC. 412. CAREER PREPARATION FOR THE FIELD OF AGING.

“(a) GRANTS.—The Assistant Secretary shall make grants to institutions of higher education, historically Black colleges or universities, Hispanic Centers of Excellence in Applied Gerontology, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

“(b) DEFINITIONS.—For purposes of subsection (a):

“(1) HISPANIC CENTER OF EXCELLENCE IN APPLIED GERONTOLOGY.—The term ‘Hispanic Center of Excellence in Applied Gerontology’ means an institution of higher education with a program in applied gerontology that—

“(A) has a significant number of Hispanic individuals enrolled in the program, including individuals accepted for enrollment in the program;

“(B) has been effective in assisting Hispanic students of the program to complete the program and receive the degree involved;

“(C) has been effective in recruiting Hispanic individuals to attend the program, including providing scholarships and other financial assistance to such individuals and encouraging Hispanic students of secondary educational institutions to attend the program; and

“(D) has made significant recruitment efforts to increase the number and placement of Hispanic individuals serving in faculty or administrative positions in the program.

“(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

“SEC. 413. OLDER INDIVIDUALS’ PROTECTION FROM VIOLENCE PROJECTS. 42 USC 3032b.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall make grants to States, area agencies on aging, nonprofit organizations, or tribal organizations to carry out the activities described in subsection (b). Grants.

“(b) ACTIVITIES.—A State, an area agency on aging, a nonprofit organization, or a tribal organization that receives a grant under subsection (a) shall use such grant to—

“(1) support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including family violence and sexual assault, against older individuals;

“(2) develop and implement outreach programs directed toward assisting older individuals who are victims of elder abuse, neglect, and exploitation (including family violence and sexual assault, against older individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers;

“(3) expand access to family violence and sexual assault programs (including shelters, rape crisis centers, and support groups), including mental health services, safety planning and legal advocacy for older individuals and encourage the use of senior housing, hotels, or other suitable facilities or services when appropriate as emergency short-term shelters for older individuals who are the victims of elder abuse, including family violence and sexual assault; or

“(4) promote research on legal, organizational, or training impediments to providing services to older individuals through shelters and other programs, such as impediments to provision of services in coordination with delivery of health care or services delivered under this Act.

“(c) PREFERENCE.—In awarding grants under subsection (a), the Assistant Secretary shall give preference to a State, an area agency on aging, a nonprofit organization, or a tribal organization that has the ability to carry out the activities described in this section and title VII of this Act.

“(d) COORDINATION.—The Assistant Secretary shall encourage each State, area agency on aging, nonprofit organization, and tribal organization that receives a grant under subsection (a) to coordinate activities provided under this section with activities provided by other area agencies on aging, tribal organizations, State adult protective service programs, private nonprofit organizations, and by other entities receiving funds under title VII of this Act.

“SEC. 414. HEALTH CARE SERVICE DEMONSTRATION PROJECTS IN RURAL AREAS. 42 USC 3032c.

“(a) AUTHORITY.—The Assistant Secretary, after consultation with the State agency of the State involved, shall make grants to eligible public agencies and nonprofit private organizations to pay part or all of the cost of developing or operating model health care service projects (including related home health care services, adult day health care, outreach, and transportation) through multipurpose senior centers that are located in rural areas and that provide nutrition services under section 331, to meet the health

care needs of medically underserved older individuals residing in such areas.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a public agency or nonprofit private organization shall submit to the Assistant Secretary an application containing such information and assurances as the Secretary may require, including—

“(1) information describing the nature and extent of the applicant’s—

“(A) experience in providing medical services of the type to be provided in the project for which a grant is requested; and

“(B) coordination and cooperation with—

“(i) institutions of higher education having graduate programs with capability in public health, the medical sciences, psychology, pharmacology, nursing, social work, health education, nutrition, or gerontology, for the purpose of designing and developing such project; and

“(ii) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

“(2) assurances that the applicant will carry out the project for which a grant is requested, through a multipurpose senior center located—

“(A)(i) in a rural area that has a population of less than 5,000; or

“(ii) in a county that has fewer than seven individuals per square mile; and

“(B) in a State in which—

“(i) not less than 33⅓ of the population resides in rural areas; and

“(ii) not less than 5 percent of the population resides in counties with fewer than seven individuals per square mile,

as defined by and determined in accordance with the most recent data available from the Bureau of the Census; and

“(3) assurances that the applicant will submit to the Assistant Secretary such evaluations and reports as the Assistant Secretary may require.

“(c) REPORTS.—The Assistant Secretary shall prepare and submit to the appropriate committees of Congress a report that includes summaries of the evaluations and reports required under subsection (b).

42 USC 3032d.

“SEC. 415. COMPUTER TRAINING.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information, may award grants or contracts to entities to provide computer training and enhanced Internet access for older individuals.

“(b) PRIORITY.—If the Assistant Secretary awards grants under subsection (a), the Assistant Secretary shall give priority to an entity that—

“(1) will provide services to older individuals living in rural areas;

“(2) has demonstrated expertise in providing computer training to older individuals; or

“(3) has demonstrated that it has a variety of training delivery methods, including facility-based, computer-based, and Internet-based training, that may facilitate a determination of the best method of training older individuals.

“(c) SPECIAL CONSIDERATION.—In awarding grants under this section, the Assistant Secretary shall give special consideration to applicants that have entered into a partnership with one or more private entities providing such applicants with donated information technologies including software, hardware, or training.

“(d) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use funds received under such grant or contract to provide training for older individuals that—

“(1) relates to the use of computers and related equipment, in order to improve the self-employment and employment-related technology skills of older individuals, as well as their ability to use the Internet; and

“(2) is provided at senior centers, housing facilities for older individuals, elementary schools, secondary schools, and institutions of higher education.

“SEC. 416. TECHNICAL ASSISTANCE TO IMPROVE TRANSPORTATION FOR SENIORS. 42 USC 3032e.

“(a) IN GENERAL.—The Secretary may award grants or contracts to nonprofit organizations to improve transportation services for older individuals.

“(b) USE OF FUNDS.—A nonprofit organization receiving a grant or contract under subsection (a) shall use funds received under such grant or contract to provide technical assistance to assist local transit providers, area agencies on aging, senior centers and local senior support groups to encourage and facilitate coordination of Federal, State, and local transportation services and resources for older individuals. Such technical assistance may include—

“(1) developing innovative approaches for improving access by older individuals to supportive services;

“(2) preparing and disseminating information on transportation options and resources for older individuals and organizations serving such individuals through establishing a toll-free telephone number;

“(3) developing models and best practices for comprehensive integrated transportation services for older individuals, including services administered by the Secretary of Transportation, by providing ongoing technical assistance to agencies providing services under title III and by assisting in coordination of public and community transportation services; and

“(4) providing special services to link seniors to transportation services not provided under title III.

“SEC. 417. DEMONSTRATION PROJECTS FOR MULTIGENERATIONAL ACTIVITIES. 42 USC 3032f.

“(a) GRANTS AND CONTRACTS.—The Assistant Secretary may award grants and enter into contracts with eligible organizations to establish demonstration projects to provide older individuals with multigenerational activities.

“(b) USE OF FUNDS.—An eligible organization shall use funds made available under a grant awarded, or a contract entered into, under subsection (a)—

“(1) to carry out a demonstration project that provides multigenerational activities, including any professional training appropriate to such activities for older individuals; and

“(2) to evaluate the project in accordance with subsection (f).

“(c) PREFERENCE.—In awarding grants and entering into contracts under subsection (a), the Assistant Secretary shall give preference to—

“(1) eligible organizations with a demonstrated record of carrying out multigenerational activities; and

“(2) eligible organizations proposing projects that will serve older individuals with greatest economic need (with particular attention to low-income minority individuals and older individuals residing in rural areas).

“(d) APPLICATION.—To be eligible to receive a grant or enter into a contract under subsection (a), an organization shall submit an application to the Assistant Secretary at such time, in such manner, and accompanied by such information as the Assistant Secretary may reasonably require.

“(e) ELIGIBLE ORGANIZATIONS.—Organizations eligible to receive a grant or enter into a contract under subsection (a) shall be organizations that employ, or provide opportunities for, older individuals in multigenerational activities.

“(f) LOCAL EVALUATION AND REPORT.—

“(1) EVALUATION.—Each organization receiving a grant or a contract under subsection (a) to carry out a demonstration project shall evaluate the multigenerational activities assisted under the project to determine the effectiveness of the multigenerational activities, the impact of such activities on child care and youth day care programs, and the impact of such activities on older individuals involved in such project.

“(2) REPORT.—The organization shall submit a report to the Assistant Secretary containing the evaluation not later than 6 months after the expiration of the period for which the grant or contract is in effect.

Deadline.

“(g) REPORT TO CONGRESS.—Not later than 6 months after the Assistant Secretary receives the reports described in subsection (f)(2), the Assistant Secretary shall prepare and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that assesses the evaluations and includes, at a minimum—

“(1) the names or descriptive titles of the demonstration projects funded under subsection (a);

“(2) a description of the nature and operation of the projects;

“(3) the names and addresses of organizations that conducted the projects;

“(4) a description of the methods and success of the projects in recruiting older individuals as employees and volunteers to participate in the projects;

“(5) a description of the success of the projects in retaining older individuals involved in the projects as employees and as volunteers; and

“(6) the rate of turnover of older individual employees and volunteers in the projects.

“(h) DEFINITION.—As used in this section, the term ‘multigenerational activity’ includes an opportunity to serve as a mentor or adviser in a child care program, a youth day care program, an educational assistance program, an at-risk youth intervention program, a juvenile delinquency treatment program, or a family support program.

“SEC. 418. NATIVE AMERICAN PROGRAMS.

42 USC 3032g.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Assistant Secretary shall make grants or enter into contracts with not fewer than two and not more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as ‘Resource Centers’). The Assistant Secretary shall make such grants or enter into such contracts for periods of not less than 3 years.

“(2) FUNCTIONS.—

“(A) IN GENERAL.—Each Resource Center that receives funds under this section shall—

- “(i) gather information;
- “(ii) perform research;
- “(iii) provide for the dissemination of results of the research; and
- “(iv) provide technical assistance and training to entities that provide services to Native Americans who are older individuals.

“(B) AREAS OF CONCERN.—In conducting the functions described in subparagraph (A), a Resource Center shall focus on priority areas of concern for the Resource Centers regarding Native Americans who are older individuals, which areas shall be—

- “(i) health problems;
- “(ii) long-term care, including in-home care;
- “(iii) elder abuse; and
- “(iv) other problems and issues that the Assistant Secretary determines are of particular importance to Native Americans who are older individuals.

“(3) PREFERENCE.—In awarding grants and entering into contracts under paragraph (1), the Assistant Secretary shall give preference to institutions of higher education that have conducted research on, and assessments of, the characteristics and needs of Native Americans who are older individuals.

“(4) CONSULTATION.—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Assistant Secretary shall consult with the Director of the Office for American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving Native Americans who are older individuals.

“(5) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under paragraph (1), an entity shall be an institution of higher education with experience conducting research and assessment on the needs of older individuals.

“(6) REPORT TO CONGRESS.—The Assistant Secretary, with assistance from each Resource Center, shall prepare and submit

to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the status and needs, including the priority areas of concern, of Native Americans who are older individuals.

“(b) TRAINING GRANTS.—The Assistant Secretary shall make grants and enter into contracts to provide in-service training opportunities and courses of instruction on aging to Indian tribes through public or nonprofit Indian aging organizations and to provide annually a national meeting to train directors of programs under this title.

42 USC 3032h.

“SEC. 419. MULTIDISCIPLINARY CENTERS.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology, and gerontology centers of special emphasis (including emphasis on nutrition, employment, health (including mental health), disabilities (including severe disabilities), income maintenance, counseling services, supportive services, minority populations, and older individuals residing in rural areas).

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—The centers described in subsection (a) shall conduct research and policy analysis and function as a technical resource for the Assistant Secretary, policymakers, service providers, and Congress.

“(2) MULTIDISCIPLINARY CENTERS.—The multidisciplinary centers of gerontology described in subsection (a) shall—

“(A) recruit and train personnel;

“(B) conduct basic and applied research toward the development of information related to aging;

“(C) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges and universities;

“(D) help to develop training programs in the field of aging at schools of public health, education, social work, and psychology, and other appropriate schools within colleges and universities;

“(E) serve as a repository of information and knowledge on aging;

“(F) provide consultation and information to public and voluntary organizations, including State agencies and area agencies on aging, which serve the needs of older individuals in planning and developing services provided under other provisions of this Act; and

“(G) if appropriate, provide information relating to assistive technology.

“(c) DATA.—

“(1) IN GENERAL.—Each center that receives a grant under subsection (a) shall provide data to the Assistant Secretary on the projects and activities carried out with funds received under such subsection.

“(2) INFORMATION INCLUDED.—Such data described in paragraph (1) shall include—

“(A) information on the number of personnel trained;

“(B) information on the number of older individuals served;

“(C) information on the number of schools assisted;
and

“(D) other information that will facilitate achieving
the objectives of this section.

“SEC. 420. DEMONSTRATION AND SUPPORT PROJECTS FOR LEGAL ASSISTANCE FOR OLDER INDIVIDUALS. 42 USC 3032i.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall
make grants and enter into contracts, in order to— Grants.
Contracts.

“(1) provide a national legal assistance support system
(operated by one or more grantees or contractors) of activities
to State and area agencies on aging for providing, developing,
or supporting legal assistance for older individuals, including—

“(A) case consultations;

“(B) training;

“(C) provision of substantive legal advice and assist-
ance; and

“(D) assistance in the design, implementation, and
administration of legal assistance delivery systems to local
providers of legal assistance for older individuals; and

“(2) support demonstration projects to expand or improve
the delivery of legal assistance to older individuals with social
or economic needs.

“(b) ASSURANCES.—Any grants or contracts made under sub-
section (a)(2) shall contain assurances that the requirements of
section 307(a)(11) are met.

“(c) ASSISTANCE.—To carry out subsection (a)(1), the Assistant
Secretary shall make grants to or enter into contracts with national
nonprofit organizations experienced in providing support and tech-
nical assistance on a nationwide basis to States, area agencies
on aging, legal assistance providers, ombudsmen, elder abuse
prevention programs, and other organizations interested in the
legal rights of older individuals.

“SEC. 421. OMBUDSMAN AND ADVOCACY DEMONSTRATION PROJECTS. 42 USC 3032j.

“(a) PROGRAM AUTHORIZED.—The Assistant Secretary shall
award grants to not fewer than three and not more than 10 States
to conduct demonstrations and evaluate cooperative projects
between the State long-term care ombudsman program, legal assist-
ance agencies, and the State protection and advocacy systems for
individuals with developmental disabilities and individuals with
mental illness, established under part C of the Developmental
Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et
seq.) and under the Protection and Advocacy for Mentally Ill
Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

“(b) REPORT.—The Assistant Secretary shall prepare and submit
to Congress a report containing the results of the evaluation
required by subsection (a). Such report shall contain such rec-
ommendations as the Assistant Secretary determines to be appro-
priate.

“PART B—GENERAL PROVISIONS

“SEC. 431. PAYMENT OF GRANTS.

42 USC 3033.

“(a) CONTRIBUTIONS.—To the extent the Assistant Secretary
determines a contribution to be appropriate, the Assistant Secretary
shall require the recipient of any grant or contract under this

title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

“(b) PAYMENTS.—Payments under this title pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

“(c) CONSULTATION.—The Assistant Secretary shall make no grant or contract under this title in any State that has established or designated a State agency for purposes of title III unless the Assistant Secretary—

“(1) consults with the State agency prior to issuing the grant or contract; and

“(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

42 USC 3033a.

“SEC. 432. RESPONSIBILITIES OF ASSISTANT SECRETARY.

“(a) IN GENERAL.—The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this title and shall not delegate authority under this title to any other individual, agency, or organization.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

“(A) for which funds were provided under this title; and

“(B) that was completed in the fiscal year for which such report is prepared.

“(2) CONTENTS.—Such report shall contain—

“(A) the name or descriptive title of each project or program;

“(B) the name and address of the individual or governmental entity that conducted such project or program;

“(C) a specification of the period throughout which such project or program was conducted;

“(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

“(E) an abstract describing the nature and operation of such project or program; and

“(F) a bibliography identifying all published information relating to such project or program.

“(c) EVALUATIONS.—

“(1) IN GENERAL.—The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this title.

“(2) RESULTS.—The Assistant Secretary shall—

“(A) make available to the public the results of each evaluation carried out under paragraph (1); and

“(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this Act.”.

Regulations.

TITLE V—AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965

SEC. 501. AMENDMENT TO TITLE V OF THE OLDER AMERICANS ACT OF 1965.

Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) is amended to read as follows:

“TITLE V—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Older American
Community
Service
Employment Act.

“SEC. 501. SHORT TITLE.

“This title may be cited as the ‘Older American Community Service Employment Act’.

42 USC 3001
note.

“SEC. 502. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

42 USC 3056.

“(a)(1) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors, the Secretary of Labor (hereafter in this title referred to as the ‘Secretary’) is authorized to establish an older American community service employment program.

“(2) Amounts appropriated to carry out this title shall be used only to carry out the provisions contained in this title.

“(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements, subject to section 514, with State and national public and private nonprofit agencies and organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c) of this section, of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any organization or agency unless the Secretary determines that such project—

“(A) will provide employment only for eligible individuals except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

“(B)(i) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities; or

“(ii) if such project is carried out by a tribal organization that enters into an agreement under this subsection or receives assistance from a State that enters into such an agreement, will provide employment for such individuals, including those

who are Indians residing on an Indian reservation, as the term is defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2));

“(C) will employ eligible individuals in service related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

“(D) will contribute to the general welfare of the community;

“(E) will provide employment for eligible individuals;

“(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

“(ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits); and

“(iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

“(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

“(H) will utilize methods of recruitment and selection (including participating in a one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) and listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

“(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

“(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service and other jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of—

“(i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if the participant were not exempt under section 13 thereof;

“(ii) the State or local minimum wage for the most nearly comparable covered employment; or

“(iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

“(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

“(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

“(M) will assure that, to the extent feasible, such project will serve the needs of minority, limited English-speaking, and Indian eligible individuals, and eligible individuals who have the greatest economic need, at least in proportion to their numbers in the State and take into consideration their rates of poverty and unemployment;

“(N)(i) will prepare an assessment of the participants’ skills and talents and their needs for services, except to the extent such project has, for the participant involved, recently prepared an assessment of such skills and talents, and such needs, pursuant to another employment or training program (such as a program under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.));

“(ii) will provide to eligible individuals training and employment counseling based on strategies that identify appropriate employment objectives and the need for supportive services, developed as a result of the assessment and service strategy provided for in clause (i); and

“(iii) will provide counseling to participants on their progress in meeting such objectives and satisfying their need for supportive services;

“(O) will provide appropriate services for participants through the one-stop delivery system as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C. 2841(c));

“(P) will post in such project workplace a notice, and will make available to each person associated with such project a written explanation, clarifying the law with respect to allowable and unallowable political activities under chapter 15 of title 5, United States Code, applicable to the project and to each category of individuals associated with such project and containing the address and telephone number of the Inspector General of the Department of Labor, to whom questions regarding the application of such chapter may be addressed;

“(Q) will provide to the Secretary the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998; and

“(R) will ensure that entities carrying out activities under the project, including State offices, local offices, subgrantees, subcontractors, or other affiliates of such organization or agency shall receive an amount of the administration cost allocation that is sufficient for the administrative activities under the

Regulations.

project to be carried out by such State office, local office, subgrantee, subcontractor, or other affiliate.

“(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

“(3) The Secretary shall develop alternatives for innovative work modes and provide technical assistance in creating job opportunities through work sharing and other experimental methods to labor organizations, groups representing business and industry and workers as well as to individual employers, where appropriate.

“(4)(A) An assessment and service strategy provided for an eligible individual under this title shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such individual qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)), in accordance with such Act.

“(B) An assessment and service strategy or individual employment plan provided for an adult participant under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) shall satisfy any condition for an assessment and service strategy for an eligible individual under this title.

“(c)(1) The Secretary is authorized to pay a share, but not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b) of this section, except that the Secretary is authorized to pay all of the costs of any such project which is—

“(A) an emergency or disaster project; or

“(B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Secretary of Health and Human Services.

“(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

“(3) Of the amount for any project to be paid by the Secretary under this subsection, not more than 13.5 percent for any fiscal year shall be available for paying the costs of administration for such project, except that—

“(A) whenever the Secretary determines that it is necessary to carry out the project assisted under this title, based on information submitted by the grantee with which the Secretary has an agreement under subsection (b), the Secretary may increase the amount available for paying the cost of administration to an amount not more than 15 percent of the cost of such project; and

“(B) whenever the grantee with which the Secretary has an agreement under subsection (b) demonstrates to the Secretary that—

“(i) major administrative cost increases are being incurred in necessary program components, including liability insurance, payments for workers’ compensation, costs associated with achieving unsubsidized placement goals, and other operation requirements imposed by the Secretary;

“(ii) the number of employment positions in the project or the number of minority eligible individuals participating in the project will decline if the amount available for paying the cost of administration is not increased; or

“(iii) the size of the project is so small that the amount of administrative expenses incurred to carry out the project necessarily exceeds 13.5 percent of the amount for such project,

the Secretary shall increase the amount available for the fiscal year for paying the cost of administration to an amount not more than 15 percent of the cost of such project.

“(4) The costs of administration are the costs, both personnel and non-personnel and both direct and indirect, associated with the following:

“(A) The costs of performing overall general administrative functions and providing for the coordination of functions, such as—

“(i) accounting, budgeting, financial, and cash management functions;

“(ii) procurement and purchasing functions;

“(iii) property management functions;

“(iv) personnel management functions;

“(v) payroll functions;

“(vi) coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;

“(vii) audit functions;

“(viii) general legal services functions; and

“(ix) developing systems and procedures, including information systems, required for these administrative functions.

“(B) The costs of performing oversight and monitoring responsibilities related to administrative functions.

“(C) The costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space.

“(D) The travel costs incurred for official business in carrying out administrative activities or overall management.

“(E) The costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting, and payroll systems) including the purchase, systems development, and operating costs of such systems.

“(5) To the extent practicable, an entity that carries out a project under this title shall provide for the payment of the expenses described in paragraph (4) from non-Federal sources.

“(6)(A) Amounts made available for a project under this title that are not used to pay for the cost of administration shall be used to pay for the costs of programmatic activities, including—

“(i) enrollee wages and fringe benefits (including physical examinations);

“(ii) enrollee training, which may be provided prior to or subsequent to placement, including the payment of reasonable costs of instructors, classroom rental, training supplies, materials, equipment, and tuition, and which may be provided on the job, in a classroom setting, or pursuant to other appropriate arrangements;

“(iii) job placement assistance, including job development and job search assistance;

“(iv) enrollee supportive services to assist an enrollee to successfully participate in a project under this title, including the payment of reasonable costs of transportation, health care and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and followup services; and

“(v) outreach, recruitment and selection, intake, orientation, and assessments.

“(B) Not less than 75 percent of the funds made available through a grant made under this title shall be used to pay wages and benefits for older individuals who are employed under projects carried out under this title.

“(d) Whenever a grantee conducts a project within a planning and service area in a State, such grantee shall conduct such project in consultation with the area agency on aging of the planning and service area and shall submit to the State agency and the area agency on aging a description of such project to be conducted in the State, including the location of the project, 90 days prior to undertaking the project, for review and public comment according to guidelines the Secretary shall issue to assure efficient and effective coordination of programs under this title.

“(e)(1) The Secretary, in addition to any other authority contained in this title, shall conduct projects designed to assure second career training and the placement of eligible individuals in employment opportunities with private business concerns. The Secretary shall enter into such agreements with States, public agencies, non-profit private organizations, and private business concerns as may be necessary, to conduct the projects authorized by this subsection to assure that placement and training. The Secretary, from amounts reserved under section 506(a)(1) in any fiscal year, may pay all of the costs of any agreements entered into under the provisions of this subsection. The Secretary shall, to the extent feasible, assure equitable geographic distribution of projects authorized by this subsection.

“(2) The Secretary shall issue, and amend from time to time, criteria designed to assure that agreements entered into under paragraph (1) of this subsection—

“(A) will involve different kinds of work modes, such as flex-time, job sharing, and other arrangements relating to reduced physical exertion;

“(B) will emphasize projects involving second careers and job placement and give consideration to placement in growth industries in jobs reflecting new technological skills; and

“(C) require the coordination of projects carried out under such agreements, with the programs carried out under title I of the Workforce Investment Act of 1998.

“(f) The Secretary shall, on a regular basis, carry out evaluations of the activities authorized under this title, which may include but are not limited to projects described in subsection (e).

42 USC 3056a.

“SEC. 503. ADMINISTRATION.

“(a) STATE SENIOR EMPLOYMENT SERVICES COORDINATION PLAN.—

“(1) GOVERNOR SUBMITS PLAN.—The Governor of each State shall submit annually to the Secretary a State Senior Employment Services Coordination Plan, containing such provisions as the Secretary may require, consistent with the provisions of this title, including a description of the process used to ensure the participation of individuals described in paragraph (2).

“(2) RECOMMENDATIONS.—In developing the State plan prior to its submission to the Secretary, the Governor shall obtain the advice and recommendations of—

“(A) individuals representing the State and area agencies on aging in the State, and the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(B) individuals representing public and private non-profit agencies and organizations providing employment services, including each grantee operating a project under this title in the State; and

“(C) individuals representing social service organizations providing services to older individuals, grantees under title III of this Act, affected communities, underserved older individuals, community-based organizations serving the needs of older individuals, business organizations, and labor organizations.

“(3) COMMENTS.—Any State plan submitted by a Governor in accordance with paragraph (1) shall be accompanied by copies of public comments relating to the plan received pursuant to paragraph (4) and a summary thereof.

“(4) PLAN PROVISIONS.—The State Senior Employment Services Coordination Plan shall identify and address—

“(A) the relationship that the number of eligible individuals in each area bears to the total number of eligible individuals, respectively, in that State;

“(B) the relative distribution of individuals residing in rural and urban areas within the State;

“(C) the relative distribution of—

“(i) eligible individuals who are individuals with greatest economic need;

“(ii) eligible individuals who are minority individuals; and

“(iii) eligible individuals who are individuals with greatest social need;

“(D) consideration of the employment situations and the type of skills possessed by local eligible individuals;

“(E) the localities and populations for which community service projects of the type authorized by this title are most needed; and

“(F) plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998.

“(5) GOVERNOR’S RECOMMENDATIONS ON GRANT PROPOSALS.—Prior to the submission to the Secretary of any proposal for a grant under this title for any fiscal year, the Governor of each State in which projects are proposed to be conducted under such grant shall be afforded a reasonable opportunity to submit recommendations to the Secretary—

“(A) regarding the anticipated effect of each such proposal upon the overall distribution of enrollment positions under this title within the State (including such distribution among urban and rural areas), taking into account the total number of positions to be provided by all grantees within the State;

“(B) any recommendations for redistribution of positions to underserved areas as vacancies occur in previously encumbered positions in other areas; and

“(C) in the case of any increase in funding that may be available for use within the State under this title for any fiscal year, any recommendations for distribution of newly available positions in excess of those available during the preceding year to underserved areas.

“(6) DISRUPTIONS.—In developing plans and considering recommendations under this subsection, disruptions in the provision of community service employment opportunities for current enrollees shall be avoided, to the greatest possible extent.

“(7) DETERMINATION; REVIEW.—

“(A) DETERMINATION.—In order to effectively carry out the provisions of this title, each State shall make available for public comment its senior employment services coordination plan. The Secretary, in consultation with the Assistant Secretary, shall review the plan and public comments received on the plan, and make a written determination with findings and a decision regarding the plan.

“(B) REVIEW.—The Secretary may review on the Secretary’s own initiative or at the request of any public or private agency or organization, or an agency of the State government, the distribution of projects and services under this title within the State including the distribution between urban and rural areas within the State. For each proposed reallocation of projects or services within a State, the Secretary shall give notice and opportunity for public comment.

“(8) EXEMPTION.—The grantees serving older American Indians under section 506(a)(3) will not be required to participate in the State planning processes described in this section but will collaborate with the Secretary to develop a plan for projects and services to older American Indians.

“(b)(1) The Secretary of Labor and the Assistant Secretary shall coordinate the programs under this title and the programs under other titles of this Act to increase job opportunities available to older individuals.

“(2) The Secretary shall coordinate the program assisted under this title with programs authorized under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998 (29 U.S.C. 701 et seq.)), the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.). The Secretary shall coordinate the administration of this title with the administration of other titles of this Act by the Assistant Secretary to increase the likelihood that eligible individuals for whom employment opportunities under

this title are available and who need services under such titles receive such services. Appropriations under this title shall not be used to carry out any program under the Workforce Investment Act of 1998, the Community Services Block Grant Act, the Rehabilitation Act of 1973 (as amended by the Rehabilitation Act Amendments of 1998), the Carl D. Perkins Vocational and Technical Education Act of 1998, the National and Community Service Act of 1990, or the Domestic Volunteer Service Act of 1973. The preceding sentence shall not be construed to prohibit carrying out projects under this title jointly with programs, projects, or activities under any Act specified in such sentence, or from carrying out section 512.

“(3) The Secretary shall distribute to grantees under this title, for distribution to program enrollees, and at no cost to grantees or enrollees, informational materials developed and supplied by the Equal Employment Opportunity Commission and other appropriate Federal agencies which the Secretary determines are designed to help enrollees identify age discrimination and understand their rights under the Age Discrimination in Employment Act of 1967.

“(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

“(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

“(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

“(f)(1) The Secretary shall monitor projects receiving financial assistance under this title to determine whether the grantees are complying with the provisions of and regulations issued under this title, including compliance with the statewide planning, consultation, and coordination provisions under this title.

“(2) Each grantee receiving funds under this title shall comply with the applicable uniform cost principles and appropriate administrative requirements for grants and contracts that are applicable to the type of entity receiving funds, as issued as circulars or rules of the Office of Management and Budget.

“(3) Each grantee described in paragraph (2) shall prepare and submit a report in such manner and containing such information as the Secretary may require regarding activities carried out under this title.

“(4) Each grantee described in paragraph (2) shall keep records that—

“(A) are sufficient to permit the preparation of reports required pursuant to this title;

“(B) are sufficient to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully; and

“(C) contain any other information that the Secretary determines to be appropriate.

“(g) The Secretary shall establish by regulation and implement a process to evaluate the performance of projects and services,

Regulations.

Reports. pursuant to section 513, carried out under this title. The Secretary shall report to Congress and make available to the public the results of each such evaluation and use such evaluation to improve services delivered, or the operation of projects carried out under this title.

42 USC 3056b. **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

“(a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

“(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen’s compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the contract shall enjoy workmen’s compensation coverage equal to that provided by law for covered employment.

42 USC 3056c. **“SEC. 505. INTERAGENCY COOPERATION.**

“(a) The Secretary shall consult with, and obtain the written views of, the Assistant Secretary for Aging in the Department of Health and Human Services prior to the establishment of rules or the establishment of general policy in the administration of this title.

“(b) The Secretary shall consult and cooperate with the Director of the Office of Community Services, the Secretary of Health and Human Services, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

“(c)(1) The Secretary shall promote and coordinate carrying out projects under this title jointly with programs, projects, or activities under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)), that provide training and employment opportunities to eligible individuals.

“(2) The Secretary shall consult with the Secretary of Education to promote and coordinate carrying out projects under this title jointly with workforce investment activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Vocational and Technical Education Act of 1998.

42 USC 3056d. **“SEC. 506. DISTRIBUTION OF ASSISTANCE.**

“(a) RESERVATIONS.—

“(1) RESERVATION FOR PRIVATE EMPLOYMENT PROJECTS.— From sums appropriated under this title for each fiscal year, the Secretary shall first reserve not more than 1.5 percent of the total amount of such sums for the purpose of entering into agreements under section 502(e), relating to improved transition to private employment.

“(2) RESERVATION FOR TERRITORIES.—From sums appropriated under this title for each fiscal year, the Secretary shall reserve 0.75 percent of the total amount of such sums, of which—

“(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent; and

“(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent.

“(3) RESERVATION FOR ORGANIZATIONS.—The Secretary shall reserve such sums as may be necessary for national grants with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment to older Pacific Island and Asian Americans.

“(b) STATE ALLOTMENTS.—The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

“(c) DIVISION BETWEEN NATIONAL GRANTS AND GRANTS TO STATES.—From the sums appropriated to carry out this title for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall divide the remainder between national grants and grants to States, as follows:

“(1) RESERVATION OF FUNDS FOR FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The Secretary shall reserve the amounts necessary to maintain the fiscal year 2000 level of activities supported by public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this title, in proportion to their respective fiscal year 2000 levels of activities. In any fiscal year for which the appropriations are insufficient to provide the full amounts so required, then such amounts shall be reduced proportionally.

“(2) FUNDING IN EXCESS OF FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—

“(A) UP TO \$35,000,000.—From the amounts remaining after the application of paragraph (1), the portion of such remaining amounts up to the sum of \$35,000,000 shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

“(B) OVER \$35,000,000.—Any amounts remaining after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

“(d) ALLOTMENTS FOR NATIONAL GRANTS.—From the sums provided for national grants under subsection (c), the Secretary shall allot for public and private nonprofit agency and organization grantees that operate under this title under national grants from

the Secretary in each State, an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

“(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than $\frac{1}{2}$ of 1 percent of the amount provided under subsection (c) for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

“(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

“(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in each State shall be proportional to their fiscal year 2000 level of activities; or

“(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary in all of the States.

“(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

“(e) ALLOTMENTS FOR GRANTS TO STATES.—From the sums provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such sums as the product of the number of persons aged 55 or over in the State and the allotment percentage of such State bears to the sum of the corresponding product for all States, except as follows:

“(1) MINIMUM ALLOTMENT.—No State shall be provided an amount under this subsection that is less than $\frac{1}{2}$ of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

“(2) HOLD HARMLESS.—If the amount provided under subsection (c) is—

“(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for State grantees in each State shall be proportional to their fiscal year 2000 level of activities; or

“(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of such percentage increase above the fiscal year 2000 level of activities for State grantees in all of the States.

“(3) REDUCTION.—Allotments for States not affected by paragraphs (1) and (2)(B) of this subsection shall be reduced proportionally to satisfy the conditions in such paragraphs.

“(f) ALLOTMENT PERCENTAGE.—For the purposes of subsections (d) and (e)—

“(1) the allotment percentage of each State shall be 100 percent less that percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that: (A) the allotment percentage shall in no case be more than 75 percent or less than 33 percent; and (B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

“(2) the number of persons aged 55 or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

“(3) for the purpose of determining the allotment percentage, the term ‘United States’ means the 50 States and the District of Columbia.

“(g) DEFINITIONS.—In this section:

“(1) COST PER AUTHORIZED POSITION.—The term ‘cost per authorized position’ means the sum of—

“(A) the hourly minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) (as amended), multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

“(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

“(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

“(2) FISCAL YEAR 2000 LEVEL OF ACTIVITIES.—The term ‘fiscal year 2000 level of activities’ means—

“(A) with respect to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(e); and

“(B) with respect to State grantees, their level of activities for fiscal year 2000, or the amount remaining after the application of section 514(f).

“(3) GRANTS TO STATES.—The term ‘grants to States’ means grants under this title to the States from the Secretary.

“(4) LEVEL OF ACTIVITIES.—The term ‘level of activities’ means the number of authorized positions multiplied by the cost per authorized position.

“(5) NATIONAL GRANTS.—The term ‘national grants’ means grants to public and private nonprofit agency and organization grantees that operate under this title under national grants from the Secretary.

“(6) STATE.—The term ‘State’ does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

42 USC 3056e.

“SEC. 507. EQUITABLE DISTRIBUTION.

“(a) INTERSTATE ALLOCATION.—The Secretary, in awarding grants and contracts under section 506, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States.

“(b) INTRASTATE ALLOCATION.—The amount allocated for projects within each State under section 506 shall be allocated among areas within the State in an equitable manner, taking into consideration the State priorities set out in the State plan pursuant to section 503(a).

42 USC 3056f.

“SEC. 508. REPORT.

“In order to carry out the Secretary’s responsibilities for reporting in section 503(g), the Secretary shall require the State agency for each State receiving funds under this title to prepare and submit a report at the beginning of each fiscal year on such State’s compliance with section 507(b). Such report shall include the names and geographic location of all projects assisted under this title and carried out in the State and the amount allocated to each such project under section 506.

42 USC 3056g.

“SEC. 509. EMPLOYMENT ASSISTANCE AND FEDERAL HOUSING AND FOOD STAMP PROGRAMS.

“Funds received by eligible individuals from projects carried out under the program established in this title shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977.

42 USC 3056h.

“SEC. 510. ELIGIBILITY FOR WORKFORCE INVESTMENT ACTIVITIES.

“Eligible individuals under this title may be deemed by local workforce investment boards established under title I of the Workforce Investment Act of 1998 to satisfy the requirements for receiving services under such title that are applicable to adults.

42 USC 3056i.

“SEC. 511. TREATMENT OF ASSISTANCE.

“Assistance furnished under this title shall not be construed to be financial assistance described in section 245A(h)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1255A(h)(1)(A)).

42 USC 3056j.

“SEC. 512. COORDINATION WITH THE WORKFORCE INVESTMENT ACT OF 1998.

“(a) PARTNERS.—Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas, and shall carry out the responsibilities relating to such partners.

“(b) COORDINATION.—In local workforce investment areas where more than one grantee under this title provides services, the grantees shall coordinate their activities related to the one-stop delivery system, and grantees shall be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c)).

“SEC. 513. PERFORMANCE.

42 USC 3056k.

“(a) MEASURES.—

“(1) ESTABLISHMENT OF MEASURES.—The Secretary shall establish, in consultation with grantees, subgrantees[±], and host agencies under this title, States, older individuals, area agencies on aging, and other organizations serving older individuals, performance measures for each grantee for projects and services carried out under this title.

“(2) CONTENT.—

“(A) COMPOSITION OF MEASURES.—The performance measures as established by the Secretary and described in paragraph (1) shall consist of indicators of performance and levels of performance applicable to each indicator. The measures shall be designed to promote continuous improvement in performance.

“(B) ADJUSTMENT.—The levels of performance described in subparagraph (A) applicable to a grantee shall be adjusted only with respect to the following factors:

“(i) High rates of unemployment, poverty, or welfare reciprocity in the areas served by a grantee, relative to other areas of the State or Nation.

“(ii) Significant downturns in the areas served by the grantee or in the national economy.

“(iii) Significant numbers or proportions of enrollees with one or more barriers to employment served by a grantee relative to grantees serving other areas of the State or Nation.

“(C) PLACEMENT.—For all grantees, the Secretary shall establish a measure of performance of not less than 20 percent (adjusted in accordance with subparagraph (B)) for placement of enrollees into unsubsidized public or private employment as defined in subsection (c)(2).

“(3) PERFORMANCE EVALUATION OF PUBLIC OR PRIVATE NON-PROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall annually establish national performance measures for each public or private nonprofit agency or organization that is a grantee under this title, which shall be applicable to the grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the grantees with respect to such measures shall be evaluated in accordance with section 514(e)(1) regarding performance of the grantees on a national basis, and in accordance with section 514(e)(3) regarding the performance of the grantees in each State.

“(4) PERFORMANCE EVALUATION OF STATES.—The Secretary shall annually establish performance measures for each State that is a grantee under this title, which shall be applicable to the State grantee without regard to whether such grantee operates the program directly or through contracts, grants, or agreements with other entities. The performance of the State grantees with respect to such measures shall be evaluated in accordance with section 514(f).

“(5) LIMITATION.—An agreement to be evaluated on the performance measures shall be a requirement for application for, and a condition of, all grants authorized by this title.

“(b) REQUIRED INDICATORS.—The indicators described in subsection (a) shall include—

“(1) the number of persons served, with particular consideration given to individuals with greatest economic need, greatest social need, or poor employment history or prospects, and individuals who are over the age of 60;

“(2) community services provided;

“(3) placement into and retention in unsubsidized public or private employment;

“(4) satisfaction of the enrollees, employers, and their host agencies with their experiences and the services provided; and

“(5) any additional indicators of performance that the Secretary determines to be appropriate to evaluate services and performance.

“(c) DEFINITIONS OF INDICATORS.—

“(1) IN GENERAL.—The Secretary, after consultation with national and State grantees, representatives of business and labor organizations, and providers of services, shall, by regulation, issue definitions of the indicators of performance described in subsection (b).

“(2) DEFINITIONS OF CERTAIN TERMS.—In this section:

“(A) PLACEMENT INTO PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.—The term ‘placement into public or private unsubsidized employment’ means full- or part-time paid employment in the public or private sector by an enrollee under this title for 30 days within a 90-day period without the use of funds under this title or any other Federal or State employment subsidy program, or the equivalent of such employment as measured by the earnings of an enrollee through the use of wage records or other appropriate methods.

“(B) RETENTION IN PUBLIC OR PRIVATE UNSUBSIDIZED EMPLOYMENT.—The term ‘retention in public or private unsubsidized employment’ means full- or part-time paid employment in the public or private sector by an enrollee under this title for 6 months after the starting date of placement into unsubsidized employment without the use of funds under this title or any other Federal or State employment subsidy program.

“(d) CORRECTIVE EFFORTS.—A State or other grantee that does not achieve the established levels of performance on the performance measures shall submit to the Secretary, for approval, a plan of correction as described in subsection (e) or (f) of section 514 to achieve the established levels of performance.

42 USC 3056l.

“SEC. 514. COMPETITIVE REQUIREMENTS RELATING TO GRANT AWARDS.

“(a) PROGRAM AUTHORIZED.—In accordance with section 502(b), the Secretary shall award grants to eligible applicants to carry out projects under this title for a period of 1 year, except that, after the promulgation of regulations for this title and the establishment of the performance measures required by section 513(a), the Secretary shall award grants for a period of not to exceed 3 years.

“(b) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under subsection (a) in accordance with section 502(b)(1), and subsections (c) and (d).

“(c) CRITERIA.—The Secretary shall select the eligible applicants to receive grants under subsection (a) based on the following:

“(1) The applicant’s ability to administer a program that serves the greatest number of eligible individuals, giving particular consideration to individuals with greatest economic need, greatest social need, poor employment history or prospects, and over the age of 60.

“(2) The applicant’s ability to administer a program that provides employment for eligible individuals in the communities in which such individuals reside, or in nearby communities, that will contribute to the general welfare of the community.

“(3) The applicant’s ability to administer a program that moves eligible individuals into unsubsidized employment.

“(4) The applicant’s ability to move individuals with multiple barriers to employment into unsubsidized employment.

“(5) The applicant’s ability to coordinate with other organizations at the State and local level.

“(6) The applicant’s plan for fiscal management of the program to be administered with funds received under this section.

“(7) Any additional criteria that the Secretary deems appropriate in order to minimize disruption for current enrollees.

“(d) RESPONSIBILITY TESTS.—

“(1) IN GENERAL.—Before final selection of a grantee, the Secretary shall conduct a review of available records to assess the applicant’s overall responsibility to administer Federal funds.

“(2) REVIEW.—As part of the review described in paragraph (1), the Secretary may consider any information, including the organization’s history with regard to the management of other grants.

“(3) FAILURE TO SATISFY TEST.—The failure to satisfy any one responsibility test that is listed in paragraph (4), except for those listed in subparagraphs (A) and (B) of such paragraph, does not establish that the organization is not responsible unless such failure is substantial or persistent (for 2 or more consecutive years).

“(4) TEST.—The responsibility tests include review of the following factors:

“(A) Efforts by the organization to recover debts, after three demand letters have been sent, that are established by final agency action and have been unsuccessful, or that there has been failure to comply with an approved repayment plan.

“(B) Established fraud or criminal activity of a significant nature within the organization.

“(C) Serious administrative deficiencies identified by the Secretary, such as failure to maintain a financial management system as required by Federal regulations.

“(D) Willful obstruction of the audit process.

“(E) Failure to provide services to applicants as agreed to in a current or recent grant or to meet applicable performance measures.

“(F) Failure to correct deficiencies brought to the grantee’s attention in writing as a result of monitoring activities, reviews, assessments, or other activities.

Deadline.

“(G) Failure to return a grant closeout package or outstanding advances within 90 days of the grant expiration date or receipt of closeout package, whichever is later, unless an extension has been requested and granted.

“(H) Failure to submit required reports.

“(I) Failure to properly report and dispose of Government property as instructed by the Secretary.

“(J) Failure to have maintained effective cash management or cost controls resulting in excess cash on hand.

“(K) Failure to ensure that a subrecipient complies with its Office of Management and Budget Circular A-133 audit requirements specified at section 667.200(b) of title 20, Code of Federal Regulations.

“(L) Failure to audit a subrecipient within the required period.

“(M) Final disallowed costs in excess of 5 percent of the grant or contract award if, in the judgment of the grant officer, the disallowances are egregious findings.

“(N) Failure to establish a mechanism to resolve a subrecipient’s audit in a timely fashion.

“(5) DETERMINATION.—Applicants that are determined to be not responsible shall not be selected as grantees.

“(6) DISALLOWED COSTS.—Interest on disallowed costs shall accrue in accordance with the Debt Collection Improvement Act of 1996.

“(e) NATIONAL PERFORMANCE MEASURES AND COMPETITION FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS.—

Deadline.

“(1) IN GENERAL.—Not later than 120 days after the end of each program year, the Secretary shall determine if each public or private nonprofit agency or organization that is a grantee has met the national performance measures established pursuant to section 513(a)(3).

“(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—

Deadline.

“(A) IN GENERAL.—If the Secretary determines that a grantee fails to meet the national performance measures for a program year, the Secretary shall provide technical assistance and require such organization to submit a corrective action plan not later than 160 days after the end of the program year.

“(B) CONTENT.—The plan submitted under subparagraph (A) shall detail the steps the grantee will take to meet the national performance measures in the next program year.

“(C) AFTER SECOND YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a second consecutive program year, the Secretary shall conduct a national competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds awarded to the grantee for such year.

“(D) COMPETITION AFTER THIRD CONSECUTIVE YEAR OF FAILURE.—If a grantee fails to meet the national performance measures for a third consecutive program year, the Secretary shall conduct a national competition to award the amount of the grant remaining after deduction of the

portion specified in subparagraph (C) for the first full program year following the determination. The eligible applicant that receives the grant through the national competition shall continue service to the geographic areas formerly served by the grantee that previously received the grant.

“(3) COMPETITION REQUIREMENTS FOR PUBLIC AND PRIVATE NONPROFIT AGENCIES AND ORGANIZATIONS IN A STATE.—

“(A) IN GENERAL.—In addition to the actions required under paragraph (2), the Secretary shall take corrective action if the Secretary determines at the end of any program year that, despite meeting the established national performance measures, a public or private nonprofit agency or organization that is a grantee has attained levels of performance 20 percent or more below the national performance measures with respect to the project carried out in a State and has failed to meet the performance measures as established by the Secretary for the State grantee in such State, and there are not factors, such as the factors described in section 513(a)(2)(B), or size of the project, that justify the performance.

“(B) FIRST YEAR OF FAILURE.—After the first program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall require a corrective action plan, and may require the transfer of the responsibility for the project to other grantees, provide technical assistance, and take other appropriate actions.

“(C) SECOND YEAR OF FAILURE.—After the second consecutive program year of failure to meet the performance criteria described in subparagraph (A), the corrective actions to be taken by the Secretary may include the transfer of the responsibility for a portion or all of the project to a State or public or private nonprofit agency or organization, or a competition for a portion or all of the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

“(D) THIRD YEAR OF FAILURE.—After the third consecutive program year of failure to meet the performance criteria described in subparagraph (A), the Secretary shall conduct a competition for the funds to carry out such project among all eligible entities that meet the responsibility tests under section 514(d) except for the grantee that is the subject of the corrective action.

“(4) REQUEST BY GOVERNOR.—Upon the request of the Governor of a State for a review of the performance of a public or private nonprofit agency or organization within the State, the Secretary shall undertake such a review in accordance with the criteria described in paragraph (3)(A). If the performance of such grantee is not justified under such criteria, the Secretary shall take corrective action in accordance with paragraph (3).

“(f) PERFORMANCE MEASURES AND COMPETITION FOR STATES.—

“(1) IN GENERAL.—Not later than 120 days after the end of the program year, the Secretary shall determine if a State

Deadline.

grantee has met the performance measures established pursuant to section 513(a)(4).

Deadline.

“(2) TECHNICAL ASSISTANCE AND CORRECTIVE ACTION PLAN.—If a State that receives a grant fails to meet the performance measures for a program year, the Secretary shall provide technical assistance and require the State to submit a corrective action plan not later than 160 days after the end of the program year.

“(3) CONTENT.—The plan described in paragraph (2) shall detail the steps the State will take to meet the standards.

“(4) FAILURE TO MEET PERFORMANCE MEASURES FOR SECOND AND THIRD YEARS.—

“(A) AFTER SECOND YEAR OF FAILURE.—If a State fails to meet the performance measures for a second consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award, for the first full program year following the determination (minimizing, to the extent possible, the disruption of services provided to enrollees), an amount equal to 25 percent of the funds available to the State for such year.

“(B) AFTER THIRD YEAR OF FAILURE.—If the State fails to meet the performance measures for a third consecutive program year, the Secretary shall provide for the conduct by the State of a competition to award the funds allocated to the State for the first full program year following the Secretary’s determination that the State has not met the performance measures.

42 USC 3056m.

“SEC. 515. AUTHORIZATION OF APPROPRIATIONS.

“(a) There is authorized to be appropriated to carry out this title—

“(1) \$475,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002 through 2005; and

“(2) such additional sums as may be necessary for each such fiscal year to enable the Secretary, through programs under this title, to provide for at least 70,000 part-time employment positions for eligible individuals.

For purposes of paragraph (2), ‘part-time employment position’ means an employment position within a workweek of at least 20 hours.

“(b) Amounts appropriated under this section for any fiscal year shall be available for obligation during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following calendar year. The Secretary may extend the period during which such amounts may be obligated or expended in the case of a particular organization or agency receiving funds under this title if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such organization or agency.

“(c) At the end of the program year, the Secretary may recapture any unexpended funds for the program year, and reobligate such funds within the 2 succeeding program years for—

“(1) incentive grants;

“(2) technical assistance; or

“(3) grants or contracts for any other program under this title.

“SEC. 516. DEFINITIONS.

42 USC 3056n.

“In this title:

“(1) **COMMUNITY SERVICE.**—The term ‘community service’ means social, health, welfare, and educational services (including literacy tutoring), legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; weatherization activities; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe.

“(2) **ELIGIBLE INDIVIDUALS.**—The term ‘eligible individuals’ means an individual who is 55 years old or older, who has a low income (including any such individual whose income is not more than 125 percent of the poverty guidelines established by the Office of Management and Budget), except that, pursuant to regulations prescribed by the Secretary, any such individual who is 60 years old or older shall have priority for the work opportunities provided for under this title.

“(3) **PACIFIC ISLAND AND ASIAN AMERICANS.**—The term ‘Pacific Island and Asian Americans’ means Americans having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

“(4) **PROGRAM.**—The term ‘program’ means the older American community service employment program established under this title.”

TITLE VI—AMENDMENTS TO TITLE VI OF THE OLDER AMERICANS ACT OF 1965

SEC. 601. ELIGIBILITY.

Section 612 of the Older Americans Act of 1965 (42 U.S.C. 3057c) is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following:

“(b) An Indian tribe represented by an organization specified in subsection (a) shall be eligible for only one grant under this part for any fiscal year. Nothing in this subsection shall preclude an Indian tribe represented by an organization specified in subsection (a) from receiving a grant under section 631.”

SEC. 602. APPLICATIONS.

Section 614 of the Older Americans Act of 1965 (42 U.S.C. 3057e) is amended—

- (1) in subsection (b), by striking “certification” and inserting “approval”; and
- (2) in subsection (c)—

(A) by inserting “(1)” after “(c)”; and

(B) by adding at the end the following:

“(2) The Assistant Secretary shall provide waivers and exemptions of the reporting requirements of subsection (a)(3) for applicants that serve Indian populations in geographically isolated

areas, or applicants that serve small Indian populations, where the small scale of the project, the nature of the applicant, or other factors make the reporting requirements unreasonable under the circumstances. The Assistant Secretary shall consult with such applicants in establishing appropriate waivers and exemptions.

“(3) The Assistant Secretary shall approve any application that complies with the provisions of subsection (a), except that in determining whether an application complies with the requirements of subsection (a)(8), the Assistant Secretary shall provide maximum flexibility to an applicant that seeks to take into account subsistence needs, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the Indian populations to be served.

“(4) In determining whether an application complies with the requirements of subsection (a)(12), the Assistant Secretary shall require only that an applicant provide an appropriate narrative description of the geographic area to be served and an assurance that procedures will be adopted to ensure against duplicate services being provided to the same recipients.”.

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

Section 633 of the Older Americans Act of 1965 (42 U.S.C. 3057n) is amended to read as follows:

“SEC. 633. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title—

“(1) for parts A and B, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years; and

“(2) for part C, \$5,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”.

SEC. 604. GENERAL PROVISIONS.

Title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 631 through 633 as sections 641 through 643, respectively;

(3) by inserting after part B the following:

“PART C—NATIVE AMERICAN CAREGIVER SUPPORT PROGRAM

“SEC. 631. PROGRAM.

“(a) **IN GENERAL.**—The Assistant Secretary shall carry out a program for making grants to tribal organizations with applications approved under parts A and B, to pay for the Federal share of carrying out tribal programs, to enable the tribal organizations to provide multifaceted systems of the support services described in section 373 for caregivers described in section 373.

“(b) **REQUIREMENTS.**—In providing services under subsection (a), a tribal organization shall meet the requirements specified for an area agency on aging and for a State in the provisions of subsections (c), (d), and (e) of section 373 and of section 374. For purposes of this subsection, references in such provisions to

42 USC 3057l–
3057n.

42 USC 3057k–
11.

a State program shall be considered to be references to a tribal program under this part.”.

TITLE VII—AMENDMENTS TO TITLE VII OF THE OLDER AMERICANS ACT OF 1965

SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

Section 702 of the Older Americans Act of 1965 (42 U.S.C. 3058a) is amended to read as follows:

“SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

“(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out chapter 2, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

“(b) PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.—There are authorized to be appropriated to carry out chapter 3, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.

“(c) LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out chapter 4, such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”.

SEC. 702. ALLOTMENT.

Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended by striking “1991” each place it appears and inserting “2000”.

SEC. 703. ADDITIONAL STATE PLAN REQUIREMENTS.

Section 705(a) of the Older Americans Act of 1965 (42 U.S.C. 3058d(a)) is amended—

- (1) in paragraph (4), by inserting “each of” after “carry out”;
- (2) in paragraph (6)(C)(iii), by striking the semicolon and inserting “; and”;
- (3) by striking paragraph (7);
- (4) by redesignating paragraph (8) as paragraph (7); and
- (5) in paragraph (7) (as redesignated by paragraph (3)), by striking “paragraphs (1) through (7)” and inserting “paragraphs (1) through (6)”.

SEC. 704. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended—

- (1) in subsection (a), in paragraph (5)(C)(ii), by inserting “and not stand to gain financially through an action or potential action brought on behalf of individuals the Ombudsman serves” after “interest”; and
- (2) in subsection (h)—
 - (A) in paragraph (4)—
 - (i) in subparagraph (A)—
 - (I) by striking “(A) not later than 1 year after the date of enactment of this title, establish” and inserting “strengthen and update”; and

(II) in clause (iii), by striking “and”;
 (ii) by striking subparagraph (B);
 (iii) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and
 (iv) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively;
 (B) in paragraph (7), by striking “; and” and inserting a semicolon;
 (C) by redesignating paragraph (8) as paragraph (9); and
 (D) by inserting after paragraph (7) the following:
 “(8) coordinate services with State and local law enforcement agencies and courts of competent jurisdiction; and”.

SEC. 705. PREVENTION OF ELDER ABUSE, NEGLECT, AND EXPLOITATION.

Section 721 of the Older Americans Act of 1965 (42 U.S.C. 3058i) is amended—

(1) in subsection (b)—
 (A) in the matter preceding paragraph (1), by inserting “(including financial exploitation)” after “exploitation”;
 (B) in paragraph (2), by inserting “; State and local law enforcement systems, and courts of competent jurisdiction” after “service program”; and
 (C) in paragraph (5), by inserting “including caregivers described in part E of title III,” after “individuals,”;
 (2) in subsection (d)(8)—
 (A) by inserting “State and local” after “consumer protection and”; and
 (B) by inserting “; and services provided by agencies and courts of competent jurisdiction” before the period; and
 (3) by adding at the end the following:

“(g) STUDY AND REPORT.—

“(1) STUDY.—The Secretary, in consultation with the Department of the Treasury and the Attorney General of the United States, State attorneys general, and tribal and local prosecutors, shall conduct a study of the nature and extent of financial exploitation of older individuals. The purpose of this study would be to define and describe the scope of the problem of financial exploitation of the elderly and to provide an estimate of the number and type of financial transactions considered to constitute financial exploitation faced by older individuals. The study shall also examine the adequacy of current Federal and State legal protections to prevent such exploitation.

“(2) REPORT.—Not later than 18 months after the date of the enactment of the Older Americans Act Amendments of 2000, the Secretary shall submit to Congress a report, which shall include—

“(A) the results of the study conducted under this subsection; and

“(B) recommendations for future actions to combat the financial exploitation of older individuals.”.

Deadline.

SEC. 706. ASSISTANCE PROGRAMS.

Subtitle A of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.) is amended by repealing chapters 4 and 5 and inserting the following:

42 USC 3058j,
3058k.

**“CHAPTER 4—STATE LEGAL ASSISTANCE
DEVELOPMENT PROGRAM****“SEC. 731. STATE LEGAL ASSISTANCE DEVELOPMENT.**

42 USC 3058j.

“A State agency shall provide the services of an individual who shall be known as a State legal assistance developer, and the services of other personnel, sufficient to ensure—

“(1) State leadership in securing and maintaining the legal rights of older individuals;

“(2) State capacity for coordinating the provision of legal assistance;

“(3) State capacity to provide technical assistance, training, and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons, as appropriate;

“(4) State capacity to promote financial management services to older individuals at risk of conservatorship;

“(5) State capacity to assist older individuals in understanding their rights, exercising choices, benefiting from services and opportunities authorized by law, and maintaining the rights of older individuals at risk of guardianship; and

“(6) State capacity to improve the quality and quantity of legal services provided to older individuals.”.

SEC. 707. NATIVE AMERICAN PROGRAMS.

Section 751(d) of the Older Americans Act of 1965 (42 U.S.C. 3058aa(d)) is amended to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”.

**TITLE VIII—TECHNICAL AND
CONFORMING AMENDMENTS****SEC. 801. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) TITLE I.—Section 102(34)(C) of the Older Americans Act of 1965 (42 U.S.C. 3002(34)(C)) is amended by striking “307(a)(12)” and inserting “307(a)(9)”.

(b) TITLE II.—

(1) Section 201(d)(3) of the Older Americans Act of 1965 (42 U.S.C. 3011(d)(3)) is amended—

(A) in subparagraph (C)(ii), by striking “307(a)(12)” and inserting “307(a)(9)”; and

(B) in subparagraph (J), by striking “307(a)(12)” and inserting “307(a)(9)”.

(2) Section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012) is amended—

(A) in subsection (a)—

(i) in paragraph (19)(C), by striking “paragraphs (2) and (5)(A) of section 306(a)” and inserting “paragraphs (2) and (4)(A) of section 306(a)”; and

(ii) in paragraph (26), by striking “sections 307(a)(18) and 731(b)(2)” and inserting “section 307(a)(13) and section 731”;

(B) in subsection (c)—

(i) in paragraph (1), by striking “(c)(1)” and inserting “(c)”; and

(ii) by striking paragraph (2); and

(C) in subsection (e)(1)(A)—

(i) by striking clause (i) and inserting the following:

“(i) provide information about grants and projects under title IV;”; and

(ii) in clause (iv), by striking “, and the information provided by the Resource Centers on Native American Elders under section 429E”.

(3) Section 205(a)(2)(A) of the Older Americans Act of 1965 (42 U.S.C. 3016(a)(2)(A)) is amended by striking “subparts 1, 2, and 3” and inserting “subparts 1 and 2”.

(4) Section 207(a) of the Older Americans Act of 1965 (42 U.S.C. 3018(a)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(5) Section 214 of the Older Americans Act of 1965 (42 U.S.C. 3020e) is amended by striking “307(a)(13)(J)” and inserting “339(2)(J)”.

(c) TITLE III.—

(1) Section 301(c) of the Older Americans Act of 1965 (42 U.S.C. 3021(c)) is amended by striking “307(a)(12)” and inserting “307(a)(9)”.

(2) Section 304 of the Older Americans Act of 1965 (42 U.S.C. 3024) is amended—

(A) in subsection (d)(1)(B), by striking “307(a)(12)” and inserting “307(a)(9)”; and

(B) by striking subsection (e).

(3) Section 305(a)(2)(F) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(F)) is amended by striking “307(a)(24)” and inserting “307(a)(16)”.

(4) Section 307 of the Older Americans Act of 1965 (42 U.S.C. 3027) is amended—

(A) in subsection (a), in paragraph (22) (as redesignated by section 305(19)), by striking “306(a)(20)” and inserting “306(a)(8)”; and

(B) in subsection (f)—

(i) in paragraph (1), by striking “(f)(1)” and inserting “(f)”; and

(ii) by striking paragraph (2).

(5) Section 321(a)(15) of the Older Americans Act of 1965 (42 U.S.C. 3030d(a)(15)) is amended by striking “section 307(a)(16)” and inserting “section 307(a)(12)”.

(d) TITLE VI.—Section 614(a) of the Older Americans Act of 1965 (42 U.S.C. 3057e(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively.

(e) TITLE VII.—

(1) Section 703(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3058b(a)(2)(C)) is amended—

(A) in clause (i), by striking “section 702(a)” and inserting “section 702 and made available to carry out chapter 2”; and

(B) in clause (ii), by striking “section 702(b)” and inserting “section 702 and made available to carry out chapter 3”.

(2) Section 712(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3058g(a)(1)) is amended by striking “section 702(a)” and inserting “section 702 and made available to carry out this chapter”.

(3) Section 721(a) of the Older Americans Act of 1965 (42 U.S.C. 3058i(a)) is amended by striking “section 702(b)” and inserting “section 702 and made available to carry out this chapter”.

(4) Section 761(2) of the Older Americans Act of 1965 (42 U.S.C. 3058bb(2)) is amended by striking “chapter 2, 3, 4, or 5 of this title” and inserting “subtitle A”.

(5) Section 762 of the Older Americans Act of 1965 (42 U.S.C. 3058cc) is amended, in the matter preceding paragraph (1), by striking “or an entity described in section 751(c)”.

(6) Section 764(b) of the Older Americans Act of 1965 (42 U.S.C. 3058ee(b)) is amended by striking “, area agencies on aging, and entities described in section 751(c)” and inserting “and area agencies on aging”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 782 (S. 1536):

HOUSE REPORTS: No. 106–343 (Comm. on Education and the Workforce).

SENATE REPORTS: No. 106–399 accompanying S. 1536 (Comm. on Health, Education, Labor, and Pensions).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 24, 25, considered and passed House.

Oct. 26, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 13, Presidential statement.



Public Law 106–502
106th Congress

An Act

Nov. 13, 2000
[H.R. 1444]

Fisheries
Restoration and
Irrigation
Mitigation Act of
2000.
16 USC 777 note.
16 USC 777 note.

To authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fisheries Restoration and Irrigation Mitigation Act of 2000”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PACIFIC OCEAN DRAINAGE AREA.**—The term “Pacific Ocean drainage area” means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) **PROGRAM.**—The term “Program” means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

16 USC 777 note.

SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) **ESTABLISHMENT.**—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) **GOALS.**—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

(c) **IMPACTS ON FISHERIES.**—

(1) **IN GENERAL.**—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) **TYPES OF PROJECTS.**—Projects eligible under the Program may include—

- (A) the development, improvement, or installation of—
 - (i) fish screens;
 - (ii) fish passage devices; and
 - (iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and
- (B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).
- (3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than \$5,000,000.

SEC. 4. PARTICIPATION IN THE PROGRAM.

16 USC 777 note.

- (a) NON-FEDERAL.—
 - (1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.
 - (2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.
- (b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

16 USC 777 note.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

- (1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;
- (2) the size and type of water diversion;
- (3) the availability of other funding sources;
- (4) cost effectiveness; and
- (5) additional opportunities for biological or water delivery system benefits.

SEC. 6. ELIGIBILITY REQUIREMENTS.

16 USC 777 note.

- (a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—
 - (1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and
 - (2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.
- (b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—
 - (1) consult with other Federal, State, tribal, and local agencies; and
 - (2) make maximum use of all available data.

SEC. 7. COST SHARING.

16 USC 777 note.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility that is not owned by the United States shall provide all land,

easements, rights-of-way, dredged material disposal areas, and relocations necessary for the project.

(c) CREDIT FOR CONTRIBUTIONS.—The value of land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subsection (b) for a project shall be credited toward the non-Federal share of the costs of the project.

(d) ADDITIONAL COSTS.—

(1) NON-FEDERAL RESPONSIBILITIES.—The non-Federal participants in any project carried out under the Program on land or at a facility that is not owned by the United States shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing the project.

(2) FEDERAL RESPONSIBILITY.—The Federal Government shall be responsible for costs referred to in paragraph (1) for projects carried out on Federal land or at a Federal facility.

16 USC 777 note. **SEC. 8. LIMITATION ON ELIGIBILITY FOR FUNDING.**

A project that receives funds under this Act shall be ineligible to receive Federal funds from any other source for the same purpose.

16 USC 777 note. **SEC. 9. REPORT.**

On the expiration of the third fiscal year for which amounts are made available to carry out this Act, the Secretary shall submit to Congress a report describing—

(1) the projects that have been completed under this Act;

(2) the projects that will be completed with amounts made available under this Act during the remaining fiscal years for which amounts are authorized to be appropriated under section 10; and

(3) recommended changes to the Program as a result of projects that have been carried out under this Act.

16 USC 777 note. **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$25,000,000 for each of fiscal years 2001 through 2005.

(b) LIMITATIONS.—

(1) SINGLE STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 25 percent of the total amount of funds made available under this section may be used for one or more projects in any single State.

(B) WAIVER.—On notification to Congress, the Secretary may waive the limitation under subparagraph (A) if a State is unable to use the entire amount of funding made available to the State under this Act.

(2) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of the funds authorized under this section for any fiscal year

may be used for Federal administrative expenses of carrying out this Act.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 1444:

HOUSE REPORTS: No. 106–454, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 106–239 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 9, considered and passed House.

Vol. 146 (2000): Apr. 13, considered and passed Senate, amended.

Oct. 17, House concurred in Senate amendments with amendments.

Oct. 27, Senate concurred in House amendments.



Public Law 106–503
106th Congress

An Act

Nov. 13, 2000
[H.R. 1550]

To authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fire
Administration
Authorization
Act of 2000.

15 USC 2201
note.

**TITLE I—UNITED STATES FIRE
ADMINISTRATION**

SEC. 101. SHORT TITLE.

This title may be cited as the “Fire Administration Authorization Act of 2000”.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

- (1) by striking “and” at the end of subparagraph (G);
- (2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

“(I) \$44,753,000 for fiscal year 2001, of which \$3,000,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

“(J) \$47,800,000 for fiscal year 2002, of which \$3,250,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

“(K) \$50,000,000 for fiscal year 2003, of which \$3,500,000 is for research activities, and \$250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which \$8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.”.

None of the funds authorized for the United States Fire Administration for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 103 of this Act.

SEC. 103. STRATEGIC PLAN.

(a) **REQUIREMENT.**—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

Deadline.

(b) **CONTENTS OF PLAN.**—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and

the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 104. RESEARCH AGENDA.

Deadline.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and non-profit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 103.

SEC. 105. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

“SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

15 USC 2229.

“The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.”.

SEC. 106. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 105, is amended by adding at the end the following new section:

“SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

15 USC 2230.

“The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.”.

Public
information.
Internet.**SEC. 107. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.**

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

Deadline.

SEC. 108. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by the amendments made by section 102, \$1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

SEC. 109. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of \$50,000 made with funds authorized by this title (or any amendments made by this title), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 110. CONFORMING AMENDMENTS AND REPEALS.**(a) 1974 ACT.—**

(1) **IN GENERAL.**—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking “(a) The” in section 24 (15 U.S.C. 2220) and inserting “The”; and

(D) by striking subsection (b) of section 24.

(2) **REFERENCES TO SECRETARY.**—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 4 (15 U.S.C. 2203)—

(i) by inserting “and” after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph

(8);

(B) by striking “Secretary” and inserting “Director”—

(i) in section 5(b) (15 U.S.C. 2204(b));

(ii) each place it appears in section 7 (15 U.S.C. 2206);

(iii) the first place it appears in section 11(c) (15 U.S.C. 2210(c));

(iv) in section 15(b)(2), (c), and (f) (15 U.S.C. 2214(b)(2), (c), and (f));

(v) the second place it appears in section 15(e)(1)(A) (15 U.S.C. 2214(e)(1)(A));

(vi) in section 16 (15 U.S.C. 2215);

(vii) the second place it appears in section 19(a) (42 U.S.C. 290a(a));

(viii) both places it appears in section 20 (15 U.S.C. 2217); and

(ix) in section 21(c) (15 U.S.C. 2218(c)); and

(C) in section 15, by striking “Secretary’s” each place it appears and inserting “Director’s”.

(b) **DEPARTMENT OF COMMERCE.**—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting “and” after “Census;” in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SEC. 111. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) **IN GENERAL.**—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Deadline.
Report.

(b) **CONTENTS OF REPORT.**—The report required by subsection (a) shall—

- (1) examine and assess the courses of instruction offered by the National Fire Academy;
- (2) identify redundant and out-of-date courses of instruction;
- (3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and
- (4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 112. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) **REPEAL.**—Section 4 of Public Law 103-195 (107 Stat. 2298) is hereby repealed.

(b) **EFFECTIVE DATE.**—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 113. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) **PURPOSES.**—Section 151302 of title 36, United States Code, is amended—

- (1) by striking paragraph (1) and inserting the following:
“(1) primarily—
“(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters’ Memorial and the annual memorial service associated with the memorial; and
“(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);”;
- (2) by inserting “and Federal” in paragraph (2) after “non-Federal”;
- (3) in paragraph (3)—
 - (A) by striking “State and local” and inserting “Federal, State, and local”; and
 - (B) by striking “and” after the semicolon;
- (4) by striking “firefighters.” in paragraph (4) and inserting “firefighters;”; and
- (5) by adding at the end the following:

“(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

“(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.”.

(b) BOARD OF DIRECTORS.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

“(f) STATUS AND COMPENSATION.—

“(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

“(2) Members of the board shall serve without compensation.”; and

(2) by redesignating subsection (h) as subsection (g).

(c) OFFICERS AND EMPLOYEES.—Section 151304 of title 36, United States Code, is amended—

(1) by striking “not more than 2” in subsection (a); and

(2) by striking “are not” in subsection (b)(1) and inserting “shall not be considered”.

(d) SUPPORT BY THE ADMINISTRATOR.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking “The Administrator” and inserting “During the 10-year period beginning on the date of the enactment of the Fire Administration Authorization Act of 2000, the Administrator”; and

(2) by striking “shall” in subparagraph (B) and inserting “may”.

Earthquake
Hazards
Reduction
Authorization
Act of 2000.
42 USC 7701
note.

TITLE II—EARTHQUAKE HAZARDS REDUCTION

SEC. 201. SHORT TITLE.

This title may be cited as the “Earthquake Hazards Reduction Authorization Act of 2000”.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(7)) is amended—

(1) by striking “and” after “1998,”; and

(2) by striking “1999.” and inserting “1999; \$19,861,000 for the fiscal year ending September 30, 2001, of which \$450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multi-state consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; \$20,705,000 for the fiscal year ending September 30, 2002; and \$21,585,000 for the fiscal year ending September 30, 2003.”.

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after “operated by the Agency.” the following: “There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through

the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act \$48,360,000 for fiscal year 2001, of which \$3,500,000 is for the Global Seismic Network and \$100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 210 of the Earthquake Hazards Reduction Authorization Act of 2000; \$50,415,000 for fiscal year 2002, of which \$3,600,000 is for the Global Seismic Network and \$100,000 is for the Scientific Earthquake Studies Advisory Committee; and \$52,558,000 for fiscal year 2003, of which \$3,700,000 is for the Global Seismic Network and \$100,000 is for the Scientific Earthquake Studies Advisory Committee.”;

(2) by striking “and” at the end of paragraph (1);

(3) by striking “1999,” at the end of paragraph (2) and inserting “1999;” and

(4) by inserting after paragraph (2) the following:

“(3) \$9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

“(4) \$9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

“(5) \$9,500,000 of the amount authorized to be appropriated for fiscal year 2003.”.

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled “An Act To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes” (111 Stat. 1159; 42 U.S.C. 7704 note) is amended by striking “1999.” and inserting “1999; \$2,600,000 for fiscal year 2001; \$2,710,000 for fiscal year 2002; and \$2,825,000 for fiscal year 2003.”.

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking “1998, and” and inserting “1998;” and

(2) by inserting after “1999.” the following: “There are authorized to be appropriated to the National Science Foundation \$19,000,000 for engineering research and \$11,900,000 for geosciences research for fiscal year 2001; \$19,808,000 for engineering research and \$12,406,000 for geosciences research for fiscal year 2002; and \$20,650,000 for engineering research and \$12,933,000 for geosciences research for fiscal year 2003.”.

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking “1998, and” and inserting “1998;” and

(2) by striking “1999.” and inserting “1999, \$2,332,000 for fiscal year 2001, \$2,431,000 for fiscal year 2002, and \$2,534,300 for fiscal year 2003.”.

SEC. 203. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706(e) and (f)) are repealed.

SEC. 204. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

42 USC 7707.

“SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

“(a) **ESTABLISHMENT.**—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

Deadline.

“(b) **MANAGEMENT PLAN.**—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) **EXPANSION AND MODERNIZATION.**—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

“(A) \$33,500,000 for fiscal year 2002;

“(B) \$33,700,000 for fiscal year 2003;

“(C) \$35,100,000 for fiscal year 2004;

“(D) \$35,000,000 for fiscal year 2005; and

“(E) \$33,500,000 for fiscal year 2006.

“(2) **OPERATION.**—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

“(A) \$4,500,000 for fiscal year 2002; and

“(B) \$10,300,000 for fiscal year 2003.”.

SEC. 205. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is further amended by adding at the end the following new section:

42 USC 7708.

“SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

“(a) **ESTABLISHMENT.**—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated

models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

“(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the George E. Brown, Jr. Network for Earthquake Engineering Simulation—

“(1) \$28,200,000 for fiscal year 2001;

“(2) \$24,400,000 for fiscal year 2002;

“(3) \$4,500,000 for fiscal year 2003; and

“(4) \$17,000,000 for fiscal year 2004.”.

SEC. 206. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively; and

(2) by adding at the end the following new subsection:

“(c) BUDGET COORDINATION.—

“(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

“(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

“(A) identifies each element of the proposed Program activities of the agency;

“(B) specifies how each of these activities contributes to the Program; and

“(C) states the portion of its request for appropriations allocated to each element of the Program.”.

SEC. 207. REPORT ON AT-RISK POPULATIONS.

Not later than 1 year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

42 USC 7701
note.
Deadline.

SEC. 208. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting “, and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes” after “and the general public”.

SEC. 209. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting “and infrastructure” after “communication facilities”.

42 USC 7709.

SEC. 210. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) **ORGANIZATION.**—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to 10 individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) **MEETINGS.**—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

Deadline.
Reports.

(d) **DUTIES.**—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey’s participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey’s roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee’s activities and address policy issues or matters that affect the United States Geological Survey’s participation in the National Earthquake Hazards Reduction Program.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 1550 (S. 1639):

HOUSE REPORTS: No. 106–133 (Comm. on Science).

SENATE REPORTS: No. 106–384 accompanying S. 1639 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): May 11, considered and passed House.

Vol. 146 (2000): Oct. 18, considered and passed Senate, amended.

Oct. 27, House concurred in Senate amendment with amendments.

Oct. 31, Senate concurred in House amendments.



Public Law 106–504
106th Congress

An Act

To amend the Organic Act of Guam, and for other purposes.

Nov. 13, 2000
[H.R. 2462]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM. 40 USC 483 note.

(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) (hereinafter the “Property Act”), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

Deadline.
Notification.

(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that: (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100–77 (42 U.S.C. 11411).

(c) DEFINITIONS.—For the purposes of this section:

(1) The term “Administrator” means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term “base closure law” means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

(3) The term “excess real property” means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to the enactment of this section.

(4) The term “Guam National Wildlife Refuge” includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the “Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993” to the extent that the Federal Government holds title to such lands.

(5) The term “public purpose” means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the

Deadlines.

Notification.

Reports.

declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property;

(3) to real property described in the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

(4) to real property on Guam that is declared excess as a result of a base closure law; or

(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of 2 years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 2. COMPACT IMPACT REPORTS.

48 USC 1904.

Section 104(e)(2) of Public Law 99-239 (99 Stat. 1770, 1788) is amended by deleting “President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.” and inserting in lieu thereof, “Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with

respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than 5 years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed \$300,000 in any year."

48 USC 1901
note.

SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

(a) The freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance, and services of the United States, to the extent that such programs, grant assistance, and services are provided to States and local governments of the United States and residents of such States, for which a freely associated State or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99-239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

- (1) by striking "or" at the end of paragraph (5);
- (2) by striking the period at the end of paragraph (6) and inserting "; or"; and
- (3) by adding at the end the following new paragraph:
"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under

this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 2462:

HOUSE REPORTS: No. 106–787 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 25, considered and passed House.

Oct. 24, considered and passed Senate, amended.

Oct. 31, House concurred in Senate amendment.



Public Law 106–505
106th Congress

An Act

Nov. 13, 2000
[H.R. 2498]

Public Health
Improvement
Act.

42 USC 201 note.

To amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Public Health Improvement Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Sec. 101. Short title.

Sec. 102. Amendments to the Public Health Service Act.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Sec. 201. Short title.

Sec. 202. Findings and purpose.

Sec. 203. Increasing the involvement of the National Institutes of Health in clinical research.

Sec. 204. General clinical research centers.

Sec. 205. Loan repayment program regarding clinical researchers.

Sec. 206. Definition.

Sec. 207. Oversight by General Accounting Office.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

Sec. 301. Short title.

Sec. 302. Findings.

Sec. 303. Biomedical and behavioral research facilities.

Sec. 304. Construction program for National Primate Research Centers.

Sec. 305. Shared instrumentation grant program.

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Recommendations and guidelines of Secretary of Health and Human Services regarding automated external defibrillators for Federal buildings.

Sec. 404. Good samaritan protections regarding emergency use of automated external defibrillators.

Subtitle B—Rural Access to Emergency Devices

Sec. 411. Short title.

Sec. 412. Findings.

Sec. 413. Grants.

TITLE V—LUPUS RESEARCH AND CARE

Sec. 501. Short title.
Sec. 502. Findings.

Subtitle A—Research on Lupus

Sec. 511. Expansion and intensification of activities.

Subtitle B—Delivery of Services Regarding Lupus

Sec. 521. Establishment of program of grants.
Sec. 522. Certain requirements.
Sec. 523. Technical assistance.
Sec. 524. Definitions.
Sec. 525. Authorization of appropriations.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

Sec. 601. Short title.
Sec. 602. Amendments to the Public Health Service Act.

TITLE VII—ORGAN PROCUREMENT AND DONATION

Sec. 701. Organ procurement organization certification.
Sec. 702. Designation of Give Thanks, Give Life Day.

TITLE VIII—ALZHEIMER'S CLINICAL RESEARCH AND TRAINING

Sec. 801. Alzheimer's clinical research and training awards.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

Sec. 901. Sexually transmitted disease clinical research and training awards.

TITLE X—MISCELLANEOUS PROVISION

Sec. 1001. Technical correction to the Children's Health Act of 2000.

TITLE I—EMERGING THREATS TO PUBLIC HEALTH

Public Health
Threats and
Emergencies Act.

SEC. 101. SHORT TITLE.

42 USC 201 note.

This title may be cited as the “Public Health Threats and Emergencies Act”.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

“SEC. 319. PUBLIC HEALTH EMERGENCIES.

42 USC 247d.

“(a) EMERGENCIES.—If the Secretary determines, after consultation with such public health officials as may be necessary, that—

“(1) a disease or disorder presents a public health emergency; or

“(2) a public health emergency, including significant outbreaks of infectious diseases or bioterrorist attacks, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2).

“(b) PUBLIC HEALTH EMERGENCY FUND.—

“(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the ‘Public Health Emergency Fund’

to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

Deadline.

“(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

“(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

“(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

“(c) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

42 USC 247d–1.

“SEC. 319A. NATIONAL NEEDS TO COMBAT THREATS TO PUBLIC HEALTH.

“(a) CAPACITIES.—

Deadline.

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary, and such Administrators, Directors, or Commissioners, as may be appropriate, and in collaboration with State and local health officials, shall establish reasonable capacities that are appropriate for national, State, and local public health systems and the personnel or work forces of such systems. Such capacities shall be revised every 10 years, or more frequently as the Secretary determines to be necessary.

“(2) BASIS.—The capacities established under paragraph (1) shall improve, enhance or expand the capacity of national, State and local public health agencies to detect and respond effectively to significant public health threats, including major outbreaks of infectious disease, pathogens resistant to antimicrobial agents and acts of bioterrorism. Such capacities may include the capacity to—

“(A) recognize the clinical signs and epidemiological characteristic of significant outbreaks of infectious disease;

“(B) identify disease-causing pathogens rapidly and accurately;

“(C) develop and implement plans to provide medical care for persons infected with disease-causing agents and to provide preventive care as needed for individuals likely to be exposed to disease-causing agents;

“(D) communicate information relevant to significant public health threats rapidly to local, State and national health agencies, and health care providers; or

“(E) develop or implement policies to prevent the spread of infectious disease or antimicrobial resistance.

“(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other

Federal, State, and local public funds provided for activities under this section.

“(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States to assist such States in fulfilling the requirements of this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

“SEC. 319B. ASSESSMENT OF PUBLIC HEALTH NEEDS.

42 USC 247d–2.

“(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of the enactment of this section and every 10 years thereafter, the Secretary shall award grants to States, or consortia of two or more States or political subdivisions of States, to perform, in collaboration with local public health agencies, an evaluation to determine the extent to which the States or local public health agencies can achieve the capacities applicable to State and local public health agencies described in subsection (a) of section 319A. The Secretary shall provide technical assistance to States, or consortia of two or more States or political subdivisions of States, in addition to awarding such grants.

Deadline.

“(b) PROCEDURE.—

“(1) IN GENERAL.—A State, or a consortium of two or more States or political subdivisions of States, may contract with an outside entity to perform the evaluation described in subsection (a).

“(2) METHODS.—To the extent practicable, the evaluation described in subsection (a) shall be completed by using methods, to be developed by the Secretary in collaboration with State and local health officials, that facilitate the comparison of evaluations conducted by a State to those conducted by other States receiving funds under this section.

“(c) REPORT.—Not later than 1 year after the date on which a State, or a consortium of two or more States or political subdivisions of States, receives a grant under this subsection, such State, or a consortium of two or more States or political subdivisions of States, shall prepare and submit to the Secretary a report describing the results of the evaluation described in subsection (a) with respect to such State, or consortia of two or more States or political subdivisions of States.

Deadline.

“(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$45,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2003.

“SEC. 319C. GRANTS TO IMPROVE STATE AND LOCAL PUBLIC HEALTH AGENCIES.

42 USC 247d–3.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award competitive grants to eligible entities to address core public health capacity needs using the capacities developed under section 319A, with a particular focus on building capacity to identify, detect, monitor, and respond to threats to the public health.

“(b) ELIGIBLE ENTITIES.—A State or political subdivision of a State, or a consortium of two or more States or political subdivisions of States, that has completed an evaluation under section 319B(a), or an evaluation that is substantially equivalent as determined by the Secretary under section 319B(a), shall be eligible for grants under subsection (a).

“(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a), may use funds received under such grant to—

“(1) train public health personnel;

“(2) develop, enhance, coordinate, or improve participation in an electronic network by which disease detection and public health related information can be rapidly shared among national, regional, State, and local public health agencies and health care providers;

“(3) develop a plan for responding to public health emergencies, including significant outbreaks of infectious diseases or bioterrorism attacks, which is coordinated with the capacities of applicable national, State, and local health agencies and health care providers; and

“(4) enhance laboratory capacity and facilities.

Deadline.

“(d) REPORT.—No later than January 1, 2005, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes the activities carried out under sections 319A, 319B, and 319C.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

42 USC 247d-4.

“SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

“(a) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the 21st century and requires secure and modern facilities that are sufficient to enable such Centers to conduct this important mission.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for constructing new facilities and renovating existing facilities of such Centers, including laboratories, laboratory support buildings, health communication facilities, office buildings and other facilities and infrastructure, for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated \$180,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2010.

42 USC 247d-5.

“SEC. 319E. COMBATING ANTIMICROBIAL RESISTANCE.

“(a) TASK FORCE.—

“(1) IN GENERAL.—The Secretary shall establish an Antimicrobial Resistance Task Force to provide advice and recommendations to the Secretary and coordinate Federal programs relating to antimicrobial resistance. The Secretary may appoint or select a committee, or other organization in existence as of the date of the enactment of this section, to serve as such a task force, if such committee, or other organization meets the requirements of this section.

Establishment.

“(2) MEMBERS OF TASK FORCE.—The task force described in paragraph (1) shall be composed of representatives from such Federal agencies, and shall seek input from public health constituencies, manufacturers, veterinary and medical professional societies and others, as determined to be necessary by the Secretary, to develop and implement a comprehensive plan to address the public health threat of antimicrobial resistance.

“(3) AGENDA.—

“(A) IN GENERAL.—The task force described in paragraph (1) shall consider factors the Secretary considers appropriate, including—

“(i) public health factors contributing to increasing antimicrobial resistance;

“(ii) public health needs to detect and monitor antimicrobial resistance;

“(iii) detection, prevention, and control strategies for resistant pathogens;

“(iv) the need for improved information and data collection;

“(v) the assessment of the risk imposed by pathogens presenting a threat to the public health; and

“(vi) any other issues which the Secretary determines are relevant to antimicrobial resistance.

“(B) DETECTION AND CONTROL.—The Secretary, in consultation with the task force described in paragraph (1) and State and local public health officials, shall—

“(i) develop, improve, coordinate or enhance participation in a surveillance plan to detect and monitor emerging antimicrobial resistance; and

“(ii) develop, improve, coordinate or enhance participation in an integrated information system to assimilate, analyze, and exchange antimicrobial resistance data between public health departments.

“(4) MEETINGS.—The task force described under paragraph (1) shall convene not less than twice a year, or more frequently as the Secretary determines to be appropriate.

“(b) RESEARCH AND DEVELOPMENT OF NEW ANTIMICROBIAL DRUGS AND DIAGNOSTICS.—The Secretary and the Director of Agricultural Research Services, consistent with the recommendations of the task force established under subsection (a), shall conduct and support research, investigations, experiments, demonstrations, and studies in the health sciences that are related to—

“(1) the development of new therapeutics, including vaccines and antimicrobials, against resistant pathogens;

“(2) the development or testing of medical diagnostics to detect pathogens resistant to antimicrobials;

“(3) the epidemiology, mechanisms, and pathogenesis of antimicrobial resistance;

“(4) the sequencing of the genomes of priority pathogens as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a); and

“(5) other relevant research areas.

“(c) EDUCATION OF MEDICAL AND PUBLIC HEALTH PERSONNEL.—The Secretary, after consultation with the Assistant Secretary for Health, the Surgeon General, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Resources and Services Administration, the Director of the Agency for Healthcare Research and Quality, members of the task force described in subsection (a), professional organizations and societies, and such other public health officials as may be necessary, shall—

“(1) develop and implement educational programs to increase the awareness of the general public with respect to the public health threat of antimicrobial resistance and the appropriate use of antibiotics;

“(2) develop and implement educational programs to instruct health care professionals in the prudent use of antibiotics; and

“(3) develop and implement programs to train laboratory personnel in the recognition or identification of resistance in pathogens.

“(d) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to enable such entities to increase the capacity to detect, monitor, and combat antimicrobial resistance.

“(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) shall be State or local public health agencies, Indian tribes or tribal organizations, or other public or private nonprofit entities.

“(3) USE OF FUNDS.—An eligible entity receiving a grant under paragraph (1) shall use funds from such grant for activities that are consistent with the factors identified by the task force under subsection (a)(3), which may include activities that—

“(A) provide training to enable such entity to identify patterns of resistance rapidly and accurately;

“(B) develop, improve, coordinate or enhance participation in information systems by which data on resistant infections can be shared rapidly among relevant national, State, and local health agencies and health care providers; and

“(C) develop and implement policies to control the spread of antimicrobial resistance.

“(e) GRANTS FOR DEMONSTRATION PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall award competitive grants to eligible entities to establish demonstration programs to promote judicious use of antimicrobial drugs or control the spread of antimicrobial-resistant pathogens.

“(2) ELIGIBLE ENTITIES.—Eligible entities for grants under paragraph (1) may include hospitals, clinics, institutions of long-term care, professional medical societies, or other public or private nonprofit entities.

“(3) TECHNICAL ASSISTANCE.—The Secretary shall provide appropriate technical assistance to eligible entities that receive grants under paragraph (1).

“(f) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$40,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

“SEC. 319F. PUBLIC HEALTH COUNTERMEASURES TO A BIOTERRORIST ATTACK. 42 USC 247d–6.

“(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

“(1) coordinate research on pathogens likely to be used in a bioterrorist attack on the civilian population as well as therapies to treat such pathogens;

“(2) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

“(3) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

“(4) coordinate the development, maintenance, and procedures for the release of, strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population.

“(b) WORKING GROUP ON THE PUBLIC HEALTH AND MEDICAL CONSEQUENCES OF BIOTERRORISM.—

“(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Federal Emergency Management Agency, the Attorney General, and the Secretary of Agriculture, shall establish a joint interdepartmental working group to address the public health and medical consequences of a bioterrorist attack on the civilian population.

“(2) FUNCTIONS.—Such working group shall—

“(A) assess the priorities for and enhance the preparedness of public health institutions, providers of medical care, and other emergency service personnel to detect, diagnose, and respond to a bioterrorist attack; and

“(B) in the recognition that medical and public health professionals are likely to provide much of the first response to such an attack, develop, coordinate, enhance, and assure the quality of joint planning and training programs that address the public health and medical consequences of a bioterrorist attack on the civilian population between—

“(i) local firefighters, ambulance personnel, police and public security officers, or other emergency response personnel; and

“(ii) hospitals, primary care facilities, and public health agencies.

“(3) WORKING GROUP MEMBERSHIP.—In establishing such working group, the Secretary shall act through the Assistant Secretary for Health and the Director of the Centers for Disease Control and Prevention.

“(4) COORDINATION.—The Secretary shall ensure coordination and communication between the working groups established in this subsection and subsection (a).

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary, in coordination with the working group established under subsection (b), shall, on a competitive basis and following scientific or technical review, award grants to or enter into cooperative agreements with eligible entities to enable such entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.

“(2) ELIGIBILITY.—To be an eligible entity under this subsection, such entity must be a State, political subdivision of a State, a consortium of two or more States or political subdivisions of States, or a hospital, clinic, or primary care facility.

“(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use such funds for activities that are consistent with the priorities identified by the working group under subsection (b), including—

“(A) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon;

“(B) addressing rapid and accurate identification of potential bioweapons;

“(C) coordinating medical care for individuals exposed to bioweapons; and

“(D) facilitating and coordinating rapid communication of data generated from a bioterrorist attack between national, State, and local health agencies, and health care providers.

“(4) COORDINATION.—The Secretary, in awarding grants under this subsection, shall—

“(A) notify the Director of the Office of Justice Programs, and the Director of the National Domestic Preparedness Office annually as to the amount and status of grants awarded under this subsection; and

“(B) coordinate grants awarded under this subsection with grants awarded by the Office of Emergency Preparedness and the Centers for Disease Control and Prevention for the purpose of improving the capacity of health care providers and public health agencies to respond to bioterrorist attacks on the civilian population.

“(5) ACTIVITIES.—An entity that receives a grant under this subsection shall, to the greatest extent practicable, coordinate activities carried out with such funds with the activities of a local Metropolitan Medical Response System.

“(d) FEDERAL ASSISTANCE.—The Secretary shall ensure that the Department of Health and Human Services is able to provide such assistance as may be needed to State and local health agencies to enable such agencies to respond effectively to bioterrorist attacks.

“(e) EDUCATION.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

“(1) develop and implement educational programs to instruct public health officials, medical professionals, and other personnel working in health care facilities in the recognition and care of victims of a bioterrorist attack; and

“(2) develop and implement programs to train laboratory personnel in the recognition and identification of a potential bioweapon.

“(f) FUTURE RESOURCE DEVELOPMENT.—The Secretary shall consult with the working group described in subsection (a), to develop priorities for and conduct research, investigations, experiments, demonstrations, and studies in the health sciences related to—

“(1) the epidemiology and pathogenesis of potential bioweapons;

“(2) the development of new vaccines or other therapeutics against pathogens likely to be used in a bioterrorist attack;

“(3) the development of medical diagnostics to detect potential bioweapons; and

“(4) other relevant research areas.

“(g) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the date of the enactment of this section, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report that describes—

Deadline.

“(1) Federal activities primarily related to research on, preparedness for, and the management of the public health and medical consequences of a bioterrorist attack against the civilian population;

“(2) the coordination of the activities described in paragraph (1);

“(3) the amount of Federal funds authorized or appropriated for the activities described in paragraph (1); and

“(4) the effectiveness of such efforts in preparing national, State, and local authorities to address the public health and medical consequences of a potential bioterrorist attack against the civilian population.

“(h) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$215,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year through 2006.

“SEC. 319G. DEMONSTRATION PROGRAM TO ENHANCE BIOTERRORISM TRAINING, COORDINATION, AND READINESS.

42 USC 247d–7.

“(a) IN GENERAL.—The Secretary shall make grants to not more than three eligible entities to carry out demonstration programs to improve the detection of pathogens likely to be used in a bioterrorist attack, the development of plans and measures to respond to bioterrorist attacks, and the training of personnel

involved with the various responsibilities and capabilities needed to respond to acts of bioterrorism upon the civilian population. Such awards shall be made on a competitive basis and pursuant to scientific and technical review.

“(b) ELIGIBLE ENTITIES.—Eligible entities for grants under subsection (a) are States, political subdivisions of States, and public or private non-profit organizations.

“(c) SPECIFIC CRITERIA.—In making grants under subsection (a), the Secretary shall take into account the following factors:

“(1) Whether the eligible entity involved is proximate to, and collaborates with, a major research university with expertise in scientific training, identification of biological agents, medicine, and life sciences.

“(2) Whether the entity is proximate to, and collaborates with, a laboratory that has expertise in the identification of biological agents.

“(3) Whether the entity demonstrates, in the application for the program, support and participation of State and local governments and research institutions in the conduct of the program.

“(4) Whether the entity is proximate to, and collaborates with, or is, an academic medical center that has the capacity to serve an uninsured or underserved population, and is equipped to educate medical personnel.

“(5) Such other factors as the Secretary determines to be appropriate.

“(d) DURATION OF AWARD.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

“(e) SUPPLEMENT NOT SUPPLANT.—Grants under subsection (a) shall be used to supplement, and not supplant, other Federal, State, or local public funds provided for the activities described in such subsection.

Deadline.

“(f) GENERAL ACCOUNTING OFFICE REPORT.—Not later than 180 days after the conclusion of the demonstration programs carried out under subsection (a), the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives, a report that describes the ability of grantees under such subsection to detect pathogens likely to be used in a bioterrorist attack, develop plans and measures for dealing with such threats, and train personnel involved with the various responsibilities and capabilities needed to deal with bioterrorist threats.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000 for fiscal year 2001, and such sums as may be necessary through fiscal year 2006.”.

TITLE II—CLINICAL RESEARCH ENHANCEMENT

Clinical Research
Enhancement
Act of 2000.

SEC. 201. SHORT TITLE.

42 USC 201 note.

This title may be cited as the “Clinical Research Enhancement Act of 2000”.

SEC. 202. FINDINGS AND PURPOSE.

42 USC 284k
note.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than \$1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was \$15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of \$85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of \$3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled \$200,500,000.

(12) Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(13) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) **PURPOSE.**—It is the purpose of this title to provide additional support for and to expand clinical research programs.

SEC. 203. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

42 USC 284k.

“SEC. 409C. CLINICAL RESEARCH.

“(a) **IN GENERAL.**—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

“(b) **REQUIREMENTS.**—In carrying out subsection (a), the Director of National Institutes of Health shall—

“(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

“(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

“(c) **SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.**—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

“(d) **PEER REVIEW.**—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include

individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.”.

SEC. 204. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

“SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

42 USC 287a-4.

“(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

“(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

“(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.”.

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 203, is further amended by adding at the end the following:

“SEC. 409D. ENHANCEMENT AWARDS.

42 USC 284I.

“(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as ‘Mentored Patient-Oriented Research Career Development Awards’) to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

“(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

“(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

“(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as ‘Mid-Career Investigator Awards in Patient-Oriented Research’) to support individual clinical research projects

at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

“(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

“(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

“(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

“(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as ‘Graduate Training in Clinical Investigation Awards’) to support individuals pursuing master’s or doctoral degrees in clinical investigation.

“(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

“(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

“(4) DEFINITION.—As used in this subsection, the term ‘advanced degree programs in clinical investigation’ means programs that award a master’s or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

“(A) Analytical methods, biostatistics, and study design.

“(B) Principles of clinical pharmacology and pharmacokinetics.

“(C) Clinical epidemiology.

“(D) Computer data management and medical informatics.

“(E) Ethical and regulatory issues.

“(F) Biomedical writing.

“(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

“(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

“(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as ‘Clinical Research Curriculum Awards’) to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

“(A) Analytical methods, biostatistics, and study design.

“(B) Principles of clinical pharmacology and pharmacokinetics.

“(C) Clinical epidemiology.

“(D) Computer data management and medical informatics.

“(E) Ethical and regulatory issues.

“(F) Biomedical writing.

“(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only one such application.

“(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

“(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.”.

SEC. 205. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288-5) the following:

“SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS. 42 USC 288-5a.

“(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than \$35,000 of the principal and interest of the educational loans of such health professionals.

“(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

“(c) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

“(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.”.

SEC. 206. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking “For purposes” and inserting “(a) HEALTH SERVICE RESEARCH.—For purposes”; and

(2) by adding at the end the following:

“(b) CLINICAL RESEARCH.—As used in this title, the term ‘clinical research’ means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human

physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.”.

Deadline.
42 USC 284k
note.

SEC. 207. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this title.

Twenty—First
Century
Research
Laboratories Act.

TITLE III—RESEARCH LABORATORY INFRASTRUCTURE

42 USC 201 note.

SEC. 301. SHORT TITLE.

This title may be cited as the “Twenty-First Century Research Laboratories Act”.

42 USC 287a–2
note.

SEC. 302. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly \$11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 303. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

“SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

“(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

“(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

“(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms ‘construction’ and ‘cost of construction’ include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects’ fees, but do not include the cost of acquisition of land or off-site improvements.

“(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

“(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—

“(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the ‘Board’).

“(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

“(2) DUTIES.—

“(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the ‘Advisory Council’) in carrying out this section.

“(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

“(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

“(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

“(i) summarize and analyze expenditures made under this section;

“(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

“(iii) contain the recommendations of the Board for any changes in the administration of this section.

“(3) MEMBERSHIP.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

“(B) LIMITATION.—Not more than three individuals who are officers or employees of the Federal Government may serve as members of the Board.

“(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

“(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

“(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

“(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

“(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

“(5) CERTAIN AUTHORITIES.—

“(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

“(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

“(6) TERMS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

“(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

“(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

“(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate

received by members of other national advisory councils established under this title.

“(c) REQUIREMENTS FOR GRANTS.—

“(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

“(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

“(B) The applicant provides assurances satisfactory to the Director that—

“(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

“(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

“(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

“(iv) the proposed construction will expand the applicant’s capacity for research, or is necessary to improve or maintain the quality of the applicant’s research.

“(C) The applicant meets reasonable qualifications established by the Director with respect to—

“(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

“(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

“(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

“(iv) the age and condition of existing research facilities.

“(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

“(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to \$50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over \$50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

“(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

“(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

“(C) The applicant has been productive in research or research development and training.

“(D) The applicant—

“(i) has been designated as a center of excellence under section 739;

“(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

“(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

“(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

“(e) AMOUNT OF GRANT; PAYMENTS.—

“(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

“(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

“(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

“(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

“(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

“(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

“(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

“(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

“(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

“(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

“(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so).

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

“(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a). Deadline.

“(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

SEC. 304. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a-3(a)) is amended by striking “1994” and all that follows through “\$5,000,000” and inserting “2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary”.

SEC. 305. SHARED INSTRUMENTATION GRANT PROGRAM.

42 USC 287 note.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) **REQUIREMENTS FOR GRANTS.**—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) **PEER REVIEW.**—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

Cardiac Arrest
Survival Act of
2000.

TITLE IV—CARDIAC ARREST SURVIVAL

Subtitle A—Recommendations for Federal Buildings

42 USC 201 note. **SEC. 401. SHORT TITLE.**

This subtitle may be cited as the “Cardiac Arrest Survival Act of 2000”.

42 USC 238p
note. **SEC. 402. FINDINGS.**

Congress makes the following findings:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing

a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 403. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

“RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

“SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

42 USC 238p.

“(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

Federal Register, publication.

“(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

“(2) Proper maintenance and testing of the devices.

“(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

“(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

“(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

“(1) consult with appropriate public and private entities;

“(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

“(3) consult with and counsel other Federal agencies where such devices are to be used.

Deadline.

“(d) **DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.**—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

“(e) **DEFINITIONS.**—For purposes of this section:

“(1) The term ‘automated external defibrillator device’ has the meaning given such term in section 248.

“(2) The term ‘Federal building’ includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.”.

SEC. 404. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 403, is amended by adding at the end the following:

“LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

42 USC 238q.

“**SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.**—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

“(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

“(2) to properly maintain and test the device; or

“(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

“(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

“(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

“(b) **INAPPLICABILITY OF IMMUNITY.**—Immunity under subsection (a) does not apply to a person if—

“(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed;

“(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional;

“(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

“(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

“(c) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—The following applies with respect to this section:

“(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

“(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

“(C) This section does not waive any protection from liability for Federal officers or employees under—

“(i) section 224; or

“(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

“(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

“(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

“(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

“(d) **FEDERAL JURISDICTION.**—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

“(e) **DEFINITIONS.**—

“(1) **PERCEIVED MEDICAL EMERGENCY.**—For purposes of this section, the term ‘perceived medical emergency’ means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

“(2) **OTHER DEFINITIONS.**—For purposes of this section:

“(A) The term ‘automated external defibrillator device’ means a defibrillator device that—

“(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

“(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

“(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

“(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

“(B)(i) The term ‘harm’ includes physical, nonphysical, economic, and noneconomic losses.

“(ii) The term ‘economic loss’ means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

“(iii) The term ‘noneconomic losses’ means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other non-pecuniary losses of any kind or nature.”.

Rural Access to
Emergency
Devices Act.

Subtitle B—Rural Access to Emergency Devices

42 USC 254c
note.

SEC. 411. SHORT TITLE.

This subtitle may be cited as the “Rural Access to Emergency Devices Act” or the “Rural AED Act”.

42 USC 254c
note.

SEC. 412. FINDINGS.

Congress makes the following findings:

(1) Heart disease is the leading cause of death in the United States.

(2) The American Heart Association estimates that 250,000 Americans die from sudden cardiac arrest each year.

(3) A cardiac arrest victim's chance of survival drops 10 percent for every minute that passes before his or her heart is returned to normal rhythm.

(4) Because most cardiac arrest victims are initially in ventricular fibrillation, and the only treatment for ventricular fibrillation is defibrillation, prompt access to defibrillation to return the heart to normal rhythm is essential.

(5) Lifesaving technology, the automated external defibrillator, has been developed to allow trained lay rescuers to respond to cardiac arrest by using this simple device to shock the heart into normal rhythm.

(6) Those people who are likely to be first on the scene of a cardiac arrest situation in many communities, particularly smaller and rural communities, lack sufficient numbers of automated external defibrillators to respond to cardiac arrest in a timely manner.

(7) The American Heart Association estimates that more than 50,000 deaths could be prevented each year if defibrillators were more widely available to designated responders.

(8) Legislation should be enacted to encourage greater public access to automated external defibrillators in communities across the United States.

SEC. 413. GRANTS.

42 USC 254c
note.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Rural Health Outreach Office of the Health Resources and Services Administration, shall award grants to community partnerships that meet the requirements of subsection (b) to enable such partnerships to purchase equipment and provide training as provided for in subsection (c).

(b) COMMUNITY PARTNERSHIPS.—A community partnership meets the requirements of this subsection if such partnership—

(1) is composed of local emergency response entities such as community training facilities, local emergency responders, fire and rescue departments, police, community hospitals, and local non-profit entities and for-profit entities concerned about cardiac arrest survival rates;

(2) evaluates the local community emergency response times to assess whether they meet the standards established by national public health organizations such as the American Heart Association and the American Red Cross; and

(3) submits to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used—

(1) to purchase automated external defibrillators that have been approved, or cleared for marketing, by the Food and Drug Administration; and

(2) to provide defibrillator and basic life support training in automated external defibrillator usage through the American Heart Association, the American Red Cross, or other nationally recognized training courses.

(d) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Health and Human Services

Deadline.

shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether the increased availability of defibrillators has affected survival rates in the communities in which grantees under this section operated. The procedures under which the Secretary obtains data and prepares the report under this subsection shall not impose an undue burden on program participants under this section.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$25,000,000 for fiscal years 2001 through 2003 to carry out this section.

Lupus Research
and Care
Amendments of
2000.
42 USC 201 note.

TITLE V—LUPUS RESEARCH AND CARE

SEC. 501. SHORT TITLE.

This title may be cited as the “Lupus Research and Care Amendments of 2000”.

42 USC 285d–6a
note.

SEC. 502. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women nine times more often than men;

(3) there are three main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is three times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that between 1,400,000 and 2,000,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments for the disease can be effective, but may lead to damaging side effects;

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives; and

(10) in fiscal year 1996, the amount allocated by the National Institutes of Health for research on lupus was \$33,000,000, which is less than one-half of 1 percent of the budget for such Institutes.

Subtitle A—Research on Lupus

SEC. 511. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following:

“LUPUS

“SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus. 42 USC 285d–6a.

“(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

“(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

“(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

“(2) Basic research concerning the etiology and causes of the disease.

“(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

“(4) The development of improved diagnostic techniques.

“(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

“(6) Information and education programs for health care professionals and the public.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.”.

Subtitle B—Delivery of Services Regarding Lupus

SEC. 521. ESTABLISHMENT OF PROGRAM OF GRANTS.

42 USC 254c–9.

(a) IN GENERAL.—The Secretary of Health and Human Services shall in accordance with this subtitle make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with lupus and their families.

(b) RECIPIENTS OF GRANTS.—A grant under subsection (a) may be made to an entity only if the entity is a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, or homeless health center; or other appropriate public or nonprofit private entity.

(c) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects under subsection (a) provide services for the diagnosis and disease management of lupus. Activities that the Secretary may authorize for such projects may also include the following:

(1) Delivering or enhancing outpatient, ambulatory, and home-based health and support services, including case management and comprehensive treatment services, for individuals with lupus; and delivering or enhancing support services for their families.

(2) Delivering or enhancing inpatient care management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities of individuals with lupus.

(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with lupus and support services for their families.

(d) **INTEGRATION WITH OTHER PROGRAMS.**—To the extent practicable and appropriate, the Secretary shall integrate the program under this subtitle with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

42 USC 254c–10. **SEC. 522. CERTAIN REQUIREMENTS.**

A grant may be made under section 521 only if the applicant involved makes the following agreements:

(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of lupus.

(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

(4) The grant will not be expended to make payment for services authorized under section 521(a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) by an entity that provides health services on a prepaid basis.

(5) The applicant will, at each site at which the applicant provides services under section 521(a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

42 USC 254c–11. **SEC. 523. TECHNICAL ASSISTANCE.**

The Secretary may provide technical assistance to assist entities in complying with the requirements of this subtitle in order to make such entities eligible to receive grants under section 521.

42 USC 254c–12. **SEC. 524. DEFINITIONS.**

For purposes of this subtitle:

(1) **OFFICIAL POVERTY LINE.**—The term “official poverty line” means the poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

SEC. 525. AUTHORIZATION OF APPROPRIATIONS.

42 USC 254c–13.

For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2003.

TITLE VI—PROSTATE CANCER RESEARCH AND PREVENTION

Prostate Cancer
Research and
Prevention Act.

SEC. 601. SHORT TITLE.

42 USC 201 note.

This title may be cited as the “Prostate Cancer Research and Prevention Act”.

SEC. 602. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) **PREVENTIVE HEALTH MEASURES.**—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

“(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

“(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

“(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostate cancer screening and followup.

“(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

“(5) To improve surveillance for prostate cancer.

“(6) To address the needs of underserved and minority populations regarding prostate cancer.

“(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

“(A) to screen men for prostate cancer as a preventive health measure;

Public
information.

“(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

“(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

“(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

“(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.”; and

(2) in subsection (l)(1), by striking “1998” and inserting “2004”.

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking “and 1996” and inserting “through 2004”.

Organ
Procurement
Organization
Certification Act
of 2000.

42 USC 201 note.

42 USC 273 note.

TITLE VII—ORGAN PROCUREMENT AND DONATION

SEC. 701. ORGAN PROCUREMENT ORGANIZATION CERTIFICATION.

(a) SHORT TITLE.—This section may be cited as the “Organ Procurement Organization Certification Act of 2000”.

(b) FINDINGS.—Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security

Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(c) CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.—Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

“(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

“(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

“(I) January 1, 2002; or

“(II) the completion of recertification under the requirements of clause (ii); or

“(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

Deadline.

“(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

“(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

“(III) use multiple outcome measures as part of the certification process; and

“(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;”.

SEC. 702. DESIGNATION OF GIVE THANKS, GIVE LIFE DAY.

(a) FINDINGS.—Congress finds that—

(1) traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

(2) approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

(3) more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

(4) nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

(5) nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

(6) the need for organ donations greatly exceeds the supply available;

(7) designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

(8) the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

(9) the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

(10) the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

(11) many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

(12) some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

(13) the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

(14) it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings.

(b) DESIGNATION.—November 23, 2000, Thanksgiving Day, is hereby designated as a day to “Give Thanks, Give Life” and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

TITLE VIII—ALZHEIMER’S CLINICAL RESEARCH AND TRAINING

SEC. 801. ALZHEIMER’S CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.) is amended—

- (1) by redesignating section 445I as section 445J; and
- (2) by inserting after section 445H the following:

42 USC 285e–11.

“SEC. 445I. ALZHEIMER’S CLINICAL RESEARCH AND TRAINING AWARDS.

42 USC 285e–10a.

“(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer’s disease.

“(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology, pathogenesis, diagnosis, prevention and treatment of Alzheimer’s disease, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer’s disease research and treatment.

“(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.”.

TITLE IX—SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING

SEC. 901. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

“SEC. 447B. SEXUALLY TRANSMITTED DISEASE CLINICAL RESEARCH AND TRAINING AWARDS.

42 USC 285f–3.

“(a) IN GENERAL.—The Director of the Institute is authorized to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with sexually transmitted diseases.

“(b) SUPPORT OF PROMISING CLINICIANS.—In order to foster the application of the most current developments in the etiology,

pathogenesis, diagnosis, prevention and treatment of sexually transmitted diseases, amounts made available under this section shall be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in sexually transmitted disease research and treatment.

“(c) EXCELLENCE IN CERTAIN FIELDS.—Research shall be carried out under awards made under subsection (b) in environments of demonstrated excellence in the etiology and pathogenesis of sexually transmitted diseases and shall foster innovation and integration of such disciplines or other environments determined suitable by the Director of the Institute.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$2,250,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005.”.

TITLE X—MISCELLANEOUS PROVISION

SEC. 1001. TECHNICAL CORRECTION TO THE CHILDREN’S HEALTH ACT OF 2000.

42 USC 289 note.

(a) IN GENERAL.—Section 2701 of the Children’s Health Act of 2000 is amended by striking “part 45 of title 46” and inserting “part 46 of title 45”.

42 USC 289 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of the Children’s Health Act of 2000.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 2498:

HOUSE REPORTS: No. 106–634 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 146 (2000):

May 23, considered and passed House.

Oct. 26, considered and passed Senate, amended.

Oct. 27, House concurred in Senate amendment.



Public Law 106–506
106th Congress

An Act

To promote environmental restoration around the Lake Tahoe basin.

Nov. 13, 2000

[H.R. 3388]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Lake Tahoe
Restoration Act.
Forests and
forest protection.
California.
Nevada.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lake Tahoe Restoration Act”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Lake Tahoe, one of the largest, deepest, and clearest lakes in the world, has a cobalt blue color, a unique alpine setting, and remarkable water clarity, and is recognized nationally and worldwide as a natural resource of special significance;

(2) in addition to being a scenic and ecological treasure, Lake Tahoe is one of the outstanding recreational resources of the United States, offering skiing, water sports, biking, camping, and hiking to millions of visitors each year, and contributing significantly to the economies of California, Nevada, and the United States;

(3) the economy in the Lake Tahoe basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

(4) Lake Tahoe is in the midst of an environmental crisis; the Lake’s water clarity has declined from a visibility level of 105 feet in 1967 to only 70 feet in 1999, and scientific estimates indicate that if the water quality at the Lake continues to degrade, Lake Tahoe will lose its famous clarity in only 30 years;

(5) sediment and algae-nourishing phosphorous and nitrogen continue to flow into the Lake from a variety of sources, including land erosion, fertilizers, air pollution, urban runoff, highway drainage, streamside erosion, land disturbance, and ground water flow;

(6) methyl tertiary butyl ether—

(A) has contaminated and closed more than one-third of the wells in South Tahoe; and

(B) is advancing on the Lake at a rate of approximately 9 feet per day;

(7) destruction of wetlands, wet meadows, and stream zone habitat has compromised the Lake’s ability to cleanse itself of pollutants;

(8) approximately 40 percent of the trees in the Lake Tahoe basin are either dead or dying, and the increased quantity

of combustible forest fuels has significantly increased the risk of catastrophic forest fire in the Lake Tahoe basin;

(9) as the largest land manager in the Lake Tahoe basin, with 77 percent of the land, the Federal Government has a unique responsibility for restoring environmental health to Lake Tahoe;

(10) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

(A) congressional consent to the establishment of the Tahoe Regional Planning Agency in 1969 (Public Law 91-148; 83 Stat. 360) and in 1980 (Public Law 96-551; 94 Stat. 3233);

(B) the establishment of the Lake Tahoe Basin Management Unit in 1973; and

(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants;

(11) the President renewed the Federal Government's commitment to Lake Tahoe in 1997 at the Lake Tahoe Presidential Forum, when he committed to increased Federal resources for environmental restoration at Lake Tahoe and established the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe basin;

(12) the States of California and Nevada have contributed proportionally to the effort to protect and restore Lake Tahoe, including—

(A) expenditures—

(i) exceeding \$200,000,000 by the State of California since 1980 for land acquisition, erosion control, and other environmental projects in the Lake Tahoe basin; and

(ii) exceeding \$30,000,000 by the State of Nevada since 1980 for the purposes described in clause (i); and

(B) the approval of a bond issue by voters in the State of Nevada authorizing the expenditure by the State of an additional \$20,000,000; and

(13) significant additional investment from Federal, State, local, and private sources is needed to stop the damage to Lake Tahoe and its forests, and restore the Lake Tahoe basin to ecological health.

(b) PURPOSES.—The purposes of this Act are—

(1) to enable the Forest Service to plan and implement significant new environmental restoration activities and forest management activities to address the phenomena described in paragraphs (4) through (8) of subsection (a) in the Lake Tahoe basin;

(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to improve water quality and manage Federal land in the Lake Tahoe Basin Management Unit; and

(3) to provide funding to local governments for erosion and sediment control projects on non-Federal land if the projects benefit the Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.**—The term “environmental threshold carrying capacity” has the meaning given the term in article II of the Tahoe Regional Planning Compact set forth in the first section of Public Law 96-551 (94 Stat. 3235).

(2) **FIRE RISK REDUCTION ACTIVITY.**—

(A) **IN GENERAL.**—The term “fire risk reduction activity” means an activity that is necessary to reduce the risk of wildfire to promote forest management and simultaneously achieve and maintain the environmental threshold carrying capacities established by the Planning Agency in a manner consistent, where applicable, with chapter 71 of the Tahoe Regional Planning Agency Code of Ordinances.

(B) **INCLUDED ACTIVITIES.**—The term “fire risk reduction activity” includes—

- (i) prescribed burning;
- (ii) mechanical treatment;
- (iii) road obliteration or reconstruction; and
- (iv) such other activities consistent with Forest

Service practices as the Secretary determines to be appropriate.

(3) **PLANNING AGENCY.**—The term “Planning Agency” means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

(4) **PRIORITY LIST.**—The term “priority list” means the environmental restoration priority list developed under section 6.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) **IN GENERAL.**—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) **RELATIONSHIP TO OTHER AUTHORITY.**—

(1) **PRIVATE OR NON-FEDERAL LAND.**—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) **PLANNING AGENCY.**—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) **ACQUISITION UNDER OTHER LAW.**—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe basin under any other law.

SEC. 5. CONSULTATION WITH PLANNING AGENCY AND OTHER ENTITIES.

(a) **IN GENERAL.**—With respect to the duties described in subsection (b), the Secretary shall consult with and seek the advice and recommendations of—

- (1) the Planning Agency;

(2) the Tahoe Federal Interagency Partnership established by Executive Order No. 13057 (62 Fed. Reg. 41249) or a successor Executive order;

(3) the Lake Tahoe Basin Federal Advisory Committee established by the Secretary on December 15, 1998 (64 Fed. Reg. 2876) (until the committee is terminated);

(4) Federal representatives and all political subdivisions of the Lake Tahoe Basin Management Unit; and

(5) the Lake Tahoe Transportation and Water Quality Coalition.

(b) DUTIES.—The Secretary shall consult with and seek advice and recommendations from the entities described in subsection (a) with respect to—

(1) the administration of the Lake Tahoe Basin Management Unit;

(2) the development of the priority list;

(3) the promotion of consistent policies and strategies to address the Lake Tahoe basin's environmental and recreational concerns;

(4) the coordination of the various programs, projects, and activities relating to the environment and recreation in the Lake Tahoe basin to avoid unnecessary duplication and inefficiencies of Federal, State, local, tribal, and private efforts; and

(5) the coordination of scientific resources and data, for the purpose of obtaining the best available science as a basis for decisionmaking on an ongoing basis.

SEC. 6. ENVIRONMENTAL RESTORATION PRIORITY LIST.

Deadline.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop a priority list of potential or proposed environmental restoration projects for the Lake Tahoe Basin Management Unit.

(b) DEVELOPMENT OF PRIORITY LIST.—In developing the priority list, the Secretary shall—

(1) use the best available science, including any relevant findings and recommendations of the watershed assessment conducted by the Forest Service in the Lake Tahoe basin; and

(2) include, in order of priority, potential or proposed environmental restoration projects in the Lake Tahoe basin that—

(A) are included in or are consistent with the environmental improvement program adopted by the Planning Agency in February 1998 and amendments to the program;

(B) would help to achieve and maintain the environmental threshold carrying capacities for—

(i) air quality;

(ii) fisheries;

(iii) noise;

(iv) recreation;

(v) scenic resources;

(vi) soil conservation;

(vii) forest health;

(viii) water quality; and

(ix) wildlife.

(c) **FOCUS IN DETERMINING ORDER OF PRIORITY.**—In determining the order of priority of potential and proposed environmental restoration projects under subsection (b)(2), the focus shall address projects (listed in no particular order) involving—

(1) erosion and sediment control, including the activities described in section 2(g) of Public Law 96-586 (94 Stat. 3381) (as amended by section 7 of this Act);

(2) the acquisition of environmentally sensitive land from willing sellers—

(A) using funds appropriated from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5); or

(B) under the authority of Public Law 96-586 (94 Stat. 3381);

(3) fire risk reduction activities in urban areas and urban-wildland interface areas, including high recreational use areas and urban lots acquired from willing sellers under the authority of Public Law 96-586 (94 Stat. 3381);

(4) cleaning up methyl tertiary butyl ether contamination; and

(5) the management of vehicular parking and traffic in the Lake Tahoe Basin Management Unit, especially—

(A) improvement of public access to the Lake Tahoe basin, including the promotion of alternatives to the private automobile;

(B) the Highway 28 and 89 corridors and parking problems in the area; and

(C) cooperation with local public transportation systems, including—

(i) the Coordinated Transit System; and

(ii) public transit systems on the north shore of Lake Tahoe.

(d) **MONITORING.**—The Secretary shall provide for continuous scientific research on and monitoring of the implementation of projects on the priority list, including the status of the achievement and maintenance of environmental threshold carrying capacities.

(e) **CONSISTENCY WITH MEMORANDUM OF UNDERSTANDING.**—A project on the priority list shall be conducted in accordance with the memorandum of understanding signed by the Forest Supervisor and the Planning Agency on November 10, 1989, including any amendments to the memorandum as long as the memorandum remains in effect.

(f) **REVIEW OF PRIORITY LIST.**—Periodically, but not less often than every 3 years, the Secretary shall—

(1) review the priority list;

(2) consult with—

(A) the Tahoe Regional Planning Agency;

(B) interested political subdivisions; and

(C) the Lake Tahoe Water Quality and Transportation Coalition;

(3) make any necessary changes with respect to—

(A) the findings of scientific research and monitoring in the Lake Tahoe basin;

(B) any change in an environmental threshold as determined by the Planning Agency; and

- Reports. (C) any change in general environmental conditions in the Lake Tahoe basin; and
- (4) submit to Congress a report on any changes made.
- Publication. (g) CLEANUP OF HYDROCARBON CONTAMINATION.—
- Deadline. (1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, make a payment of \$1,000,000 to the Tahoe Regional Planning Agency and the South Tahoe Public Utility District to develop and publish a plan, not later than 1 year after the date of the enactment of this Act, for the prevention and cleanup of hydrocarbon contamination (including contamination with MTBE) of the surface water and ground water of the Lake Tahoe basin.
- (2) CONSULTATION.—In developing the plan, the Tahoe Regional Planning Agency and the South Tahoe Public Utility District shall consult with the States of California and Nevada and appropriate political subdivisions.
- (3) WILLING SELLERS.—The plan shall not include any acquisition of land or an interest in land except an acquisition from a willing seller.
- (h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for the implementation of projects on the priority list and the payment identified in subsection (g), \$20,000,000 for the first fiscal year that begins after the date of the enactment of this Act and for each of the 9 fiscal years thereafter.

SEC. 7. ENVIRONMENTAL IMPROVEMENT PAYMENTS.

Section 2 of Public Law 96-586 (94 Stat. 3381) is amended by striking subsection (g) and inserting the following:

“(g) PAYMENTS TO LOCALITIES.—

“(1) IN GENERAL.—The Secretary of Agriculture shall, subject to the availability of appropriations, make annual payments to the governing bodies of each of the political subdivisions (including any public utility the service area of which includes any part of the Lake Tahoe basin), any portion of which is located in the area depicted on the final map filed under section 3(a).

“(2) USE OF PAYMENTS.—Payments under this subsection may be used—

“(A) first, for erosion control and water quality projects; and

“(B) second, unless emergency projects arise, for projects to address other threshold categories after thresholds for water quality and soil conservation have been achieved and maintained.

“(3) ELIGIBILITY FOR PAYMENTS.—

“(A) IN GENERAL.—To be eligible for a payment under this subsection, a political subdivision shall annually submit a priority list of proposed projects to the Secretary of Agriculture.

“(B) COMPONENTS OF LIST.—A priority list under subparagraph (A) shall include, for each proposed project listed—

“(i) a description of the need for the project;

“(ii) all projected costs and benefits; and

“(iii) a detailed budget.

“(C) USE OF PAYMENTS.—A payment under this subsection shall be used only to carry out a project or proposed

project that is part of the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 and amendments to the program.

“(D) FEDERAL OBLIGATION.—All projects funded under this subsection shall be part of Federal obligation under the environmental improvement program.

“(4) DIVISION OF FUNDS.—

“(A) IN GENERAL.—The total amounts appropriated for payments under this subsection shall be allocated by the Secretary of Agriculture based on the relative need for and merits of projects proposed for payment under this section.

“(B) MINIMUM.—To the maximum extent practicable, for each fiscal year, the Secretary of Agriculture shall ensure that each political subdivision in the Lake Tahoe basin receives amounts appropriated for payments under this subsection.

“(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated to carry out section 6 of the Lake Tahoe Restoration Act, there is authorized to be appropriated for making payments under this subsection \$10,000,000 for the first fiscal year that begins after the date of the enactment of this paragraph and for each of the 9 fiscal years thereafter.”.

SEC. 8. FIRE RISK REDUCTION ACTIVITIES.

(a) IN GENERAL.—In conducting fire risk reduction activities in the Lake Tahoe basin, the Secretary shall, as appropriate, coordinate with State and local agencies and organizations, including local fire departments and volunteer groups.

(b) GROUND DISTURBANCE.—The Secretary shall, to the maximum extent practicable, minimize any ground disturbances caused by fire risk reduction activities.

SEC. 9. AVAILABILITY AND SOURCE OF FUNDS.

(a) IN GENERAL.—Funds authorized under this Act and the amendment made by this Act—

(1) shall be in addition to any other amounts available to the Secretary for expenditure in the Lake Tahoe basin; and

(2) shall not reduce allocations for other Regions of the Forest Service.

(b) MATCHING REQUIREMENT.—Except as provided in subsection (c), funds for activities under section 6 and section 7 of this Act shall be available for obligation on a 1-to-1 basis with funding of restoration activities in the Lake Tahoe basin by the States of California and Nevada.

(c) RELOCATION COSTS.—The Secretary shall provide two-thirds of necessary funding to local utility districts for the costs of relocating facilities in connection with environmental restoration projects under section 6 and erosion control projects under section 2 of Public Law 96-586.

SEC. 10. AMENDMENT OF PUBLIC LAW 96-586.

Section 3(a) of Public Law 96-586 (94 Stat. 3383) is amended by adding at the end the following:

“(5) WILLING SELLERS.—Land within the Lake Tahoe Basin Management Unit subject to acquisition under this section

that is owned by a private person shall be acquired only from a willing seller.”.

SEC. 11. RELATIONSHIP TO OTHER LAWS.

Nothing in this Act exempts the Secretary from the duty to comply with any applicable Federal law.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 3388 (S. 1925):

HOUSE REPORTS: No. 106–833, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 106–400 accompanying S. 1925 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 23, considered and passed House.

Oct. 27, considered and passed Senate.



Public Law 106–507
106th Congress

An Act

To provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

Nov. 13, 2000
[H.R. 3621]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTHUMOUS PROMOTION OF WILLIAM CLARK, CO-LEADER OF THE LEWIS AND CLARK EXPEDITION, TO THE GRADE OF CAPTAIN IN THE REGULAR ARMY.

William Clark, of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition of 1804–1806, shall be deemed for all purposes to have held the grade of captain, rather than lieutenant, in the Regular Army, effective as of March 26, 1804, and continuing until his separation from the Army on February 27, 1807.

SEC. 2. PROHIBITION OF BENEFITS.

No person is entitled to any bonus, gratuity, pay, or allowance because of the provisions of section 1.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 3621:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 10, considered and passed House.
Oct. 27, considered and passed Senate.



Public Law 106–508
106th Congress

An Act

Nov. 13, 2000
[H.R. 5239]

To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking “August 20, 1994” and inserting “August 20, 2001”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—H.R. 5239:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 25, considered and passed House.

Oct. 11, considered and passed Senate, amended.

Oct. 30, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 13, Presidential statement.



Public Law 106–509
106th Congress

An Act

To amend the National Trails System Act to designate the Ala Kahakai Trail
as a National Historic Trail.

Nov. 13, 2000
[S. 700]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Ala Kahakai
National Historic
Trail Act.
16 USC 1241
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ala Kahakai National Historic
Trail Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important
part of the ancient trail known as the “Ala Loa” (the long
trail), which circumscribes the island of Hawaii;

Hawaii.

(2) the Ala Loa was the major land route connecting 600
or more communities of the island kingdom of Hawaii from
1400 to 1700;

(3) the trail is associated with many prehistoric and historic
housing areas of the island of Hawaii, nearly all the royal
centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many
rulers of the kingdom of Hawaii, with battlefields and the
movement of armies during their reigns, and with annual tax-
ation;

(5) the use of the trail played a significant part in events
that affected Hawaiian history and culture, including—

(A) Captain Cook’s landing and subsequent death in
1779;

(B) Kamehameha I’s rise to power and consolidation
of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by
the overthrow of the ancient religious system, the Kapu,
and the arrival of the first western missionaries in 1820;
and

(6) the trail—

(A) was used throughout the 19th and 20th centuries
and continues in use today; and

(B) contains a variety of significant cultural and nat-
ural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C.
1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

“(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from ‘Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as ‘Waha’ula’, as generally depicted on the map entitled ‘Ala Kahakai Trail’, contained in the report prepared pursuant to subsection (b) entitled ‘Ala Kahakai National Trail Study and Environmental Impact Statement’, dated January 1998.

“(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

“(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

“(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

“(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

“(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 700:

SENATE REPORTS: No. 106–65 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): July 1, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.



Public Law 106–510
106th Congress

An Act

To eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

Nov. 13, 2000
[S. 938]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hawaii Volcanoes
National Park
Adjustment Act
of 2000.
16 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hawaii Volcanoes National Park Adjustment Act of 2000”.

SEC. 2. ELIMINATION OF RESTRICTIONS ON LAND ACQUISITION.

The first section of the Act entitled “An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes”, approved June 20, 1938 (16 U.S.C. 391b), is amended by striking “park: *Provided*,” and all that follows and inserting “park. Land (including the land depicted on the map entitled ‘NPS–PAC 1997HW’) may be acquired by the Secretary through donation, exchange, or purchase with donated or appropriated funds.”.

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI‘I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking “Hawaii Volcanoes National Park” each place it appears and inserting “Hawai‘i Volcanoes National Park”. 16 USC 391d.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Hawaii Volcanoes National Park” shall be considered a reference to “Hawai‘i Volcanoes National Park”. 16 USC 391d note.

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking “Haleakala National Park” and inserting “Haleakalā National Park”. 16 USC 396b, 396c.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Haleakala National Park” shall be considered a reference to “Haleakalā National Park”. 16 USC 396b note.

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking “KALOKO-HONOKOHOU” and inserting “KALOKO-HONOKŌHAU”; and

- (B) by striking “Kaloko-Honokohau” each place it appears and inserting “Kaloko-Honokōhau”.
- 16 USC 396d note. (2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Kaloko-Honokohau National Historical Park” shall be considered a reference to “Kaloko-Honokōhau National Historical Park”.
- (d) PU’UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—
- 16 USC 397, 397a, 397b, 397d. (1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking “Puuhonua o Honaunau National Historical Park” each place it appears and inserting “Pu’uhonua o Hōnaunau National Historical Park”.
- 16 USC 397 note. (2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Puuhonua o Honaunau National Historical Park” shall be considered a reference to “Pu’uhonua o Hōnaunau National Historical Park”.
- (e) PU’UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—
- 16 USC 461 note. (1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking “Puukohola Heiau National Historic Site” each place it appears and inserting “Pu’ukoholā Heiau National Historic Site”.
- (2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Puukohola Heiau National Historic Site” shall be considered a reference to “Pu’ukoholā Heiau National Historic Site”.
- SEC. 4. CONFORMING AMENDMENTS.**
- (a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking “Hawaii Volcanoes” each place it appears and inserting “Hawai’i Volcanoes”.
- 16 USC 1132 note. (b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking “Haleakala” each place it appears and inserting “Haleakalā”.
- 16 USC 1132 note.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 938:

SENATE REPORTS: No. 106–92 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Oct. 14, considered and passed Senate.

Vol. 146 (2000): Oct. 24, considered and passed House.



Public Law 106–511
106th Congress

An Act

To provide for equitable compensation for the Cheyenne River Sioux Tribe, and
for other purposes.

Nov. 13, 2000
[S. 964]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**TITLE I—CHEYENNE RIVER SIOUX
TRIBE EQUITABLE COMPENSATION**

Cheyenne River
Sioux Tribe
Equitable
Compensation
Act.
South Dakota.

SEC. 101. SHORT TITLE.

This title may be cited as the “Cheyenne River Sioux Tribe
Equitable Compensation Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the “Flood Control Act of 1944”, Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the “Pick-Sloan program”)—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the “Comptroller General”) determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be \$290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) **TRIBE.**—The term “Tribe” means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) **TRIBAL COUNCIL.**—The term “Tribal Council” means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) **CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.**—There is established in the Treasury of the United States a fund to be known as the “Cheyenne River Sioux Tribal Recovery Trust Fund” (referred to in this title as the “Fund”). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) **FUNDING.**—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) \$290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the

first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of the Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

Effective date.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the "plan").

Deadline.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In

revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A-133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

Bosque Redondo
Memorial Act.
New Mexico.
16 USC 431 note.

SEC. 201. SHORT TITLE.

This title may be cited as the “Bosque Redondo Memorial Act”.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the “Long Walk”;

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of \$123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated \$6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations’ ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) **MEMORIAL.**—The term “Memorial” means the building and grounds known as the Bosque Redondo Memorial.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) **ESTABLISHMENT.**— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) **COMPONENTS OF THE MEMORIAL.**—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event.

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) **GRANT.**—

(1) **IN GENERAL.**—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) **REQUIREMENTS.**—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

Deadline.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) \$1,000,000 for fiscal year 2000; and

(2) \$500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

TITLE III—SENSE OF THE CONGRESS REGARDING THE NEED FOR CATALOGING AND MAINTAINING CERTAIN PUBLIC MEMORIALS

SEC. 301. SENSE OF THE CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) There are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces.

(2) These memorials have never been comprehensively cataloged.

(3) Many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage.

(4) There exists a need to collect and centralize information regarding the location, status, and description of these memorials.

(5) The Federal Government maintains information on memorials only if they are federally funded.

(6) Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7,000 memorials in 50 States.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

TITLE IV—CONVEYANCE OF KINIKLIK VILLAGE

SEC. 401. CONVEYANCE OF KINIKLIK VILLAGE.

Chugach Alaska Corporation.

(a) That portion of the property identified in United States Survey Number 628, Tract A, containing 0.34 acres and Tract B containing 0.63 acres located in Section 26, Township 9 North, Range 10 East, Seward Meridian, containing 0.97 acres, more or less, and further described as Tracts A and B Russian Greek Church Mission Reserve according to United States Survey 628 shall be offered for a period of 1 year for sale by quitclaim deed from the United States by and through the Forest Service to Chugach Alaska Corporation under the following terms:

(1) Chugach Alaska Corporation shall pay consideration in the amount of \$9,000.00.

(2) In order to protect the historic values for which the Forest Service acquired the land, Chugach Alaska Corporation shall agree to and the conveyance shall contain the same reservations required by sections 2653.5(a) and 2653.11(b) of title 43, Code of Federal Regulations, for protection of historic and cemetery sites conveyed to a Regional Corporation pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act.

(b) Notwithstanding any other provision of law, the Forest Service shall deposit the proceeds from the sale to the Natural Resource Damage Assessment and Restoration Fund established by Public Law 102–154 and may be expended without further appropriation in accordance with Public Law 102–229.

TITLE V—REVISION OF RICHMOND NATIONAL BATTLEFIELD PARK BOUNDARIES

Richmond
National
Battlefield Park
Act of 2000.
Virginia.
Historic
preservation.
16 USC 423l–1.

SEC. 501. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the “Richmond National Battlefield Park Act of 2000”.

(b) **DEFINITIONS.**—In this title:

(1) **BATTLEFIELD PARK.**—The term “battlefield park” means the Richmond National Battlefield Park.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 502. FINDINGS AND PURPOSE.

16 USC 423l–2.

(a) **FINDINGS.**—The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the City of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the City of Richmond. A study undertaken by the congressionally authorized Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the City of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the City of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the City of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) PURPOSE.—It is the purpose of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the City of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the City of Richmond, Virginia.

Virginia.
16 USC 423l-3.

SEC. 503. RICHMOND NATIONAL BATTLEFIELD PARK; BOUNDARIES.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the City of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled “Richmond National Battlefield Park Boundary Revision”, numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9(c)).

16 USC 423l-4.

SEC. 504. LAND ACQUISITION.

(a) ACQUISITION AUTHORITY.—

(1) IN GENERAL.—The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) SPECIAL RULE FOR PRIVATE LANDS.—Privately owned lands or interests in lands may be acquired under this title only with the consent of the owner.

(b) EASEMENTS.—

(1) OUTSIDE BOUNDARIES.—The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the City of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) INSIDE BOUNDARIES.—To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VISITOR CENTER.—The Secretary may acquire the Tredegar Iron Works buildings and associated land in the City of Richmond for use as a visitor center for the battlefield park.

SEC. 505. PARK ADMINISTRATION.

16 USC 423l–5.

(a) APPLICABLE LAWS.—The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with this title and laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) NEW MARKET HEIGHTS BATTLEFIELD.—The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the City of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

16 USC 423l–6.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 507. REPEAL OF SUPERSEDED LAW.

The Act of March 2, 1936 (chapter 113; 16 U.S.C. 423j-423l) is repealed.

TITLE VI—SOUTHEASTERN ALASKA INTERTIE SYSTEM CONSTRUCTION; NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM

Deadline.

SEC. 601. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO-111005-105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97-01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed \$384,000,000. Nothing in this title shall be construed to limit or waive any otherwise applicable State or Federal law.

SEC. 602. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of Energy shall establish a 5-year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) **SCOPE.**—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) **TECHNICAL SUPPORT.**—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a). Deadline.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section \$15,000,000 for each of the fiscal years 2002 through 2006.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 964:

HOUSE REPORTS: No. 106–944 (Comm. on Resources).

SENATE REPORTS: No. 106–217 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 18, considered and passed House, amended.

Oct. 24, Senate concurred in House amendment.



Public Law 106–512
106th Congress

An Act

Nov. 13, 2000
[S. 1474]

Palmetto Bend
Conveyance Act.

Providing for conveyance of the Palmetto Bend project to the State of Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Palmetto Bend Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PROJECT.**—the term “Project” means the Palmetto Bend Reclamation Project in the State of Texas authorized under Public Law 90–562 (82 Stat. 999).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Texas, acting through the Texas Water Development Board or the Lavaca-Navidad River Authority or both.

SEC. 3. CONVEYANCE.

(a) **IN GENERAL.**—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, and subject to the conditions set forth in sections 4 and 5, convey to the State all right, title and interest (excluding the mineral estate) in and to the Project held by the United States.

Deadline.

(b) **REPORT.**—If the conveyance under section 3 has not been completed within 1 year and 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

- (1) the status of the conveyance;
- (2) any obstacles to completion of the conveyance; and
- (3) the anticipated date for completion of the conveyance.

SEC. 4. PAYMENT.

(a) **IN GENERAL.**—As a condition of the conveyance, the State shall pay the Secretary the adjusted net present value of current repayment obligations on the Project, calculated 30 days prior to closing using a discount rate equal to the average interest rate on 30-year United States Treasury notes during the preceding calendar month, which following application of the State’s August 1, 1999 payment, was, as of October 1999, calculated to be \$45,082,675 using a discount rate of 6.070 percent. The State shall

also pay interest on the adjusted net present value of current repayment obligations from the date of the State's most recent annual payment until closing at the interest rate for constant maturity United States Treasury notes of an equivalent term.

(b) OBLIGATION EXTINGUISHED.—Upon payment by the State under subsection (a), the obligation of the State and the Bureau of Reclamation under the Bureau of Reclamation Contract No. 14-06-500-1880, as amended shall be extinguished. After completion of conveyance provided for in section 3, the State shall assume full responsibility for all aspects of operation, maintenance and replacement of the Project.

(c) ADDITIONAL COSTS.—The State shall bear the cost of all boundary surveys, title searches, appraisals, and other transaction costs for the conveyance.

(d) RECLAMATION FUND.—All funds paid by the State to the Secretary under this section shall be credited to the Reclamation Fund in the Treasury of the United States.

SEC. 5. FUTURE MANAGEMENT.

(a) IN GENERAL.—As a condition of the conveyance under section 3, the State shall agree that the lands, water, and facilities of the Project shall continue to be managed and operated for the purposes for which the Project was originally authorized; that is, to provide a dependable municipal and industrial water supply, to conserve and develop fish and wildlife resources, and to enhance recreational opportunities. In future management of the Project, the State shall, consistent with other project purposes and the provision of dependable municipal and industrial water supply—

(1) provide full public access to the Project's lands, subject to reasonable restrictions for purposes of Project security, public safety, and natural resource protection;

(2) not sell or otherwise dispose of the lands conveyed under section 3;

(3) prohibit private or exclusive uses of lands conveyed under section 3;

(4) maintain and manage the Project's fish and wildlife resource and habitat for the benefit and enhancement of those resources;

(5) maintain and manage the Project's existing recreational facilities and assets, including open space, for the benefit of the general public;

(6) not charge the public recreational use fees that are more than is customary and reasonable.

(b) FISH, WILDLIFE, AND RECREATION MANAGEMENT.—As a condition of conveyance under section 3, management decisions and actions affecting the public aspects of the Project (namely, fish, wildlife, and recreation resources) shall be conducted according to a management agreement between all recipients of title to the Project and the Texas Parks and Wildlife Department that has been approved by the Secretary and shall extend for the useful life of the Project.

(c) EXISTING OBLIGATIONS.—The United States shall assign to the State and the State shall accept all surface use obligations of the United States associated with the Project existing on the date of the conveyance including contracts, easements, and any permits or license agreements.

SEC. 6. MANAGEMENT OF MINERAL ESTATE.

All mineral interests in the Project retained by the United States shall be managed consistent with Federal law and in a manner that will not interfere with the purposes for which the Project was authorized.

SEC. 7. LIABILITY.

Effective date.

(a) **IN GENERAL.**—Effective on the date of conveyance of the Project, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to the Project, except for damages caused by acts of negligence committed prior to the date of conveyance by—

(1) the United States; or

(2) an employee, agent, or contractor of the United States.

(b) **NO INCREASE IN LIABILITY.**—Nothing in this Act increases the liability of the United States beyond that provided for in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

SEC. 8. FUTURE BENEFITS.

Effective date.

(a) **DEAUTHORIZATION.**—Effective on the date of conveyance of the Project, the Project conveyed under this Act shall be deauthorized.

(b) **NO RECLAMATION BENEFITS.**—After deauthorization of the Project under subsection (a), the State shall not be entitled to receive any benefits for the Project under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093)), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 1474 (H.R. 2674):

HOUSE REPORTS: No. 106–832 accompanying H.R. 2674 (Comm. on Resources).

SENATE REPORTS: No. 106–358 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 13, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–513
106th Congress

An Act

To amend the National Marine Sanctuaries Act, and for other purposes.

Nov. 13, 2000

[S. 1482]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the “National Marine Sanctuaries Amendments Act of 2000”.

National Marine
Sanctuaries
Amendments Act
of 2000.
16 USC 1431
note.

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.

(a) CLERICAL AMENDMENT.—The heading for section 301 (16 U.S.C. 1431) is amended to read as follows:

“SEC. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM.”.

(b) FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) in paragraph (2) by striking “research, educational, or esthetic” and inserting “scientific, educational, cultural, archeological, or esthetic”;

(2) in paragraph (3) by adding “and” after the semicolon; and

(3) by striking paragraphs (4), (5), and (6) and inserting the following:

“(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will—

“(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

“(B) enhance public awareness, understanding, and appreciation of the marine environment; and

“(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.”.

(c) PURPOSES AND POLICIES.—Section 301(b) (16 U.S.C. 1431(b)) is amended—

(1) by striking “significance;” in paragraph (1) and inserting “significance and to manage these areas as the National Marine Sanctuary System;”;

(2) by striking paragraphs (3), (4), and (9);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (2) the following:

“(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

“(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

“(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;”;

(5) in paragraph (8), as redesignated, by striking “areas;” and inserting “areas, including the application of innovative management techniques; and”; and

(6) in paragraph (9), as redesignated, by striking “; and” and inserting a period.

(d) ESTABLISHMENT OF SYSTEM.—Section 301 is amended by adding at the end the following:

“(c) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.”.

SEC. 4. CHANGES IN DEFINITIONS.

(a) DAMAGES.—Paragraph (6) of section 302 (16 U.S.C. 1432) is amended—

(1) by striking “and” after the semicolon at the end of subparagraph (B); and

(2) by adding after subparagraph (C) the following:

“(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

“(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;”.

(b) RESPONSE COSTS.—Paragraph (7) of such section is amended by inserting “, including costs related to seizure, forfeiture, storage, or disposal arising from liability under section 312” after “injury” the second place it appears.

(c) SANCTUARY RESOURCE.—Paragraph (8) of such section is amended by striking “research, educational,” and inserting “educational, cultural, archeological, scientific,”.

(d) SYSTEM.—Such section is further amended—

(1) by striking “and” after the semicolon at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting “; and”; and

(3) by adding at the end the following:

“(10) ‘System’ means the National Marine Sanctuary System established by section 301.”.

SEC. 5. CHANGES RELATING TO SANCTUARY DESIGNATION STANDARDS.

(a) STANDARDS.—Section 303(a)(1) (16 U.S.C. 1433(a)(1)) is amended to read as follows:

“(1) determines that—

“(A) the designation will fulfill the purposes and policies of this title;

“(B) the area is of special national significance due to—

“(i) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

“(ii) the communities of living marine resources it harbors; or

“(iii) its resource or human-use values;

“(C) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

“(D) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (C); and

“(E) the area is of a size and nature that will permit comprehensive and coordinated conservation and management; and”.

(b) FACTORS; REPEAL OF REPORT REQUIREMENT.—Section 303(b) (16 U.S.C. 1433(b)) is amended—

(1) in paragraph (1) by striking “and” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting a semicolon, and by adding at the end the following:

“(J) the area’s scientific value and value for monitoring the resources and natural processes that occur there;

“(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

“(L) the value of the area as an addition to the System.”; and

(2) by striking paragraph (3).

SEC. 6. CHANGES IN PROCEDURES FOR SANCTUARY DESIGNATION AND IMPLEMENTATION.

(a) SUBMISSION OF NOTICE OF PROPOSED DESIGNATION TO CONGRESS.—Section 304(a)(1)(C) (16 U.S.C. 1434(a)(1)(C)) is amended to read as follows:

“(C) no later than the day on which the notice required under subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of

Deadline.
Notification.
Federal Register,
publication.

each State in which any part of the proposed sanctuary would be located.”.

(b) SANCTUARY DESIGNATION.—Section 304(a)(2) (16 U.S.C. 1434(a)(2)) is amended to read as follows:

“(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

“(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) A resource assessment that documents—

“(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

“(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

“(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.

Public disclosure by the Secretary of such information shall be consistent with national security regulations.

“(C) A draft management plan for the proposed national marine sanctuary that includes the following:

“(i) The terms of the proposed designation.

“(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

“(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

“(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

“(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

“(vi) The proposed regulations referred to in paragraph (1)(A).

“(D) Maps depicting the boundaries of the proposed sanctuary.

“(E) The basis for the findings made under section 303(a) with respect to the area.

“(F) An assessment of the considerations under section 303(b)(1).”.

(c) WITHDRAWAL OF DESIGNATION.—Section 304(b)(2) (16 U.S.C. 1434(b)(2)) is amended by inserting “or System” after “sanctuary” the second place it appears.

(d) FEDERAL AGENCY ACTIONS AFFECTING SANCTUARY RESOURCES.—Section 304(d) (16 U.S.C. 1434(d)) is amended by adding at the end the following:

“(4) FAILURE TO FOLLOW ALTERNATIVE.—If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.”.

(e) EVALUATION OF PROGRESS IN IMPLEMENTING MANAGEMENT STRATEGIES.—Section 304(e) (16 U.S.C. 1434(e)) is amended—

(1) by striking “management techniques,” and inserting “management techniques and strategies,”; and

(2) by adding at the end the following: “This review shall include a prioritization of management objectives.”.

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—Section 304 (16 U.S.C. 1434) is amended by adding at the end the following:

“(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.—

“(1) FINDING REQUIRED.—The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that—

“(A) the addition of a new sanctuary will not have a negative impact on the System; and

“(B) sufficient resources were available in the fiscal year in which the finding is made to—

“(i) effectively implement sanctuary management plans for each sanctuary in the System; and

“(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

“(2) DEADLINE.—If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of paragraph (2) have been met by all existing sanctuaries.

“(3) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to any sanctuary designation documents for—

“(A) a Thunder Bay National Marine Sanctuary; or

“(B) a Northwestern Hawaiian Islands National Marine Sanctuary.”.

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.—

(1) PRESIDENTIAL DESIGNATION.—The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral

reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.—Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) PUBLIC COMMENT.—Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.—The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) REVIEW.—If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

Deadline.

(6) REPORT.—No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) in the matter preceding paragraph (1) by inserting “for any person” after “unlawful”;

(2) in paragraph (2) by inserting “offer for sale, purchase, import, export,” after “sell,”; and

(3) by amending paragraph (3) to read as follows:

“(3) interfere with the enforcement of this title by—

“(A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this title;

“(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

“(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or”.

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

(a) **POWERS OF AUTHORIZED OFFICERS TO ARREST.**—Section 307(b) (16 U.S.C. 1437(b)) is amended by striking “and” after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “; and”, and by adding at the end the following:

“(6) arrest any person, if there is reasonable cause to believe that such person has committed an act prohibited by section 306(3).”.

(b) **CRIMINAL OFFENSES.**—Section 307 (16 U.S.C. 1437) is amended by redesignating subsections (c) through (j) in order as subsections (d) through (k), and by inserting after subsection (b) the following:

“(c) **CRIMINAL OFFENSES.**—

“(1) **OFFENSES.**—A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

“(2) **PUNISHMENT.**—Any person that is guilty of an offense under this subsection—

“(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

“(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”.

(c) **SUBPOENAS OF ELECTRONIC FILES.**—Subsection (g) of section 307 (16 U.S.C. 1437), as redesignated by this section, is amended by inserting “electronic files,” after “books,”.

(d) **NATIONWIDE SERVICE OF PROCESS.**—Section 307 (16 U.S.C. 1437) is amended by adding at the end the following:

“(1) **NATIONWIDE SERVICE OF PROCESS.**—In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.”.

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

“SEC. 308. REGULATIONS.

“The Secretary may issue such regulations as may be necessary to carry out this title.”.

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

“SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

“(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

“(b) RESEARCH AND MONITORING.—

“(1) IN GENERAL.—The Secretary may—

“(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

“(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

“(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

“(2) AVAILABILITY OF RESULTS.—The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

“(c) EDUCATION.—

“(1) IN GENERAL.—The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

“(2) EDUCATIONAL ACTIVITIES.—Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

“(d) INTERPRETIVE FACILITIES.—

“(1) IN GENERAL.—The Secretary may develop interpretive facilities near any national marine sanctuary.

“(2) FACILITY REQUIREMENT.—Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities of the national marine sanctuary.

“(e) CONSULTATION AND COORDINATION.—In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive

facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.”.

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), and by inserting after subsection (a) the following:

“(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).”;

(2) by striking “insurance” in paragraph (4) of subsection (c), as redesignated, and inserting “insurance, or post an equivalent bond”;

(3) by striking “resource and a reasonable return to the United States Government.” in paragraph (2)(C) of subsection (d), as redesignated, and inserting “resource.”;

(4) in subsection (d)(3)(B), as redesignated, by striking “designating and”; and

(5) in subsection (d), as redesignated, by inserting after paragraph (3) the following:

“(4) WAIVER OR REDUCTION OF FEES.—The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive profit from the access to or use of sanctuary resources.”.

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

(a) AGREEMENTS AND GRANTS.—Section 311(a) (16 U.S.C. 1442(a)) is amended to read as follows:

“(a) AGREEMENTS AND GRANTS.—The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.”.

(b) USE OF RESOURCES FROM OTHER GOVERNMENT AGENCIES.—Section 311 (16 U.S.C. 1442) is amended by adding at the end the following:

“(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.—The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

“(f) AUTHORITY TO OBTAIN GRANTS.—Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.”.

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) VENUE FOR CIVIL ACTIONS.—Section 312(c) (16 U.S.C. 1443(c)) is amended—

(1) by inserting “(1)” before the first sentence;

(2) in paragraph (1) (as so designated) in the first sentence by striking “in the United States district court for the appropriate district”; and

(3) by adding at the end the following:

“(2) An action under this subsection may be brought in the United States district court for any district in which—

“(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(B) the vessel is located, in the case of an action against a vessel; or

“(C) the destruction of, loss of, or injury to a sanctuary resource occurred.”.

(b) **USE OF RECOVERED AMOUNTS.**—Section 312(d) (16 U.S.C. 1443(d)) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) **RESPONSE COSTS.**—Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate—

“(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

“(2) **OTHER AMOUNTS.**—All other amounts recovered shall be used, in order of priority—

“(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

“(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

“(C) to restore degraded sanctuary resources of other national marine sanctuaries.”.

(c) **STATUTE OF LIMITATIONS.**—Section 312 (16 U.S.C. 1443) is amended by adding at the end the following:

“(e) **STATUTE OF LIMITATIONS.**—An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.”.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended to read as follows:

“SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary—

“(1) to carry out this title—

“(A) \$32,000,000 for fiscal year 2001;

“(B) \$34,000,000 for fiscal year 2002;

“(C) \$36,000,000 for fiscal year 2003;

“(D) \$38,000,000 for fiscal year 2004;

“(E) \$40,000,000 for fiscal year 2005; and

“(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1445a) is amended by striking “provide assistance” in subsection (a) and inserting “advise and make recommendations”.

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1445b) is amended—

(1) in subsection (a)(1), by inserting “or the System” after “sanctuaries”;

(2) in subsection (a)(4) by striking “use of any symbol published under paragraph (1)” and inserting “manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol,”;

(3) by amending subsection (e)(3) to read as follows:

“(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or”; and

(4) by adding at the end the following:

“(f) COLLABORATIONS.—The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

“(g) AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.—

“(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

“(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

“(3) PARTNER ORGANIZATION DEFINED.—In this subsection, the term ‘partner organization’ means an organization that—

“(A) draws its membership from individuals, private organizations, corporations, academic institutions, or State and local governments; and

“(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.”.

SEC. 18. ESTABLISHMENT OF DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

The National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) is amended by inserting after section 317 the following:

16 USC 1445c.

“SEC. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

“(b) PURPOSES.—The purposes of the Dr. Nancy Foster Scholarship Program are—

“(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

“(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

“(c) AWARD.—Each Dr. Nancy Foster Scholarship—

“(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

“(2) shall be awarded in accordance with guidelines issued by the Secretary.

“(d) DISTRIBUTION OF FUNDS.—The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

“(e) FUNDING.—Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

“(f) SCHOLARSHIP REPAYMENT REQUIREMENT.—The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

“(g) MARITIME ARCHEOLOGY DEFINED.—In this section the term ‘maritime archeology’ includes the curation, preservation, and display of maritime artifacts.”.

SEC. 19. CLERICAL AMENDMENTS.

(a) CORRECTION OF REFERENCES TO FORMER COMMITTEE.—The following provisions are amended by striking “Merchant Marine and Fisheries” and inserting “Resources”:

(1) Section 303(b)(2)(A) (16 U.S.C. 1433(b)(2)(A)).

(2) Section 304(a)(6) (16 U.S.C. 1434(a)(6)).

(b) CORRECTION OF REFERENCE TO RENAMED ACT.—(1) Section 302(2) is amended to read as follows:

16 USC 1432.

“(2) ‘Magnuson-Stevens Act’ means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);”.

(2) Section 302(9) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”. 16 USC 1432.

(3) Section 303(b)(2)(D) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”. 16 USC 1433.

(4) Section 304(a)(5) is amended by striking “Magnuson Act” and inserting “Magnuson-Stevens Act”. 16 USC 1434.

(5) Section 315(b)(2) (16 U.S.C. 1445a(b)(2)) is amended by striking “Magnuson Fishery Conservation and Management Act” and inserting “Magnuson-Stevens Act”.

(c) MISCELLANEOUS.—Section 312(a)(1) (16 U.S.C. 1443(a)(1)) is amended by striking “UNITED STATES” and inserting “UNITED STATES”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 1482 (H.R. 1243):

HOUSE REPORTS: No. 106–224 accompanying H.R. 1243 (Comm. on Resources).

SENATE REPORTS: No. 106–353 (Comm. on Commerce, Science, and Transportation.)

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed Senate.

Oct. 24, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 13, Presidential statements.



Public Law 106–514
106th Congress

An Act

Nov. 13, 2000

[S. 1752]

Coastal Barrier
Resources
Reauthorization
Act of 2000.
16 USC 3501
note.

To reauthorize and amend the Coastal Barrier Resources Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Barrier Resources Reauthorization Act of 2000”.

SEC. 2. GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.

Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503), as otherwise amended by this Act, is further amended by adding at the end the following:

“(g) GUIDELINES FOR CERTAIN RECOMMENDATIONS AND DETERMINATIONS.—

“(1) IN GENERAL.—In making any recommendation to the Congress regarding the addition of any area to the System or in determining whether, at the time of the inclusion of a System unit within the System, a coastal barrier is undeveloped, the Secretary shall consider whether within the area—

“(A) the density of development is less than 1 structure per 5 acres of land above mean high tide; and

“(B) there is existing infrastructure consisting of—

“(i) a road, with a reinforced road bed, to each lot or building site in the area;

“(ii) a wastewater disposal system sufficient to serve each lot or building site in the area;

“(iii) electric service for each lot or building site in the area; and

“(iv) a fresh water supply for each lot or building site in the area.

“(2) STRUCTURE DEFINED.—In paragraph (1), the term ‘structure’ means a walled and roofed building, other than a gas or liquid storage tank, that—

“(A) is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

“(B) covers an area of at least 200 square feet.

“(3) SAVINGS CLAUSE.—Nothing in this subsection supersedes the official maps referred to in subsection (a).”.

SEC. 3. VOLUNTARY ADDITIONS TO JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

(a) IN GENERAL.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended by inserting after subsection (c) the following:

“(d) ADDITIONS TO SYSTEM.—The Secretary may add a parcel of real property to the System, if—

“(1) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

“(2) the parcel is an undeveloped coastal barrier.”.

(b) TECHNICAL AMENDMENTS RELATING TO ADDITIONS OF EXCESS PROPERTY.—

(1) IN GENERAL.—Section 4(d) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)—

(A) is redesignated and moved so as to appear as subsection (e) of section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503); and

(B) is amended—

(i) in paragraph (1)—

(I) by striking “one hundred and eighty” and inserting “180”; and

(II) in subparagraph (B), by striking “shall”; and

(ii) in paragraph (2), by striking “subsection

(d)(1)(B)” and inserting “paragraph (1)(B)”;

(iii) by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—Section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is amended—

(A) in subsection (b)(2), by striking “subsection (d) of this section” and inserting “section 4(e) of the Coastal Barrier Resources Act (16 U.S.C. 3503(e))”; and

(B) by striking subsection (f).

(c) ADDITIONS TO SYSTEM.—Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is further amended by inserting after subsection (e) (as added by subsection (b)(1)) the following:

“(f) MAPS.—The Secretary shall—

“(1) keep a map showing the location of each boundary modification made under subsection (c) and of each parcel of real property added to the System under subsection (d) or (e) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

“(2) provide a copy of the map to—

“(A) the State and unit of local government in which the property is located;

“(B) the Committees; and

“(C) the Federal Emergency Management Agency; and

“(3) revise the maps referred to in subsection (a) to reflect each boundary modification under subsection (c) and each addition of real property to the System under subsection (d) or (e), after publishing in the Federal Register a notice of any such proposed revision.”.

(d) CONFORMING AMENDMENT.—Section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is amended by striking

Federal Register,
publication.

“which shall consist of” and all that follows and inserting the following: “which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled ‘Coastal Barrier Resources System’, dated October 24, 1990, as those maps may be modified, revised, or corrected under—

“(1) subsection (f)(3);

“(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

“(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.”.

SEC. 4. CLERICAL AMENDMENTS.

(a) COASTAL BARRIER RESOURCES ACT.—The Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) is amended—

(1) in section 3(2) (16 U.S.C. 3502(2)), by striking “refers to the Committee on Merchant Marine and Fisheries” and inserting “means the Committee on Resources”;

(2) in section 3(3) (16 U.S.C. 3502(3)), in the matter following subparagraph (D), by striking “Effective October 1, 1983, such” and inserting “Such”; and

(3) by repealing section 10 (16 U.S.C. 3509).

(b) COASTAL BARRIER IMPROVEMENT ACT OF 1990.—Section 8 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is repealed.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Coastal Barrier Resources Act (16 U.S.C. 3510) is redesignated as section 10, moved to appear after section 9, and amended to read as follows:

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”.

SEC. 6. DIGITAL MAPPING PILOT PROJECT.

(a) IN GENERAL.—

(1) PROJECT.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Director of the Federal Emergency Management Agency, shall carry out a pilot project to determine the feasibility and cost of creating digital versions of the John H. Chafee Coastal Barrier Resources System maps referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) (as amended by section 3(d)).

(2) NUMBER OF UNITS.—The pilot project shall consist of the creation of digital maps for no more than 75 units and no fewer than 50 units of the John H. Chafee Coastal Barrier Resources System (referred to in this section as the “System”), $\frac{1}{3}$ of which shall be otherwise protected areas (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591)).

(b) DATA.—

(1) USE OF EXISTING DATA.—To the maximum extent practicable, in carrying out the pilot project under this section,

the Secretary shall use digital spatial data in the possession of State, local, and Federal agencies including digital orthophotos, and shoreline, elevation, and bathymetric data.

(2) **PROVISION OF DATA BY OTHER AGENCIES.**—The head of a Federal agency that possesses data referred to in paragraph (1) shall, upon request of the Secretary, promptly provide the data to the Secretary at no cost.

(3) **ADDITIONAL DATA.**—If the Secretary determines that data necessary to carry out the pilot project under this section do not exist, the Secretary shall enter into an agreement with the Director of the United States Geological Survey under which the Director shall obtain, in cooperation with other Federal agencies, as appropriate, and provide to the Secretary the data required to carry out this section.

(4) **DATA STANDARDS.**—All data used or created to carry out this section shall comply with—

(A) the National Spatial Data Infrastructure established by Executive Order 12906 (59 Fed. Reg. 17671 (April 13, 1994)); and

(B) any other standards established by the Federal Geographic Data Committee established by Office of Management and Budget Circular A-16.

(c) **DIGITAL MAPS NOT CONTROLLING.**—Any determination as to whether a location is inside or outside the System shall be made without regard to the digital maps created under this section.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the pilot project and the feasibility, data needs, and costs of completing digital maps for the entire System.

Deadline.

(2) **CONTENTS.**—The report shall include a description of—

(A) the cooperative agreements that would be necessary to complete digital mapping of the entire System;

(B) the extent to which the data necessary to complete digital mapping of the entire System are available;

(C) the need for additional data to complete digital mapping of the entire System;

(D) the extent to which the boundary lines on the digital maps differ from the boundary lines on the original maps; and

(E) the amount of funding necessary to complete digital mapping of the entire System.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$500,000 for each of fiscal years 2002 through 2004.

SEC. 7. ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM.

16 USC 3501
note.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

Deadline.

(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

(3) development assistance for roads, potable water supplies, and wastewater infrastructure.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 1752 (H.R. 1431):

HOUSE REPORTS: No. 106–218 accompanying H.R. 1431 (Comm. on Resources).

SENATE REPORTS: No. 106–252 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 27, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–515
106th Congress

An Act

To provide grants to establish demonstration mental health courts.

Nov. 13, 2000

[S. 1865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “America’s Law Enforcement and Mental Health Project”.

America’s Law
Enforcement and
Mental Health
Project.
Inter-
governmental
relations.
42 USC 3711
note.
42 USC 3796ii
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;

(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;

(3) estimates say 25 to 40 percent of America’s mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;

(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and

(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored inpatient and outpatient mental health treatment programs, where appropriate, with positive results.

SEC. 3. MENTAL HEALTH COURTS.

(a) AMENDMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

“PART V—MENTAL HEALTH COURTS

“SEC. 2201. GRANT AUTHORITY.

42 USC 3796ii.

“The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

“(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

“(2) the coordinated delivery of services, which includes—

“(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

“(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

“(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant’s cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

“(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

42 USC 3796ii–1. **“SEC. 2202. DEFINITIONS.**

“In this part—

“(1) the term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder—

“(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

“(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and

“(2) the term ‘preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders’ means a person who—

“(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or

“(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

“(B) is deemed eligible by designated judges.

42 USC 3796ii–2. **“SEC. 2203. ADMINISTRATION.**

“(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

“(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

“(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

“(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

“(1) include a long-term strategy and detailed implementation plan;

“(2) explain the applicant’s inability to fund the program adequately without Federal assistance;

“(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

“(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

“(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

“(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

“(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

“(8) describe the methodology and outcome measures that will be used in evaluating the program; and

“(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.

“SEC. 2204. APPLICATIONS.

42 USC 3796ii-3.

“To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.

“SEC. 2205. FEDERAL SHARE.

42 USC 3796ii-4.

“The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

“SEC. 2206. GEOGRAPHIC DISTRIBUTION.

42 USC 3796ii-5.

“The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is

made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

42 USC 3796ii–6. **“SEC. 2207. REPORT.**

“A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

42 USC 3796ii–7. **“SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.**

“(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

“(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

“(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.”.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:

“PART V—MENTAL HEALTH COURTS

“Sec. 2201. Grant authority.

“Sec. 2202. Definitions.

“Sec. 2203. Administration.

“Sec. 2204. Applications.

“Sec. 2205. Federal share.

“Sec. 2206. Geographic distribution.

“Sec. 2207. Report.

“Sec. 2208. Technical assistance, training, and evaluation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

“(20) There are authorized to be appropriated to carry out part V, \$10,000,000 for each of fiscal years 2001 through 2004.”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 1865:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–516
106th Congress

An Act

Nov. 13, 2000
[S. 2345]

Harriet Tubman
Special Resource
Study Act.
State listing.

To direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harriet Tubman Special Resource Study Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a “conductor” on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman’s home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) **IN GENERAL.**—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Fort Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) **INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.**—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) **STUDY GUIDELINES.**—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383, as amended by section 303 of the National Park Omnibus Management Act (P.L. 105-391; 112 Stat. 3501).

(d) **CONSULTATION.**—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

Deadline.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 2345:

SENATE REPORTS: No. 106–440 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 24, considered and passed House.



Public Law 106–517
106th Congress

An Act

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

Nov. 13, 2000
[S. 2413]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bulletproof Vest Partnership Grant Act of 2000”.

Bulletproof Vest
Partnership
Grant Act of
2000.
42 USC 3711
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a “public safety crisis in Indian country”.

42 USC 3796ll
note.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking “The portion” and inserting the following: “(1) IN GENERAL.—The portion”;

(2) by striking “subsection (a)” and all that follows through the period at the end of the first sentence and inserting “subsection (a)—

“(A) may not exceed 50 percent; and

“(B) shall equal 50 percent, if—

“(i) such grant is to a unit of local government with fewer than 100,000 residents;

“(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

“(iii) such portion does not cause such grant to violate the requirements of subsection (e).”; and

(3) by striking “Any funds” and inserting the following:

“(2) INDIAN ASSISTANCE.—Any funds”.

(b) ALLOCATION OF FUNDS.—Section 2501(g) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(g)) is amended to read as follows:

“(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.”.

(c) APPLICATIONS.—Section 2502 of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll-1) is amended by adding at the end the following:

“(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

“(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

“(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.”.

(d) DEFINITION OF ARMOR VEST.—Section 2503(1) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll-2(1)) is amended—

(1) by striking “means body armor” and inserting the following: “means—

“(A) body armor”;

(2) by adding “or” at the end; and

(3) by adding at the end the following:

“(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;”.

42 USC 3796ll-2
note.

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term “armor vest” (as defined in section 2503 of such Act (42 U.S.C. 3796ll-2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by inserting before the period at the end the following: “, and \$50,000,000 for each of fiscal years 2002 through 2004”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 2413 (H.R. 4033):

HOUSE REPORTS: No. 106–776 accompanying H.R. 4033 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed Senate.

Oct. 25, considered and passed House.



Public Law 106–518
106th Congress

An Act

Nov. 13, 2000
[S. 2915]

To make improvements in the operation and administration of the Federal courts,
and for other purposes.

Federal Courts
Improvement Act
of 2000.

28 USC 1 note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Courts Improvement Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Extension of Judiciary Information Technology Fund.

Sec. 102. Disposition of miscellaneous fees.

Sec. 103. Increase in chapter 9 bankruptcy filing fee.

Sec. 104. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.

Sec. 105. Bankruptcy fees.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.

Sec. 202. Magistrate judge contempt authority.

Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.

Sec. 204. Savings and loan data reporting requirements.

Sec. 205. Membership in circuit judicial councils.

Sec. 206. Sunset of civil justice expense and delay reduction plans.

Sec. 207. Repeal of Court of Federal Claims filing fee.

Sec. 208. Technical bankruptcy correction.

Sec. 209. Technical amendment relating to the treatment of certain bankruptcy fees collected.

Sec. 210. Maximum amounts of compensation for attorneys.

Sec. 211. Reimbursement of expenses in defense of certain malpractice actions.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Judicial administrative officials retirement matters.

Sec. 302. Applicability of leave provisions to employees of the Sentencing Commission.

Sec. 303. Payments to military survivors benefits plan.

Sec. 304. Creation of certifying officers in the judicial branch.

Sec. 305. Amendment to the jury selection process.

Sec. 306. Authorization of a circuit executive for the Federal circuit.

Sec. 307. Residence of retired judges.

Sec. 308. Recall of judges on disability status.

Sec. 309. Personnel application and insurance programs relating to judges of the Court of Federal Claims.

- Sec. 310. Lump-sum payment for accumulated and accrued leave on separation.
Sec. 311. Employment of personal assistants for handicapped employees.
Sec. 312. Mandatory retirement age for Director of the Federal Judicial Center.
Sec. 313. Reauthorization of certain Supreme Court Police authority.

TITLE IV—FEDERAL PUBLIC DEFENDERS

- Sec. 401. Tort Claims Act amendment relating to liability of Federal public defenders.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Extensions relating to bankruptcy administrator program.
Sec. 502. Additional place of holding court in the district of Oregon.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking “equipment” each place it appears and inserting “resources”;

(2) by striking subsection (f) and redesignating subsections (g) through (k) as subsections (f) through (j), respectively;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking “Judiciary” each place it appears and inserting “judiciary”;

(B) by striking “subparagraph (c)(1)(B)” and inserting “subsection (c)(1)(B)”;

(C) by striking “under (c)(1)(B)” and inserting “under subsection (c)(1)(B)”.

SEC. 102. DISPOSITION OF MISCELLANEOUS FEES.

28 USC 1931
note.

For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 103. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking “\$300” and inserting “equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title”.

SEC. 104. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking “\$400” and inserting “the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)”.

SEC. 105. BANKRUPTCY FEES.

Section 1930(a) of title 28, United States Code, is amended by adding at the end the following:

“(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.”.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

**SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE
JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT
COURTS OF GUAM AND THE NORTHERN MARIANA
ISLANDS.**

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after “Commonwealth of Puerto Rico,” the following: “the Territory of Guam, the Commonwealth of the Northern Mariana Islands,”.

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

“(e) CONTEMPT AUTHORITY.—

“(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

“(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of the authority of such magistrate judge constituting misbehavior of any person in the magistrate judge’s presence so as to obstruct the administration of justice. The order of contempt shall be issued under the Federal Rules of Criminal Procedure.

“(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under

section 3401 of title 18, the magistrate judge shall have the power to punish, by fine or imprisonment, criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing under the Federal Rules of Criminal Procedure.

"(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions under any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or

"(iii) the act constitutes a civil contempt, the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served, upon any person whose behavior is brought into question under this paragraph, an order requiring such person to appear before a district judge upon a day certain to show cause why that person should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt under this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order

of contempt issued under this section shall be made to the district court.”.

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking “that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “petty offense”.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: “The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.”;

(B) in the second sentence by striking “any other class B or C misdemeanor case” and inserting “the case of any misdemeanor, other than a petty offense,”; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting the following:

“(4) the power to enter a sentence for a petty offense; and

“(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.”.

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

SEC. 205. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1) (A), (B), or (C).”; and

(2) in paragraph (5) by striking “retirement,” and inserting “retirement under section 371(a) or 372(a) of this title,”.

SEC. 206. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting “471,” after “sections”.

SEC. 207. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 208. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking “1222(b)(10)” each place it appears and inserting “1222(b)(9)”.

SEC. 209. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking “service enumerated after item 18” and inserting “service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989,”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of enactment of this Act.

SEC. 210. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Section 3006A(d)(2) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking “\$3,500” and inserting “\$5,200”; and

(B) by striking “\$1,000” and inserting “\$1,500”;

(2) in the second sentence by striking “\$2,500” and inserting “\$3,700”;

(3) in the third sentence—

(A) by striking “\$750” and inserting “\$1,200”; and

(B) by striking “\$2,500” and inserting “\$3,900”;

(4) by inserting after the second sentence the following: “For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.”; and

(5) in the last sentence by striking “\$750” and inserting “\$1,200”.

SEC. 211. REIMBURSEMENT OF EXPENSES IN DEFENSE OF CERTAIN MALPRACTICE ACTIONS.

Section 3006A(d)(1) of title 18, United States Code, is amended by striking the last sentence and inserting “Attorneys may be reimbursed for expenses reasonably incurred, including the costs of transcripts authorized by the United States magistrate or the court, and the costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. No reimbursement for expenses in defending against malpractice claims shall be made if a judgment of malpractice is rendered against the counsel furnishing representational services under this section. The United States magistrate or the court shall make determinations relating to reimbursement of expenses under this paragraph.”.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) **DIRECTOR OF ADMINISTRATIVE OFFICE.**—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting “a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,” after “Congress,”;

(2) in subsection (b)—

(A) by striking “who has served at least fifteen years and” and inserting “who has at least fifteen years of service and has”; and

(B) in the first undesignated paragraph, by striking “who has served at least ten years,” and inserting “who has at least ten years of service,”; and

(3) in subsection (c)—

(A) by striking “served at least fifteen years,” and inserting “at least fifteen years of service,”; and

(B) by striking “served less than fifteen years,” and inserting “less than fifteen years of service,”.

(b) **DIRECTOR OF THE FEDERAL JUDICIAL CENTER.**—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting “a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,” after “Congress,”;

(2) in subsection (c)—

(A) by striking “who has served at least fifteen years and” and inserting “who has at least fifteen years of service and has”; and

(B) in the first undesignated paragraph, by striking “who has served at least ten years,” and inserting “who has at least ten years of service,”; and

(3) in subsection (d)—

(A) by striking “served at least fifteen years,” and inserting “at least fifteen years of service,”; and

(B) by striking “served less than fifteen years,” and inserting “less than fifteen years of service,”.

SEC. 302. APPLICABILITY OF LEAVE PROVISIONS TO EMPLOYEES OF THE SENTENCING COMMISSION.

(a) **IN GENERAL.**—Section 996(b) of title 28, United States Code, is amended by striking all after “title 5,” and inserting “except the following: chapters 45 (Incentive Awards), 63 (Leave), 81 (Compensation for Work Injuries), 83 (Retirement), 85 (Unemployment Compensation), 87 (Life Insurance), and 89 (Health Insurance), and subchapter VI of chapter 55 (Payment for accumulated and accrued leave).”.

(b) SAVINGS PROVISION.—Any leave that an individual accrued or accumulated (or that otherwise became available to such individual) under the leave system of the United States Sentencing Commission and that remains unused as of the date of the enactment of this Act shall, on and after such date, be treated as leave accrued or accumulated (or that otherwise became available to such individual) under chapter 63 of title 5, United States Code. 28 USC 996 note.

SEC. 303. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after “such retired or retainer pay” the following: “, except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor’s benefits plan in connection with the retired pay,”.

SEC. 304. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

“§ 613. Disbursing and certifying officers

“(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

“(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

“(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

“(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

“(b) CERTIFYING OFFICERS.—

“(1) IN GENERAL.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

“(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

“(B) the legality of the proposed payment under the appropriation or fund involved; and

“(C) the correctness of the computations of certified payment requests.

“(2) LIABILITY.—The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States

for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

“(c) RIGHTS.—A certifying or disbursing officer—

“(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

“(2) is entitled to relief from liability arising under this section in accordance with title 31.

“(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following:

“613. Disbursing and certifying officers.”.

28 USC 613 note.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to authorize the hiring of any Federal officer or employee.

(d) DUTIES OF DIRECTOR.—Section 604(a)(8) of title 28, United States Code, is amended to read as follows:

“(8) Disburse appropriations and other funds for the maintenance and operation of the courts;”.

SEC. 305. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting “or the clerk under supervision of the court if the court’s jury selection plan so authorizes,” after “jury commission,”; and

(2) in subsection (b) by inserting “or the clerk if the court’s jury selection plan so provides,” after “may provide,”.

SEC. 306. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following:

“(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

“(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

“(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

“(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

“(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.”.

SEC. 307. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following:

“(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge’s official duty station for the purposes of section 456 of this title.”.

SEC. 308. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following:

“(2) Any judge of the Court of Federal Claims receiving an annuity under section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled under subsection (b) of this section.”.

SEC. 309. PERSONNEL APPLICATION AND INSURANCE PROGRAMS RELATING TO JUDGES OF THE COURT OF FEDERAL CLAIMS.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by inserting after section 178 the following:

“§ 179. Personnel application and insurance programs

“(a) For purposes of construing and applying title 5, a judge of the United States Court of Federal Claims shall be deemed to be an ‘officer’ under section 2104(a) of such title.

“(b)(1)(A) For purposes of construing and applying chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

“(i) is retired under subsection (b) of section 178 of this title, and

“(ii) at the time of becoming such a retired judge—

“(I) was enrolled in a health benefits plan under chapter 89 of title 5, but

“(II) did not satisfy the requirements of section 8905(b)(1) of title 5 (relating to eligibility to continue enrollment as an annuitant),

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, in accordance with the succeeding provisions of this paragraph, if the judge gives timely written notification to the chief judge of the court that the judge is willing to be called upon to perform judicial duties under section 178(d) of this title during the period of continued eligibility for enrollment, as described in subparagraph (B)(ii) or (C)(ii) (whichever applies).

“(B) Except as provided in subparagraph (C)—

“(i) in order to be eligible for continued enrollment under this paragraph, notification under subparagraph (A) shall be made before the first day of the open enrollment period preceding the calendar year referred to in clause (ii)(II); and

“(ii) if such notification is timely made, the retired judge shall be eligible for continued enrollment under this paragraph for the period—

“(I) beginning on the date on which eligibility would otherwise cease, and

“(II) ending on the last day of the calendar year next beginning after the end of the open enrollment period referred to in clause (i).

“(C) For purposes of applying this paragraph for the first time in the case of any particular judge—

“(i) subparagraph (B)(i) shall be applied by substituting ‘the expiration of the term of office of the judge’ for the matter following ‘before’; and

“(ii)(I) if the term of office of such judge expires before the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility for enrollment shall be as described in subparagraph (B)(ii); but

“(II) if the term of office of such judge expires on or after the first day of the open enrollment period referred to in subparagraph (B)(i), the period of continued eligibility shall not end until the last day of the calendar year next beginning after the end of the next full open enrollment period beginning after the date on which the term expires.

“(2) In the event that a retired judge remains enrolled under chapter 89 of title 5 for a period of 5 consecutive years by virtue of paragraph (1) (taking into account only periods of coverage as an active judge immediately before retirement and as a retired judge pursuant to paragraph (1)), then, effective as of the day following the last day of that 5-year period—

“(A) the provisions of chapter 89 of title 5 shall be applied as if such judge had satisfied the requirements of section 8905(b)(1) on the last day of such period; and

“(B) the provisions of paragraph (1) shall cease to apply.

“(3) For purposes of this subsection, the term ‘open enrollment period’ refers to a period described in section 8905(g)(1) of title 5.

“(c) For purposes of construing and applying chapter 87 of title 5, including any adjustment of insurance rates by regulation or otherwise, a judge of the United States Court of Federal Claims in regular active service or who is retired under section 178 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by striking the item relating to section 179 and inserting the following:

“179. Personnel application and insurance programs.”.

SEC. 310. LUMP-SUM PAYMENT FOR ACCUMULATED AND ACCRUED LEAVE ON SEPARATION.

Section 5551(a) of title 5, United States Code, is amended in the first sentence by striking “or elects” and inserting “, is

transferred to a position described under section 6301(2)(B)(xiii) of this title, or elects”.

SEC. 311. EMPLOYMENT OF PERSONAL ASSISTANTS FOR HANDICAPPED EMPLOYEES.

Section 3102(a)(1) of title 5, United States Code, is amended—

- (1) in subparagraph (A) by striking “and”;
- (2) in subparagraph (B) by adding “and” after the semicolon; and
- (3) by adding at the end the following:
“(C) an office, agency, or other establishment in the judicial branch;”.

SEC. 312. MANDATORY RETIREMENT AGE FOR DIRECTOR OF THE FEDERAL JUDICIAL CENTER.

(a) IN GENERAL.—Section 627 of title 28, United States Code, is amended—

- (1) by striking subsection (a); and
- (2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 376 of title 28, United States Code, is amended—

- (1) in paragraph (1)(D) by striking “subsection (b)” and inserting “subsection (a)”;
- (2) in paragraph (2)(D) by striking “subsection (c) or (d)” and inserting “subsection (b) or (c)”.

SEC. 313. REAUTHORIZATION OF CERTAIN SUPREME COURT POLICE AUTHORITY.

Section 9(c) of the Act entitled “An Act relating to the policing of the building and grounds of the Supreme Court of the United States”, approved August 18, 1949 (40 U.S.C. 13n(c)) is amended in the first sentence by striking “2000” and inserting “2004”.

TITLE IV—FEDERAL PUBLIC DEFENDERS

SEC. 401. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

- (1) by inserting “(1)” after “includes”; and
- (2) by striking the period at the end and inserting the following: “, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.”.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXTENSIONS RELATING TO BANKRUPTCY ADMINISTRATOR PROGRAM.

Section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking “or October 1, 2002, whichever occurs first,”; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking “or October 1, 2002, whichever occurs first”; and

(ii) in the matter following subclause (II)—

(I) by striking “October 1, 2003, or”; and

(II) by striking “, whichever occurs first”; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking “October 1, 2003, or”; and

(ii) by striking “, whichever occurs first”.

SEC. 502. ADDITIONAL PLACE OF HOLDING COURT IN THE DISTRICT OF OREGON.

Section 117 of title 28, United States Code, is amended by striking “Eugene” and inserting “Eugene or Springfield”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 2915 (H.R. 1752):

HOUSE REPORTS: No. 106–312 accompanying H.R. 1752 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 19, considered and passed Senate.

Oct. 25, considered and passed House, amended.

Oct. 27, Senate concurred in House amendments.



Public Law 106–519
106th Congress

An Act

To amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

Nov. 15, 2000
[H.R. 4986]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) **SHORT TITLE.**—This Act may be cited as the “FSC Repeal and Extraterritorial Income Exclusion Act of 2000”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

FSC Repeal and
Extraterritorial
Income Exclusion
Act of 2000.
26 USC 1 note.

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed. 26 USC 921–927.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) **IN GENERAL.**—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

“SEC. 114. EXTRATERRITORIAL INCOME.

“(a) **EXCLUSION.**—Gross income does not include extraterritorial income.

“(b) **EXCEPTION.**—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

“(c) **DISALLOWANCE OF DEDUCTIONS.**—

“(1) **IN GENERAL.**—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

“(2) **ALLOCATION.**—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

“(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

“(B) the extraterritorial income derived from such transaction which is not so excluded.

“(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

“(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term ‘extraterritorial income’ means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.”.

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

“Subpart E—Qualifying Foreign Trade Income

“Sec. 941. Qualifying foreign trade income.

“Sec. 942. Foreign trading gross receipts.

“Sec. 943. Other definitions and special rules.

“SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

“(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

“(1) IN GENERAL.—The term ‘qualifying foreign trade income’ means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

“(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

“(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

“(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

“(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

“(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

“(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

Regulations.

“(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

“(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

“(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

“(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

“(1) IN GENERAL.—The term ‘foreign trade income’ means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

“(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

“(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘foreign sale and leasing income’ means, with respect to any transaction—

“(A) foreign trade income properly allocable to activities which—

“(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

“(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

“(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

“(2) SPECIAL RULES FOR LEASED PROPERTY.—

“(A) SALES INCOME.—The term ‘foreign sale and leasing income’ includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

“(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

“(i) was manufactured, produced, grown, or extracted by the taxpayer, or

“(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

“(3) SPECIAL RULES.—

“(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable

to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

“(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

“SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

“(a) FOREIGN TRADING GROSS RECEIPTS.—

“(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term ‘foreign trading gross receipts’ means the gross receipts of the taxpayer which are—

“(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

“(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

“(C) for services which are related and subsidiary to—

“(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

“(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

“(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

“(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

“(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term ‘foreign trading gross receipts’ shall not include receipts of a taxpayer from a transaction if—

“(A) the qualifying foreign trade property or services—

“(i) are for ultimate use in the United States, or

“(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

“(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

“(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term ‘foreign trading gross receipts’ shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

“(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

“(2) REQUIREMENT.—

“(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

“(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

“(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

“(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least two subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) TOTAL DIRECT COSTS.—The term ‘total direct costs’ means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

“(ii) FOREIGN DIRECT COSTS.—The term ‘foreign direct costs’ means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

“(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

“(A) advertising and sales promotion,

“(B) the processing of customer orders and the arranging for delivery,

“(C) transportation outside the United States in connection with delivery to the customer,

“(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

“(E) the assumption of credit risk.

“(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

“(c) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

“(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed \$5,000,000.

Regulations.

“(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

Applicability.

“(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

“SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

“(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

“(1) IN GENERAL.—The term ‘qualifying foreign trade property’ means property—

“(A) manufactured, produced, grown, or extracted within or outside the United States,

“(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

“(C) not more than 50 percent of the fair market value of which is attributable to—

“(i) articles manufactured, produced, grown, or extracted outside the United States, and

“(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

“(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

“(A) a domestic corporation,

“(B) an individual who is a citizen or resident of the United States,

“(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

“(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

“(3) EXCLUDED PROPERTY.—The term ‘qualifying foreign trade property’ shall not include—

“(A) property leased or rented by the taxpayer for use by any related person,

“(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

“(C) oil or gas (or any primary product thereof),

“(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96-72, or

“(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term ‘unprocessed timber’ means any log, cant, or similar form of timber.

“(4) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President’s determination that the property is no longer in short supply.

“(b) OTHER DEFINITIONS AND RULES.—For purposes of this subpart—

“(1) TRANSACTION.—

“(A) IN GENERAL.—The term ‘transaction’ means—

“(i) any sale, exchange, or other disposition,

“(ii) any lease or rental, and

“(iii) any furnishing of services.

“(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

“(2) UNITED STATES DEFINED.—The term ‘United States’ includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

“(3) RELATED PERSON.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections

(a) and (b) of section 52 shall be made without regard to section 1563(b).

“(4) GROSS AND TAXABLE INCOME.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

“(c) SOURCE RULE.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

“(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer’s foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

“(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer’s foreign trade income which would (but for this subsection) be treated as from sources without the United States.

“(d) TREATMENT OF WITHHOLDING TAXES.—

“(1) IN GENERAL.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term ‘withholding tax’ means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

“(e) ELECTION TO BE TREATED AS DOMESTIC CORPORATION.—

“(1) IN GENERAL.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

“(2) APPLICABLE FOREIGN CORPORATION.—For purposes of paragraph (1), the term ‘applicable foreign corporation’ means any foreign corporation if—

“(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation’s trade or business, or

“(B) substantially all of the gross receipts of such corporation are foreign trading gross receipts.

“(3) PERIOD OF ELECTION.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent

taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

“(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

“(C) EFFECT OF REVOCATION OR TERMINATION.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

“(4) SPECIAL RULES.—

“(A) REQUIREMENTS.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

“(B) EFFECT OF ELECTION, REVOCATION, AND TERMINATION.—

“(i) ELECTION.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

“(ii) REVOCATION AND TERMINATION.—For purposes of section 367, if—

“(I) an election is made by a corporation under paragraph (1) for any taxable year, and

“(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

“(C) ELIGIBILITY FOR ELECTION.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

“(f) RULES RELATING TO ALLOCATIONS OF QUALIFYING FOREIGN TRADE INCOME FROM SHARED PARTNERSHIPS.—

“(1) IN GENERAL.—If—

“(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

“(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

“(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

“(2) SPECIAL RULES.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

“(A) any partner’s interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

“(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

“(g) EXCLUSION FOR PATRONS OF AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—Any amount described in paragraph (1) or (3) of section 1385(a)—

“(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

“(2) which is allocable to qualifying foreign trade income and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

“(h) SPECIAL RULE FOR DISCS.—Section 114 shall not apply to any taxpayer for any taxable year if, at any time during the taxable year, the taxpayer is a member of any controlled group of corporations (as defined in section 927(d)(4), as in effect before the date of the enactment of this subsection) of which a DISC is a member.”.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

26 USC 56.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period “or under section 114”.

26 USC 275.

(2) Section 275(a) is amended—

(A) by striking “or” at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting “, or”, and by adding at the end of paragraph (4) the following new subparagraph:

“(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941).”; and

(B) by adding at the end the following the following new sentence: “A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).”.

26 USC 864.

(3) Paragraph (3) of section 864(e) is amended—

(A) by striking “For purposes of” and inserting:

“(A) IN GENERAL.—For purposes of”; and

(B) by adding at the end the following new subparagraph:

“(B) ASSETS PRODUCING EXEMPT EXTRATERRITORIAL INCOME.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account

any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).”.

(4) Section 903 is amended by striking “164(a)” and inserting “114, 164(a).” 26 USC 903.

(5) Section 999(c)(1) is amended by inserting “941(a)(5),” after “908(a).” 26 USC 999.

(6) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

“Sec. 114. Extraterritorial income.”.

(7) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

“Subpart E. Qualifying foreign trade income.”.

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

26 USC 941 note.

(a) IN GENERAL.—The amendments made by this Act shall apply to transactions after September 30, 2000.

Applicability.

(b) NO NEW FSCs; TERMINATION OF INACTIVE FSCs.—

(1) NO NEW FSCs.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) TERMINATION OF INACTIVE FSCs.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) TRANSITION PERIOD FOR EXISTING FOREIGN SALES CORPORATIONS.—

(1) IN GENERAL.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) ELECTION TO HAVE AMENDMENTS APPLY EARLIER.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person

to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) EXCEPTION FOR OLD EARNINGS AND PROFITS OF CERTAIN CORPORATIONS.—

(A) IN GENERAL.—In the case of a foreign corporation to which this paragraph applies—

(i) earnings and profits of such corporation accumulated in taxable years ending before October 1, 2000, shall not be included in the gross income of the persons holding stock in such corporation by reason of section 943(e)(4)(B)(i); and

(ii) rules similar to the rules of clauses (ii), (iii), and (iv) of section 953(d)(4)(B) shall apply with respect to such earnings and profits.

The preceding sentence shall not apply to earnings and profits acquired in a transaction after September 30, 2000, to which section 381 applies unless the distributor or transferor corporation was immediately before the transaction a foreign corporation to which this paragraph applies.

Applicability.

(B) EXISTING FSCS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957) if—

(i) such corporation is a FSC (as so defined) in existence on September 30, 2000;

(ii) such corporation is eligible to make the election under section 943(e) by reason of being described in paragraph (2)(B) of such section; and

(iii) such corporation makes such election not later than for its first taxable year beginning after December 31, 2001.

Applicability.

(C) OTHER CORPORATIONS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957), and such corporation shall (notwithstanding any provision of section 943(e)) be treated as an applicable foreign corporation for purposes of section 943(e), if—

(i) such corporation is in existence on September 30, 2000;

(ii) as of such date, such corporation is wholly owned (directly or indirectly) by a domestic corporation (determined without regard to any election under section 943(e));

(iii) for each of the 3 taxable years preceding the first taxable year to which the election under section 943(e) by such controlled foreign corporation applies—

(I) all of the gross income of such corporation is subpart F income (as defined in section 952), including by reason of section 954(b)(3)(B); and

(II) in the ordinary course of such corporation's trade or business, such corporation regularly sold (or paid commissions) to a FSC which on September 30, 2000, was a related person to such corporation;

(iv) such corporation has never made an election under section 922(a)(2) (as in effect before the date

of the enactment of this paragraph) to be treated as a FSC; and

(v) such corporation makes the election under section 943(e) not later than for its first taxable year beginning after December 31, 2001.

The preceding sentence shall cease to apply as of the date that the domestic corporation referred to in clause (ii) ceases to wholly own (directly or indirectly) such controlled foreign corporation.

(4) RELATED PERSON.—For purposes of this subsection, the term “related person” has the meaning given to such term by section 943(b)(3).

(5) SECTION REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision shall be considered to be a reference to a section or other provision of the Internal Revenue Code of 1986, as amended by this Act.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

Approved November 15, 2000.

LEGISLATIVE HISTORY—H.R. 4986:

HOUSE REPORTS: No. 106-845 (Comm. on Ways and Means).

SENATE REPORTS: No. 106-416 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 12, 13, considered and passed House.

Nov. 1, considered and passed Senate, amended.

Nov. 14, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 15, Presidential statement.



Public Law 106–520
106th Congress

Joint Resolution

Nov. 15, 2000
[H.J. Res. 125]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Ante, p. 1899.

SECTION 1. Public Law 106–275 is further amended by striking the date specified in section 106(c) and inserting “December 5, 2000”, and by adding, at the end, the following three new sections:

“SEC. 121. (a) Notwithstanding any other provision of this joint resolution, except section 107, there are appropriated for all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred Sixth Congress), \$1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: *Provided*, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

“(b) During fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to the following events:

“(1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89 (One Hundred Sixth Congress), agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

“(2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

“SEC. 122. Notwithstanding any other provision of this joint resolution except section 107, \$5,961,000 shall be available for a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities.

“SEC. 123. Notwithstanding limitations imposed by this continuing resolution except section 107, the Executive Residence at the White House is authorized to make expenditures to provide for the orderly transition and moving expenses following the election on November 7, 2000.”.

SEC. 2. Notwithstanding section 106 of Public Law 106–275, funds shall be available and obligations for mandatory payments due on or about December 1, 2000, may continue to be made.

Approved November 15, 2000.

LEGISLATIVE HISTORY—H.J. Res. 125:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Nov. 13, considered and passed House.

Nov. 14, considered and passed Senate.



Public Law 106–521
106th Congress

An Act

Nov. 22, 2000
[H.R. 2346]

To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

“(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

“(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

“(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

“(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

“(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

“(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

Deadline.

“(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

“(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal. Deadline.

“(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

“(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

“(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

“(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a ‘commercial motor vehicle’, as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—H.R. 2346:

HOUSE REPORTS: No. 106-883 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 27, considered and passed House.

Oct. 31, considered and passed Senate, amended.

Nov. 13, House concurred in Senate amendment.



Public Law 106–522
106th Congress

An Act

Nov. 22, 2000
[H.R. 5633]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

District of
Columbia
Appropriations
Act, 2001.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading “Federal Payment for Incentives for Adoption of Children” in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: “For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: *Provided*, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.”.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE
DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$1,250,000, of which \$250,000 shall be for

payment to a mentoring program and for hotline services; \$250,000 shall be for payment to a youth development program with a character building curriculum; \$250,000 shall be for payment to a basic values training program; and \$500,000, to remain available until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall.

FEDERAL PAYMENT FOR COMMERCIAL REVITALIZATION PROGRAM

For a Federal payment to the District of Columbia, \$1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: *Provided further*, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

Deadline.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, \$500,000: *Provided*, That \$250,000 of said amount shall be used for a program to reduce school violence: *Provided further*, That \$250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

FEDERAL PAYMENT TO THE METROPOLITAN POLICE DEPARTMENT

For a Federal payment to the Metropolitan Police Department, \$100,000: *Provided*, That said funds shall be used to fund a youth safe haven police mini-station for mentoring high risk youth.

FEDERAL CONTRIBUTION TO COVENANT HOUSE WASHINGTON

For a Federal contribution to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, \$500,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: *Provided*, That notwithstanding any other provision of law, funds appropriated

in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$105,000,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$7,409,000; for the District of Columbia Superior Court, \$71,121,000; for the District of Columbia Court System, \$17,890,000; \$5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and \$3,325,000, including \$825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation, or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

Contracts.
Reports.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,387,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That, in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in

the District of Columbia shall use funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC-99-226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the House and Senate Appropriations Committees on the status of these reforms.

Contracts.
Reports.

Reports.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER
SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), \$112,527,000, of which \$67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$18,778,000 shall be transferred to the Public Defender Service; and \$26,228,000 shall be available to the Pretrial Services Agency: *Provided*, That of the amount provided under this heading, \$17,854,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and \$836,000 of the \$17,854,000 referred to in this proviso is for the Public Defender Service: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on

the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, \$1,000,000: *Provided*, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: *Provided further*, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

FEDERAL PAYMENT FOR PLAN TO SIMPLIFY EMPLOYEE COMPENSATION SYSTEMS

For a Federal payment to the Mayor of the District of Columbia for a contract for the study and development of a plan to simplify the compensation systems, schedules, and work rules applicable to employees of the District government, \$250,000: *Provided*, That under the terms of the contract the plan shall include (at a minimum) a review of the current compensation systems, schedules, and work rules applicable to such employees; a review of the best practices regarding the compensation systems, schedules, and work rules of State and local governments and other appropriate organizations; a proposal for simplifying the systems, schedules, and rules applicable to employees of the District government; and the development of strategies for implementing such proposal, including an identification of any statutory, contractual, or other barriers to implementing the proposal and an estimated time frame for implementing the proposal: *Provided further*, That under the terms of the contract the contractor shall submit the plan to the Mayor and to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That the Mayor shall develop a proposed solicitation for the contract not later than 90 days after the date of the enactment of this Act and shall submit a copy of the proposed solicitation to the Comptroller General for review at least 90 days prior to the issuance of such solicitation: *Provided further*, That not later than 45 days after receiving the proposed solicitation from the Mayor, the Comptroller

Contracts.
Deadline.

Deadline.
Reports.

General shall review the solicitation to ensure that it adequately addresses all of the necessary elements described under this heading and report to the Committees on Appropriations of the House of Representatives and Senate on the results of this review: *Provided further*, That for purposes of this contract the term “District government” has the meaning given such term in section 305(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47–393(5), D.C. Code), except that such term shall not include the courts of the District of Columbia and shall include the District of Columbia Financial Responsibility and Management Assistance Authority.

METRORAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority (WMATA), a contribution of \$25,000,000, to remain available until expended, to design and build a Metrorail station located at New York and Florida Avenues, Northeast: *Provided*, That prior to the release of said funds from the U.S. Treasury, the District of Columbia shall set aside an additional \$25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide \$25,000,000: *Provided further*, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project. Applicability.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, \$3,450,000 for environmental and infrastructure costs at Poplar Point: *Provided*, That of said amount, \$2,150,000 shall be available for environmental assessment, site remediation, and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: *Provided further*, That no more than \$1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: *Provided further*, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, \$5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CHILDREN’S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children’s National Medical Center in the District of Columbia, \$500,000 to be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia.

CHILD ADVOCACY CENTER

For a Federal contribution to the Child Advocacy Center for its Safe Shores program, \$500,000.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, \$1,000,000.

DISTRICT OF COLUMBIA SPECIAL OLYMPICS

For a Federal contribution to the District of Columbia Special Olympics, \$250,000.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 126 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$5,677,379,000 (of which \$172,607,000 shall be from intra-District funds and \$3,250,783,000 shall be from local funds): *Provided further*, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND
MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104-8), \$3,140,000: *Provided*, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia: *Provided further*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess

of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B-279095.2): *Provided further*, That none of the funds contained in this Act or any other funds available to the Authority or any other entity of the District of Columbia government from any source (including any accounts of the Authority) may be used for any payments (including but not limited to severance or bonus payments, and payments under agreements in effect before the enactment of this Act) to any individual upon or following the individual's separation from employment with the Authority (other than a payment of the individual's regular salary for services performed prior to separation or a payment for unused annual leave accrued by the individual), except that an individual who is employed by the Authority during the entire period which begins on the date of the enactment of this Act and ends on September 30, 2001, may receive a severance payment after such date in an aggregate amount which does not exceed the product of 200 percent of the individual's average weekly salary during the final 12-month period (or portion thereof) during which the individual was employed by the Authority and the number of full years during which the individual was employed by the Authority.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$195,771,000 (including \$162,172,000 from local funds, \$20,424,000 from Federal funds, and \$13,175,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That \$303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: *Provided further*, That, effective September 30, 2000, section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1531) is amended by inserting “, to remain available until expended,” after “\$5,000,000”: *Provided further*, That not later than March 1, 2001, the Chief Financial Officer of the District

Effective date.

Deadline.
Study.

of Columbia shall submit a study to the Committees on Appropriations of the House of Representatives and Senate on the merits and potential savings of privatizing the operation and administration of Saint Elizabeths Hospital.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$205,638,000 (including \$53,562,000 from local funds, \$92,378,000 from Federal funds, and \$59,698,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government \$762,546,000 (including \$591,565,000 from local funds, \$24,950,000 from Federal funds, and \$146,031,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard

under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

Effective date.
Reports.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$998,918,000 (including \$824,867,000 from local funds, \$147,643,000 from Federal funds, and \$26,408,000 from other funds), to be allocated as follows: \$769,943,000 (including \$629,309,000 from local funds, \$133,490,000 from Federal funds, and \$7,144,000 from other funds), for the public schools of the District of Columbia; \$200,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$1,679,000 from local funds for the State Education Office, \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and \$105,000,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That the District of Columbia public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: *Provided further*, That the quarterly payment of October 15, 2000, shall be 50 percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31-2853.43(A)(2)(D); Public Law 104-134, as amended): *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,433,000 (including \$44,691,000 from local funds, \$13,199,000 from Federal funds, and \$18,543,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That \$200,000 is allocated for the East of the River Campus Assessment Study, \$1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General

Charter schools.
Reports.

Services Administration on a reimbursable basis, \$500,000 for the Adult Education State Plan, \$650,000 for The Saturday Academy Pre-College Program, and \$481,000 for the Strengthening of Academic Programs; and \$26,459,000 (including \$25,208,000 from local funds, \$550,000 from Federal funds and \$701,000 other funds) for the Public Library: *Provided further*, That the \$1,020,000 enhancement shall be allocated such that \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program, \$166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and \$119,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That \$2,204,000 (including \$1,780,000 from local funds, \$404,000 from Federal funds and \$20,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled “An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes”, approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That \$2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: *Provided further*, That \$50,000 is allocated to fund a conference on learning support for children ages 3–4 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: *Provided further*, That no local funds in this Act shall be used to administer a system-wide standardized test more than once in fiscal year 2001: *Provided further*, That no less than \$436,452,000 shall be expended on local schools through the Weighted Student Formula: *Provided further*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and

instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That the District of Columbia Public Schools shall spend \$250,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: *Provided further*, That the District of Columbia Public Schools shall spend \$250,000 to implement a Failure Free Reading program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2001, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2002: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2001, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2002.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, \$1,535,654,000 (including \$637,347,000 from local funds, \$881,589,000 from Federal funds, and \$16,718,000 from other funds): *Provided*, That \$25,836,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.): *Provided further*, That \$1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: \$250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and \$1,000,000 shall be paid in equal monthly installments by the fifteenth day of each month: *Provided further*, That \$400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That \$7,000,000 shall

be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball programs and baseball clinics: *Provided further*, That notwithstanding any other provision of law, to augment the District of Columbia subsidy for the District of Columbia Health and Hospitals Public Benefit Corporation, the District of Columbia may transfer from other non-Federal funds appropriated under this Act to the Human Support Services appropriation under this Act an amount not to exceed \$90,000,000 for the purpose of restructuring the delivery of health services in the District of Columbia: *Provided further*, That such restructuring shall be pursuant to a restructuring plan approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Board of Directors of the Public Benefit Corporation: *Provided further*, That—

(1) the restructuring plan reduces personnel levels of D.C. General Hospital and of the Public Benefit Corporation consistent with the reduction in force set forth in the August 25, 2000, resolution of the Board of Directors of the Public Benefit Corporation regarding personnel structure, by reducing personnel by at least 500 full-time equivalent employees, without replacement by contract personnel;

(2) no transferred funds are expended until 10 calendar days after the restructuring plan has received final approval and a copy evidencing final approval has been submitted by the Mayor to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate; and

(3) the plan includes a certification that the plan does not request and does not rely upon any current or future request for additional appropriation of Federal funds.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$278,242,000 (including \$265,078,000 from local funds, \$3,328,000 from Federal funds, and \$9,836,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$100,000 shall be available for a commercial sector recycling initiative, \$250,000 to initiate a recycling education campaign, \$10,000 for community clean-up kits, \$190,000 to restore a 3.5 percent vacancy rate in Parking Services, \$170,000 to plant 500 trees, \$118,000 for two water trucks, \$150,000 for contract monitors and parking analysts within Parking Services, \$1,409,000 for a neighborhood cleanup initiative, \$1,000,000 for tree maintenance, \$600,000 for an anti-

graffiti program, \$226,000 for a hazardous waste program, \$1,260,000 for parking control aides, and \$400,000 for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$389,528,000 (including \$234,913,000 from local funds, \$135,555,000 from Federal funds, and \$19,060,000 from other funds).

RESERVE

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$150,000,000 from local funds: *Provided*, That none of these funds shall be obligated or expended under this heading until the emergency reserve fund established under this Act has been fully funded for fiscal year 2001 pursuant to section 450A of the District of Columbia Home Rule Act as set forth herein.

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, \$243,238,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance \$19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That \$2,000,000 is allocated to the Metropolitan Police Department, \$4,300,000 for the Fire and Emergency Medical Services Department, \$1,622,000 for the Public Library, \$2,010,000 for the Department of Parks and Recreation, \$7,500,000 for the Department of Public Works, and \$1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of

Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), \$5,961,000 from local funds, previously appropriated in this Act as a Federal payment, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,409,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, \$2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, \$13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Financing and Trust Fund Amendment Act of 2000, there is transferred the amount available pursuant thereto, but not to exceed \$61,406,000, to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code, sec. 6-135), to be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED
COMPETITION)

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

MANAGEMENT REFORM SAVINGS

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

CAFETERIA PLAN SAVINGS

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of \$5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, \$275,705,000 from other funds (including \$230,614,000 for the Water and Sewer Authority and \$45,091,000 for the Washington Aqueduct) of which \$41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), \$223,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$10,968,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212 (D.C. Code, sec. 32-262.2), \$123,548,000, of which \$45,313,000 shall be derived by transfer from the general fund, and \$78,235,000 from other funds: *Provided*, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading until a restructuring plan for D.C. General Hospital has been approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the Authority, the Chief Financial Officer of the District of Columbia, and the Chair of the Board of Directors of the Corporation: *Provided further*, That for each payment or group of payments made by or on behalf of the Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter 13 of title 31, United States Code, or of any provision of this Act: *Provided further*, That more than one payment may be covered by the same affidavit under the previous proviso, but a single affidavit may not cover more than one week's worth of payments: *Provided further*, That it shall be unlawful for any person to order any other person to sign any affidavit required under this heading, or for any person to provide any signature required under this heading on such an affidavit by proxy or by machine, computer, or other facsimile device.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual

budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), \$1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$52,726,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,077,282,000 of which \$806,787,000 is from local funds, \$66,446,000 is from highway trust funds, and \$204,049,000 is from Federal funds, and a rescission of \$55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,022,074,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

Expiration date.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*,

That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

Effective date.

SEC. 104. (a) **REQUIRING MAYOR TO MAINTAIN INDEX.**—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) **PUBLIC INSPECTION.**—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) **CONTRACTS EXEMPTED.**—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) **DISTRICT GOVERNMENT DEFINED.**—In this section, the term “District government” means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 105. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 106. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 107. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 108. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 109. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 110. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 111. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

Notification.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming of funds which transfers any local funds from one appropriation to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 2 percent of the local funds in the appropriation.

Notification.

SEC. 112. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 113. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

Deadline.

SEC. 114. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 115. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 116. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term “program, project, and activity” shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 117. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 118. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed

records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 119. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 120. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

“(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

“(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

District of
Columbia
Register,
publication.

“(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.”.

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31-2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking “AUTHORITY” and inserting “ELIGIBLE CHARTERING AUTHORITY”;

(B) in clause (i), by striking “Authority” and inserting “eligible chartering authority”; and

(C) by amending clause (ii) to read as follows:

“(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.”.

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31-2853.20, D.C. Code) is amended by adding at the end the following new subsection:

“(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRESCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31-2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

“(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.”.

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31-2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31-2853.13(h)(2), D.C. Code) is amended by striking “(17).”.

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.43, D.C. Code) is amended by adding at the end the following new subsection:

“(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.”.

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(e) PARTICIPATION IN GSA PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

“(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school’s authority under paragraph (1).”.

SEC. 121. REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA. (a) The Superintendent of the District of Columbia Public Schools (DCPS) and the University of the District of

Columbia (UDC) shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education;

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

Deadline.

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

Deadline.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 122. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11-2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed \$2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

Abortion.

SEC. 123. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 124. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental

benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 125. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 126. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

Deadline.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate,

Deadline.

the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 127. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 128. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

Deadline.

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 129. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer

or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-625.7), is amended as follows:

(1) Subsection (a) is amended by striking "September 30, 2000" and inserting "September 30, 2000, and each subsequent fiscal year".

(2) Subsection (b) is amended by striking "Prior to February 1, 2000" and inserting "Prior to February 1 of each year".

(3) Subsection (i) is amended by striking "March 1, 2000" and inserting "March 1 of each year".

(4) Subsection (k) is amended by striking "September 1, 2000" and inserting "September 1 of each year".

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 130. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

Deadline.

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 131. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may

be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 132. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 133. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 134. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 135. Subsection 3(e) of Public Law 104-21 (D.C. Code sec. 7-134.2(e)) is amended to read as follows:

“(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1 thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31 thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next 5 fiscal years commencing on the previous October 1

Deadlines.
Reports.

and shall submit to Congress a report on the results of such examination.”.

SEC. 136. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

Deadline.

SEC. 137. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Needle exchange.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 138. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or

a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) **TIMING OF REPORTS.**—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) **LEASES DESCRIBED.**—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 139. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) **TERMINATION OF PROVISIONS.**—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus

Deadline.
Reports.

real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 140. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the tenth day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

Reports.
Deadline.

SEC. 141. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings, including managed competition, and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 142. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 143. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 144. Notwithstanding any other provision of law, the Mayor of the District of Columbia is hereby solely authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 145. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24-1232, D.C. Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

“(f) TREATMENT AS FEDERAL EMPLOYEES.—

“(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

“(A) Chapter 83 (relating to retirement).

“(B) Chapter 84 (relating to the Federal Employees’ Retirement System).

“(C) Chapter 87 (relating to life insurance).

“(D) Chapter 89 (relating to health insurance).

“(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

“(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

“(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

“(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

“(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

“(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.”.

Effective date.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 146. It is the sense of the Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 147. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 148. (a) Chapter 23 of title 11, District of Columbia, is hereby repealed.

(b) The table of chapters for title 11, District of Columbia, is amended by striking the item relating to chapter 23.

Effective date.

(c) The amendments made by this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 149. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment

described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals after the expiration of the 90-day period which begins on the date of the enactment of this Act.

Applicability.

SEC. 150. (a) Effective 120 days after the date of the enactment of this Act, it shall be unlawful for any person to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1,000 feet of a public or private elementary or secondary school (including a public charter school). It is stipulated that based on a survey by the Metropolitan Police Department of the District of Columbia that sites at 4th Street Northeast and Rhode Island Avenue Northeast, Southern Avenue Southeast and Central Avenue Southeast, 1st Street Southeast and M Street Southeast, 21st Street Northeast and H Street Northeast, Minnesota Avenue Northeast and Clay Place Northeast, and 15th Street Southeast and Ives Street Southeast are outside the 1,000-foot perimeter. Sites at North Capitol Street and New York Avenue Northeast, Division Avenue Northeast and Foote Street Northeast, Georgia Avenue Northwest and New Hampshire Avenue Northwest, and 15th Street Northeast and A Street Northeast are found to be within the 1,000-foot perimeter.

Effective date.
Needle exchange.

(b) The Public Housing Police of the District of Columbia Housing Authority shall prepare a monthly report on activity involving illegal drugs at or near any public housing site where a needle exchange program is conducted, and shall submit such reports to the Executive Director of the District of Columbia Housing Authority, who shall submit them to the Committees on

Reports.

Appropriations of the House of Representatives and Senate. The Executive Director shall ascertain any concerns of the residents of any public housing site about any needle exchange program conducted on or near the site, and this information shall be included in these reports. The District of Columbia Government shall take appropriate action to require relocation of any such program if so recommended by the police or by a significant number of residents of such site.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING
POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 151. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of \$100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

“SECTION 1. BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS.

“(a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

“(b) EXCEPTIONS.—

“(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

“(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

“(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

“(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

“(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed \$50.

“(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed \$100.

“(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.”.

(b) USE OF CONTRIBUTION.—The Metropolitan Police Department shall use the contribution made under subsection (a) to enforce the law referred to in such subsection.

SEC. 152. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 153. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal

purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year. Applicability.

SEC. 154. (a) IN GENERAL.—The District of Columbia Home Rule Act, as amended by section 159(a) of this Act, is further amended by inserting after section 450A the following new section:

“COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

“SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

“(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

“(1) A cash management policy.

“(2) A debt management policy.

“(3) A financial asset management policy.

“(4) An emergency reserve management policy in accordance with section 450A(a).

“(5) A contingency reserve management policy in accordance with section 450A(b).

“(6) A policy for determining real property tax exemptions for the District of Columbia.

“(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall— Deadlines.

“(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) for review;

“(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia (Council) for approval; and

“(3) not later than September 1 of each year, notify the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council.

“(d) PROCEDURE FOR DEVELOPMENT OF FIRST COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.— Deadlines.

“(1) CHIEF FINANCIAL OFFICER.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to this section.

“(2) COUNCIL.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council for its prompt review and adoption.

“(3) AUTHORITY.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately

Effective date.

submit the policy to the Authority for a review of not to exceed 30 days.

“(4) CONGRESS.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review, and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.”

(b) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450A the following new item:

“Sec. 450B. Comprehensive financial management policy.”

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 155. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47-317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: “Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect.”; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: “upon dismissal by the Mayor and approval of that dismissal by a $\frac{2}{3}$ vote of the Council. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.”.

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47-317.3, D.C. Code) is amended—

(A) in the heading, by striking “DURING A CONTROL YEAR”;

(B) in the matter preceding paragraph (1), by striking “During a control year, the Chief Financial Officer” and inserting “The Chief Financial Officer”;

(C) in paragraph (1), by striking “Preparing” and inserting “During a control year, preparing”;

(D) in paragraph (3), by striking “Assuring” and inserting “During a control year, assuring”;

(E) in paragraph (5), by striking “With the approval” and all that follows through “the Council—” and inserting “Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—”;

(F) in paragraph (11), by striking “or the Authority” and inserting “(or by the Authority during a control year)”; and

(G) by adding at the end the following new paragraphs:

“(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

“(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

“(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

“(21) Administering the centralized District government payroll and retirement systems.

“(22) Governing the accounting policies and systems applicable to the District government.

“(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

“(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).”

Deadline.

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking “or subsection (d)”; and

and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 156. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code 1–601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

Effective date.

SEC. 157. (a) IN GENERAL.—Notwithstanding section 503 of Public Law 100–71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the “agency”) may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) EFFECTIVE PERIOD.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100-71 or 12 months after the date referred to in paragraph (1), whichever is later.

Effective date.
Reports.

SEC. 158. Commencing October 1, 2000, the Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 159. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

“RESERVE FUNDS

“SEC. 450A. (a) EMERGENCY RESERVE FUND.—

Deadlines.

“(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the ‘emergency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

“(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

“(A) IN GENERAL.—The ‘minimum emergency reserve balance’ with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

“(i) For fiscal year 2001, 1 percent.

“(ii) For fiscal year 2002, 2 percent.

“(iii) For fiscal year 2003, 3 percent.

“(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

“(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

“(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) or unexpected obligations by Federal law.

“(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6-1504, D.C. Code).

“(C) The emergency reserve fund may not be used to fund—

“(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

“(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

“(iii) settlements and judgments made by or against the Government of the District of Columbia.

“(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

“(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

“(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

“(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia

Deadline.

Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

“(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated from local funds for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

“(b) CONTINGENCY RESERVE FUND.—

“(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the ‘contingency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

“(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

“(A) IN GENERAL.—The ‘minimum contingency reserve balance’ with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated from local funds for operating expenditures for such fiscal year which is derived from local funds.

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

“(i) For fiscal year 2005, 1 percent.

“(ii) For fiscal year 2006, 2 percent.

“(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

“(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

“(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified

after the budget process has occurred, or opportunities to achieve cost savings.

“(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

“(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

“(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

“(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated from local funds for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

“(C) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.”.

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

“Sec. 450A. Reserve funds.”.

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-392.2(j), D.C. Code) is amended—

(A) in paragraph (1), by striking “Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act” and inserting “For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year”; and

(B) by adding at the end the following new paragraph:

“(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the \$150,000,000 balance.”.

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47-392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

TREATMENT OF REVENUE BONDS SECURED BY TOBACCO SETTLEMENT
PAYMENTS

SEC. 160. (a) PERMITTING COUNCIL TO DELEGATE AUTHORITY
TO ISSUE BONDS.—

(1) IN GENERAL.—Section 490 of the District of Columbia Home Rule Act (sec. 47-334, D.C. Code) is amended—

(A) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(B) by inserting after subsection (h) the following new subsection:

“(i)(1) The Council may delegate to the District of Columbia Tobacco Settlement Financing Corporation (hereafter in this subsection referred to as the “Corporation”) established pursuant to the Tobacco Settlement Financing Act of 2000 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations which are used to borrow money to finance or assist in the financing or refinancing of capital projects and other undertakings of the District of Columbia and which are payable solely from and secured by payments under the Master Tobacco Settlement Agreement. The Corporation may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection and the provisions of the Tobacco Settlement Financing Act of 2000.

“(2) Revenue bonds, notes, and other obligations issued by the Corporation under a delegation of authority described in paragraph (1) shall be issued by resolution of the Corporation, and any such resolution shall not be considered to be an act of the Council.

“(3) The fourth sentence of section 446 shall not apply to—

“(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

“(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

“(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

“(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

“(4) In this subsection, the term ‘Master Tobacco Settlement Agreement’ means the settlement agreement (and related documents), as may be amended from time to time, entered into on November 23, 1998, by the District of Columbia and leading United States tobacco product manufacturers.”.

(2) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 47-304, D.C. Code) is amended by striking “and (h)(3)” and inserting “(h)(3), and (i)(3)”.

(b) WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR TOBACCO SETTLEMENT FINANCING ACT.—Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Tobacco Settlement Financing Act of 2000 (title XXXVII of D.C. Act 13-375, as amended by section 8(e) of D.C. Act 13-387) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 161. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended—

(1) by amending the second sentence of paragraph (2)(B) to read as follows: “Of such amounts and proceeds, \$5,000,000 shall be set aside for a credit enhancement fund for public charter schools in the District of Columbia, to be administered and disbursed in accordance with paragraph (3).”; and

(2) by adding at the end the following new paragraph:

“(3) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

“(A) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

“(i) 50 percent shall be used to make grants under subparagraph (B); and

“(ii) 50 percent shall be used to make grants under subparagraph (C).

“(B) GRANTS TO ELIGIBLE NONPROFIT CORPORATIONS.—

“(i) IN GENERAL.—Using the amounts described in subparagraph (A)(i), not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001, the Mayor of the District of Columbia shall make and disburse grants to eligible nonprofit corporations to carry out the purposes described in subparagraph (E).

“(ii) ADMINISTRATION.—The Mayor shall administer the program of grants under this subparagraph, except that if the committee described in subparagraph (C)(iii) is in operation and is fully functional prior to the date the Mayor makes the grants, the Mayor may delegate the administration of the program to the committee.

“(C) OTHER GRANTS.—

“(i) IN GENERAL.—Using the amounts described in subparagraph (A)(ii), the Mayor of the District of Columbia shall make grants to entities to carry out the purposes described in subparagraph (E).

“(ii) PARTICIPATION OF SCHOOLS.—A public charter school in the District of Columbia may receive a grant under this subparagraph to carry out the purposes described in subparagraph (E) in the same manner as other entities receiving grants to carry out such activities.

“(iii) ADMINISTRATION THROUGH COMMITTEE.—The Mayor shall carry out this subparagraph through the

committee appointed by the Mayor under the second sentence of paragraph (2)(B) (as in effect prior to the enactment of the District of Columbia Appropriations Act, 2001). The committee may enter into an agreement with a third party to carry out its responsibilities under this subparagraph.

“(iv) CAP ON ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds available for grants under this subparagraph may be used to cover the administrative costs of making grants under this subparagraph.

“(D) SPECIAL RULE REGARDING ELIGIBILITY OF NON-PROFIT CORPORATIONS.—In order to be eligible to receive a grant under this paragraph, a nonprofit corporation must provide appropriate certification to the Mayor or to the committee described in subparagraph (C)(iii) (as the case may be) that it is duly authorized by two or more public charter schools in the District of Columbia to act on their behalf in obtaining financing (or in assisting them in obtaining financing) to cover the costs of activities described in subparagraph (E)(i).

“(E) PURPOSES OF GRANTS.—

“(i) IN GENERAL.—The recipient of a grant under this paragraph shall use the funds provided under the grant to carry out activities to assist public charter schools in the District of Columbia in—

“(I) obtaining financing to acquire interests in real property (including by purchase, lease, or donation), including financing to cover planning, development, and other incidental costs;

“(II) obtaining financing for construction of facilities or the renovation, repair, or alteration of existing property or facilities (including the purchase or replacement of fixtures and equipment), including financing to cover planning, development, and other incidental costs; and

“(III) enhancing the availability of loans (including mortgages) and bonds.

“(ii) NO DIRECT FUNDING FOR SCHOOLS.—Funds provided under a grant under this subparagraph may not be used by a recipient to make direct loans or grants to public charter schools.”.

Contracts.

SEC. 162. (a) EXCLUSIVE AUTHORITY OF MAYOR.—Notwithstanding section 451 of the District of Columbia Home Rule Act or any other provision of District of Columbia or Federal law to the contrary, the Mayor of the District of Columbia shall have the exclusive authority to approve and execute leases of the Washington Marina and the Washington municipal fish wharf with the existing lessees thereof for an initial term of 30 years, together with such other terms and conditions (including renewal options) as the Mayor deems appropriate.

(b) DEFINITIONS.—In this section—

(1) the term “Washington Marina” means the portions of Federal property in the Southwest quadrant of the District of Columbia within Lot 848 in Square 473, the unassessed Federal real property adjacent to Lot 848 in Square 473, and riparian rights appurtenant thereto; and

(2) the term “Washington municipal fish wharf” means the water frontage on the Potomac River lying south of Water Street between 11th and 12th Streets, including the buildings and wharves thereon.

SEC. 163. Section 11201(g)(4)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)(4)(A)) is amended—

(1) by redesignating clauses (vi) through (ix) as clauses (vii) through (x), respectively; and

(2) by inserting after clause (v) the following:

“(vi) immediately upon completing the remediation required under clause (ii) (but in no event later than June 1, 2003), transfer any property located south of Silverbrooke Road which is identified for use for educational purposes in the Fairfax County reuse plan to the County, without consideration, subject to the condition that the County use the property only for educational purposes;”.

SEC. 164. (a) Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1-1182.8(a), D.C. Code) is amended—

(1) in paragraph (4)(A), by striking “the same auditor” and inserting “the same auditor, except as may be provided in paragraph (5)); and

(2) by adding at the end the following new paragraph:

“(5) Notwithstanding paragraph (4)(A), an auditor who is a subcontractor to the auditor who audited the financial statement and report described in paragraph (3)(H) for a fiscal year may audit the financial statement and report for any succeeding fiscal year (as either the prime auditor or as a subcontractor to another auditor) if—

“(A) such subcontractor is not a signatory to the statement and report for the previous fiscal year;

“(B) the prime auditor reviewed and approved the work of the subcontractor on the statement and report for the previous fiscal year; and

“(C) the subcontractor is not an employee of the prime contractor or of an entity owned, managed, or controlled by the prime contractor.”.

(b) The amendment made by subsection (a) shall apply with respect to financial statements and reports for activities of the District of Columbia Government for fiscal years beginning with fiscal year 2001.

Applicability.

SEC. 165. Section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)) is amended by adding at the end the following new paragraph:

“(6) MEADOWOOD FARM LAND EXCHANGE.—

“(A) IN GENERAL.—If, not later than January 15, 2001, Fairfax County, Virginia, agrees to convey fee simple title to the property on Mason Neck in excess of 800 acres depicted on the map dated June 2000, on file in the Office of the Director of the Bureau of Land Management, Eastern States (hereafter in this paragraph referred to as ‘Meadowood Farm’) to the Secretary of the Interior, then the Administrator of General Services shall agree to convey to Fairfax County, Virginia, fee simple title to the property

Virginia.
Deadline.

located at the Lorton Correctional Complex north of Silverbrook Road, and consisting of more than 200 acres identified in the Fairfax County Reuse Plan, dated July 26, 1999, as land available for residential development in Land Units 1 and 2 (hereafter in this paragraph referred to as the 'Laurel Hill Residential Land'), the actual exchange to occur no later than December 31, 2001.

“(B) TERMS AND CONDITIONS.—(i) When Fairfax County transfers fee simple title to Meadowood Farm to the Secretary of the Interior, the Administrator of General Services shall simultaneously transfer to the County the Laurel Hill Residential Land.

“(ii) The transfer of property to Fairfax County, Virginia, under clause (i) shall be subject to such terms and conditions that the Administrator of General Services considers to be appropriate to protect the interests of the United States.

“(iii) Any proceeds derived from the sale of the Laurel Hill Residential Land by Fairfax County that exceed the County's cost of acquiring, financing (which shall be deemed a County cost from the time of financing of the Meadowood Farm acquisition to the receipt of proceeds of the sale or sales of the Laurel Hill Residential Land until such time as the proceeds of such sale or sales exceed the acquisition and financing costs of Meadowood Farm to the County), preparing, and conveying Meadowood Farm and costs incurred for improving, preparing, and conveying the Laurel Hill Residential Land shall be remitted to the United States and deposited into the special fund established pursuant to paragraph (4)(A)(viii).

“(C) MANAGEMENT OF PROPERTY.—The property transferred to the Secretary of the Interior under this section shall be managed by the Bureau of Land Management for public use and recreation purposes.”.

SEC. 166. Section 158(b) of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1527) is amended to read as follows:

“(b) SOURCE OF FUNDS; TRANSFER.—An amount not to exceed \$5,000,000 from the National Highway System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a).”.

SEC. 167. The explanatory language contained in the Joint Explanatory Statement of the Committee of Conference for District of Columbia Appropriations contained in the Conference Report to accompany H.R. 4942 of the 106th Congress shall be considered to constitute a joint explanatory statement of a committee of conference for the provisions in this Act. References in this joint statement to the conference agreement mean the provisions in this Act, references to the House bill mean the House passed version of H.R. 4942, and references to the Senate bill mean the Senate passed amendment to H.R. 4942.

This Act may be cited as the “District of Columbia Appropriations Act, 2001”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—H.R. 5633:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Nov. 14, considered and passed House and Senate.



Public Law 106–523
106th Congress

An Act

Nov. 22, 2000

[S. 768]

Military
Extraterritorial
Jurisdiction Act
of 2000.
18 USC 3261
note.

To amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Military Extraterritorial Jurisdiction Act of 2000”.

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

**“CHAPTER 212—MILITARY EXTRATERRITORIAL
JURISDICTION**

- “Sec.
“3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
“3262. Arrest and commitment.
“3263. Delivery to authorities of foreign countries.
“3264. Limitation on removal.
“3265. Initial proceedings.
“3266. Regulations.
“3267. Definitions.

**“§ 3261. Criminal offenses committed by certain members
of the Armed Forces and by persons employed
by or accompanying the Armed Forces outside
the United States**

“(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

“(1) while employed by or accompanying the Armed Forces outside the United States; or

“(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice), shall be punished as provided for that offense.

“(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting

such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

“(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

“(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

“(1) such member ceases to be subject to such chapter;

or

“(2) an indictment or information charges that the member committed the offense with one or more other defendants, at least one of whom is not subject to such chapter.

“§ 3262. Arrest and commitment

“(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

“(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

“§ 3263. Delivery to authorities of foreign countries

“(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

“(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

“(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

“(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

“§ 3264. Limitation on removal

“(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

“(1) to the United States; or

“(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

“(b) The limitation in subsection (a) does not apply if—

“(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

“(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

“(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

“(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

“(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

“§ 3265. Initial proceedings

“(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

“(A) shall be conducted by a Federal magistrate judge; and

“(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

“(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

“(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person’s detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person’s release before trial under chapter 207 of this title.

“(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

“(1) shall be conducted by a Federal magistrate judge; and

“(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

“(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

“(2) For purposes of this subsection, the term ‘qualified military counsel’ means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

“(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

“§ 3266. Regulations

“(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

“(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

“(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

“(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

Effective date.
Reports.

“§ 3267. Definitions

“As used in this chapter:

“(1) The term ‘employed by the Armed Forces outside the United States’ means—

“(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

“(B) present or residing outside the United States in connection with such employment; and

“(C) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying the Armed Forces outside the United States’ means—

“(A) a dependent of—

“(i) a member of the Armed Forces;

“(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

“(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

“(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘Armed Forces’ has the meaning given the term ‘armed forces’ in section 101(a)(4) of title 10.

“(4) The terms ‘Judge Advocate General’ and ‘judge advocate’ have the meanings given such terms in section 801 of title 10.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

“212. Military extraterritorial jurisdiction 3261”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 768 (H.R. 3380):

HOUSE REPORTS: No. 106–778, Pt. 1 accompanying H.R. 3380 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 145 (1999): July 1, considered and passed Senate.

Vol. 146 (2000): July 25, considered and passed House, amended, in lieu of H.R. 3380.

Oct. 26, Senate concurred in House amendments.



Public Law 106–524
106th Congress

An Act

To revise the boundary of Fort Matanzas National Monument, and for other purposes.

Nov. 22, 2000
[S. 1670]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Florida.
16 USC 431 note.

SECTION 1. DEFINITIONS.

In this Act:

(1) MAP.—The term “Map” means the map entitled “Fort Matanzas National Monument”, numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term “Monument” means the Fort Matanzas National Monument in Florida.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 2. REVISION OF BOUNDARY.

(a) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 3. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

- (1) donation;
- (2) purchase with donated or appropriated funds;
- (3) transfer from any other Federal agency; or
- (4) exchange.

SEC. 4. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 1670:

SENATE REPORTS: No. 106-331 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 31, considered and passed House.



Public Law 106–525
106th Congress

An Act

To amend the Public Health Service Act to improve the health of minority individuals.

Nov. 22, 2000
[S. 1880]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Minority Health and Health Disparities Research and Education Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

Sec. 101. Establishment of National Center on Minority Health and Health Disparities.
Sec. 102. Centers of excellence for research education and training.
Sec. 103. Extramural loan repayment program for minority health disparities research.
Sec. 104. General provisions regarding the Center.
Sec. 105. Report regarding resources of National Institutes of Health dedicated to minority and other health disparities research.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

Sec. 201. Health disparities research by Agency for Healthcare Research and Quality.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

Sec. 301. Study and report by National Academy of Sciences.

TITLE IV—HEALTH PROFESSIONS EDUCATION

Sec. 401. Health professions education in health disparities.
Sec. 402. National conference on health professions education and health disparities.
Sec. 403. Advisory responsibilities in health professions education in health disparities and cultural competency.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

Sec. 501. Public awareness and information dissemination.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Departmental definition regarding minority individuals.
Sec. 602. Conforming provision regarding definitions.
Sec. 603. Effective date.

SEC. 2. FINDINGS.

The Congress finds as follows:

Minority Health
and Health
Disparities
Research and
Education Act of
2000.
42 USC 202 note.

42 USC 287c–31
note.

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) The largest numbers of the medically underserved are white individuals, and many of them have the same health care access problems as do members of minority groups. Nearly 20,000,000 white individuals live below the poverty line with many living in nonmetropolitan, rural areas such as Appalachia, where the high percentage of counties designated as health professional shortage areas (47 percent) and the high rate of poverty contribute to disparity outcomes. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(3) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians educated at Historically Black Medical Colleges live and serve in minority communities.

(4) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological, and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(5) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underrepresented minorities remains the same.

(6) Increasing rates of Black and Hispanic workers can help ensure a strong scientific, technological, and engineering workforce.

(7) Individuals such as underrepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(8) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underrepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(9) In order to effectively promote a diverse and strong 21st century scientific, technological, and engineering workforce, Federal agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(10) Federal agencies should work in concert with the private nonprofit sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(11) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified

to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) IN GENERAL.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

“Subpart 6—National Center on Minority Health and Health Disparities

“SEC. 485E. PURPOSE OF CENTER.

42 USC 287c–31.

“(a) IN GENERAL.—The general purpose of the National Center on Minority Health and Health Disparities (in this subpart referred to as the ‘Center’) is the conduct and support of research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities.

“(b) PRIORITIES.—The Director of the Center shall in expending amounts appropriated under this subpart give priority to conducting and supporting minority health disparities research.

“(c) MINORITY HEALTH DISPARITIES RESEARCH.—For purposes of this subpart:

“(1) The term ‘minority health disparities research’ means basic, clinical, and behavioral research on minority health conditions (as defined in paragraph (2)), including research to prevent, diagnose, and treat such conditions.

“(2) The term ‘minority health conditions’, with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

“(A) unique to, more serious, or more prevalent in such individuals;

“(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

“(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

“(3) The term ‘minority group’ has the meaning given the term ‘racial and ethnic minority group’ in section 1707.

“(4) The terms ‘minority’ and ‘minorities’ refer to individuals from a minority group.

“(d) HEALTH DISPARITY POPULATIONS.—For purposes of this subpart:

“(1) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

“(2) The Director shall give priority consideration to determining whether minority groups qualify as health disparity populations under paragraph (1).

“(3) The term ‘health disparities research’ means basic, clinical, and behavioral research on health disparity populations (including individual members and communities of such populations) that relates to health disparities as defined under paragraph (1), including the causes of such disparities and methods to prevent, diagnose, and treat such disparities.

“(e) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health, and—

“(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health disparities research program, at all relevant Executive branch task forces, committees and planning activities; and

“(2) shall maintain communications with all relevant Public Health Service agencies, including the Indian Health Service, and various other departments of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

“(f) COLLABORATIVE COMPREHENSIVE PLAN AND BUDGET.—

“(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the other agencies of the National Institutes of Health in collaboration (and in consultation with the advisory council for the Center) shall—

“(A) establish a comprehensive plan and budget for the conduct and support of all minority health disparities research and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later than 12 months after the date of the enactment of this subpart);

“(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

“(C) ensure that the plan and budget establish objectives regarding such activities, describes the means for

Deadline.

achieving the objectives, and designates the date by which the objectives are expected to be achieved;

“(D) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health disparities research;

“(E) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

“(F) review the plan and budget not less than annually, and revise the plan and budget as appropriate;

“(G) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health disparities research and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget; and

“(H) promote coordination and collaboration among the agencies conducting or supporting minority health or other health disparities research.

“(2) CERTAIN COMPONENTS OF PLAN AND BUDGET.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

“(A) basic research and applied research, including research and development with respect to products;

“(B) research that is conducted by the agencies;

“(C) research that is supported by the agencies;

“(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

“(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

“(3) MINORITY HEALTH DISPARITIES RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.

“(g) PARTICIPATION IN CLINICAL RESEARCH.—The Director of the Center shall work with the Director of NIH and the directors of the agencies of the National Institutes of Health to carry out the provisions of section 492B that relate to minority groups.

“(h) RESEARCH ENDOWMENTS.—

“(1) IN GENERAL.—The Director of the Center may carry out a program to facilitate minority health disparities research and other health disparities research by providing for research endowments at centers of excellence under section 736.

“(2) ELIGIBILITY.—The Director of the Center may provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

“(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions

that conduct similar biomedical research or training of health professionals.

“(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council under subsection (j).

“(i) CERTAIN ACTIVITIES.—In carrying out subsection (a), the Director of the Center—

“(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

“(2) shall establish projects to promote cooperation among Federal agencies, State, local, tribal, and regional public health agencies, and private entities in health disparities research; and

“(3) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

“(j) ADVISORY COUNCIL.—

“(1) IN GENERAL.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan under subsection (f), and shall include reviewing reports under subsection (k) before the reports are submitted under such subsection.

“(2) MEMBERSHIP.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be individuals with demonstrated expertise regarding minority health disparity and other health disparity issues; representatives of communities impacted by minority and other health disparities shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

“(k) ANNUAL REPORT.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce of the House of Representatives, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

“(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

“(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

“(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

“(4) contain such recommendations as the Director considers appropriate.

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health disparities research or other health disparities research by the agencies of the National Institutes of Health.”.

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

42 USC 281.

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

“(G) The National Center on Minority Health and Health Disparities.”; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

42 USC 283b.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101(a) of this Act, is amended by adding at the end the following section:

“SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

42 USC 287c-32.

“(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

Grants.
Contracts.

“(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

“(1) to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or

“(2) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

“(c) CENTERS OF EXCELLENCE.—

“(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

“(A) has a significant number of members of minority health disparity populations or other health disparity populations enrolled as students in the institution (including individuals accepted for enrollment in the institution);

“(B) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

“(C) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

“(D) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution.

“(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), including tribal health programs, form a consortium to receive an award under subsection (a).

“(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minority health disparity populations or other health disparity populations, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

“(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

“(e) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

“(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

“(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

“(g) DEFINITIONS.—For purposes of this section:

“(1) The term ‘designated biomedical and behavioral research institution’ has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

“(2) The term ‘program of excellence’ means any program carried out by a designated biomedical and behavioral research

institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.”.

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

“SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH. 42 USC 287c–33.

“(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health disparities research or other health disparities research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than \$35,000 of the principal and interest of the educational loans of such health professionals. Contracts.

“(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

“(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

“(d) PRIORITY.—With respect to minority health disparities research and other health disparities research under subsection (a), the Secretary shall ensure that priority is given to conducting projects of biomedical research.

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.”.

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

“SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER. 42 USC 287c–34.

“(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the

Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

“(b) EVALUATION AND REPORT.—

Deadline.

“(1) EVALUATION.—Not later than 5 years after the date of the enactment of this subpart, the Secretary shall conduct an evaluation to—

“(A) determine the effect of this subpart on the planning and coordination of health disparities research programs at the agencies of the National Institutes of Health;

“(B) evaluate the extent to which this subpart has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

“(C) provide, to the extent determined by the Secretary to be appropriate, recommendations concerning future legislative modifications with respect to this subpart, for both minority health disparities research and other health disparities research.

“(2) MINORITY HEALTH DISPARITIES RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health disparities research.

Deadline.

“(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.”.

42 USC 287c-31
note.

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO MINORITY AND OTHER HEALTH DISPARITIES RESEARCH.

Deadline.

Not later than December 1, 2003, the Director of the National Center on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to minority health disparities research and other health disparities research, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address any discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the methodology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to minority health disparities research, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTH-CARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTH-CARE RESEARCH AND QUALITY.

(a) IN GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

- (1) in section 902, by striking subsection (g); and
- (2) by adding at the end the following:

42 USC 299a.

“SEC. 903. RESEARCH ON HEALTH DISPARITIES.

42 USC 299a–1.

“(a) IN GENERAL.—The Director shall—

“(1) conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to and satisfaction with such services, as compared to the general population;

“(2) conduct and support research on the causes of and barriers to reducing the health disparities identified in paragraph (1), taking into account such factors as socioeconomic status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate;

“(3) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for reducing or eliminating health disparities, including development or identification of effective service delivery models, and disseminate effective strategies and models;

“(4) develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services provided to health disparity populations;

“(5) in carrying out section 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers; and

“(6) beginning with fiscal year 2003, annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

Reports.

“(b) RESEARCH AND DEMONSTRATION PROJECTS.—

“(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research and support demonstrations to—

“(A) identify the clinical, cultural, socioeconomic, geographic, and organizational factors that contribute to health disparities, including minority health disparity populations, which research shall include behavioral research, such as examination of patterns of clinical decisionmaking, and research on access, outreach, and the availability of related support services (such as cultural and linguistic services);

“(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access

to care for health disparity populations, including minority health disparity populations;

“(C) test such strategies and widely disseminate those strategies for which there is scientific evidence of effectiveness; and

“(D) determine the most effective approaches for disseminating research findings to health disparity populations, including minority populations.

“(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations, health services researchers who are such individuals, institutions that train such individuals as researchers, members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

“(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multidisciplinary expertise in outcomes or quality improvement research, linkages to relevant sites of care, and a demonstrated capacity to involve members and communities of health disparity populations, including minority health disparity populations, in the planning, conduct, dissemination, and translation of research;

“(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

“(C) service delivery models (such as health centers under section 330 and the Indian Health Service) to reduce health disparities; and

“(D) innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

“(c) QUALITY MEASUREMENT DEVELOPMENT.—

“(1) IN GENERAL.—To ensure that health disparity populations, including minority health disparity populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important.

“(2) EXAMINATION OF CERTAIN PRACTICES.—The Director shall examine the practices of providers that have a record of reducing health disparities or have experience in providing

culturally competent health services to minority health disparity populations or other health disparity populations. In examining such practices of providers funded under the authorities of this Act, the Director shall consult with the heads of the relevant agencies of the Public Health Service.

“(3) REPORT.—Not later than 36 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

Deadline.

“(d) DEFINITION.—For purposes of this section:

“(1) The term ‘health disparity population’ has the meaning given such term in section 485E, except that in addition to the meaning so given, the Director may determine that such term includes populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to or satisfaction with such services as compared to the general population.

“(2) The term ‘minority’, with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.”.

(b) FUNDING.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

“(d) HEALTH DISPARITIES RESEARCH.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated \$50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.”.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

42 USC 3501
note.

(a) STUDY.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services’ data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

Deadline.

(1) identifies the data needed to support efforts to evaluate the effects of socioeconomic status, race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects

of the Department, and the effectiveness of selected systems and practices of other Federal, State, and tribal agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—HEALTH PROFESSIONS EDUCATION

SEC. 401. HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES.

(a) **IN GENERAL.**—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after section 740 the following:

42 USC 293e.

“SEC. 741. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

“(a) **GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (including tribal entities) for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education of health professionals for the reduction of disparities in health care outcomes and the provision of culturally competent health care.

“(2) **ELIGIBLE ENTITIES.**—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this section from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches) for funding and participation in health professions training activities. The Secretary may accept applications from for-profit private entities as determined appropriate by the Secretary.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out subsection (a), \$3,500,000 for fiscal year 2001, \$7,000,000 for fiscal year 2002, \$7,000,000 for fiscal year 2003, and \$3,500,000 for fiscal year 2004.”.

(b) **NURSING EDUCATION.**—Part A of title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

42 USC 296f.

42 USC 296e–1.

(1) by redesignating section 807 as section 808; and

(2) by inserting after section 806 the following:

“SEC. 807. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

“(a) **GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.**—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to eligible entities for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education for the reduction of disparities in health care outcomes and the provision of culturally competent health care. Grants under this section shall be the same as provided in section 741.”.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are to be appropriated to carry out subsection (a) such sums as may be necessary for each of the fiscal years 2001 through 2004.”.

SEC. 402. NATIONAL CONFERENCE ON HEALTH PROFESSIONS EDUCATION AND HEALTH DISPARITIES.

42 USC 293e
note.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), acting through the Administrator of the Health Resources and Services Administration, shall convene a national conference on health professions education as a method for reducing disparities in health outcomes.

Deadline.

(b) **PARTICIPANTS.**—The Secretary shall include in the national conference convened under subsection (a) advocacy groups and educational entities as described in section 741 of the Public Health Service Act (as added by section 401), tribal health programs, health centers under section 330 of such Act, and other interested parties.

(c) **ISSUES.**—The national conference convened under subsection (a) shall include, but is not limited to, issues that address the role and impact of health professions education on the reduction of disparities in health outcomes, including the role of education on cultural competency. The conference shall focus on methods to achieve reductions in disparities in health outcomes through health professions education (including continuing education programs) and strategies for outcomes measurement to assess the effectiveness of education in reducing disparities.

(d) **PUBLICATION OF FINDINGS.**—Not later than 6 months after the national conference under subsection (a) has convened, the Secretary shall publish in the Federal Register a summary of the proceedings and findings of the conference.

Deadline.
Federal Register,
publication.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 403. ADVISORY RESPONSIBILITIES IN HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in subsection (b), by adding at the end the following paragraph:

“(10) Advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including

cultural competency as a method of eliminating health disparities.”;

(2) in subsection (c)(2), by striking “paragraphs (1) through (9)” and inserting “paragraphs (1) through (10)”; and

(3) in subsection (d), by amending paragraph (1) to read as follows:

“(1) RECOMMENDATIONS REGARDING LANGUAGE.—

“(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

“(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (b)(10) in collaboration with appropriate personnel of the Department of Health and Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.”.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

42 USC 287c–31
note.

SEC. 501. PUBLIC AWARENESS AND INFORMATION DISSEMINATION.

(a) PUBLIC AWARENESS ON HEALTH DISPARITIES.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a national campaign to inform the public and health care professionals about health disparities in minority and other underserved populations by disseminating information and materials available on specific diseases affecting these populations and programs and activities to address these disparities. The campaign shall—

(1) have a specific focus on minority and other underserved communities with health disparities; and

(2) include an evaluation component to assess the impact of the national campaign in raising awareness of health disparities and information on available resources.

(b) DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES.—The Secretary shall develop and implement a plan for the dissemination of information and findings with respect to health disparities under titles I, II, III, and IV of this Act. The plan shall—

(1) include the participation of all agencies of the Department of Health and Human Services that are responsible for serving populations included in the health disparities research; and

(2) have agency-specific strategies for disseminating relevant findings and information on health disparities and improving health care services to affected communities.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) by striking “Asian Americans and” and inserting “Asian Americans;”; and

(2) by inserting “Native Hawaiians and other” before “Pacific Islanders;”.

SEC. 602. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term “racial and ethnic minority group” has the meaning given such term in section 1707 of the Public Health Service Act.

SEC. 603. EFFECTIVE DATE.

42 USC 281 note.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 1880 (H.R. 3250):

HOUSE REPORTS: No. 106–986 accompanying H.R. 3250 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 26, considered and passed Senate.

Oct. 31, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Nov. 22, Presidential statement.



Public Law 106–526
106th Congress

An Act

Nov. 22, 2000
[S. 1936]

Bend Pine
Nursery Land
Conveyance Act.

To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bend Pine Nursery Land Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(2) STATE.—The term “State” means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled “Bend Pine Nursery Administrative Site, May 13, 1999”.

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled “Shelter Cove Resort, November 3, 1997”.

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 south, Range 10 East section 25 and Township 20 South, Range 11 East sections 8, 9, 16, 17, 20, and 21 consisting of approximately 1,260 acres, as depicted on map entitled “Deschutes National Forest Isolated Parcels, January 1, 2000”.

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled “Alsea Administrative Site, May 14, 1999”.

(5) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled “Site Development Plan, Columbia Gorge Ranger Station, April 22, 1964”.

(6) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled “Dale Compound, February 1999”.

(7) Tract H, Crescent Butte Site, consisting of approximately .8 acres, as depicted on site plan map entitled “Crescent Butte Communication Site, January 1, 2000”.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this Act, any sale or exchange of National Forest System land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary may solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend Metro Park and Recreation District in Deschutes County, Oregon, shall be given the right of first refusal to purchase the Bend Pine Nursery described in subsection (a)(1).

(f) REVOCATIONS.—

(1) IN GENERAL.—Any public land order withdrawing land described in subsection (a) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(2) EFFECTIVE DATE.—The effective date of any revocation under paragraph (1) shall be the date of the patent or deed conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under section 3(a) in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative and visitor facilities and associated land in connection with the Deschutes National Forest;

(2) the construction of a bunkhouse facility in the Umatilla National Forest; and

(3) to the extent the funds are not necessary to carry out paragraphs (1) and (2), the acquisition of land and interests in land in the State.

(c) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall manage any land acquired by purchase or exchange

under this Act in accordance with the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the “Weeks Act”) and other laws (including regulations) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE FACILITIES.

The Secretary may acquire, construct, or improve administrative facilities and associated land in connection with the Deschutes National Forest System by using—

- (1) funds made available under section 4(b); and
- (2) to the extent the funds are insufficient to carry out the acquisition, construction, or improvement, funds subsequently made available for the acquisition, construction, or improvement.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 1936:

HOUSE REPORTS: No. 106–938 (Comm. on Resources).

SENATE REPORTS: No. 106–256 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed Senate.

Oct. 17, considered and passed House, amended.

Oct. 27, Senate concurred in House amendment.



Public Law 106–527
106th Congress

An Act

To adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

Nov. 22, 2000
[S. 2020]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

16 USC 460 note.

In this Act:

(1) **PARKWAY.**—The term “Parkway” means the Natchez Trace Parkway, Mississippi.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

16 USC 460 note.

(a) **IN GENERAL.**—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled “Alternative Alignments/Area”, numbered 604–20062A and dated May 1998; and

(2) 80 acres of land, as generally depicted on the map entitled “Emerald Mound Development Concept Plan”, numbered 604–20042E and dated August 1987.

(b) **MAPS.**—The maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) **ACQUISITION.**—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) **ADMINISTRATION.**—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 3. AUTHORIZATION OF LEASING.

16 USC 460 note.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

16 USC 460 note. **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2020:

SENATE REPORTS: No. 106–332 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 27, considered and passed Senate.

Oct. 30, 31, considered and passed House.



Public Law 106–528
106th Congress

An Act

To amend title 49, United States Code, to improve airport security.

Nov. 22, 2000

[S. 2440]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Airport Security
Improvement Act
of 2000.
49 USC 40101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Airport Security Improvement Act of 2000”.

SEC. 2. CRIMINAL HISTORY RECORD CHECKS.

Deadlines.

(a) **EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—**

49 USC 44936
note.

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

(2) **LIMITATION.**—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

(b) **APPLICATION OF EXPANDED PROGRAM.—**

49 USC 44936
note.

(1) **INTERIM REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator’s efforts to utilize the program described in subsection (a).

(2) **NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.**—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.

(c) **CHANGES IN EXISTING REQUIREMENTS.**—Section 44936(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by striking “, as the Administrator decides is necessary to ensure air transportation security,”;

(2) in subparagraph (D) by striking “as a screener” and inserting “in the position for which the individual applied”; and

(3) by adding at the end the following:

“(E) CRIMINAL HISTORY RECORD CHECKS FOR SCREENERS AND OTHERS.—

“(i) IN GENERAL.—A criminal history record check shall be conducted for each individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii).

“(ii) SPECIAL TRANSITION RULE.—During the 3-year period beginning on the date of enactment of this subparagraph, an individual described in clause (i) may be employed in a position described in clause (i)—

“(I) in the first 2 years of such 3-year period, for a period of not to exceed 45 days before a criminal history record check is completed; and

“(II) in the third year of such 3-year period, for a period of not to exceed 30 days before a criminal history record check is completed,

if the request for the check has been submitted to the appropriate Federal agency and the employment investigation has been successfully completed.

“(iii) EMPLOYMENT INVESTIGATION NOT REQUIRED FOR INDIVIDUALS SUBJECT TO CRIMINAL HISTORY RECORD CHECK.—An employment investigation shall not be required for an individual who applies for a position described in subparagraph (A), (B)(i), or (B)(ii), if a criminal history record check of the individual is completed before the individual begins employment in such position.

“(iv) EFFECTIVE DATE.—This subparagraph shall take effect—

“(I) 30 days after the date of enactment of this subparagraph with respect to individuals applying for a position at an airport that is defined as a Category X airport in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations; and

“(II) 3 years after such date of enactment with respect to individuals applying for a position at any other airport that is subject to the requirements of part 107 of such title.

“(F) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m) of title 14, Code of Federal Regulations, as in effect on the date of enactment of this subparagraph.”

(d) LIST OF OFFENSES BARRING EMPLOYMENT.—Section 44936(b)(1)(B) of title 49, United States Code, is amended—

(1) by inserting “(or found not guilty by reason of insanity)” after “convicted”;

(2) in clause (xi) by inserting “or felony unarmed” after “armed”;

(3) by striking “or” at the end of clause (xii);

(4) by redesignating clause (xiii) as clause (xv) and inserting after clause (xii) the following:

“(xiii) a felony involving a threat;

“(xiv) a felony involving—

“(I) willful destruction of property;

“(II) importation or manufacture of a controlled substance;

“(III) burglary;

“(IV) theft;

“(V) dishonesty, fraud, or misrepresentation;

“(VI) possession or distribution of stolen property;

“(VII) aggravated assault;

“(VIII) bribery; and

“(IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or”; and

(5) in clause (xv) (as so redesignated) by striking “clauses (i)–(xii) of this paragraph” and inserting “clauses (i) through (xiv)”.

SEC. 3. IMPROVED TRAINING.

(a) TRAINING STANDARDS FOR SCREENERS.—Section 44935 of title 49, United States Code, is amended by adding at the end the following:

“(e) TRAINING STANDARDS FOR SCREENERS.—

“(1) ISSUANCE OF FINAL RULE.—Not later than May 31, 2001, and after considering comments on the notice published in the Federal Register for January 5, 2000 (65 Fed. Reg. 559 et seq.), the Administrator shall issue a final rule on the certification of screening companies.

Deadline.
Notification.

“(2) CLASSROOM INSTRUCTION.—

“(A) IN GENERAL.—As part of the final rule, the Administrator shall prescribe minimum standards for training security screeners that include at least 40 hours of classroom instruction before an individual is qualified to provide security screening services under section 44901.

“(B) CLASSROOM EQUIVALENCY.—Instead of the 40 hours of classroom instruction required under subparagraph (A), the final rule may allow an individual to qualify to provide security screening services if that individual has successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by the classroom instruction under subparagraph (A).

“(3) ON-THE-JOB TRAINING.—In addition to the requirements of paragraph (2), as part of the final rule, the Administrator shall require that before an individual may exercise independent judgment as a security screener under section 44901, the individual shall—

“(A) complete 40 hours of on-the-job training as a security screener; and

“(B) successfully complete an on-the-job training examination prescribed by the Administrator.”.

49 USC 44935. (b) COMPUTER-BASED TRAINING FACILITIES.—Section 44935 of title 49, United States Code, is further amended by adding at the end the following:

“(f) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.”.

SEC. 4. IMPROVING SECURED-AREA ACCESS CONTROL.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

“(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

“(1) ENFORCEMENT.—

Federal Register,
publication.

“(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

“(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

Deadlines.

“(2) IMPROVEMENTS.—The Administrator shall—

“(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses by January 31, 2001;

“(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

“(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

“(D) assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;

“(E) improve and better administer the Administrator’s security database to ensure its efficiency, reliability, and

usefulness for identification of systemic problems and allocation of resources;

“(F) improve the execution of the Administrator’s quality control program by January 31, 2001; and

“(G) require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.”.

SEC. 5. PHYSICAL SECURITY FOR ATC FACILITIES.

(a) **IN GENERAL.**—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

(b) **REPORTS.**—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.

SEC. 6. EXPLOSIVES DETECTION EQUIPMENT.

Section 44903(c)(2) of title 49, United States Code, is amended by adding at the end the following:

“(C) **MANUAL PROCESS.**—

“(i) **IN GENERAL.**—The Administrator shall issue an amendment to air carrier security programs to require a manual process, at explosive detection system screen locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Administrator, are examined.

“(ii) **LIMITATION ON STATUTORY CONSTRUCTION.**—Clause (i) shall not be construed to limit the ability of the Administrator to impose additional security measures on an air carrier or a foreign air carrier when a specific threat warrants such additional measures.

“(iii) **MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.**—In prescribing the minimum number of bags to be examined under clause (i), the Administrator shall seek to maximize the use of the explosive detection equipment.”.

SEC. 7. AIRPORT NOISE STUDY.

(a) **IN GENERAL.**—Section 745 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47501 note; 114 Stat. 178) is amended—

Deadline.
49 USC 44903
note.

(1) in the section heading by striking “GENERAL ACCOUNTING OFFICE”;

(2) in subsection (a) by striking “Comptroller General of the United States shall” and inserting “Secretary shall enter into an agreement with the National Academy of Sciences to”;

(3) in subsection (b)—

(A) by striking “Comptroller General” and inserting “National Academy of Sciences”;

(B) by striking paragraph (1);

(C) by adding “and” at the end of paragraph (4);

(D) by striking “; and” at the end of paragraph (5) and inserting a period;

(E) by striking paragraph (6); and

(F) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively;

(4) by striking subsection (c) and inserting the following:

Deadline.

“(c) REPORT.—Not later than 18 months after the date of the agreement entered into under subsection (a), the National Academy of Sciences shall transmit to the Secretary a report on the results of the study. Upon receipt of the report, the Secretary shall transmit a copy of the report to the appropriate committees of Congress.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.”.

(b) CONFORMING AMENDMENT.—The table of contents for such Act (114 Stat. 61 et seq.) is amended by striking the item relating to section 745 and inserting the following:

“Sec. 745. Airport noise study.”.

SEC. 8. TECHNICAL AMENDMENTS.

49 USC 106.

(a) FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL.—Section 106(p)(2) is amended by striking “15” and inserting “18”.

(b) NATIONAL PARKS AIR TOUR MANAGEMENT.—Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 40128 note; 114 Stat. 185 et seq.) is amended—

(1) in section 803(c) by striking “40126” each place it appears and inserting “40128”;

(2) in section 804(b) by striking “40126(e)(4)” and inserting “40128(f)”; and

(3) in section 806 by striking “40126” and inserting “40128”.

(c) RESTATEMENT OF PROVISION WITHOUT SUBSTANTIVE CHANGE.—Section 41104(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (3), an air carrier, including an indirect air carrier, may not provide, in aircraft designed for more than 9 passenger seats, regularly scheduled charter air transportation for which the public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flight unless such air transportation is to and from an airport that has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation).”; and

(2) by adding at the end the following:

“(3) EXCEPTION.—This subsection does not apply to any airport in the State of Alaska or to any airport outside the United States.”.

SEC. 9. EFFECTIVE DATE.

49 USC 106 note.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2440:

SENATE REPORTS: No. 106–388 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 3, considered and passed Senate.

Oct. 23, considered and passed House, amended.

Oct. 25, Senate concurred in House amendment.



Public Law 106–529
106th Congress

An Act

Nov. 22, 2000
[S. 2485]

To direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

Saint Croix
Island Heritage
Act.
16 USC 450hh
note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Saint Croix Island Heritage Act”.

16 USC 450hh
note.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Saint Croix Island is located in the Saint Croix River, a river that is the boundary between the State of Maine and Canada;

(2) the Island is the only international historic site in the National Park System;

(3) in 1604, French nobleman Pierre Dugua Sieur de Mons, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on the Island and began the construction of a settlement;

(4) the French settlement on the Island in 1604 and 1605 was the initial site of the first permanent settlement in the New World, predating the English settlement of 1607 at Jamestown, Virginia;

(5) many people view the expedition that settled on the Island in 1604 as the beginning of the Acadian culture in North America;

(6) in October, 1998, the National Park Service completed a general management plan to manage and interpret the Saint Croix Island International Historic Site;

(7) the plan addresses a variety of management alternatives, and concludes that the best management strategy entails developing an interpretive trail and ranger station at Red Beach, Maine, and a regional heritage center in downtown Calais, Maine, in cooperation with Federal, State, and local agencies;

(8) a 1982 memorandum of understanding, signed by the Department of the Interior and the Canadian Department for the Environment, outlines a cooperative program to commemorate the international heritage of the Saint Croix Island site and specifically to prepare for the 400th anniversary of the settlement in 2004; and

(9) only 4 years remain before the 400th anniversary of the settlement at Saint Croix Island, an occasion that should be appropriately commemorated.

(b) **PURPOSE.**—The purpose of this Act is to direct the Secretary of the Interior to take all necessary and appropriate steps to work with Federal, State, and local agencies, historical societies, and nonprofit organizations to facilitate the development of a regional heritage center in downtown Calais, Maine before the 400th anniversary of the settlement of Saint Croix Island.

SEC. 3. DEFINITIONS.

16 USC 450hh
note.

In this Act:

(1) **ISLAND.**—The term “Island” means Saint Croix Island, located in the Saint Croix River, between Canada and the State of Maine.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. SAINT CROIX ISLAND REGIONAL HERITAGE CENTER.

16 USC 450hh
note.

(a) **IN GENERAL.**—The Secretary shall provide assistance in planning, constructing, and operating a regional heritage center in downtown Calais, Maine, to facilitate the management and interpretation of the Saint Croix Island International Historic Site.

(b) **COOPERATIVE AGREEMENTS.**—To carry out subsection (a), in administering the Saint Croix Island International Historic Site, the Secretary may enter into cooperative agreements under appropriate terms and conditions with other Federal agencies, State and local agencies and nonprofit organizations—

(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

(2) to conduct activities that facilitate the dissemination of information relating to the Saint Croix Island International Historic Site;

(3) to provide financial assistance for the construction of the regional heritage center in exchange for space in the center that is sufficient to interpret the Saint Croix Island International Historic Site; and

(4) to assist with the operation and maintenance of the regional heritage center.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

16 USC 450hh
note.

(a) **DESIGN AND CONSTRUCTION.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act (including the design and construction of the regional heritage center) \$2,000,000.

(2) **EXPENDITURE.**—Paragraph (1) authorizes funds to be appropriated on the condition that any expenditure of those funds shall be matched on a dollar-for-dollar basis by funds from non-Federal sources.

(b) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such sums as are necessary to maintain and operate interpretive exhibits in the regional heritage center.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2485:

SENATE REPORTS: No. 106-319 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 30, considered and passed House.



Public Law 106–530
106th Congress

An Act

To provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

Nov. 22, 2000
[S. 2547]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Sand Dunes National Park and Preserve Act of 2000”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

Great Sand
Dunes National
Park and
Preserve Act of
2000.
16 USC 410hhh
note.
16 USC 410hhh.

- (B) contributes to the protection of—
 - (i) the sand sheet associated with the dune mass;
 - (ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and
 - (iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;
- (5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;
- (6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—
 - (A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and
 - (B) expanded visitor use opportunities;
- (7) land in and adjacent to the Great Sand Dunes National Monument is—
 - (A) recognized for the culturally diverse nature of the historical settlement of the area;
 - (B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and
 - (C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and
- (8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

16 USC 410hhh–
1. **SEC. 3. DEFINITIONS.**

In this Act:

- (1) **ADVISORY COUNCIL.**—The term “Advisory Council” means the Great Sand Dunes National Park Advisory Council established under section 8(a).
- (2) **LUIS MARIA BACA GRANT NO. 4.**—The term “Luis Maria Baca Grant No. 4” means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguate County, Colorado.
- (3) **MAP.**—The term “map” means the map entitled “Great Sand Dunes National Park and Preserve”, numbered 140/80,032 and dated September 19, 2000.
- (4) **NATIONAL MONUMENT.**—The term “national monument” means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.
- (5) **NATIONAL PARK.**—The term “national park” means the Great Sand Dunes National Park established in section 4.
- (6) **NATIONAL WILDLIFE REFUGE.**—The term “wildlife refuge” means the Baca National Wildlife Refuge established in section 6.

(7) PRESERVE.—The term “preserve” means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term “resources” means the resources described in section 2.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) USES.—The term “uses” means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary’s determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Great Sand Dunes National Monument” shall be considered a reference to “Great Sand Dunes National Park”.

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

16 USC 410hhh–
2.
Effective date.
Notification.
Federal Register,
publication.

16 USC 410hhh–
3.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY SURVEY.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

16 USC 410hhh-
4, 668dd note.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) ESTABLISHMENT.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

Effective date.
Federal Register,
publication.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) PROTECTION OF WATER RESOURCES.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

16 USC 410hhh-
5.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4); and

(B) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) GRAZING.—

(1) ACQUIRED STATE OR PRIVATE LAND.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) FEDERAL LAND.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) TERMINATION OF LEASES.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) ADMINISTRATIVE EXCEPTIONS.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) AGENCY AGREEMENT.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) SAVINGS CLAUSE.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) WITHDRAWAL.—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the

map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

Applicability.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) WILDERNESS PROTECTION.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

16 USC 410hhh-6.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS.

(a) ACQUISITION AUTHORITY.—(1) Within the area depicted on the map as the “Acquisition Area” or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided*, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) BOUNDARY ADJUSTMENT.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) ADMINISTRATION OF ACQUIRED LANDS.—

(1) GENERAL AUTHORITY.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands to the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) FOREST SERVICE ADMINISTRATION.—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

16 USC 410hhh-7.

(a) SAN LUIS VALLEY PROTECTION, COLORADO.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

“(3) adversely affect the purposes of—

“(A) the Great Sand Dunes National Monument;

“(B) the Great Sand Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

“(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

“(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

“(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).”.

(b) EFFECT ON WATER RIGHTS.—

(1) IN GENERAL.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water

levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified

in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

16 USC 410hhh-
8.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory council to be known as the “Great Sand Dunes National Park Advisory Council”.

(b) **DUTIES.**—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) **MEMBERS.**—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) **APPLICABLE LAW.**—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) **VACANCY.**—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) **CHAIRPERSON.**—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) **NO COMPENSATION.**—Members of the Advisory Council shall serve without compensation.

(h) **TERMINATION.**—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

16 USC 410hhh–
9. **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2547:

SENATE REPORTS: No. 106–479 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 25, considered and passed House.



Public Law 106–531
106th Congress

An Act

To amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

Nov. 22, 2000
[S. 2712]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Reports Consolidation Act of 2000”.

Reports
Consolidation Act
of 2000.
31 USC 3501
note.

SEC. 2. FINDINGS AND PURPOSES.

31 USC 3516
note.

(a) FINDINGS.—Congress finds that—

(1) existing law imposes numerous financial and performance management reporting requirements on agencies;

(2) these separate requirements can cause duplication of effort on the part of agencies and result in uncoordinated reports containing information in a form that is not completely useful to Congress; and

(3) pilot projects conducted by agencies under the direction of the Office of Management and Budget demonstrate that single consolidated reports providing an analysis of verifiable financial and performance management information produce more useful reports with greater efficiency.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize and encourage the consolidation of financial and performance management reports;

(2) to provide financial and performance management information in a more meaningful and useful format for Congress, the President, and the public;

(3) to improve the quality of agency financial and performance management information; and

(4) to enhance coordination and efficiency on the part of agencies in reporting financial and performance management information.

SEC. 3. CONSOLIDATED REPORTS.

(a) IN GENERAL.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

“§ 3516. Reports consolidation

“(a)(1) With the concurrence of the Director of the Office of Management and Budget, the head of an executive agency may adjust the frequency and due dates of, and consolidate into an

annual report to the President, the Director of the Office of Management and Budget, and Congress any statutorily required reports described in paragraph (2). Such a consolidated report shall be submitted to the President, the Director of the Office of Management and Budget, and to appropriate committees and subcommittees of Congress not later than 150 days after the end of the agency's fiscal year.

Deadline.

“(2) The following reports may be consolidated into the report referred to in paragraph (1):

“(A) Any report by an agency to Congress, the Office of Management and Budget, or the President under section 1116, this chapter, and chapters 9, 33, 37, 75, and 91.

“(B) The following agency-specific reports:

“(i) The biennial financial management improvement plan by the Secretary of Defense under section 2222 of title 10.

“(ii) The annual report of the Attorney General under section 522 of title 28.

“(C) Any other statutorily required report pertaining to an agency's financial or performance management if the head of the agency—

“(i) determines that inclusion of that report will enhance the usefulness of the reported information to decision makers; and

“(ii) consults in advance of inclusion of that report with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and any other committee of Congress having jurisdiction with respect to the report proposed for inclusion.

“(b) A report under subsection (a) that incorporates the agency's program performance report under section 1116 shall be referred to as a performance and accountability report.

“(c) A report under subsection (a) that does not incorporate the agency's program performance report under section 1116 shall contain a summary of the most significant portions of the agency's program performance report, including the agency's success in achieving key performance goals for the applicable year.

Deadline.

“(d) A report under subsection (a) shall include a statement prepared by the agency's inspector general that summarizes what the inspector general considers to be the most serious management and performance challenges facing the agency and briefly assesses the agency's progress in addressing those challenges. The inspector general shall provide such statement to the agency head at least 30 days before the due date of the report under subsection (a). The agency head may comment on the inspector general's statement, but may not modify the statement.

“(e) A report under subsection (a) shall include a transmittal letter from the agency head containing, in addition to any other content, an assessment by the agency head of the completeness and reliability of the performance and financial data used in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the data, and the actions the agency can take and is taking to resolve such inadequacies.”.

Deadline.
31 USC 3516
note.

(b) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding paragraph (1) of section 3516(a) of title 31, United States Code (as added by subsection (a) of this section), the head of

an executive agency may submit a consolidated report under such paragraph not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3515 the following: “3516. Reports consolidation.”.

SEC. 4. AMENDMENTS RELATING TO AUDITED FINANCIAL STATEMENTS.

(a) FINANCIAL STATEMENTS.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a), by inserting “Congress and the” before “Director”; and

(2) by striking subsections (e) through (h).

(b) ELIMINATION OF REPORT.—Section 3521(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “subsections (a) and (f)” and inserting “subsection (a)”; and

(B) by striking “(1)”; and

(2) by striking paragraph (2).

SEC. 5. AMENDMENTS RELATING TO PROGRAM PERFORMANCE REPORTS.

(a) REPORT DUE DATE.—

(1) IN GENERAL.—Section 1116(a) of title 31, United States Code, is amended by striking “No later than March 31, 2000, and no later than March 31 of each year thereafter,” and inserting “Not later than 150 days after the end of an agency's fiscal year,”.

(2) SPECIAL RULE FOR FISCAL YEARS 2000 AND 2001.—Notwithstanding subsection (a) of section 1116 of title 31, United States Code (as amended by paragraph (1) of this subsection), an agency head may submit a report under such subsection not later than 180 days after the end of that agency's fiscal year, with respect to fiscal years 2000 and 2001.

31 USC 1116
note.

(b) INCLUSION OF INFORMATION IN FINANCIAL STATEMENT.—Section 1116(e) of title 31, United States Code, is amended to read as follows:

“(e)(1) Except as provided in paragraph (2), each program performance report shall contain an assessment by the agency head of the completeness and reliability of the performance data included in the report. The assessment shall describe any material inadequacies in the completeness and reliability of the performance data, and the actions the agency can take and is taking to resolve such inadequacies.

“(2) If a program performance report is incorporated into a report submitted under section 3516, the requirements of section 3516(e) shall apply in lieu of paragraph (1).”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2712:

SENATE REPORTS: No. 106-337 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 19, considered and passed Senate.

Oct. 26, 27, considered and passed House.



Public Law 106–532
106th Congress

An Act

To amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

Nov. 22, 2000
[S. 2773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Dairy Market Enhancement Act of 2000”.

Dairy Market
Enhancement
Act of 2000.
7 USC 1621 note.

SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

**“Subtitle C—Dairy Product Mandatory
Reporting**

“SEC. 271. PURPOSE.

7 USC 1637.

“The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

“(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

“(2) improves the price and supply reporting services of the Department of Agriculture; and

“(3) encourages competition in the marketplace for dairy products.

“SEC. 272. DEFINITIONS.

7 USC 1637a.

“In this subtitle:

“(1) **DAIRY PRODUCTS.**—The term ‘dairy products’ means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

“(2) **MANUFACTURER.**—The term ‘manufacturer’ means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

“(3) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Agriculture.

7 USC 1637b.

“SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.

“(a) **ESTABLISHMENT.**—The Secretary shall establish a program of mandatory dairy product information reporting that will—

“(1) provide timely, accurate, and reliable market information;

“(2) facilitate more informed marketing decisions; and

“(3) promote competition in the dairy product manufacturing industry.

“(b) **REQUIREMENTS.**—

“(1) **IN GENERAL.**—In establishing the program, the Secretary shall only—

“(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

“(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

“(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

“(2) **CONDITIONS.**—The conditions referred to in paragraph (1)(A)(i) are that—

“(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

“(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

“(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

“(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

“(c) **ADMINISTRATION.**—

“(1) **IN GENERAL.**—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

“(2) **CONFIDENTIALITY.**—

“(A) **IN GENERAL.**—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

“(B) **RELATION TO OTHER REQUIREMENTS.**—Notwithstanding any other provision of law, no facts or information

Regulations.

obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

“(3) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

“(4) ENFORCEMENT.—

“(A) UNLAWFUL ACT.—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

“(B) ORDER.—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

“(C) APPEAL.—

“(i) IN GENERAL.—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

“(ii) FINDINGS.—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

“(D) NONCOMPLIANCE WITH ORDER.—

“(i) IN GENERAL.—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

“(ii) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

“(iii) CIVIL PENALTY.—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

“(5) FEES.—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

“(A) the submission or reporting of information;

“(B) the receipt or availability of, or access to, published reports or information; or

“(C) any other activity required under this subtitle.

“(6) RECORDKEEPING.—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2773:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 25, considered and passed Senate and House.



Public Law 106–533
106th Congress

An Act

To amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

Nov. 22, 2000
[S. 2789]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

Congressional
Recognition for
Excellence in
Arts Education
Act.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801–808) is amended by adding at the end the following:

“TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

“SEC. 201. SHORT TITLE.

2 USC 801 note.

“This title may be cited as the ‘Congressional Recognition for Excellence in Arts Education Act’.

“SEC. 202. FINDINGS.

2 USC 811.

“Congress makes the following findings:

“(1) Arts literacy is a fundamental purpose of schooling for all students.

“(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decision-making, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

“(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

“(4) Arts education improves teaching and learning.

“(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

“(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

“(7) The 1999 study, entitled ‘Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education’, found that the literacy, education, programs, learning and growth

described in paragraphs (1) through (6) contribute to successful districtwide arts education.

“(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

“(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

2 USC 812.

“SEC. 203. DEFINITIONS.

“In this title:

“(1) ARTS EDUCATION PARTNERSHIP.—The term ‘Arts Education Partnership’ means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

“(2) BOARD.—The term ‘Board’ means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

“(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms ‘elementary school’ and ‘secondary school’ mean—

“(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

“(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

“(4) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

2 USC 813.

“SEC. 204. ESTABLISHMENT OF BOARD.

“There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

2 USC 814.

“SEC. 205. BOARD DUTIES.

“(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the ‘Congressional Recognition for Excellence in Arts Education Awards Program’. The purpose of the program shall be to—

“(1) celebrate the positive impact and public benefits of the arts;

“(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

“(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

“(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

“(5) recognize school administrators and faculty who provide quality arts education to students;

“(6) acknowledge schools that provide professional development opportunities for their teachers;

“(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

“(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

“(9) expand student access to arts education in schools in every community.

“(b) DUTIES.—

“(1) SCHOOL AWARDS.—The Board shall—

“(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

“(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

“(ii) shall be reflective of the dignity of Congress;

“(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

“(i) that the school—

“(I) provides comprehensive, sequential arts learning; and

“(II) integrates the arts throughout the curriculum in subjects other than the arts; and

“(ii) 3 of the following:

“(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

“(II) that the school principal supports the policy of arts education for all students;

“(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

“(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

“(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

“(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

“(i) 3 letters of support for the school from community members, which may include a letter from—

“(I) the school's Parent Teacher Association (PTA);

“(II) community leaders, such as elected or appointed officials; and

“(III) arts organizations or institutions in the community that partner with the school; and

“(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

“(D) determine appropriate methods for disseminating information about the program and make application forms available to schools;

“(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

“(F) raise funds for the operation of the program;

“(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

“(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

“(2) STUDENT AWARDS.—

“(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

“(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

“(ii) establish criteria for the making of the awards.

“(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President’s Physical Fitness Award Program.

“(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

“(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

“(e) REPORT.—

“(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

“(2) CONTENTS.—The annual report shall contain the following:

Deadline.

“(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

“(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

“(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

“(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

“(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

“(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

“(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

“SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

2 USC 815.

“(a) COMPOSITION.—

“(1) IN GENERAL.—The Board shall consist of 9 members as follows:

“(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

“(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

“(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

“(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

“(E) The Director of the Board, who shall serve as a nonvoting member.

“(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

“(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from recommendations received from organizations and entities involved in the arts such as businesses, civic and cultural organizations, and the Arts Education Partnership steering committee; and

“(B) in the case of any other such members of the Advisory Board, by the Board.

“(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

“(4) INTEREST.—

“(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

“(B) DIVERSITY.—The membership of the Advisory Board shall represent a balance of artistic and education professionals, including at least 1 representative who teaches in each of the following disciplines:

“(i) Music.

“(ii) Theater.

“(iii) Visual Arts.

“(iv) Dance.

“(b) TERMS.—

“(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

“(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

“(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

“(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

“(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

“(c) VACANCY.—

“(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

“(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

“(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

“(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

“(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

“(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated, from amounts in the trust fund, for reasonable travel expenses incurred

by the members in the performance of their duties as members of the Board.

“(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever $\frac{1}{3}$ of the members of the Board submit written requests for such a meeting.

“(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

“(h) COMMITTEES.—

“(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board or the Advisory Board.

“(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

“(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board’s duties under this title.

“SEC. 207. ADMINISTRATION.

2 USC 816.

“(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board.

“(b) DIRECTOR’S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

“(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

“(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

“(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

“(c) APPLICATION.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

“SEC. 208. LIMITATIONS.

2 USC 817.

“(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions

and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund under section 211.

“(b) **CONTRACTS.**—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

“(c) **GIFTS.**—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board’s activities. The Board may not accept any funds or other resources that are—

“(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

“(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

“(d) **VOLUNTEERS.**—The Board may accept and utilize the services of voluntary, uncompensated personnel.

“(e) **REAL OR PERSONAL PROPERTY.**—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

“(f) **PROHIBITIONS.**—The Board shall have no power—

“(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

“(2) to issue any share of stock or to declare or pay any dividends; or

“(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

2 USC 817a.

“SEC. 209. AUDITS.

“The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

2 USC 817b.

“SEC. 210. TERMINATION.

“The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

2 USC 817c.

“SEC. 211. TRUST FUND.

“(a) **ESTABLISHMENT OF FUND.**—There shall be established in the Treasury of the United States a trust fund which shall be known as the “Congressional Recognition for Excellence in Arts Education Awards Trust Fund”. The fund shall be administered by the Board, and shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

“(b) INVESTMENT.—

“(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Director of the Board, such portion of the fund that is not, in the judgment of the Director of the Board, required to meet the current needs of the fund.

“(2) AUTHORIZED INVESTMENTS.—Such investments shall be in public debt obligations with maturities suitable to the needs of the fund, as determined by the Director of the Board. Investments in public debt obligations shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current market yield on outstanding marketable obligations of the United States of comparable maturity.

“(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

“(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.”.

(b) CONFORMING AMENDMENTS.—The Congressional Award Act (2 U.S.C. 801–808) is amended—

(1) by inserting after section 1 the following:

“TITLE I—CONGRESSIONAL AWARD PROGRAM”,

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively, 2 USC 801–808.

(3) in section 101 (as so redesignated)—

(A) by striking “Act” and inserting “title”, and

(B) by striking “section 3” and inserting “section 102”,

(4) in section 102(e) (as so redesignated)—

(A) by striking “section 5(g)(1)” and inserting “section 104(g)(1)”, and 2 USC 802.

114 STAT. 2554

PUBLIC LAW 106–533—NOV. 22, 2000

(B) by striking “section 7(g)(1)” and inserting “section
106(g)(1)”, and
2 USC 803. (5) in section 103(i), by striking “section 7” and inserting
“section 106”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 2789:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 27, considered and passed Senate.

Oct. 31, considered and passed House.



Public Law 106–534
106th Congress

An Act

To protect seniors from fraud.

Nov. 22, 2000

[S. 3164]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Seniors From Fraud Act”.

Protecting
Seniors From
Fraud Act.
15 USC 6101
note.

SEC. 2. FINDINGS.

15 USC 6101
note.

Congress makes the following findings:

(1) Older Americans are among the most rapidly growing segments of our society.

(2) Our Nation’s elderly are too frequently the victims of violent crime, property crime, and consumer and telemarketing fraud.

(3) The elderly are often targeted and retargeted in a range of fraudulent schemes.

(4) The TRIAD program, originally sponsored by the National Sheriffs’ Association, International Association of Chiefs of Police, and the American Association of Retired Persons unites sheriffs, police chiefs, senior volunteers, elder care providers, families, and seniors to reduce the criminal victimization of the elderly.

(5) Congress should continue to support TRIAD and similar community partnerships that improve the safety and quality of life for millions of senior citizens.

(6) There are few other community-based efforts that forge partnerships to coordinate criminal justice and social service resources to improve the safety and security of the elderly.

(7) According to the National Consumers League, telemarketing fraud costs consumers nearly \$40,000,000,000 each year.

(8) Senior citizens are often the target of telemarketing fraud.

(9) Fraudulent telemarketers compile the names of consumers who are potentially vulnerable to telemarketing fraud into the so-called “mooch lists”.

(10) It is estimated that 56 percent of the names on such “mooch lists” are individuals age 50 or older.

(11) The Federal Bureau of Investigation and the Federal Trade Commission have provided resources to assist private-sector organizations to operate outreach programs to warn senior citizens whose names appear on confiscated “mooch lists”.

(12) The Administration on Aging was formed, in part, to provide senior citizens with the resources, information, and assistance their special circumstances require.

(13) The Administration on Aging has a system in place to inform senior citizens of the dangers of telemarketing fraud.

(14) Senior citizens need to be warned of the dangers of telemarketing fraud before they become victims of such fraud.

15 USC 6101
note.

SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Attorney General \$1,000,000 for each of the fiscal years 2001 through 2005 for programs for the National Association of TRIAD.

Reports.
Deadline.

(b) **COMPTROLLER GENERAL.**—The Comptroller General of the United States shall submit to Congress a report on the effectiveness of the TRIAD program 180 days prior to the expiration of the authorization under this Act, including an analysis of TRIAD programs and activities; identification of impediments to the establishment of TRIADs across the Nation; and recommendations to improve the effectiveness of the TRIAD program.

15 USC 6101
note.

SEC. 4. DISSEMINATION OF INFORMATION.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Assistant Secretary of Health and Human Services for Aging, shall provide to the Attorney General of each State and publicly disseminate in each State, including dissemination to area agencies on aging, information designed to educate senior citizens and raise awareness about the dangers of fraud, including telemarketing and sweepstakes fraud.

(b) **INFORMATION.**—In carrying out subsection (a), the Secretary shall—

(1) inform senior citizens of the prevalence of telemarketing and sweepstakes fraud targeted against them;

(2) inform senior citizens how telemarketing and sweepstakes fraud work;

(3) inform senior citizens how to identify telemarketing and sweepstakes fraud;

(4) inform senior citizens how to protect themselves against telemarketing and sweepstakes fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

(5) inform senior citizens how to report suspected attempts at or acts of fraud;

(6) inform senior citizens of their consumer protection rights under Federal law; and

(7) provide such other information as the Secretary considers necessary to protect senior citizens against fraudulent telemarketing and sweepstakes promotions.

(c) **MEANS OF DISSEMINATION.**—The Secretary shall determine the means to disseminate information under this section. In making such determination, the Secretary shall consider—

(1) public service announcements;

(2) a printed manual or pamphlet;

(3) an Internet website;

(4) direct mailings; and

(5) telephone outreach to individuals whose names appear on so-called “mooch lists” confiscated from fraudulent marketers.

(d) **PRIORITY.**—In disseminating information under this section, the Secretary shall give priority to areas with high incidents of fraud against senior citizens.

SEC. 5. STUDY OF CRIMES AGAINST SENIORS.

42 USC 3722
note.

(a) **IN GENERAL.**—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) **ISSUES ADDRESSED.**—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

(C) the nature and extent of financial and material fraud targeted at seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.

SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

42 USC 3732
note.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

Effective date.

SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.

It is the sense of Congress that State and local governments should fully incorporate fraud avoidance information and programs into programs that provide assistance to the aging.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 3164:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 24, considered and passed Senate.

Oct. 30, considered and passed House.



Public Law 106–535
106th Congress

An Act

To designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the “Robert S. Walker Post Office”.

Nov. 22, 2000
[S. 3194]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT S. WALKER POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, shall be known and designated as the “Robert S. Walker Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Robert S. Walker Post Office”.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 3194:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 24, considered and passed Senate.

Oct. 26, 27, considered and passed House.



Public Law 106–536
106th Congress

An Act

Nov. 22, 2000
[S. 3239]

To amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN UNITED STATES INTERNATIONAL BROADCASTING EMPLOYEES.

(a) SPECIAL IMMIGRANT CATEGORY.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking “or” at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L);

and

(3) by adding at the end the following new subparagraph:

“(M) subject to the numerical limitations of section 203(b)(4), an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant’s accompanying spouse and children.”.

(b) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) is amended by inserting before the period at the end the following: “, and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M)”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to visas made available in any fiscal year beginning on or after October 1, 2000.

Applicability.
8 USC 1153 note.

Approved November 22, 2000.

LEGISLATIVE HISTORY—S. 3239:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 25, considered and passed Senate.

Oct. 31, considered and passed House.



Public Law 106–537
106th Congress

Joint Resolution

Dec. 5, 2000
[H.J. Res. 126]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, p. 2436.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “December 7, 2000”.

Approved December 5, 2000.

LEGISLATIVE HISTORY—H.J. Res. 126:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 5, considered and passed House and Senate.



Public Law 106–538
106th Congress

An Act

To establish the Las Cienegas National Conservation Area in the State of Arizona.

Dec. 6, 2000

[H.R. 2941]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

16 USC
460ooo.

For the purposes of this Act, the following definitions apply:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Las Cienegas National Conservation Area established by section 4(a).

(2) **ACQUISITION PLANNING DISTRICT.**—The term “Acquisition Planning District” means the Sonoita Valley Acquisition Planning District established by section 2(a).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Conservation Area.

(4) **PUBLIC LANDS.**—The term “public lands” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)), except that such term shall not include interest in lands not owned by the United States.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2. ESTABLISHMENT OF THE SONOITA VALLEY ACQUISITION PLANNING DISTRICT.

16 USC
460ooo–1.

(a) **IN GENERAL.**—In order to provide for future acquisitions of important conservation land within the Sonoita Valley region of the State of Arizona, there is hereby established the Sonoita Valley Acquisition Planning District.

(b) **AREAS INCLUDED.**—The Acquisition Planning District shall consist of approximately 142,800 acres of land in the Arizona counties of Pima and Santa Cruz, including the Conservation Area, as generally depicted on the map entitled “Sonoita Valley Acquisition Planning District and Las Cienegas National Conservation Area” and dated October 2, 2000.

(c) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Acquisition Planning District. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary, the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available

for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

16 USC
460000-2.

SEC. 3. PURPOSES OF THE ACQUISITION PLANNING DISTRICT.

(a) **IN GENERAL.**—The Secretary shall negotiate with land owners for the acquisition of lands and interest in lands suitable for Conservation Area expansion that meet the purposes described in section 4(a). The Secretary shall only acquire property under this Act pursuant to section 7.

(b) **FEDERAL LANDS.**—The Secretary, through the Bureau of Land Management, shall administer the public lands within the Acquisition Planning District pursuant to this Act and the applicable provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), subject to valid existing rights, and in accordance with the management plan. Such public lands shall become part of the Conservation Area when they become contiguous with the Conservation Area.

(c) **FISH AND WILDLIFE.**—Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Arizona with respect to fish and wildlife within the Acquisition Planning District.

(d) **PROTECTION OF STATE AND PRIVATE LANDS AND INTERESTS.**—Nothing in this Act shall be construed as affecting any property rights or management authority with regard to any lands or interest in lands held by the State of Arizona, any political subdivision of the State of Arizona, or any private property rights within the boundaries of the Acquisition Planning District.

(e) **PUBLIC LANDS.**—Nothing in this Act shall be construed as in any way diminishing the Secretary's or the Bureau of Land Management's authorities, rights, or responsibilities for managing the public lands within the Acquisition Planning District.

(f) **COORDINATED MANAGEMENT.**—The Secretary shall coordinate the management of the public lands within the Acquisition Planning District with that of surrounding county, State, and private lands consistent with the provisions of subsection (d).

16 USC
460000-3.

SEC. 4. ESTABLISHMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

(a) **IN GENERAL.**—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands described in subsection (b) while allowing livestock grazing and recreation to continue in appropriate areas, there is hereby established the Las Cienegas National Conservation Area in the State of Arizona.

(b) **AREAS INCLUDED.**—The Conservation Area shall consist of approximately 42,000 acres of public lands in the Arizona counties of Pima and Santa Cruz, as generally depicted on the map entitled "Sonora Valley Acquisition Planning District and Las Cienegas National Conservation Area" and dated October 2, 2000.

(c) **MAPS AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area. In case of a conflict between the map referred to in subsection (b) and the map and legal description submitted by the Secretary,

the map referred to in subsection (b) shall control. The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, and in the appropriate office of the Bureau of Land Management in Arizona.

(d) **FOREST LANDS.**—Any lands included in the Coronado National Forest that are located within the boundaries of the Conservation Area shall be considered to be a part of the Conservation Area. The Secretary of Agriculture shall revise the boundaries of the Coronado National Forest to reflect the exclusion of such lands from the Coronado National Forest.

SEC. 5. MANAGEMENT OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA.

16 USC
460ooo-4.

(a) **IN GENERAL.**—The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.

(b) **USES.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a).

(c) **GRAZING.**—The Secretary of the Interior shall permit grazing subject to all applicable laws, regulations, and Executive orders consistent with the purposes of this Act.

(d) **MOTORIZED VEHICLES.**—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles on public lands in the Conservation Area shall be allowed only—

(1) before the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motorized vehicles in the management plan that applies on the date of the enactment of this Act; and

(2) after the effective date of a management plan prepared pursuant to section 6, on roads and trails designated for use of motor vehicles in that management plan.

(e) **MILITARY AIRSPACE.**—Prior to the date of the enactment of this Act the Federal Aviation Administration approved restricted military airspace (Areas 2303A and 2303B) which covers portions of the Conservation Area. Designation of the Conservation Area shall not impact or impose any altitude, flight, or other airspace restrictions on current or future military operations or missions. Should the military require additional or modified airspace in the future, the Congress does not intend for the designation of the Conservation Area to impede the military from petitioning the Federal Aviation Administration to change or expand existing restricted military airspace.

(f) **ACCESS TO STATE AND PRIVATE LANDS.**—Nothing in this Act shall affect valid existing rights-of-way within the Conservation Area. The Secretary shall provide reasonable access to nonfederally owned lands or interest in lands within the boundaries of the Conservation Area.

(g) HUNTING.—Hunting shall be allowed within the Conservation Area in accordance with applicable laws and regulations of the United States and the State of Arizona, except that the Secretary, after consultation with the Arizona State wildlife management agency, may issue regulations designating zones where and establishing periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(h) PREVENTATIVE MEASURES.—Nothing in this Act shall preclude such measures as the Secretary determines necessary to prevent devastating fire or infestation of insects or disease within the Conservation Area.

(i) NO BUFFER ZONES.—The establishment of the Conservation Area shall not lead to the creation of protective perimeters or buffer zones around the Conservation Area. The fact that there may be activities or uses on lands outside the Conservation Area that would not be permitted in the Conservation Area shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area consistent with other applicable laws.

(j) WITHDRAWALS.—Subject to valid existing rights all Federal lands within the Conservation Area and all lands and interest therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

SEC. 6. MANAGEMENT PLAN.

(a) PLAN REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Secretary, through the Bureau of Land Management, shall develop and begin to implement a comprehensive management plan for the long-term management of the public lands within the Conservation Area in order to fulfill the purposes for which it is established, as set forth in section 4(a). Consistent with the provisions of this Act, the management plan shall be developed—

(1) in consultation with appropriate departments of the State of Arizona, including wildlife and land management agencies, with full public participation;

(2) from the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, as it applies to Federal lands or lands with conservation easements; and

(3) in accordance with the resource goals and objectives developed through the Sonoita Valley Planning Partnership process as incorporated in the draft Empire-Cienega Ecosystem Management Plan/EIS, dated October 2000, giving full consideration to the management alternative preferred by the Sonoita Valley Planning Partnership, as it applies to Federal lands or lands with conservation easements.

(b) CONTENTS.—The management plan shall include—

(1) provisions designed to ensure the protection of the resources and values described in section 4(a);

(2) an implementation plan for a continuing program of interpretation and public education about the resources and values of the Conservation Area;

(3) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resource objectives for the Conservation Area

and with the other proposed management activities to accommodate visitors to the Conservation Area;

(4) cultural resources management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona, with emphasis on the preservation of the resources of the Conservation Area and the interpretive, educational, and long-term scientific uses of these resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Conservation Area;

(5) wildlife management strategies for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona and using previous studies of the Conservation Area;

(6) production livestock grazing management strategies, prepared in consultation with appropriate departments of the State of Arizona;

(7) provisions designed to ensure the protection of environmentally sustainable livestock use on appropriate lands within the Conservation Area;

(8) recreation management strategies, including motorized and nonmotorized dispersed recreation opportunities for the Conservation Area, prepared in consultation with appropriate departments of the State of Arizona;

(9) cave resources management strategies prepared in compliance with the goals and objectives of the Federal Cave Resources Protection Act of 1988 (16 U.S.C. 4301 et seq.); and

(10) provisions designed to ensure that if a road or trail located on public lands within the Conservation Area, or any portion of such a road or trail, is removed, consideration shall be given to providing similar alternative access to the portion of the Conservation Area serviced by such removed road or trail.

(c) COOPERATIVE AGREEMENTS.—In order to better implement the management plan, the Secretary may enter into cooperative agreements with appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(d) RESEARCH ACTIVITIES.—In order to assist in the development and implementation of the management plan, the Secretary may authorize appropriate research, including research concerning the environmental, biological, hydrological, cultural, agricultural, recreational, and other characteristics, resources, and values of the Conservation Area, pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

SEC. 7. LAND ACQUISITION.

(a) IN GENERAL.—

(1) PRIORITY TO CONSERVATION EASEMENTS.—In acquiring lands or interest in lands under this section, the Secretary shall give priority to such acquisitions in the form of conservation easements.

(2) PRIVATE LANDS.—The Secretary is authorized to acquire privately held lands or interest in lands within the boundaries

16 USC
460ooo-6.

of the Acquisition Planning District only from a willing seller through donation, exchange, or purchase.

(3) COUNTY LANDS.—The Secretary is authorized to acquire county lands or interest in lands within the boundaries of the Acquisition Planning District only with the consent of the county through donation, exchange, or purchase.

(4) STATE LANDS.—

(A) IN GENERAL.—The Secretary is authorized to acquire lands or interest in lands owned by the State of Arizona located within the boundaries of the Acquisition Planning District only with the consent of the State and in accordance with State law, by donation, exchange, or purchase.

(B) CONSIDERATION.—As consideration for the acquisitions by the United States of lands or interest in lands under this paragraph, the Secretary shall pay fair market value for such lands or shall convey to the State of Arizona all or some interest in Federal lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset of equal value within the State of Arizona.

(C) TRANSFER OF JURISDICTION.—All Federal agencies are authorized to transfer jurisdiction of Federal lands or interest in lands (including buildings and other improvements on such lands or other Federal property other than real property) or any other asset within the State of Arizona to the Bureau of Land Management for the purpose of acquiring lands or interest in lands as provided for in this paragraph.

(b) MANAGEMENT OF ACQUIRED LANDS.—Lands acquired under this section shall, upon acquisition, become part of the Conservation Area and shall be administered as part of the Conservation Area. These lands shall be managed in accordance with this Act, other applicable laws, and the management plan.

Deadlines.
16 USC
460ooo-7.

SEC. 8. REPORTS TO CONGRESS.

(a) PROTECTION OF CERTAIN LANDS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the most effective measures to protect the lands north of the Acquisition Planning District within the Rincon Valley, Colossal Cave area, and Agua Verde Creek corridor north of Interstate 10 to provide an ecological link to Saguaro National Park and the Rincon Mountains and contribute to local government conservation priorities.

(b) IMPLEMENTATION OF THIS ACT.—Not later than 5 years after the date of the enactment of this Act, and at least at the end of every 10-year period thereafter, the Secretary shall submit to Congress a report describing the implementation of this Act, the condition of the resources and values of the Conservation Area, and the progress of the Secretary in achieving the purposes for

which the Conservation Area is established as set forth in section 4(a).

Approved December 6, 2000.

LEGISLATIVE HISTORY—H.R. 2941:

HOUSE REPORTS: No. 106–934 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed House.

Oct. 27, considered and passed Senate.



Public Law 106–539
106th Congress

Joint Resolution

Dec. 7, 2000
[H.J. Res. 127]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, p. 2562.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “December 8, 2000”.

Approved December 7, 2000.

LEGISLATIVE HISTORY—H.J. Res. 127:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 7, considered and passed House and Senate.



Public Law 106–540
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Dec. 8, 2000
[H.J. Res. 128]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “December 11, 2000”.

Ante, p. 2570.

Approved December 8, 2000.

LEGISLATIVE HISTORY—H.J. Res. 128:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 8, considered and passed House and Senate.



Public Law 106–541
106th Congress

An Act

Dec. 11, 2000
[S. 2796]

Water Resources
Development Act
of 2000.
Inter-
governmental
relations.
33 USC 2201
note.

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 2000”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small projects for emergency streambank protection.
Sec. 104. Small projects for navigation.
Sec. 105. Small projects for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small projects for shoreline protection.
Sec. 108. Small projects for snagging and sediment removal.
Sec. 109. Small project for mitigation of shore damage.
Sec. 110. Beneficial uses of dredged material.
Sec. 111. Disposal of dredged material on beaches.
Sec. 112. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National recreation reservation service.
Sec. 207. Interagency and international support authority.
Sec. 208. Reburial and conveyance authority.
Sec. 209. Floodplain management requirements.
Sec. 210. Nonprofit entities.
Sec. 211. Performance of specialized or technical services.
Sec. 212. Hydroelectric power project funding.
Sec. 213. Assistance programs.
Sec. 214. Funding to process permits.
Sec. 215. Dredged material marketing and recycling.
Sec. 216. National academy of sciences study.
Sec. 217. Rehabilitation of Federal flood control levees.
Sec. 218. Maximum program expenditures for small flood control projects.
Sec. 219. Engineering consulting services.
Sec. 220. Beach recreation.
Sec. 221. Design-build contracting.
Sec. 222. Enhanced public participation.
Sec. 223. Monitoring.
Sec. 224. Fish and wildlife mitigation.

- Sec. 225. Feasibility studies and planning, engineering, and design.
- Sec. 226. Administrative costs of land conveyances.
- Sec. 227. Flood mitigation and riverine restoration.

TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
- Sec. 302. Nogales Wash and tributaries, Nogales, Arizona.
- Sec. 303. Boydsville, Arkansas.
- Sec. 304. White River Basin, Arkansas and Missouri.
- Sec. 305. Sacramento Deep Water Ship Channel, California.
- Sec. 306. Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania.
- Sec. 307. Rehoboth Beach and Dewey Beach, Delaware.
- Sec. 308. Fernandina Harbor, Florida.
- Sec. 309. Gasparilla and Estero Islands, Florida.
- Sec. 310. East Saint Louis and vicinity, Illinois.
- Sec. 311. Kaskaskia River, Kaskaskia, Illinois.
- Sec. 312. Waukegan Harbor, Illinois.
- Sec. 313. Upper Des Plaines River and tributaries, Illinois.
- Sec. 314. Cumberland, Kentucky.
- Sec. 315. Atchafalaya Basin, Louisiana.
- Sec. 316. Red River Waterway, Louisiana.
- Sec. 317. Thomaston Harbor, Georges River, Maine.
- Sec. 318. Poplar Island, Maryland.
- Sec. 319. William Jennings Randolph Lake, Maryland.
- Sec. 320. Breckenridge, Minnesota.
- Sec. 321. Duluth Harbor, Minnesota.
- Sec. 322. Little Falls, Minnesota.
- Sec. 323. New Madrid County, Missouri.
- Sec. 324. Pemiscot County Harbor, Missouri.
- Sec. 325. Fort Peck fish hatchery, Montana.
- Sec. 326. Sagamore Creek, New Hampshire.
- Sec. 327. Passaic River basin flood management, New Jersey.
- Sec. 328. Times Beach Nature Preserve, Buffalo, New York.
- Sec. 329. Rockaway Inlet to Norton Point, New York.
- Sec. 330. Garrison Dam, North Dakota.
- Sec. 331. Duck Creek, Ohio.
- Sec. 332. John Day Pool, Oregon and Washington.
- Sec. 333. Fox Point hurricane barrier, Providence, Rhode Island.
- Sec. 334. Nonconna Creek, Tennessee and Mississippi.
- Sec. 335. San Antonio Channel, San Antonio, Texas.
- Sec. 336. Buchanan and Dickenson Counties, Virginia.
- Sec. 337. Buchanan, Dickenson, and Russell Counties, Virginia.
- Sec. 338. Sandbridge Beach, Virginia Beach, Virginia.
- Sec. 339. Mount St. Helens, Washington.
- Sec. 340. Lower Mud River, Milton, West Virginia.
- Sec. 341. Fox River System, Wisconsin.
- Sec. 342. Chesapeake Bay oyster restoration.
- Sec. 343. Great Lakes dredging levels adjustment.
- Sec. 344. Great Lakes remedial action plans and sediment remediation.
- Sec. 345. Treatment of dredged material from Long Island Sound.
- Sec. 346. Declaration of nonnavigability for Lake Erie, New York.
- Sec. 347. Project deauthorizations.
- Sec. 348. Land conveyances.
- Sec. 349. Project reauthorizations.
- Sec. 350. Continuation of project authorizations.
- Sec. 351. Water quality projects.

TITLE IV—STUDIES

- Sec. 401. Studies of completed projects.
- Sec. 402. Lower Mississippi River resource assessment.
- Sec. 403. Upper Mississippi River basin sediment and nutrient study.
- Sec. 404. Upper Mississippi River comprehensive plan.
- Sec. 405. Ohio River system.
- Sec. 406. Baldwin County, Alabama.
- Sec. 407. Bridgeport, Alabama.
- Sec. 408. Arkansas River navigation system.
- Sec. 409. Cache Creek basin, California.
- Sec. 410. Estudillo Canal, San Leandro, California.
- Sec. 411. Laguna Creek, Fremont, California.

- Sec. 412. Lake Merritt, Oakland, California.
- Sec. 413. Lancaster, California.
- Sec. 414. Oceanside, California.
- Sec. 415. San Jacinto watershed, California.
- Sec. 416. Suisun Marsh, California.
- Sec. 417. Delaware River watershed.
- Sec. 418. Brevard County, Florida.
- Sec. 419. Choctawhatchee River, Florida.
- Sec. 420. Egmont Key, Florida.
- Sec. 421. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
- Sec. 422. Lake Allatoona watershed, Georgia.
- Sec. 423. Boise River, Idaho.
- Sec. 424. Wood River, Idaho.
- Sec. 425. Chicago, Illinois.
- Sec. 426. Chicago sanitary and ship canal system, Chicago, Illinois.
- Sec. 427. Long Lake, Indiana.
- Sec. 428. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
- Sec. 429. Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana.
- Sec. 430. Boeuf and Black, Louisiana.
- Sec. 431. Iberia Port, Louisiana.
- Sec. 432. Lake Pontchartrain Seawall, Louisiana.
- Sec. 433. Lower Atchafalaya basin, Louisiana.
- Sec. 434. St. John the Baptist Parish, Louisiana.
- Sec. 435. South Louisiana.
- Sec. 436. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
- Sec. 437. Merrimack River basin, Massachusetts and New Hampshire.
- Sec. 438. Wild Rice River, Minnesota.
- Sec. 439. Port of Gulfport, Mississippi.
- Sec. 440. Las Vegas Valley, Nevada.
- Sec. 441. Upland disposal sites in New Hampshire.
- Sec. 442. Southwest Valley, Albuquerque, New Mexico.
- Sec. 443. Buffalo Harbor, Buffalo, New York.
- Sec. 444. Jamesville Reservoir, Onondaga County, New York.
- Sec. 445. Bogue Banks, Carteret County, North Carolina.
- Sec. 446. Duck Creek watershed, Ohio.
- Sec. 447. Fremont, Ohio.
- Sec. 448. Steubenville, Ohio.
- Sec. 449. Grand Lake, Oklahoma.
- Sec. 450. Columbia Slough, Oregon.
- Sec. 451. Cliff Walk in Newport, Rhode Island.
- Sec. 452. Quonset Point channel, Rhode Island.
- Sec. 453. Dredged material disposal site, Rhode Island.
- Sec. 454. Reedy River, Greenville, South Carolina.
- Sec. 455. Chickamauga Lock and Dam, Tennessee.
- Sec. 456. Germantown, Tennessee.
- Sec. 457. Milwaukee, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Lakes program.
- Sec. 502. Restoration projects.
- Sec. 503. Support of Army civil works program.
- Sec. 504. Export of water from Great Lakes.
- Sec. 505. Great Lakes tributary model.
- Sec. 506. Great Lakes fishery and ecosystem restoration.
- Sec. 507. New England water resources and ecosystem restoration.
- Sec. 508. Visitors centers.
- Sec. 509. CALFED Bay-Delta program assistance, California.
- Sec. 510. Seward, Alaska.
- Sec. 511. Clear Lake basin, California.
- Sec. 512. Contra Costa Canal, Oakley and Knightsen, California.
- Sec. 513. Huntington Beach, California.
- Sec. 514. Mallard Slough, Pittsburg, California.
- Sec. 515. Port Everglades, Florida.
- Sec. 516. Lake Sidney Lanier, Georgia, home preservation.
- Sec. 517. Ballard's Island, La Salle County, Illinois.
- Sec. 518. Lake Michigan diversion, Illinois.
- Sec. 519. Illinois River basin restoration.
- Sec. 520. Koontz Lake, Indiana.
- Sec. 521. West View Shores, Cecil County, Maryland.
- Sec. 522. Muddy River, Brookline and Boston, Massachusetts.
- Sec. 523. Soo Locks, Sault Ste. Marie, Michigan.

- Sec. 524. Minnesota dam safety.
- Sec. 525. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.
- Sec. 526. Duluth, Minnesota, alternative technology project.
- Sec. 527. Minneapolis, Minnesota.
- Sec. 528. Coastal Mississippi wetlands restoration projects.
- Sec. 529. Las Vegas, Nevada.
- Sec. 530. Urbanized peak flood management research, New Jersey.
- Sec. 531. Nepperhan River, Yonkers, New York.
- Sec. 532. Upper Mohawk River basin, New York.
- Sec. 533. Flood damage reduction.
- Sec. 534. Cuyahoga River, Ohio.
- Sec. 535. Crowder Point, Crowder, Oklahoma.
- Sec. 536. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
- Sec. 537. Access improvements, Raystown Lake, Pennsylvania.
- Sec. 538. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 539. Charleston Harbor, South Carolina.
- Sec. 540. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and South Dakota terrestrial wildlife habitat restoration.
- Sec. 541. Horn Lake Creek and tributaries, Tennessee and Mississippi.
- Sec. 542. Lake Champlain watershed, Vermont and New York.
- Sec. 543. Vermont dams remediation.
- Sec. 544. Puget Sound and adjacent waters restoration, Washington.
- Sec. 545. Willapa Bay, Washington.
- Sec. 546. Wynoochee Lake, Wynoochee River, Washington.
- Sec. 547. Bluestone, West Virginia.
- Sec. 548. Lesage/Greenbottom Swamp, West Virginia.
- Sec. 549. Tug Fork River, West Virginia.
- Sec. 550. Southern West Virginia.
- Sec. 551. Surfside/Sunset and Newport Beach, California.
- Sec. 552. Watershed management, restoration, and development.
- Sec. 553. Maintenance of navigation channels.
- Sec. 554. Hydrographic survey.
- Sec. 555. Columbia River treaty fishing access.
- Sec. 556. Release of use restriction.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

- Sec. 601. Comprehensive Everglades restoration plan.
- Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

- Sec. 701. Short title.
- Sec. 702. Findings and purposes.
- Sec. 703. Definitions.
- Sec. 704. Missouri River Trust.
- Sec. 705. Missouri River Task Force.
- Sec. 706. Administration.
- Sec. 707. Authorization of appropriations.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

- Sec. 801. Short title.
- Sec. 802. Purpose.
- Sec. 803. Definitions.
- Sec. 804. Conveyance of cabin sites.
- Sec. 805. Rights of nonparticipating lessees.
- Sec. 806. Conveyance to third parties.
- Sec. 807. Use of proceeds.
- Sec. 808. Administrative costs.
- Sec. 809. Revocation of withdrawals.
- Sec. 810. Authorization of appropriations.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

- Sec. 901. Short title.
- Sec. 902. Findings and purposes.
- Sec. 903. Definitions.
- Sec. 904. Missouri River Trust.
- Sec. 905. Missouri River Task Force.
- Sec. 906. Administration.
- Sec. 907. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Army.

33 USC 2201
note.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) **PROJECTS WITH CHIEF'S REPORTS.**—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) **BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.**—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey: Report of the Chief of Engineers dated July 26, 2000, at a total cost of \$51,203,000, with an estimated Federal cost of \$33,282,000 and an estimated non-Federal cost of \$17,921,000, and at an estimated average annual cost of \$1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,138,000 and an estimated annual non-Federal cost of \$613,000.

(2) **PORT OF NEW YORK AND NEW JERSEY, NEW YORK AND NEW JERSEY.**—

(A) **IN GENERAL.**—The project for navigation, Port of New York and New Jersey, New York and New Jersey: Report of the Chief of Engineers dated May 2, 2000, at a total cost of \$1,781,234,000, with an estimated Federal cost of \$743,954,000 and an estimated non-Federal cost of \$1,037,280,000.

(B) **NON-FEDERAL SHARE.**—

(i) **IN GENERAL.**—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

Deadline.

(b) **PROJECTS SUBJECT TO FINAL REPORT.**—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) **FALSE PASS HARBOR, ALASKA.**—The project for navigation, False Pass Harbor, Alaska, at a total cost of \$15,552,000, with an estimated Federal cost of \$9,374,000 and an estimated non-Federal cost of \$6,178,000.

(2) **UNALASKA HARBOR, ALASKA.**—The project for navigation, Unalaska Harbor, Alaska, at a total cost of \$20,000,000, with an estimated Federal cost of \$12,000,000 and an estimated non-Federal cost of \$8,000,000, except that the date for completion of the favorable report of the Chief of Engineers shall be December 31, 2001, instead of December 31, 2000.

(3) **RIO DE FLAG, FLAGSTAFF, ARIZONA.**—The project for flood damage reduction, Rio de Flag, Flagstaff, Arizona, at a total

cost of \$24,072,000, with an estimated Federal cost of \$15,576,000 and an estimated non-Federal cost of \$8,496,000.

(4) TRES RIOS, ARIZONA.—The project for ecosystem restoration, Tres Rios, Arizona, at a total cost of \$99,320,000, with an estimated Federal cost of \$62,755,000 and an estimated non-Federal cost of \$36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of \$153,313,000, with an estimated Federal cost of \$43,735,000 and an estimated non-Federal cost of \$109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrieta Creek, California, described as alternative 6, based on the District Engineer's Murrieta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of \$89,846,000, with an estimated Federal cost of \$25,556,000 and an estimated non-Federal cost of \$64,290,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for ecosystem restoration, Pine Flat Dam, California, at a total cost of \$34,000,000, with an estimated Federal cost of \$22,000,000 and an estimated non-Federal cost of \$12,000,000.

(8) SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.—The project for flood damage reduction, Santa Barbara streams, Lower Mission Creek, California, at a total cost of \$18,300,000, with an estimated Federal cost of \$9,200,000 and an estimated non-Federal cost of \$9,100,000.

(9) UPPER NEWPORT BAY, CALIFORNIA.—The project for ecosystem restoration, Upper Newport Bay, California, at a total cost of \$32,475,000, with an estimated Federal cost of \$21,109,000 and an estimated non-Federal cost of \$11,366,000.

(10) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of \$28,900,000, with an estimated Federal cost of \$18,800,000 and an estimated non-Federal cost of \$10,100,000.

(11) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henlopen to Fenwick Island, at a total cost of \$5,633,000, with an estimated Federal cost of \$3,661,000 and an estimated non-Federal cost of \$1,972,000, and at an estimated average annual cost of \$920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$460,000 and an estimated annual non-Federal cost of \$460,000.

(12) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of \$7,600,000, with an estimated Federal cost of \$4,900,000 and an estimated non-Federal cost of \$2,700,000.

(13) BARBERS POINT HARBOR, HAWAII.—The project for navigation, Barbers Point Harbor, Hawaii, at a total cost of \$30,003,000, with an estimated Federal cost of \$18,524,000 and an estimated non-Federal cost of \$11,479,000.

(14) JOHN MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John Myers Lock and Dam, Indiana and Kentucky, at a total cost of \$181,700,000. The costs of

construction of the project shall be paid $\frac{1}{2}$ from amounts appropriated from the general fund of the Treasury and $\frac{1}{2}$ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY AND OHIO.—The project for navigation, Greenup Lock and Dam, Kentucky and Ohio, at a total cost of \$175,500,000. The costs of construction of the project shall be paid $\frac{1}{2}$ from amounts appropriated from the general fund of the Treasury and $\frac{1}{2}$ from amounts appropriated from the Inland Waterways Trust Fund.

(16) OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—

(A) IN GENERAL.—Projects for ecosystem restoration, Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, at a total cost of \$307,700,000, with an estimated Federal cost of \$200,000,000 and an estimated non-Federal cost of \$107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under this paragraph may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of a project under this paragraph the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

(17) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of \$550,000,000, with an estimated Federal cost of \$358,000,000 and an estimated non-Federal cost of \$192,000,000.

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(18) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of \$58,090,000, with an estimated Federal cost of \$37,758,500 and an estimated non-Federal cost of \$20,331,500.

(19) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of \$46,310,000, with an estimated Federal cost of \$23,155,000 and an estimated non-Federal cost of \$23,155,000.

(20) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of \$29,840,000, with an estimated Federal cost of \$16,870,000 and an estimated non-Federal cost of \$12,970,000.

(21) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear

Creek, Nebraska, at a total cost of \$15,643,000, with an estimated Federal cost of \$9,518,000 and an estimated non-Federal cost of \$6,125,000.

(22) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of \$5,219,000, with an estimated Federal cost of \$3,392,000 and an estimated non-Federal cost of \$1,827,000, and at an estimated average annual cost of \$110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$55,000 and an estimated annual non-Federal cost of \$55,000.

(23) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of \$32,064,000, with an estimated Federal cost of \$20,842,000 and an estimated non-Federal cost of \$11,222,000, and at an estimated average annual cost of \$173,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$86,500 and an estimated annual non-Federal cost of \$86,500.

(24) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of \$71,674,000, with an estimated Federal cost of \$46,588,000 and an estimated non-Federal cost of \$25,086,000, and at an estimated average annual cost of \$34,990,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$17,495,000 and an estimated annual non-Federal cost of \$17,495,000.

(25) WOLF RIVER, MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of \$9,118,000, with an estimated Federal cost of \$5,849,000 and an estimated non-Federal cost of \$3,269,000.

(26) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of \$112,860,000, with an estimated Federal cost of \$73,360,000 and an estimated non-Federal cost of \$39,500,000.

(27) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of \$23,590,000, with an estimated Federal cost of \$15,680,000 and an estimated non-Federal cost of \$7,910,000.

(28) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for ecosystem restoration, Jackson Hole, Wyoming, at a total cost of \$52,242,000, with an estimated Federal cost of \$33,957,000 and an estimated non-Federal cost of \$18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of execution of

a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) BUFFALO ISLAND, ARKANSAS.—Project for flood damage reduction, Buffalo Island, Arkansas.

(2) ANAVERDE CREEK, PALMDALE, CALIFORNIA.—Project for flood damage reduction, Anaverde Creek, Palmdale, California.

(3) CASTAIC CREEK, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Castaic Creek, Old Road bridge, Santa Clarita, California.

(4) SANTA CLARA RIVER, OLD ROAD BRIDGE, SANTA CLARITA, CALIFORNIA.—Project for flood damage reduction, Santa Clara River, Old Road bridge, Santa Clarita, California.

(5) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(6) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(7) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(8) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(9) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(10) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(11) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(12) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(13) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(14) BAYOU TETE L'OURS, LOUISIANA.—Project for flood damage reduction, Bayou Tete L'Ours, Louisiana.

(15) BOSSIER CITY, LOUISIANA.—Project for flood damage reduction, Red Chute Bayou levee, Bossier City, Louisiana.

(16) BOSSIER PARISH, LOUISIANA.—Project for flood damage reduction, Cane Bend Subdivision, Bossier Parish, Louisiana.

(17) BRAITHWAITE PARK, LOUISIANA.—Project for flood damage reduction, Braithwaite Park, Louisiana.

(18) CROWN POINT, LOUISIANA.—Project for flood damage reduction, Crown Point, Louisiana.

(19) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood damage reduction, Donaldsonville Canals, Louisiana.

(20) GOOSE BAYOU, LOUISIANA.—Project for flood damage reduction, Goose Bayou, Louisiana.

(21) GUMBY DAM, LOUISIANA.—Project for flood damage reduction, Gumby Dam, Richland Parish, Louisiana.

(22) HOPE CANAL, LOUISIANA.—Project for flood damage reduction, Hope Canal, Louisiana.

- (23) JEAN LAFITTE, LOUISIANA.—Project for flood damage reduction, Jean Lafitte, Louisiana.
- (24) LAKES MAUREPAS AND PONTCHARTRAIN CANALS, ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana.
- (25) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood damage reduction, Lockport to Larose, Louisiana.
- (26) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood damage reduction, Lower Lafitte basin, Louisiana.
- (27) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood damage reduction, Oakville to LaReussite, Louisiana.
- (28) PAILET BASIN, LOUISIANA.—Project for flood damage reduction, Paillet basin, Louisiana.
- (29) POCHITOLAWA CREEK, LOUISIANA.—Project for flood damage reduction, Pochitolawa Creek, Louisiana.
- (30) ROSETHORN BASIN, LOUISIANA.—Project for flood damage reduction, Rosethorn basin, Louisiana.
- (31) SHREVEPORT, LOUISIANA.—Project for flood damage reduction, Twelve Mile Bayou, Shreveport, Louisiana.
- (32) STEPHENSVILLE, LOUISIANA.—Project for flood damage reduction, Stephenville, Louisiana.
- (33) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood damage reduction, St. John the Baptist Parish, Louisiana.
- (34) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood damage reduction, Magby Creek and Vernon Branch, Lowndes County, Mississippi.
- (35) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—Project for flood damage reduction, Pennsville Township, Salem County, New Jersey.
- (36) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.
- (37) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.
- (38) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.
- (39) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West Lafayette, Ohio.
- (40) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.
- (41) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.
- (42) FRITZ LANDING, TENNESSEE.—Project for flood damage reduction, Fritz Landing, Tennessee.
- (43) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.
- (44) MISSISSIPPI RIVER, RIDGELY, TENNESSEE.—Project for flood damage reduction, Mississippi River, Ridgely, Tennessee.
- (b) MAGPIE CREEK, SACRAMENTO COUNTY, CALIFORNIA.—In formulating the project for Magpie Creek, California, authorized by section 102(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 281) to be carried out under section 205 of the

Flood Control Act of 1948 (33 U.S.C. 701s), the Secretary may consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the project after conversion of the base to civilian use.

SEC. 103. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) MAUMEE RIVER, FORT WAYNE, INDIANA.—Project for emergency streambank protection, Maumee River, Fort Wayne, Indiana.

(2) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(3) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(4) BAYOU SORRELL, IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Bayou Sorrell, Iberville Parish, Louisiana.

(5) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(6) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(7) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(8) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(9) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(10) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 104. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) WHITTIER, ALASKA.—Project for navigation, Whittier, Alaska.

(2) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(3) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(4) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

(5) EAST TWO RIVERS, TOWER, MINNESOTA.—Project for navigation, East Two Rivers, Tower, Minnesota.

(6) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(7) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(8) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) NAHANT MARSH, DAVENPORT, IOWA.—Project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa.

(2) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(5) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(6) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(7) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(8) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(9) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(10) MUSKINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Muskingum County, Ohio.

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) ARKANSAS RIVER, PUEBLO, COLORADO.—Project for aquatic ecosystem restoration, Arkansas River, Pueblo, Colorado.

(2) HAYDEN DIVERSION PROJECT, YAMPA RIVER, COLORADO.—Project for aquatic ecosystem restoration, Hayden Diversion Project, Yampa River, Colorado.

(3) LITTLE ECONLOCKHATCHEE RIVER BASIN, FLORIDA.—Project for aquatic ecosystem restoration, Little Econlockhatchee River basin, Florida.

(4) LOXAHATCHEE SLOUGH, PALM BEACH COUNTY, FLORIDA.—Project for aquatic ecosystem restoration, Loxahatchee Slough, Palm Beach County, Florida.

(5) STEVENSON CREEK ESTUARY, FLORIDA.—Project for aquatic ecosystem restoration, Stevenson Creek estuary, Florida.

(6) CHOUTEAU ISLAND, MADISON COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration, Chouteau Island, Madison County, Illinois.

(7) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(8) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(9) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(10) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(11) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(12) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(13) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(14) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(15) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(16) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(17) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

(18) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(19) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(20) CAZENOVIA LAKE, MADISON COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Cazenovia Lake, Madison County, New York, including efforts to address aquatic invasive plant species.

(21) CHENANGO LAKE, CHENANGO COUNTY, NEW YORK.—Project for aquatic ecosystem restoration, Chenango Lake, Chenango County, New York, including efforts to address aquatic invasive plant species.

(22) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, Ticonderoga, New York.

(23) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(24) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(25) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

(26) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(27) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(28) MIDDLE CUYAHOGA RIVER, KENT, OHIO.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

(29) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(30) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(31) CENTRAL AMAZON CREEK, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Eugene, Oregon.

(32) EUGENE MILLRACE, EUGENE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Eugene, Oregon.

(33) BEAR CREEK WATERSHED, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(34) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

(35) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(36) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

(b) SALMON RIVER, IDAHO.—The Secretary may credit toward the non-Federal share of the cost of the project for aquatic ecosystem restoration, Salmon River, Idaho, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) the cost of work (consisting of surveys, studies, and development of technical data) carried out by the non-Federal interest if the Secretary determines that the work is integral to the project.

SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act entitled “An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property”, approved August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

(3) HUDSON RIVER, DUTCHESS COUNTY, NEW YORK.—Project for beach restoration and protection, Hudson River, Dutchess County, New York.

SEC. 108. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g):

(1) SANGAMON RIVER AND TRIBUTARIES, RIVERTON, ILLINOIS.—Project for removal of snags and clearing and straightening of channels for flood control, Sangamon River and tributaries, Riverton, Illinois.

(2) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(3) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 109. SMALL PROJECT FOR MITIGATION OF SHORE DAMAGE.

The Secretary shall conduct a study of shore damage at Puget Island, Columbia River, Washington, to determine if the damage is the result of the project for navigation, Columbia River, Washington, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 369), and, if the Secretary determines that the damage is the result of the project for navigation and that a project to mitigate the damage is appropriate, the Secretary may carry out the project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 110. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) ST. LOUIS COUNTY, MINNESOTA.—Project to make beneficial use of dredged material from a Federal navigation project in St. Louis County, Minnesota.

(6) OTTAWA COUNTY, OHIO.—Project to make beneficial use of dredged material from a Federal navigation project to protect, restore, and create aquatic and related habitat, East Harbor State Park, Ottawa County, Ohio.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

“(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from a Federal navigation project under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).”.

SEC. 112. PETALUMA RIVER, PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall carry out the Petaluma River project, at the city of Petaluma, Sonoma County, California, to provide a 100-year level of flood protection to the city in accordance with the detailed project report of the San Francisco District Engineer, dated March 1995, at a total cost of \$32,227,000.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any project costs that the non-Federal interest has incurred in excess of the non-Federal share of project costs, regardless of the date on which the costs were incurred.

(c) COST SHARING.—For purposes of reimbursement under subsection (b), cost sharing for work performed on the project before the date of enactment of this Act shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended in the second sentence—

(1) by striking “State legislative”;

(2) by striking “State constitutional” and inserting “constitutional”; and

(3) by inserting before the period at the end the following: “of the State or a political subdivision of the State”.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

“SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

33 USC 2267a.

“(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

“(1) ecosystem protection and restoration;

“(2) flood damage reduction;

“(3) navigation and ports;

- “(4) watershed protection;
- “(5) water supply; and
- “(6) drought preparedness.

“(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

- “(1) the Secretary of the Interior;
- “(2) the Secretary of Agriculture;
- “(3) the Secretary of Commerce;
- “(4) the Administrator of the Environmental Protection Agency; and
- “(5) the heads of other appropriate agencies.

“(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

“(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

- “(1) the Delaware River basin;
- “(2) the Kentucky River basin;
- “(3) the Potomac River basin;
- “(4) the Susquehanna River basin; and
- “(5) the Willamette River basin.

“(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

“(f) COST-SHARING REQUIREMENTS.—

“(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

“(2) CREDIT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of an assessment under this section the cost of services, materials, supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

“(B) MAXIMUM AMOUNT OF CREDIT.—The credit under subparagraph (A) may not exceed an amount equal to 25 percent of the costs of the assessment.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000.”.

33 USC 2269.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

- (A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of a study under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest if the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) \$5,000,000 for each of fiscal years 2002 through 2006, of which not more than \$1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural

- water supply project, shall be subject to the ability of the non-Federal interest to pay.
- Deadline. “(2) CRITERIA AND PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with criteria and procedures in effect under paragraph (3) on the day before the date of enactment of the Water Resources Development Act of 2000; except that such criteria and procedures shall be revised, and new criteria and procedures shall be developed, not later than 180 days after such date of enactment to reflect the requirements of such paragraph (3).”; and
- (2) in paragraph (3)—
- (A) by inserting “and” after the semicolon at the end of subparagraph (A)(ii);
- (B) by striking subparagraph (B); and
- (C) by redesignating subparagraph (C) as subparagraph (B).
- 33 USC 2337. **SEC. 205. PROPERTY PROTECTION PROGRAM.**
- (a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.
- (b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.
- (c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000 for fiscal year 2001 and each fiscal year thereafter.
- 33 USC 2323a note. **SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.**
- Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (112 Stat. 2681–515), the Secretary may—
- (1) participate in the National Recreation Reservation Service on an interagency basis; and
- (2) pay the Department of the Army’s share of the activities required to implement, operate, and maintain the Service.
- SEC. 207. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.**
- Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—
- (1) by striking the first sentence and inserting the following: “There is authorized to be appropriated to carry out this section \$250,000 for fiscal year 2001 and each fiscal year thereafter.”; and
- (2) in the second sentence by inserting “out” after “carry”.
- Appropriation authorization. **SEC. 208. REBURIAL AND CONVEYANCE AUTHORITY.**
- (a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
- (b) REBURIAL.—
- (1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil
- 33 USC 2338.

works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 209. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1) by striking “Within 6 months after the date of the enactment of this subsection, the” and inserting “The”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking “Such guidelines shall address” and inserting the following:

“(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

“(A) address”; and

(4) in paragraph (2) (as designated by paragraph (3) of this subsection)—

(A) by inserting “to be undertaken by non-Federal interests to” after “policies”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) address those measures to be undertaken by non-Federal interests to preserve the level of flood protection provided by a project to which subsection (a) applies.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act. 33 USC 701b–12 note.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading by striking “FLOOD PLAIN” and inserting “FLOODPLAIN”; and

(2) in the first sentence by striking “flood plain” and inserting “floodplain”.

SEC. 210. NONPROFIT ENTITIES.

(a) ENVIRONMENTAL DREDGING.—Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.”.

(b) LAKES PROGRAM.—Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148-4149) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

“(d) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.”.

(c) PROJECT MODIFICATIONS FOR IMPROVEMENT OF ENVIRONMENT.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and by inserting after subsection (f) the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity, with the consent of the affected local government.”.

31 USC 6505
note.

SEC. 211. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term “State” has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than an agency of the Department of Defense) or a State or local government under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the last day of each calendar year, the Secretary shall provide to the Committee on

Deadline.

Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than an agency of the Department of Defense) or a State or local government to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

- (A) a description of the scope of services requested;
 - (B) the certifications required under subsection (b) and (c);
 - (C) the status of the request;
 - (D) the estimated and final cost of the services;
 - (E) the status of reimbursement;
 - (F) a description of the scope of services performed;
- and
- (G) copies of all certifications in support of the request.

SEC. 212. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a) by striking “In carrying out” and all that follows through “(1) is” and inserting the following: “In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

“(1) are”;

(2) in the first sentence of subsection (b) by striking “the proposed uprating” and inserting “any proposed uprating”;

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

“(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

“(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).”.

SEC. 213. ASSISTANCE PROGRAMS.

33 USC 2339.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services,

including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

33 USC 2201
note.

SEC. 214. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—In fiscal years 2001 through 2003, the Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

33 USC 2326c.

SEC. 215. DREDGED MATERIAL MARKETING AND RECYCLING.

(a) DREDGED MATERIAL MARKETING.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under paragraph (1) unless the Secretary determines that the program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in paragraph (1) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

Deadline.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall transmit to Congress a report on the program established under paragraph (1).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each fiscal year.

(b) DREDGED MATERIAL RECYCLING.—

(1) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from confined disposal facilities associated with Corps of Engineer navigation projects for the purpose of recycling the dredged material and extending the life of the confined disposal facilities.

Deadline.

(2) REPORT.—Not later than 90 days after the date of completion of the pilot program, the Secretary shall transmit to Congress a report on the results of the program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000, except that not to exceed \$1,000,000 may be expended with respect to any project.

SEC. 216. NATIONAL ACADEMY OF SCIENCES STUDY.33 USC 2282
note.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **ACADEMY.**—The term “Academy” means the National Academy of Sciences.

(2) **METHOD.**—The term “method” means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) **FEASIBILITY REPORT.**—The term “feasibility report” means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) **WATER RESOURCES PROJECT.**—The term “water resources project” means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) **INDEPENDENT PEER REVIEW OF PROJECTS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

Deadline.
Contracts.

(2) **STUDY ELEMENTS.**—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) **ACADEMY REPORT.**—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

Deadline.

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$1,000,000, to remain available until expended.

(c) **INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

Deadline.
Contracts.

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

Deadline.

(2) **ACADEMY REPORT.**—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall transmit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$2,000,000. Such sums shall remain available until expended.

SEC. 217. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES.

Section 110(e) of the Water Resources Development Act of 1990 (104 Stat. 4622) is amended by striking “1992,” and all that follows through “1996” and inserting “2001 through 2005”.

SEC. 218. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the first sentence by striking “\$40,000,000” and inserting “\$50,000,000”.

33 USC 2282
note.

SEC. 219. ENGINEERING CONSULTING SERVICES.

In conducting a feasibility study for a water resources project, the Secretary, to the maximum extent practicable, should not employ a person for engineering and consulting services if the same person is also employed by the non-Federal interest for such services unless there is only 1 qualified and responsive bidder for such services.

33 USC 426e
note.
Deadline.

SEC. 220. BEACH RECREATION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and implement procedures to ensure that all of the benefits of a beach restoration project, including those benefits attributable to recreation, hurricane and storm damage reduction, and environmental protection and restoration, are displayed in reports for such projects.

33 USC 2314
note.

SEC. 221. DESIGN-BUILD CONTRACTING.

(a) **PILOT PROGRAM.**—The Secretary may conduct a pilot program consisting of not more than 5 authorized projects to test the design-build method of project delivery on various authorized civil works projects of the Corps of Engineers, including levees,

pumping plants, revetments, dikes, dredging, weirs, dams, retaining walls, generation facilities, mattress laying, recreation facilities, and other water resources facilities.

(b) **DESIGN-BUILD DEFINED.**—In this section, the term “design-build” means an agreement between the Federal Government and a contractor that provides for both the design and construction of a project by a single contract.

(c) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the pilot program. Deadline.

SEC. 222. ENHANCED PUBLIC PARTICIPATION.

(a) **IN GENERAL.**—Section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) is amended by adding at the end the following:

“(e) **ENHANCED PUBLIC PARTICIPATION.**—

“(1) **IN GENERAL.**—The Secretary shall establish procedures to enhance public participation in the development of each feasibility study under subsection (a), including, if appropriate, establishment of a stakeholder advisory group to assist the Secretary with the development of the study. Procedures.

“(2) **MEMBERSHIP.**—If the Secretary provides for the establishment of a stakeholder advisory group under this subsection, the membership of the advisory group shall include balanced representation of social, economic, and environmental interest groups, and such members shall serve on a voluntary, uncompensated basis.

“(3) **LIMITATION.**—Procedures established under this subsection shall not delay development of any feasibility study under subsection (a).”.

SEC. 223. MONITORING.

(a) **IN GENERAL.**—The Secretary shall conduct a monitoring program of the economic and environmental results of up to 5 eligible projects selected by the Secretary. 33 USC 2201 note.

(b) **DURATION.**—The monitoring of a project selected by the Secretary under this section shall be for a period of not less than 12 years beginning on the date of its selection.

(c) **REPORTS.**—The Secretary shall transmit to Congress every 3 years a report on the performance of each project selected under this section. Deadline.

(d) **ELIGIBLE PROJECT DEFINED.**—In this section, the term “eligible project” means a water resources project, or separable element thereof—

(1) for which a contract for physical construction has not been awarded before the date of enactment of this Act;

(2) that has a total cost of more than \$25,000,000; and

(3)(A) that has as a benefit-to-cost ratio of less than 1.5 to 1; or

(B) that has significant environmental benefits or significant environmental mitigation components.

(e) **COSTS.**—The cost of conducting monitoring under this section shall be a Federal expense.

SEC. 224. FISH AND WILDLIFE MITIGATION.

(a) **DESIGN OF MITIGATION PROJECTS.**—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) by striking “(1)” and inserting “(A)”;
 (2) by striking “(2)” and inserting “(B)”;
 (3) by striking “(d) After the date of enactment of this Act,” and inserting the following:

“(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

“(1) IN GENERAL.—After November 17, 1986,”;

(4) by adding at the end the following:

“(2) DESIGN OF MITIGATION PROJECTS.—The Secretary shall design mitigation projects to reflect contemporary understanding of the science of mitigating the adverse environmental impacts of water resources projects.”; and

(5) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (3) of this subsection) with paragraph (2) (as added by paragraph (4) of this subsection).

(b) CONCURRENT MITIGATION.—

(1) INVESTIGATION.—

(A) IN GENERAL.—The Comptroller General shall conduct an investigation of the effectiveness of the concurrent mitigation requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283). In carrying out the investigation, the Comptroller General shall determine—

(i) whether or not there are instances in which less than 50 percent of required mitigation is completed before initiation of project construction and the number of such instances; and

(ii) the extent to which mitigation projects restore natural hydrologic conditions, restore native vegetation, and otherwise support native fish and wildlife species.

(B) SPECIAL RULE.—In carrying out subparagraph (A)(ii), the Comptroller General shall—

(i) establish a panel of independent scientists, comprised of individuals with expertise and experience in applicable scientific disciplines, to assist the Comptroller General; and

(ii) assess methods used by the Corps of Engineers to monitor and evaluate mitigation projects, and compare Corps of Engineers mitigation project design, construction, monitoring, and evaluation practices with those used in other publicly and privately financed mitigation projects.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the investigation.

SEC. 225. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN.

Section 105(a)(1)(E) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)(E)) is amended by striking “Not more than ½ of the” and inserting “The”.

SEC. 226. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property by the Secretary to a non-Federal governmental or nonprofit entity shall be limited to the extent that the Secretary determines that such limitation

33 USC 2283
note.

Establishment.

Deadline.

10 USC 2695
note.

is necessary to complete the conveyance based on the entity's ability to pay.

SEC. 227. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

- (1) by striking “and” at the end of paragraph (22);
- (2) by striking the period at the end of paragraph (23) and inserting “; and”; and
- (3) by adding at the end the following:
 - “(24) Perry Creek, Iowa;
 - “(25) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;
 - “(26) Lower Hudson River and tributaries, New York;
 - “(27) Susquehanna River watershed, Bradford County, Pennsylvania; and
 - “(28) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.”.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) **IN GENERAL.**—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99–662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) **REMOVAL PROCESS.**—Beginning on the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification,

Effective date.

removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) **LANDS TO BE SOLD.**—(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) **CRITERIA FOR LAND TO BE ACQUIRED.**—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) **DREDGED MATERIAL DISPOSAL SITES.**—The Secretary shall utilize dredged material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) **OTHER MITIGATION LANDS.**—The Secretary is also authorized to transfer by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99-662, in consultation with Federal and State fish and wildlife agencies, when such transfers are necessary to address transportation, utility, and related activities. The Secretary shall ensure full mitigation for any wildlife habitat value lost as a result of such sale or transfer. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) **REPEAL.**—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

SEC. 302. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA.

The project for flood control, Nogales Wash and tributaries, Nogales, Arizona, authorized by section 101(a)(4) of the Water Resources Development Act of 1990 (104 Stat. 4606), and modified by section 303 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to provide that the Federal share of the costs associated with addressing flood control problems

in Nogales, Arizona, arising from floodwater flows originating in Mexico shall be 100 percent.

SEC. 303. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the cost of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than \$250,000 of the costs of the planning and engineering investigations carried out by State and local agencies if the Secretary determines that the investigations are integral to the study.

SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Rivers and Harbors Act of June 28, 1938 (52 Stat. 1218), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

- (1) Beaver Lake, 1.5 feet.
- (2) Table Rock, 2 feet.
- (3) Bull Shoals Lake, 5 feet.
- (4) Norfolk Lake, 3.5 feet.
- (5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—Not later than January 1, 2002, the Secretary shall transmit to Congress the final report. Deadline.

(3) CONTENTS.—The final report shall include determinations concerning whether—

- (A) the modification under subsection (a) adversely affects other authorized project purposes; and
- (B) Federal costs will be incurred in connection with the modification.

SEC. 305. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.

The project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), is modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses if the Secretary determines that the use of such dredged material is technically sound, environmentally acceptable, and economically justified.

SEC. 306. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.

The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project under section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) the costs incurred by the non-Federal interests in providing additional capacity at dredged material disposal areas, providing community access to the project (including such disposal areas), and meeting applicable beautification requirements.

SEC. 307. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to authorize the project to be carried out at a total cost of \$13,997,000, with an estimated Federal cost of \$9,098,000 and an estimated non-Federal cost of \$4,899,000, and an estimated average annual cost of \$1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$858,000 and an estimated annual non-Federal cost of \$462,000.

SEC. 308. FERNANDINA HARBOR, FLORIDA.

The project for navigation, Fernandina Harbor, Florida, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes”, approved June 14, 1880 (21 Stat. 186), is modified to authorize the Secretary to realign the access channel in the vicinity of the Fernandina Beach Municipal Marina 100 feet to the west. The cost of the realignment, including acquisition of lands, easements, rights-of-way, and dredged material disposal areas and relocations, shall be a non-Federal expense.

SEC. 309. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1) if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 310. EAST SAINT LOUIS AND VICINITY, ILLINOIS.

The project for flood protection, East Saint Louis and vicinity, Illinois (East Side levee and sanitary district), authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1082), is modified to include ecosystem restoration as a project purpose.

SEC. 311. KASKASKIA RIVER, KASKASKIA, ILLINOIS.

The project for navigation, Kaskaskia River, Kaskaskia, Illinois, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), is modified to include recreation as a project purpose.

SEC. 312. WAUKEGAN HARBOR, ILLINOIS.

The project for navigation, Waukegan Harbor, Illinois, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes”, approved June 14, 1880 (21 Stat. 192), is modified to authorize the Secretary to extend the upstream limit of the project 275 feet to the north at a width of 375 feet if the Secretary determines that the extension is feasible.

SEC. 313. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the cost of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the cost of work carried out by the non-Federal interests before the date of execution of the study cost-sharing agreement if—

- (1) the Secretary and the non-Federal interests enter into a cost-sharing agreement for the study; and
- (2) the Secretary determines that the work is integral to the study.

SEC. 314. CUMBERLAND, KENTUCKY.

The Secretary shall initiate construction, using continuing contracts, of the city of Cumberland, Kentucky, flood control project, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), in accordance with option 4 in the detailed project report, dated September 1998, as modified, to prevent losses from a flood equal in magnitude to the April 1977 level by providing protection from the 100-year frequency event and to share all costs in accordance with section 103 of Public Law 99-662, as amended.

SEC. 315. ATCHAFALAYA BASIN, LOUISIANA.

(a) **IN GENERAL.**—Notwithstanding the report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

- (1) shall initiate, in collaboration with the State of Louisiana, construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and
- (2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) **AUTHORITIES.**—The Secretary shall carry out subsection (a) in accordance with—

- (1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements of section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

SEC. 316. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 317. THOMASTON HARBOR, GEORGES RIVER, MAINE.

The project for navigation, Georges River, Maine (Thomaston Harbor), authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 3, 1896 (29 Stat. 215), is modified to redesignate the following portion of the project as an anchorage area: The portion lying northwesterly of a line commencing at point N86,946.770, E321,303.830 thence running northeasterly about 203.67 feet to a point N86,994.750, E321,501.770.

SEC. 318. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), is modified—

(1) to provide that the non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of a project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

(b) REDUCTION.—The private sector performance goals for engineering work of the Baltimore District of the Corps of Engineers shall be reduced by the amount of the credit under subsection (a)(2).

SEC. 319. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

(a) IN GENERAL.—The Secretary may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182).

(b) NON-FEDERAL SHARE.—The Secretary shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities under subsection (a).

SEC. 320. BRECKENRIDGE, MINNESOTA.

(a) **IN GENERAL.**—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the detailed project report dated September 2000, at a total cost of \$21,000,000, with an estimated Federal cost of \$13,650,000 and an estimated non-Federal cost of \$7,350,000.

(b) **IN-KIND SERVICES.**—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out on the project by the non-Federal interest before the date of the cooperation agreement for the modified project or execution of a new cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 321. DULUTH HARBOR, MINNESOTA.

The project for navigation, Duluth Harbor, Minnesota, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified to include the relocation of Scenic Highway 61, including any required bridge construction.

SEC. 322. LITTLE FALLS, MINNESOTA.

The project for clearing, snagging, and sediment removal, East Bank of the Mississippi River, Little Falls, Minnesota, authorized under section 3 of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 2, 1945 (33 U.S.C. 603a), is modified to direct the Secretary to construct the project substantially in accordance with the plans contained in the feasibility report of the District Engineer, dated June 2000.

SEC. 323. NEW MADRID COUNTY, MISSOURI.

(a) **IN GENERAL.**—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) **CREDIT.**—The Secretary shall credit toward the non-Federal share of the cost of the project the costs of construction work for phase 1 of the project carried out by the non-Federal interest if the Secretary determines that the construction work is integral to the project.

SEC. 324. PEMISCOT COUNTY HARBOR, MISSOURI.

The Secretary shall credit toward the non-Federal share of the cost of the project for navigation, Pemiscot County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the cost of construction work carried out for the project after December 31, 1997, by the non-Federal interest if the Secretary determines that the work is integral to the project.

SEC. 325. FORT PECK FISH HATCHERY, MONTANA.

(a) **FINDINGS.**—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) FORT PECK LAKE.—The term “Fort Peck Lake” means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term “hatchery project” means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(C) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(i) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(ii) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated—

(A) \$20,000,000 to carry out this section (other than subsection (e)(2)(B)); and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available to carry out this section shall remain available until expended.

SEC. 326. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 327. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to direct the Secretary to give priority to nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River floodway buyout study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River buyout study of the 10-year floodplain beyond the floodway of the central Passaic River basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the central Passaic River basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the “Passaic River Flood Management Task Force”, to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 22 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 20 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 3 representatives of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of the Association of New Jersey Environmental Commissions, the Passaic River Coalition, and the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall transmit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718) is amended by adding at the end the following:

“(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.”.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

SEC. 328. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK.

The project for improving the quality of the environment, Times Beach Nature Preserve, Buffalo, New York, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), is modified to include recreation as a project purpose.

SEC. 329. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135), is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled “Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention”, at a total cost of \$9,000,000, with an estimated Federal cost of \$5,850,000 and an estimated non-Federal cost of \$3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

(c) CONFORMING AMENDMENT.—Section 541 of the Water Resources Development Act of 1999 (113 Stat. 350) is repealed.

SEC. 330. GARRISON DAM, NORTH DAKOTA.

The Secretary shall conduct a study of the Garrison Dam, North Dakota, feature of the project for flood control, Missouri River Basin, authorized by section 9(a) of the Flood Control Act of December 22, 1944 (58 Stat. 891), to determine if the damage to the water transmission line for Williston, North Dakota, is the result of a design deficiency and, if the Secretary determines that

the damage is the result of a design deficiency, shall correct the deficiency.

SEC. 331. DUCK CREEK, OHIO.

(a) **IN GENERAL.**—The project for flood control, Duck Creek, Ohio, authorized by section 101(a)(24) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to carry out the project at a total cost of \$36,323,000.

(b) **NON-FEDERAL SHARE.**—Notwithstanding section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the non-Federal share of the cost of the project shall not exceed \$4,200,000.

SEC. 332. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) **EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.**—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) **AFFECTED DEEDS.**—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 333. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The”; and

(2) by adding at the end the following:

“(b) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the cost of the project, or reimburse the non-Federal interest, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.”.

SEC. 334. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), is modified to authorize the Secretary—

(1) to extend the area protected by the flood control element of the project upstream approximately 5 miles to Reynolds Road; and

(2) to extend the hiking and biking trails of the recreational element of the project from 8.8 to 27 miles;

if the Secretary determines that it is technically sound, environmentally acceptable, and economically justified.

SEC. 335. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.

The project for flood control, San Antonio channel, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259) as part of the comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers in Texas, and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), is further modified to include environmental restoration and recreation as project purposes.

SEC. 336. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA.

The project for flood control, Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), and modified by section 352 of the Water Resources Development Act of 1996 (110 Stat. 3724–3725), is further modified to direct the Secretary to determine the ability of Buchanan and Dickenson Counties, Virginia, to pay the non-Federal share of the cost of the project based solely on the criterion specified in section 103(m)(3)(A)(i) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)(3)(A)(i)).

SEC. 337. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), at the request of the John Flannagan Water Authority, Dickenson County, Virginia, the Secretary may reallocate, under section 322 of the Water

Resources Development Act of 1990 (33 U.S.C. 2324), water supply storage space in the John Flannagan Reservoir, Dickenson County, Virginia, sufficient to yield water withdrawals in amounts not to exceed 3,000,000 gallons per day in order to provide water for the communities in Buchanan, Dickenson, and Russell Counties, Virginia, notwithstanding the limitation in section 322(b) of such Act.

(b) LIMITATION.—The Secretary may only make the reallocation under subsection (a) to the extent the Secretary determines that such reallocation will not have an adverse impact on other project purposes of the John Flannagan Reservoir.

SEC. 338. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA.

The project for beach erosion control and hurricane protection, Sandbridge Beach, Virginia Beach, Virginia, authorized by section 101(22) of the Water Resources Development Act of 1992 (106 Stat. 4804), is modified to direct the Secretary to provide 50 years of periodic beach nourishment beginning on the date on which construction of the project was initiated in 1998.

SEC. 339. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report of the Chief of Engineers entitled “Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)”, published as House Document No. 135, 99th Congress.

SEC. 340. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood damage reduction, Lower Mud River, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), is modified to direct the Secretary to carry out the project.

SEC. 341. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) PAYMENTS TO STATE.—The terms and conditions of the transfer may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.”.

SEC. 342. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence by striking “\$7,000,000” and inserting “\$20,000,000”;

(2) by striking paragraph (4) and inserting the following:

“(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland

and Virginia if the reefs are preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999.”; and

(3) by inserting after “25 percent.” the following: “In carrying out paragraph (4), the Chief of Engineers may solicit participation by and the services of commercial watermen in the construction of the reefs.”.

SEC. 343. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

33 USC 426o–1.

(a) **DEFINITION OF GREAT LAKE.**—In this section, the term “Great Lake” means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) **DREDGING LEVELS.**—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 344. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A) by striking “50 percent” and inserting “35 percent”;

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4) by striking “50 percent” and inserting “35 percent”; and

(C) by redesignating paragraph (4) as paragraph (3);

and

(3) in subsection (c) by striking “\$5,000,000 for each of fiscal years 1998 through 2000.” and inserting “\$10,000,000 for each of fiscal years 2001 through 2006.”.

SEC. 345. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) **IN GENERAL.**—Not later than December 31, 2002, the Secretary shall carry out a demonstration program for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

Deadline.

(b) **PROJECT CONSIDERATIONS.**—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (including projects carried out in the States of New York, New Jersey, and Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); and

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of each project carried out under the demonstration program authorized by this section shall be 35 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000.

33 USC 59bb-1.

SEC. 346. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK.

(a) AREA TO BE DECLARED NONNAVIGABLE; PUBLIC INTEREST.—Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries in the portion of Erie County, New York, described in subsection (b), are not in the public interest then, subject to subsection (c), those portions of such county that were once part of Lake Erie and are now filled are declared to be nonnavigable waters of the United States.

(b) BOUNDARIES.—The portion of Erie County, New York, referred to in subsection (a) is all that tract or parcel of land, situated in the town of Hamburg and the city of Lackawanna, Erie County, New York, being part of Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Ogden Gore Tract and part of Lots 23, 24, and 36 of the Buffalo Creek Reservation, Township 10, Range 8 of the Holland Land Company's Survey and more particularly bounded and described as follows:

Beginning at a point on the westerly highway boundary of Hamburg Turnpike (66.0 feet wide), said point being 547.89 feet South 19°36'46" East from the intersection of the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) and the northerly line of the City of Lackawanna (also being the southerly line of the City of Buffalo); thence South 19°36'46" East along the westerly highway boundary of Hamburg Turnpike (66.0 feet wide) a distance of 628.41 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 40-R2, Parcel No. 44 the following 20 courses and distances:

- (1) South 10°00'07" East a distance of 164.30 feet;
- (2) South 18°40'45" East a distance of 355.00 feet;
- (3) South 71°23'35" West a distance of 2.00 feet;
- (4) South 18°40'45" East a distance of 223.00 feet;
- (5) South 22°29'36" East a distance of 150.35 feet;
- (6) South 18°40'45" East a distance of 512.00 feet;
- (7) South 16°49'53" East a distance of 260.12 feet;
- (8) South 18°34'20" East a distance of 793.00 feet;
- (9) South 71°23'35" West a distance of 4.00 feet;
- (10) South 18°13'24" East a distance of 132.00 feet;
- (11) North 71°23'35" East a distance of 4.67 feet;

- (12) South 18°30'00" East a distance of 38.00 feet;
 - (13) South 71°23'35" West a distance of 4.86 feet;
 - (14) South 18°13'24" East a distance of 160.00 feet;
 - (15) South 71°23'35" East a distance of 9.80 feet;
 - (16) South 18°36'25" East a distance of 159.00 feet;
 - (17) South 71°23'35" West a distance of 3.89 feet;
 - (18) South 18°34'20" East a distance of 180.00 feet;
 - (19) South 20°56'05" East a distance of 138.11 feet;
 - (20) South 22°53'55" East a distance of 272.45 feet
- to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 18°36'25" East, a distance of 2228.31 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 27 Parcel No. 31 the following 2 courses and distances:

- (1) South 16°17'25" East a distance of 74.93 feet;
- (2) along a curve to the right having a radius of 1004.74 feet; a chord distance of 228.48 feet along a chord bearing of South 08°12'16" East, a distance of 228.97 feet to a point on the westerly highway boundary of Hamburg Turnpike.

Thence southerly along the westerly highway boundary of Hamburg Turnpike, South 4°35'35" West a distance of 940.87 feet; thence along the westerly highway boundary of Hamburg Turnpike as appropriated by the New York State Department of Public Works as shown on Map No. 1 Parcel No. 1 and Map No. 5 Parcel No. 7 the following 18 courses and distances:

- (1) North 85°24'25" West a distance of 1.00 feet;
- (2) South 7°01'17" West a distance of 170.15 feet;
- (3) South 5°02'54" West a distance of 180.00 feet;
- (4) North 85°24'25" West a distance of 3.00 feet;
- (5) South 5°02'54" West a distance of 260.00 feet;
- (6) South 5°09'11" West a distance of 110.00 feet;
- (7) South 0°34'35" West a distance of 110.27 feet;
- (8) South 4°50'37" West a distance of 220.00 feet;
- (9) South 4°50'37" West a distance of 365.00 feet;
- (10) South 85°24'25" East a distance of 5.00 feet;
- (11) South 4°06'20" West a distance of 67.00 feet;
- (12) South 6°04'35" West a distance of 248.08 feet;
- (13) South 3°18'27" West a distance of 52.01 feet;
- (14) South 4°55'58" West a distance of 133.00 feet;
- (15) North 85°24'25" West a distance of 1.00 feet;
- (16) South 4°55'58" West a distance of 45.00 feet;
- (17) North 85°24'25" West a distance of 7.00 feet;
- (18) South 4°56'12" West a distance of 90.00 feet.

Thence continuing along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 7 the following 2 courses and distances:

- (1) South 4°55'58" West a distance of 127.00 feet;
- (2) South 2°29'25" East a distance of 151.15 feet to a point on the westerly former highway boundary of Lake Shore Road.

Thence southerly along the westerly formerly highway boundary of Lake Shore Road, South 4°35'35" West a distance

of 148.90 feet; thence along the westerly highway boundary of Lake Shore Road as appropriated by the New York State Department of Public Works as shown on Map No. 7, Parcel No. 8 the following 3 courses and distances:

- (1) South 55°34'35" West a distance of 12.55 feet;
- (2) South 4°35'35" West a distance of 118.50 feet;
- (3) South 3°04'00" West a distance of 62.95 feet to a point on the south line of the lands of South Buffalo Railway Company.

Thence southerly and easterly along the lands of South Buffalo Railway Company the following 5 courses and distances:

- (1) North 89°25'14" West a distance of 697.64 feet;
- (2) along a curve to the left having a radius of 645.0 feet; a chord distance of 214.38 feet along a chord bearing of South 40°16'48" West, a distance of 215.38 feet;
- (3) South 30°42'49" West a distance of 76.96 feet;
- (4) South 22°06'03" West a distance of 689.43 feet;
- (5) South 36°09'23" West a distance of 30.93 feet to the northerly line of the lands of Buffalo Crushed Stone, Inc.

Thence North 87°13'38" West a distance of 2452.08 feet to the shore line of Lake Erie; thence northerly along the shore of Lake Erie the following 43 courses and distances:

- (1) North 16°29'53" West a distance of 267.84 feet;
- (2) North 24°25'00" West a distance of 195.01 feet;
- (3) North 26°45'00" West a distance of 250.00 feet;
- (4) North 31°15'00" West a distance of 205.00 feet;
- (5) North 21°35'00" West a distance of 110.00 feet;
- (6) North 44°00'53" West a distance of 26.38 feet;
- (7) North 33°49'18" West a distance of 74.86 feet;
- (8) North 34°26'26" West a distance of 12.00 feet;
- (9) North 31°06'16" West a distance of 72.06 feet;
- (10) North 22°35'00" West a distance of 150.00 feet;
- (11) North 16°35'00" West a distance of 420.00 feet;
- (12) North 21°10'00" West a distance of 440.00 feet;
- (13) North 17°55'00" West a distance of 340.00 feet;
- (14) North 28°05'00" West a distance of 375.00 feet;
- (15) North 16°25'00" West a distance of 585.00 feet;
- (16) North 22°10'00" West a distance of 160.00 feet;
- (17) North 2°46'36" West a distance of 65.54 feet;
- (18) North 16°01'08" West a distance of 70.04 feet;
- (19) North 49°07'00" West a distance of 79.00 feet;
- (20) North 19°16'00" West a distance of 425.00 feet;
- (21) North 16°37'00" West a distance of 285.00 feet;
- (22) North 25°20'00" West a distance of 360.00 feet;
- (23) North 33°00'00" West a distance of 230.00 feet;
- (24) North 32°40'00" West a distance of 310.00 feet;
- (25) North 27°10'00" West a distance of 130.00 feet;
- (26) North 23°20'00" West a distance of 315.00 feet;
- (27) North 18°20'04" West a distance of 302.92 feet;
- (28) North 20°15'48" West a distance of 387.18 feet;
- (29) North 14°20'00" West a distance of 530.00 feet;
- (30) North 16°40'00" West a distance of 260.00 feet;
- (31) North 28°35'00" West a distance of 195.00 feet;
- (32) North 18°30'00" West a distance of 170.00 feet;
- (33) North 26°30'00" West a distance of 340.00 feet;
- (34) North 32°07'52" West a distance of 232.38 feet;

- (35) North 30°04'26" West a distance of 17.96 feet;
- (36) North 23°19'13" West a distance of 111.23 feet;
- (37) North 7°07'58" West a distance of 63.90 feet;
- (38) North 8°11'02" West a distance of 378.90 feet;
- (39) North 15°01'02" West a distance of 190.64 feet;
- (40) North 2°55'00" West a distance of 170.00 feet;
- (41) North 6°45'00" West a distance of 240.00 feet;
- (42) North 0°10'00" East a distance of 465.00 feet;
- (43) North 2°00'38" West a distance of 378.58 feet

to the northerly line of Letters Patent dated February 21, 1968 and recorded in the Erie County Clerk's Office under Liber 7453 of Deeds at Page 45.

Thence North 71°23'35" East along the north line of the aforementioned Letters Patent a distance of 154.95 feet to the shore line; thence along the shore line the following 6 courses and distances:

- (1) South 80°14'01" East a distance of 119.30 feet;
- (2) North 46°15'13" East a distance of 47.83 feet;
- (3) North 59°53'02" East a distance of 53.32 feet;
- (4) North 38°20'43" East a distance of 27.31 feet;
- (5) North 68°12'46" East a distance of 48.67 feet;
- (6) North 26°11'47" East a distance of 11.48 feet to

the northerly line of the aforementioned Letters Patent.

Thence along the northerly line of said Letters Patent, North 71°23'35" East a distance of 1755.19 feet; thence South 35°27'25" East a distance of 35.83 feet to a point on the U.S. Harbor Line; thence, North 54°02'35" East along the U.S. Harbor Line a distance of 200.00 feet; thence continuing along the U.S. Harbor Line, North 50°01'45" East a distance of 379.54 feet to the westerly line of the lands of Gateway Trade Center, Inc.; thence along the lands of Gateway Trade Center, Inc. the following 27 courses and distances:

- (1) South 18°44'53" East a distance of 623.56 feet;
- (2) South 34°33'00" East a distance of 200.00 feet;
- (3) South 26°18'55" East a distance of 500.00 feet;
- (4) South 19°06'40" East a distance of 1074.29 feet;
- (5) South 28°03'18" East a distance of 242.44 feet;
- (6) South 18°38'50" East a distance of 1010.95 feet;
- (7) North 71°20'51" East a distance of 90.42 feet;
- (8) South 18°49'20" East a distance of 158.61 feet;
- (9) South 80°55'10" East a distance of 45.14 feet;
- (10) South 18°04'45" East a distance of 52.13 feet;
- (11) North 71°07'23" East a distance of 102.59 feet;
- (12) South 18°41'40" East a distance of 63.00 feet;
- (13) South 71°07'23" West a distance of 240.62 feet;
- (14) South 18°38'50" East a distance of 668.13 feet;
- (15) North 71°28'46" East a distance of 958.68 feet;
- (16) North 18°42'31" West a distance of 1001.28 feet;
- (17) South 71°17'29" West a distance of 168.48 feet;
- (18) North 18°42'31" West a distance of 642.00 feet;
- (19) North 71°17'37" East a distance of 17.30 feet;
- (20) North 18°42'31" West a distance of 574.67 feet;
- (21) North 71°17'29" East a distance of 151.18 feet;
- (22) North 18°42'31" West a distance of 1156.43 feet;
- (23) North 71°29'21" East a distance of 569.24 feet;
- (24) North 18°30'39" West a distance of 314.71 feet;
- (25) North 70°59'36" East a distance of 386.47 feet;

(26) North 18°30'39" West a distance of 70.00 feet;

(27) North 70°59'36" East a distance of 400.00 feet
to the place or point of beginning.

Containing 1,142.958 acres.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—

The declaration under subsection (a) shall apply to those parts of the areas described in subsection (b) that are filled portions of Lake Erie. Any work on these filled portions shall be subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) is not occupied by permanent structures in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

33 USC 59ee-1.

SEC. 347. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199).

(2) SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA.—The portion of the project for navigation, Sacramento Deep Water Ship Channel, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4092), beginning from the confluence of the Sacramento River and the Barge Canal to a point 3,300 feet west of the William G. Stone Lock western gate (including the William G. Stone Lock and the Bascule Bridge and Barge Canal). All waters within such portion of the project are declared to be nonnavigable waters of the United States solely for the purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

(3) BAY ISLAND CHANNEL, QUINCY, ILLINOIS.—The access channel across Bay Island into Quincy Bay at Quincy, Illinois, constructed under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(4) WARSAW BOAT HARBOR, ILLINOIS.—The portion of the project for navigation, Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1175), known as the “Warsaw Boat Harbor, Illinois”.

(5) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173): The portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes

50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(6) ROCKPORT HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) The portion of the 10-foot harbor channel the boundaries of which begin at a point with coordinates N605,741.948, E838,031.378, thence running north 36 degrees 04 minutes 40.9 seconds east 123.386 feet to a point N605,642.226, E838,104.039, thence running south 05 degrees 08 minutes 35.1 seconds east 24.223 feet to a point N605,618.100, E838,106.210, thence running north 41 degrees 05 minutes 10.9 seconds west 141.830 feet to a point N605,725.000, E838,013.000, thence running north 47 degrees 19 minutes 04.1 seconds east 25.000 feet to the point of origin.

(B) The portion of the 8-foot north basin entrance channel the boundaries of which begin at a point with coordinates N605,742.699, E837,977.129, thence running south 89 degrees 12 minutes 27.1 seconds east 54.255 feet to a point N605,741.948, E838,031.378, thence running south 47 degrees 19 minutes 04.1 seconds west 25.000 feet to a point N605,725.000, E838,013.000, thence running north 63 degrees 44 minutes 19.0 seconds west 40.000 feet to the point of origin.

(C) The portion of the 8-foot south basin anchorage the boundaries of which begin at a point with coordinates N605,563.770, E838,111.100, thence running south 05 degrees 08 minutes 35.1 seconds east 53.460 feet to a point N605,510.525, E838,115.892, thence running south 52 degrees 10 minutes 55.5 seconds west 145.000 feet to a point N605,421.618, E838,001.348, thence running north 37 degrees 49 minutes 04.5 seconds west 75.121 feet to a point N605,480.960, E837,955.287, thence running south 64 degrees 52 minutes 33.9 seconds east 33.823 feet to a point N605,466.600, E837,985.910, thence running north 52 degrees 10 minutes 55.5 seconds east 158.476 feet to the point of origin.

(7) SCITUATE HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Scituate Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1249), consisting of an 8-foot anchorage basin and described as follows: Beginning at a point with coordinates N438,739.53, E810,354.75, thence running northwesterly about 200.00 feet to coordinates N438,874.02, E810,206.72, thence running northeasterly about 400.00 feet to coordinates N439,170.07, E810,475.70, thence running southwesterly about 447.21 feet to the point of origin.

(8) DULUTH-SUPERIOR HARBOR, MINNESOTA AND WISCONSIN.—The portion of the project for navigation, Duluth-

Superior Harbor, Minnesota and Wisconsin, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved June 3, 1896 (29 Stat. 212), known as the 21st Avenue West Channel, beginning at the most southeasterly point of the channel N423074.09, E2871635.43 thence running north-northwest about 1854.83 feet along the easterly limit of the project to a point N424706.69, E2870755.48, thence running northwesterly about 111.07 feet to a point on the northerly limit of the project N424777.27, E2870669.46, thence west-southwest 157.88 feet along the north limit of the project to a point N424703.04, E2870530.38, thence south-southeast 1978.27 feet to the most southwesterly point N422961.45, E2871469.07, thence northeasterly 201.00 feet along the southern limit of the project to the point of origin.

(9) TREMLEY POINT, NEW JERSEY.—The portion of the Federal navigation channel, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 30, 1935 (49 Stat. 1030), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), that consists of a 35-foot deep channel beginning at a point along the western limit of the authorized project, N644100.411, E129256.91, thence running southeasterly about 38.25 feet to a point N644068.885, E129278.565, thence running southerly about 1,163.86 feet to a point N642912.127, E129150.209, thence running southwestwardly about 56.89 feet to a point N642864.09, E2129119.725, thence running northerly along the existing western limit of the existing project to the point of origin.

(10) ANGOLA, NEW YORK.—The project for erosion protection, Angola Water Treatment Plant, Angola, New York, constructed under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(11) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1124), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(12) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(13) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), that is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: The perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 348. LAND CONVEYANCES.

(a) THOMPSON, CONNECTICUT.—

(1) IN GENERAL.—The Secretary shall convey by quitclaim deed without consideration to the town of Thompson, Connecticut, all right, title, and interest of the United States in and to the approximately 1.36-acre parcel of land described

in paragraph (2) for public ownership and use by the town for firefighting and related emergency services purposes.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is located in the town of Thompson, county of Windham, State of Connecticut, on the northerly side of West Thompson Road owned by the United States and shown as Parcel A on a plan by Provost, Rovero, Fitzback entitled “Property Survey Prepared for West Thompson Independent Firemen Association #1” dated August 24, 1998, bounded and described as follows:

Beginning at a bound labeled WT-276 on the northerly side line of West Thompson Road, so called, at the most south corner of the Parcel herein described and at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence in a generally westerly direction by said northerly side line of West Thompson Road, by a curve to the left, having a radius of 640.00 feet a distance of 169.30 feet to a point;

Thence North 13 degrees, 08 minutes, 37 seconds East by the side line of said West Thompson Road a distance of 10.00 feet to a point;

Thence in a generally westerly direction by the northerly side line of said West Thompson Road, by a curve to the left having a radius of 650.00 feet a distance of 109.88 feet to a bound labeled WT-123, at land now or formerly of the United States of America;

Thence North 44 degrees, 43 minutes, 07 seconds East by said land now or formerly of the United States of America a distance of 185.00 feet to a point;

Thence North 67 degrees, 34 minutes, 13 seconds East by said land now or formerly of the United States of America a distance of 200.19 feet to a point in a stonewall;

Thence South 20 degrees, 49 minutes, 17 seconds East by a stonewall and by said land now or formerly of the United States of America a distance of 253.10 feet to a point at land now or formerly of West Thompson Independent Firemen Association No. 1;

Thence North 57 degrees, 45 minutes, 25 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 89.04 feet to a bound labeled WT-277;

Thence South 32 degrees, 14 minutes, 35 seconds West by land now or formerly of said West Thompson Independent Firemen Association No. 1 a distance of 123.06 feet to the point of beginning.

(3) REVERSION.—If the Secretary determines that the parcel described in paragraph (2) ceases to be held in public ownership or used for firefighting and related emergency services, all right, title, and interest in and to the parcel shall revert to the United States, at the option of the United States.

(b) WASHINGTON, DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—The Secretary shall convey to the Lucy Webb Hayes National Training School for Deaconesses and Missionaries Conducting Sibley Memorial Hospital (in this subsection referred to as the “Hospital”) by quitclaim deed under the terms of a negotiated sale, all right, title, and interest

of the United States in and to the 8.864-acre parcel of land described in paragraph (2) for medical care and parking purposes. The consideration paid under such negotiated sale shall reflect the value of the parcel, taking into consideration the terms and conditions of the conveyance imposed under this subsection.

(2) LAND DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel described as follows: Beginning at a point on the westerly right-of-way line of Dalecarlia Parkway, said point also being on the southerly division line of part of Square N1448, A&T Lot 801 as recorded in A&T 2387 and part of the property of the United States Government, thence with said southerly division line now described:

(A) North 35° 05' 40" West—436.31 feet to a point, thence

(B) South 89° 59' 30" West—550 feet to a point, thence

(C) South 53° 48' 00" West—361.08 feet to a point, thence

(D) South 89° 59' 30" West—466.76 feet to a point at the southwesterly corner of the aforesaid A&T Lot 801, said point also being on the easterly right-of-way line of MacArthur Boulevard, thence with a portion of the westerly division line of said A&T Lot 801 and the easterly right-of-way line of MacArthur Boulevard, as now described

(E) 78.62 feet along the arc of a curve to the right having a radius of 650.98 feet, chord bearing and distance of North 06° 17' 20" West—78.57 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(F) North 87° 18' 21" East—258.85 feet to a point, thence

(G) North 02° 49' 16" West—214.18 feet to a point, thence

(H) South 87° 09' 00" West—238.95 feet to a point on the aforesaid easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(I) North 08° 41' 30" East—30.62 feet to a point, thence crossing to include a portion of aforesaid A&T Lot 801 and a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(J) North 87° 09' 00" East—373.96 feet to a point, thence

(K) North 88° 42' 48" East—374.92 feet to a point, thence

(L) North 56° 53' 40" East—53.16 feet to a point, thence

(M) North 86° 00' 15" East—26.17 feet to a point, thence

(N) South 87° 24' 50" East—464.01 feet to a point, thence

(O) North 83° 34' 31" East—212.62 feet to a point, thence

(P) South 30° 16' 12" East—108.97 feet to a point, thence

(Q) South 38° 30' 23" East—287.46 feet to a point, thence

(R) South 09° 03' 38" West—92.74 feet to the point on the aforesaid westerly right-of-way line of Dalecarlia Parkway, thence with said westerly right-of-way line, as now described

(S) 197.74 feet along the arc of a curve to the right having a radius of 916.00 feet, chord bearing and distance of South 53° 54' 43" West—197.35 feet to the place of beginning.

(3) TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to the following terms and conditions:

(A) LIMITATION ON THE USE OF CERTAIN PORTIONS OF THE PARCEL.—The Secretary shall include in any deed conveying the parcel under this section a restriction to prevent the Hospital, and its successors and assigns, from constructing any structure, other than a structure used exclusively for the parking of motor vehicles, on the portion of the parcel that lies between the Washington Aqueduct and Little Falls Road.

(B) LIMITATION ON CERTAIN LEGAL CHALLENGES.—The Secretary shall require the Hospital, and its successors and assigns, to refrain from raising any legal challenge to the operations of the Washington Aqueduct arising from any impact such operations may have on the activities conducted by the Hospital on the parcel.

(C) EASEMENT.—The Secretary shall require that the conveyance be subject to the retention of an easement permitting the United States, and its successors and assigns, to use and maintain the portion of the parcel described as follows: Beginning at a point on the easterly or South 35° 05' 40" East—436.31 foot plat line of Lot 25 as shown on a subdivision plat recorded in book 175 page 102 among the records of the Office of the Surveyor of the District of Columbia, said point also being on the northerly right-of-way line of Dalecarlia Parkway, thence running with said easterly line of Lot 25 and crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds as now described:

(i) North 35° 05' 40" West—495.13 feet to a point, thence

(ii) North 87° 24' 50" West—414.43 feet to a point, thence

(iii) South 81° 08' 00" West—69.56 feet to a point, thence

(iv) South 88° 42' 48" West—367.50 feet to a point, thence

(v) South 87° 09' 00" West—379.68 feet to a point on the easterly right-of-way line of MacArthur Boulevard, thence with said easterly right-of-way line, as now described

(vi) North 08° 41' 30" East—30.62 feet to a point, thence crossing to include a portion of the aforesaid Dalecarlia Reservoir Grounds, as now described

(vii) North 87° 09' 00" East—373.96 feet to a point, thence

(viii) North 88° 42' 48" East—374.92 feet to a point, thence

(ix) North 56° 53' 40" East—53.16 feet to a point, thence

(x) North 86° 00' 15" East—26.17 feet to a point, thence

(xi) South 87° 24' 50" East—464.01 feet to a point, thence

(xii) North 83° 34' 31" East—50.62 feet to a point, thence

(xiii) South 02° 35' 10" West—46.46 feet to a point, thence

(xiv) South 13° 38' 12" East—107.83 feet to a point, thence

(xv) South 35° 05' 40" East—347.97 feet to a point on the aforesaid northerly right-of-way line of Dalecarlia Parkway, thence with said right-of-way line, as now described

(xvi) 44.12 feet along the arc of a curve to the right having a radius of 855.00 feet, chord bearing and distance of South 58° 59' 22" West—44.11 feet to the place of beginning containing 1.7157 acres of land more or less as now described by Maddox Engineers and Surveyors, Inc., June 2000, Job #00015.

(4) APPRAISAL.—Before conveying any right, title, or interest under this subsection, the Secretary shall obtain an appraisal of the fair market value of the parcel.

(c) JOLIET, ILLINOIS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Secretary shall convey by quitclaim deed without consideration to the Joliet Park District in Joliet, Illinois, all right, title, and interest of the United States in and to the parcel of real property located at 622 Railroad Street in the city of Joliet, consisting of approximately 2 acres, together with any improvements thereon, for public ownership and use as the site of the headquarters of the park district.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as headquarters of the park district or for related purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(d) OTTAWA, ILLINOIS.—

(1) CONVEYANCE OF PROPERTY.—Subject to the terms, conditions, and reservations of paragraph (2), the Secretary shall convey by quitclaim deed to the Young Men's Christian Association of Ottawa, Illinois (in this subsection referred to as the "YMCA"), all right, title, and interest of the United States in and to a portion of the easements acquired for the improvement of the Illinois Waterway project over a parcel of real property owned by the YMCA, known as the "Ottawa, Illinois, YMCA Site", and located at 201 E. Jackson Street, Ottawa, La Salle County, Illinois (portion of NE $\frac{1}{4}$, S11, T33N, R3E

3PM), except that portion lying below the elevation of 461 feet National Geodetic Vertical Datum.

(2) CONDITIONS.—The following conditions apply to the conveyance under paragraph (1):

(A) The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(B) The YMCA shall agree to hold and save the United States harmless from liability associated with the operation and maintenance of the Illinois Waterway project on the property described in paragraph (1).

(C) If the Secretary determines that any portion of the property that is the subject of the easement conveyed under paragraph (1) ceases to be used for the purposes for which the YMCA was established, all right, title, and interest in and to such easement shall revert to the United States, at the option of the United States.

(e) BAYOU TECHE, LOUISIANA.—

(1) IN GENERAL.—After renovations of the Keystone Lock facility have been completed, the Secretary may convey by quitclaim deed without consideration to St. Martin Parish, Louisiana, all rights, title, and interests of the United States in the approximately 12.03 acres of land under the administrative jurisdiction of the Secretary in Bayou Teche, Louisiana, together with improvements thereon. The dam and the authority to retain upstream pool elevations shall remain under the jurisdiction of the Secretary. The Secretary shall relinquish all operations and maintenance of the lock to St. Martin Parish.

(2) CONDITIONS.—The following conditions apply to the transfer under paragraph (1):

(A) St. Martin Parish shall operate, maintain, repair, replace, and rehabilitate the lock in accordance with regulations prescribed by the Secretary that are consistent with the project's authorized purposes.

(B) The Parish shall provide the Secretary access to the dam whenever the Secretary notifies the Parish of a need for access to the dam.

(C) If the Parish fails to comply with subparagraph (A), the Secretary shall notify the Parish of such failure. If the Parish does not correct such failure during the 1-year period beginning on the date of such notification, the Secretary shall have a right of reverter to reclaim possession and title to the land and improvements conveyed under this section or, in the case of a failure to make necessary repairs, the Secretary may effect the repairs and require payment from the Parish for the repairs made by the Secretary.

(f) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at Federal expense—

(A) the lighthouse at Ontonagon, Michigan; and

(B) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(2) MAP.—The Secretary shall—

(A) determine the extent of the land conveyance under this subsection;

(B) determine the exact acreage and legal description of the land to be conveyed under this subsection; and

(C) prepare a map that clearly identifies any land to be conveyed.

(3) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this subsection.

(4) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this subsection, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with the lighthouse or the conveyed land and improvements.

(5) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

(6) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be owned by the Ontonagon County Historical Society or to be used for public purposes, all right, title, and interest in and to such property shall revert to the United States, at the option of the United States.

(g) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—Subject to paragraphs (3) and (4), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in paragraph (2)(B) to S.S.S., Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(B) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as “Government Tract Numbers FM-46 and FM-47”, administered by the Corps of Engineers.

(3) CONDITIONS.—The land exchange under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the parcel of land described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in paragraph (2)(B) to S.S.S., Inc., shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—

(i) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any

improvements on the parcel of land described in paragraph (2)(A).

(ii) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in paragraph (2)(A)—

(I) S.S.S., Inc., shall have no claim against the United States for liability; and

(II) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(C) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under paragraph (1) shall be completed.

(D) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in paragraph (2), which shall be used in the instruments of conveyance of the parcels.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc., by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc., under paragraph (1), S.S.S., Inc., shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

(h) ST. CLAIR AND BENTON COUNTIES, MISSOURI.—

(1) IN GENERAL.—The Secretary shall convey to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcel of land to be conveyed under paragraph (1) is the tract of land located in the Southeast $\frac{1}{4}$ of Section 13, Township 39 North, Range 25 West, of the Fifth Principal Meridian, St. Clair County, Missouri, more particularly described as follows: Commencing at the Southwest corner of Section 18, as designated by Corps survey marker AP 18-1, thence northerly 11.22 feet to the southeast corner of Section 13, thence 657.22 feet north along the east line of Section 13 to Corps monument 18 1-C lying within the right-of-way of State Highway C, being the point of beginning of the tract of land herein described; thence westerly approximately 210 feet, thence northerly 150 feet, thence easterly approximately 210 feet to the east line of Section 13, thence southerly along said east line, 150 feet to the point of beginning, containing 0.723 acres, more or less.

(3) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be held in public ownership or to be used as a site for a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(i) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—Section 563(c)(1)(B) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended by striking “a deceased individual” and inserting “an individual”.

(j) MANOR TOWNSHIP, PENNSYLVANIA.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall convey by quitclaim deed to the township of Manor, Pennsylvania, all right, title, and interest of the United States in and to the approximately 113 acres of real property located at Crooked Creek Lake, together with any improvements on the land.

(2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in paragraph (1) shall be determined by a survey that is satisfactory to the Secretary.

(3) CONSIDERATION.—The Secretary may convey under this subsection without consideration any portion of the real property described in paragraph (1) if the portion is to be retained in public ownership and be used for public park and recreation or other public purposes.

(4) REVERSION.—If the Secretary determines that any portion of the property conveyed under paragraph (3) ceases to be held in public ownership or to be used for public park and recreation or other public purposes, all right, title, and interest in and to such portion of property shall revert to the United States, at the option of the United States.

(k) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—Section 563(i) of the Water Resources Development Act of 1999 (113 Stat. 360–361) is amended to read as follows:

“(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

“(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

“(2) LAND DESCRIPTION.—

“(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements.

“(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

“(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

“(4) PERPETUAL STATUS.—

“(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

“(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States, at the option of the United States.

“(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection

with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

“(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

“(A) IN GENERAL.—The Secretary shall pay the State of South Carolina \$4,850,000, subject to the Secretary and the State entering into a contract for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

“(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.”.

(1) SAVANNAH RIVER, SOUTH CAROLINA.—

(1) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this subsection, the term “New Savannah Bluff Lock and Dam” means—

(A) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(B) the appurtenant features to the lock and dam, including—

(i) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924) and the first section of the Act of August 30, 1935 (49 Stat. 1032); and

(ii) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this subsection.

(2) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(A) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at Federal expense of an estimated \$5,300,000; and

(B) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(3) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under paragraph (2).

(4) OPERATION AND MAINTENANCE.—

(A) BEFORE CONVEYANCE.—Before the conveyance under paragraph (2), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(B) AFTER CONVEYANCE.—After the conveyance under paragraph (2), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in paragraph (1)(B)(i), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

(m) TRI-CITIES AREA, WASHINGTON.—Section 501(i) of the Water Resources Development Act of 1996 (110 Stat. 3752–3753) is amended—

(1) by inserting before the period at the end of paragraph (1) the following: “; except that any of such local governments, with the agreement of the appropriate district engineer, may exempt from the conveyance to the local government all or any part of the property to be conveyed to the local government”; and

(2) by inserting before the period at the end of paragraph (2)(C) the following: “; except that approximately 7.4 acres in Columbia Park, Kennewick, Washington, consisting of the historic site located in the Park and known and referred to as the “Kennewick Man Site” and such adjacent wooded areas as the Secretary determines are necessary to protect the historic site, shall remain in Federal ownership”.

(n) GENERALLY APPLICABLE PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

SEC. 349. PROJECT REAUTHORIZATIONS.

(a) IN GENERAL.—Each of the following projects may be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) NARRAGUAGUS RIVER, MILBRIDGE, MAINE.—Only for the purpose of maintenance as anchorage, those portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act entitled “An Act making appropriations for the construction, repair, completion, and preservation of certain works on rivers and harbors, and for other purposes”, approved June 14, 1880 (21 Stat. 195), and deauthorized under section 101 of the River and Harbor Act of 1962 (75 Stat. 1173), lying adjacent to and outside the limits of the 11-foot and 9-foot channel authorized as part of the project for navigation, authorized by such section 101, as follows:

(A) An area located east of the 11-foot channel starting at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(B) An area located west of the 9-foot channel starting at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

(2) CEDAR BAYOU, TEXAS.—The project for navigation, Cedar Bayou, Texas, authorized by the first section of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved September 19, 1890 (26 Stat. 444), and modified by the first section of the Act entitled “An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved July 3, 1930 (46 Stat. 926), and deauthorized by section 1002 of the Water Resources Development Act of 1986 (100 Stat. 4219), except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide from mile -2.5 (at the junction with the Houston Ship Channel) to mile 11.0 on Cedar Bayou.

(b) REDESIGNATION.—The following portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, referred to in subsection (a)(1) is redesignated as anchorage: Starting at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the following projects shall remain authorized to be carried out by the Secretary:

(1) The projects for flood control, Sacramento River, California, modified by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 900-901).

(2) The project for flood protection, Sacramento River from Chico Landing to Red Bluff, California, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 314).

(b) LIMITATION.—A project described in subsection (a) shall not be authorized for construction after the last day of the 7-year period beginning on the date of enactment of this Act, unless, during such period, funds have been obligated for the construction (including planning and design) of the project.

SEC. 351. WATER QUALITY PROJECTS.

Section 307(a) of the Water Resources Development Act of 1992 (106 Stat. 4841) is amended by striking “Jefferson and Orleans Parishes” and inserting “Jefferson, Orleans, and St. Tammany Parishes”.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS.

The Secretary shall conduct a study under section 216 of the Flood Control Act of 1970 (84 Stat. 1830) of each of the following completed projects:

(1) ESCAMBIA BAY AND RIVER, FLORIDA.—Project for navigation, Escambia Bay and River, Florida.

(2) ILLINOIS RIVER, HAVANA, ILLINOIS.—Project for flood control, Illinois River, Havana, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1583).

(3) SPRING LAKE, ILLINOIS.—Project for flood control, Spring Lake, Illinois, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1584).

(4) PORT ORFORD, OREGON.—Project for navigation, Port Orford, Oregon, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT.

(a) ASSESSMENTS.—The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake for the Lower Mississippi River system—

(1) an assessment of information needed for river-related management;

(2) an assessment of natural resource habitat needs; and

(3) an assessment of the need for river-related recreation and access.

(b) PERIOD.—Each assessment referred to in subsection (a) shall be carried out for 2 years.

(c) REPORTS.—Before the last day of the second year of an assessment under subsection (a), the Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall transmit to Congress a report on the results of the assessment to Congress. The report shall contain recommendations for—

(1) the collection, availability, and use of information needed for river-related management;

(2) the planning, construction, and evaluation of potential restoration, protection, and enhancement measures to meet identified habitat needs; and

(3) potential projects to meet identified river access and recreation needs.

(d) **LOWER MISSISSIPPI RIVER SYSTEM DEFINED.**—In this section, the term “Lower Mississippi River system” means those river reaches and adjacent floodplains within the Lower Mississippi River alluvial valley having commercial navigation channels on the Mississippi mainstem and tributaries south of Cairo, Illinois, and the Atchafalaya basin floodway system.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,750,000 to carry out this section.

33 USC 652 note. **SEC. 403. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.**

(a) **IN GENERAL.**—In conjunction with the Secretary of Agriculture and the Secretary of the Interior, the Secretary shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) **STUDY COMPONENTS.**—

(1) **COMPUTER MODELING.**—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) **RESEARCH.**—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) **USE OF INFORMATION.**—On request of a Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) **REPORTS.**—

(1) **PRELIMINARY REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

Deadlines.

(2) **FINAL REPORT.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) **FUNDING.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$4,000,000 for each of fiscal years 2001 through 2005.

(2) **FEDERAL SHARE.**—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 404. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.

33 USC 652 note.

Section 459(e) of the Water Resources Development Act of 1999 (113 Stat. 333) is amended by striking “date of enactment of this Act” and inserting “first date on which funds are appropriated to carry out this section”.

SEC. 405. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system. The study shall include an analysis of the commodities transported on the Ohio River system, including information on the origins and destinations of these commodities and market trends, both national and international.

SEC. 406. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 407. BRIDGEPORT, ALABAMA.

The Secretary shall review the construction of a channel performed by the non-Federal interest at the project for navigation, Tennessee River, Bridgeport, Alabama, to determine the Federal navigation interest in such work.

SEC. 408. ARKANSAS RIVER NAVIGATION SYSTEM.

The Secretary shall expedite completion of the Arkansas River navigation study, including the feasibility of increasing the authorized channel from 9 feet to 12 feet.

SEC. 409. CACHE CREEK BASIN, CALIFORNIA.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) **REQUIRED ELEMENTS.**—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old

and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 410. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Estudillo Canal, San Leandro, California.

SEC. 411. LAGUNA CREEK, FREMONT, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction in the Laguna Creek watershed, Fremont, California.

SEC. 412. LAKE MERRITT, OAKLAND, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, flood damage reduction, and recreation at Lake Merritt, Oakland, California.

SEC. 413. LANCASTER, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall evaluate the report of the city of Lancaster, California, entitled “Master Plan of Drainage”, to determine whether the plans contained in the report are feasible and in the Federal interest, including plans relating to drainage corridors located at 52nd Street West, 35th Street West, North Armargosa, and 20th Street East.

Deadline.

(b) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation.

SEC. 414. OCEANSIDE, CALIFORNIA.

Deadline.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 415. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$250,000.

SEC. 416. SUISUN MARSH, CALIFORNIA.

The investigation for Suisun Marsh, California, authorized under the Energy and Water Development Appropriations Act, 2000 (Public Law 106-60), shall be limited to evaluating the feasibility of the levee enhancement and managed wetlands protection program for Suisun Marsh, California.

SEC. 417. DELAWARE RIVER WATERSHED.

(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) **ACTIVITIES.**—Activities authorized under this section may be conducted by a university with expertise in research in contaminated sediment sciences.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000. Such sums shall remain available until expended.

(2) **CORPS OF ENGINEERS EXPENSES.**—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

SEC. 418. BREVARD COUNTY, FLORIDA.

The Secretary shall prepare a general reevaluation report on the project for shoreline protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), to determine, if the project were modified to direct the Secretary to incorporate in the project any or all of the 7.1-mile reach of the project that was deleted from the south reach of the project, as described in paragraph (5) of the Report of the Chief of Engineers, dated December 23, 1996, whether the project as modified would be technically sound, environmentally acceptable, and economically justified.

Reports.

SEC. 419. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 420. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 421. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) **IN GENERAL.**—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlahaha River basins.

(b) **REQUIRED ELEMENTS.**—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 422. LAKE ALLATOONA WATERSHED, GEORGIA.

Section 413 of the Water Resources Development Act of 1999 (113 Stat. 324) is amended to read as follows:

“SEC. 413. LAKE ALLATOONA WATERSHED, GEORGIA.

“(a) **IN GENERAL.**—The Secretary shall conduct a comprehensive study of the Lake Allatoona watershed, Georgia, to determine the

feasibility of undertaking ecosystem restoration and resource protection measures.

“(b) MATTERS TO BE ADDRESSED.—The study shall address streambank and shoreline erosion, sedimentation, water quality, fish and wildlife habitat degradation, and other problems relating to ecosystem restoration and resource protection in the Lake Allatoona watershed.”.

SEC. 423. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Boise River, Idaho.

SEC. 424. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Wood River in Blaine County, Idaho.

SEC. 425. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for shoreline protection along the Chicago River, Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

- (1) the USX/Southworks site;
- (2) Calumet Lake and River;
- (3) the Canal Origins Heritage Corridor; and
- (4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 426. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 427. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Long Lake, Indiana.

SEC. 428. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

The Secretary shall evaluate the preliminary engineering report for the project for flood control, Mission Hills and Fairway, Kansas, entitled “Preliminary Engineering Report: Brush Creek/Rock Creek Drainage Improvements, 66th Street to State Line Road”, to determine whether the plans contained in the report are feasible and in the Federal interest.

SEC. 429. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The Secretary shall investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel of the project for navigation, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, authorized by section 101

of the River and Harbor Act of 1968 (82 Stat. 731), and recommend a solution to the problems.

SEC. 430. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 431. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 432. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a post-authorization change report on the project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), to include structural modifications to the seawall providing protection along the south shore of Lake Pontchartrain from the New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

Deadline.
Reports.

SEC. 433. LOWER ATCHAFALAYA BASIN, LOUISIANA.

As part of the Lower Atchafalaya basin reevaluation study, the Secretary shall determine the feasibility of carrying out a project for flood damage reduction, Stephenville, Louisiana.

SEC. 434. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 435. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 436. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 437. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 438. WILD RICE RIVER, MINNESOTA.

Reports.

The Secretary shall prepare a general reevaluation report on the project for flood control, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825). In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 439. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017).

SEC. 440. LAS VEGAS VALLEY, NEVADA.

Section 432(b) of the Water Resources Development Act of 1999 (113 Stat. 327) is amended by inserting “recreation,” after “runoff,”.

SEC. 441. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 442. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The”; and

(2) by adding at the end the following:

“(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.”.

SEC. 443. BUFFALO HARBOR, BUFFALO, NEW YORK.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the advisability and potential impacts of declaring as nonnavigable a portion of the channel at Control Point Draw, Buffalo Harbor, Buffalo New York.

(b) CONTENTS.—The study conducted under this section shall include an examination of other options to meet intermodal transportation needs in the area.

SEC. 444. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and water quality, Jamesville Reservoir, Onondaga County, New York.

SEC. 445. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina, including Atlantic Beach, Pine Knoll Shores Beach, Salter Path Beach, Indian Beach, and Emerald Isle Beach.

SEC. 446. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 447. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam on the Sandusky River at Fremont, Ohio.

SEC. 448. STEUBENVILLE, OHIO.

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Ohio River in the vicinity of Steubenville, Ohio.

SEC. 449. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

- (1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and
- (2) transmit, not later than 180 days after the date of enactment of this Act, to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

Deadline.
Reports.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin, Oklahoma; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 450. COLUMBIA SLOUGH, OREGON.

Not later than 180 days after the date of enactment of this Act, the Secretary shall complete under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is appropriate, the Secretary may carry out the project on an expedited basis under such section.

Deadline.

SEC. 451. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island, to meet its authorized purpose.

SEC. 452. QUONSET POINT CHANNEL, RHODE ISLAND.

The Secretary shall conduct a study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

SEC. 453. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 454. REEDY RIVER, GREENVILLE, SOUTH CAROLINA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for aquatic ecosystem restoration, flood damage reduction, and streambank stabilization on the Reedy River, Cleveland Park West, Greenville, South Carolina.

SEC. 455. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) **IN GENERAL.**—The Secretary shall use \$200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) **FUNDING.**—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer to the Secretary the funds necessary to carry out subsection (a).

SEC. 456. GERMANTOWN, TENNESSEE.

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) **JUSTIFICATION ANALYSIS.**—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) **CREDIT.**—The Secretary—

(1) shall credit toward the non-Federal share of the cost of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before, on, or after the date of execution of the feasibility study cost-sharing agreement; and

(2) shall consider, for the purposes of paragraph (1), the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure of the House of Representatives, dated March 7, 1996.

(d) **LIMITATION.**—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 457. MILWAUKEE, WISCONSIN.

(a) **IN GENERAL.**—The Secretary shall evaluate the report for the project for flood damage reduction and environmental restoration, Milwaukee, Wisconsin, entitled “Interim Executive Summary: Menominee River Flood Management Plan”, dated September 1999, to determine whether the plans contained in the report are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) **REPORT.**—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the evaluation. Deadline.

TITLE V—MISCELLANEOUS PROVISIONS**SEC. 501. LAKES PROGRAM.**

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149), as amended in section 210(b) of this Act, is further amended—

(1) in subsection (b) by inserting “and activity” after “project”;

(2) in subsection (c) by inserting “and activities under subsection (f)” before the comma; and

(3) by adding at the end the following:

“(f) **CENTER FOR LAKE EDUCATION AND RESEARCH, OTSEGO LAKE, NEW YORK.**—

“(1) **IN GENERAL.**—The Secretary shall construct an environmental education and research facility at Otsego Lake, New York. The purpose of the Center shall be to—

“(A) conduct nationwide research on the impacts of water quality and water quantity on lake hydrology and the hydrologic cycle;

“(B) develop technologies and strategies for monitoring and improving water quality in the Nation’s lakes; and

“(C) provide public education regarding the biological, economic, recreational, and aesthetic value of the Nation’s lakes.

“(2) **USE OF RESEARCH.**—The results of research and education activities carried out at the Center shall be applied to the program under subsection (a) and to other Federal programs, projects, and activities that are intended to improve or otherwise affect lakes.

“(3) **BIOLOGICAL MONITORING STATION.**—A central function of the Center shall be to research, develop, test, and evaluate biological monitoring technologies and techniques for potential use at lakes listed in subsection (a) and throughout the Nation.

“(4) **CREDIT.**—The non-Federal sponsor shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs.

“(5) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to sums authorized by subsection (d), there is authorized to be appropriated to carry out this subsection \$3,000,000. Such sums shall remain available until expended.”.

SEC. 502. RESTORATION PROJECTS.

(a) **IN GENERAL.**—Section 539 of the Water Resources Development Act of 1996 (110 Stat. 3776–3777) is amended—

(1) in the section heading by striking “**MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA**”;

(2) by striking “and” at the end of subsection (a)(1)(A);

(3) by striking the period at the end of subsection (a)(1)(B) and inserting a semicolon; and

(4) by adding at the end of subsection (a)(1) the following:

“(C) the Lackawanna River, Pennsylvania;

“(D) the Soda Butte Creek, Silver Creek, and Elkhorn Mountain drainages, Montana;

“(E) the Pemigewasset River watershed, New Hampshire;

“(F) the Hocking River, Ohio; and

“(G) the Clinch River watershed and Powell River watershed, Virginia.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 539(d) of such Act (110 Stat. 3776–3777) is amended—

(1) by striking “(a)(1)(A) and” and inserting “(a)(1)(A),”; and

(2) by inserting “, \$5,000,000 for projects undertaken under subsection (a)(1)(C), \$5,000,000 for projects undertaken under subsection (a)(1)(D), \$1,500,000 for projects undertaken under subsection (a)(1)(E), \$2,500,000 for projects undertaken under subsection (a)(1)(F), and \$5,000,000 for projects undertaken under subsection (a)(1)(G)” before the period at the end.

SEC. 503. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

The requirements of section 2361 of title 10, United States Code, shall not apply to any contract, cooperative research and development agreement, cooperative agreement, or grant entered into under section 229 of the Water Resources Development Act of 1996 (33 U.S.C. 2313b) between the Secretary and Marshall University or entered into under section 350 of the Water Resources Development Act of 1999 (113 Stat. 310) between the Secretary and Juniata College, Pennsylvania.

SEC. 504. EXPORT OF WATER FROM GREAT LAKES.

(a) **ADDITIONAL FINDING.**—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

“(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;”.

(b) **APPROVAL OF GOVERNORS FOR EXPORT OF WATER.**—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting “or exported” after “diverted”; and

(2) inserting “or export” after “diversion”.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent

with those mechanisms and standards developed by the Great Lakes States.

SEC. 505. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

- (1) by adding at the end of subsection (e) the following:
“(3) REPORT.—Not later than December 31, 2003, the Secretary shall transmit to Congress a report on the Secretary’s activities under this subsection.”; and
- (2) in subsection (g)—
 - (A) by striking “There is authorized” and inserting the following:
“(1) IN GENERAL.—There is authorized”;
 - (B) by adding at the end the following:
“(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) \$5,000,000 for each of fiscal years 2002 through 2006.”; and
 - (C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) (as added by subparagraph (B) of this paragraph).

Deadline.

Appropriation authorization.

SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

42 USC 1962d–22.

- (a) FINDINGS.—Congress finds that—
 - (1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;
 - (2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and
 - (3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.
- (b) DEFINITIONS.—In this section, the following definitions apply:
 - (1) GREAT LAKE.—
 - (A) IN GENERAL.—The term “Great Lake” means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).
 - (B) INCLUSIONS.—The term “Great Lake” includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).
 - (2) GREAT LAKES COMMISSION.—The term “Great Lakes Commission” means the Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).
 - (3) GREAT LAKES FISHERY COMMISSION.—The term “Great Lakes Fishery Commission” has the meaning given the term “Commission” in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).
 - (4) GREAT LAKES STATE.—The term “Great Lakes State” means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.
- (c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—
 - (1) SUPPORT PLAN.—
 - (A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

Deadline.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) \$300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) \$100,000,000.

SEC. 507. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CRITICAL RESTORATION PROJECT.—The term “critical restoration project” means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term “New England” means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

Deadline.
Public
information.

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall transmit to Congress a report on the assessment.

Deadline.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is transmitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) transmit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are transmitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out a project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than \$5,000,000 in Federal funds may be used to carry out a project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The Secretary shall credit the non-Federal interest for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) \$4,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) \$55,000,000.

SEC. 508. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking “Arkansas River, Arkansas,” and inserting “Fort Smith, Arkansas, on land provided by the city of Fort Smith.”.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking “in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.” and inserting “between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.”.

SEC. 509. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748); and

(2) shall integrate, to the maximum extent practicable and in accordance with applicable law, the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the “Bay-Delta Estuary”), as identified in the Framework Agreement Between the Governor’s Water Policy

Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for fiscal years 2002 through 2005.

SEC. 510. SEWARD, ALASKA.

The Secretary shall carry out, on an emergency one-time basis, necessary repairs of the Lowell Creek Tunnel in Seward, Alaska, at Federal expense and a total cost of \$3,000,000.

SEC. 511. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Development Appropriations Act, 2000 (113 Stat. 483 et seq.) for the project for aquatic ecosystem restoration, Clear Lake basin, California, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), may be used only for the wetlands restoration and creation elements of the project.

SEC. 512. CONTRA COSTA CANAL, OAKLEY AND KNIGHTSEN, CALIFORNIA.

The Secretary shall carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at the Contra Costa Canal, Oakley and Knightsen, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 513. HUNTINGTON BEACH, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Huntington Beach, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 514. MALLARD SLOUGH, PITTSBURG, CALIFORNIA.

The Secretary shall carry out under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) a project for flood damage reduction in Mallard Slough, Pittsburg, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 515. PORT EVERGLADES, FLORIDA.

Notwithstanding the absence of a project cooperation agreement, the Secretary shall reimburse the non-Federal interest for the project for navigation, Port Everglades Harbor, Florida, \$15,003,000 for the Federal share of costs incurred by the non-Federal interest in carrying out the project and determined by the Secretary to be eligible for reimbursement under the limited reevaluation report of the Corps of Engineers, dated April 1998.

SEC. 516. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) EASEMENT PROHIBITION.—The term “easement prohibition” means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term “eligible property owner” means a person that owns a structure for human

habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term “fee land” means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term “flowage easement” means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term “Lake” means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 635).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

Deadline.
Public notice.

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall issue regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed before January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) **OPTION TO PURCHASE INSURANCE.**—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) **PRIOR ENCROACHMENT RESOLUTIONS.**—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) **PRIOR REAL PROPERTY RIGHTS.**—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

Deadline.

SEC. 517. BALLARD'S ISLAND, LA SALLE COUNTY, ILLINOIS.

The Secretary may provide the non-Federal interest for the project for the improvement of the quality of the environment, Ballard's Island, La Salle County, Illinois, carried out under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest after July 1, 1999, if the Secretary determines that the work is integral to the project.

SEC. 518. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20 note; 100 Stat. 4253; 113 Stat. 339) is amended by inserting after “2003” the following: “and \$800,000 for each fiscal year beginning after September 30, 2003,”.

SEC. 519. ILLINOIS RIVER BASIN RESTORATION.

(a) **ILLINOIS RIVER BASIN DEFINED.**—In this section, the term “Illinois River basin” means the Illinois River, Illinois, its backwaters, its side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) **COMPREHENSIVE PLAN.**—

(1) **DEVELOPMENT.**—The Secretary shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) **TECHNOLOGIES AND INNOVATIVE APPROACHES.**—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) **SPECIFIC COMPONENTS.**—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) **CONSULTATION.**—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies, the State of Illinois, and the Illinois River Coordinating Council.

(5) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the comprehensive plan.

Deadline.

(6) **ADDITIONAL STUDIES AND ANALYSES.**—After transmission of a report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) **CRITICAL RESTORATION PROJECTS.**—

(1) **IN GENERAL.**—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin

will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out projects under this subsection \$100,000,000 for fiscal years 2001 through 2004.

(3) **FEDERAL SHARE.**—The Federal share of the cost of carrying out any project under this subsection shall not exceed \$5,000,000.

(d) **GENERAL PROVISIONS.**—

(1) **WATER QUALITY.**—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

Procedures.

(2) **PUBLIC PARTICIPATION.**—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including providing advance notice of meetings, providing adequate opportunity for public input and comment, maintaining appropriate records, and making a record of the proceedings of meetings available for public inspection.

(e) **COORDINATION.**—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation Reserve Program (and other farm programs of the Department of Agriculture).

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000 Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Illinois Department of Agriculture.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Illinois Environmental Protection Agency.

(f) **JUSTIFICATION.**—

(1) **IN GENERAL.**—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) **APPLICABILITY.**—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) **COST SHARING.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) **OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.**—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) **IN-KIND SERVICES.**—The Secretary may credit the value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section toward not more than 80 percent of the non-Federal share of the cost of the project or activity. In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary. The programs and projects may include the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) **CREDIT.**—

(A) **VALUE OF LANDS.**—If the Secretary determines that lands or interests in land acquired by a non-Federal interest, regardless of the date of acquisition, are integral to a project or activity carried out under this section, the Secretary may credit the value of the lands or interests in land toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

(B) **WORK.**—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity. Such value shall be determined by the Secretary.

SEC. 520. KOONTZ LAKE, INDIANA.

The Secretary shall provide the non-Federal interest for the project for aquatic ecosystem restoration, Koontz Lake, Indiana, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for the value of work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

SEC. 521. WEST VIEW SHORES, CECIL COUNTY, MARYLAND.

Not later than 1 year after the date of enactment of this Act, the Secretary shall carry out an investigation of the contamination of the well system in West View Shores, Cecil County, Maryland. If the Secretary determines that a disposal site for a Federal navigation project has contributed to the contamination of the well system, the Secretary may provide alternative water supplies, including replacement of wells.

Deadline.

SEC. 522. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.

The Secretary shall carry out the project for flood damage reduction and environmental restoration, Muddy River, Brookline and Boston, Massachusetts, substantially in accordance with the plans, and subject to the conditions, described in the draft evaluation report of the New England District Engineer entitled “Phase I Muddy River Master Plan”, dated June 2000.

SEC. 523. SOO LOCKS, SAULT STE. MARIE, MICHIGAN.

The Secretary may not require a cargo vessel equipped with bow thrusters and friction winches that is transiting the Soo Locks in Sault Ste. Marie, Michigan, to provide more than 2 crew members to serve as line handlers on the pier of a lock, except in adverse weather conditions or if there is a mechanical failure on the vessel.

SEC. 524. MINNESOTA DAM SAFETY.**(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—**

(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed in the State of Minnesota by and using funds made available through the Works Progress Administration, the Works Projects Administration, and the Civilian Conservation Corps.

(2) ASSESSMENT OF REHABILITATION NEEDS.—In establishing the inventory required under paragraph (1), the Secretary shall assess the condition of the dams on the inventory and the need for rehabilitation or modification of the dams.

Deadline.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the inventory and assessment required by this section.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—If the Secretary determines that a dam referred to in subsection (a) presents an imminent and substantial risk to public safety, the Secretary may carry out measures to prevent or mitigate against that risk.

(2) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000.

SEC. 525. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, that is situated north and east of the Gunflint Corridor and bounded by the United States border with Canada to the north shall be known and designated as the “Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness”.

(b) LEGAL REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the area referred to in subsection (a) shall be deemed to be a reference to the “Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness”.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT.

(a) **PROJECT AUTHORIZATION.**—Section 541(a) of the Water Resources Development Act of 1996 (110 Stat. 3777) is amended—

(1) by striking “implement” and inserting “conduct full scale demonstrations of”; and

(2) by inserting before the period the following: “, including technologies evaluated for the New York/New Jersey Harbor under section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863)”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 541(b) of such Act is amended by striking “\$1,000,000” and inserting “\$3,000,000”.

SEC. 527. MINNEAPOLIS, MINNESOTA.

(a) **IN GENERAL.**—The Secretary, in cooperation with the State of Minnesota, shall design and construct the project for environmental restoration and recreation, Minneapolis, Minnesota, substantially in accordance with the plans described in the report entitled “Feasibility Study for Mississippi Whitewater Park, Minneapolis, Minnesota”, prepared for the State of Minnesota Department of Natural Resources, dated June 30, 1999.

(b) **COST SHARING.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of the project shall be 35 percent.

(2) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY.**—The non-Federal interest shall provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project and shall receive credit for the cost of providing such lands, easements, rights-of-way, relocations, and dredged material disposal areas toward the non-Federal share of the cost of the project.

(3) **OPERATION, MAINTENANCE, REPAIR, REHABILITATION, AND REPLACEMENT.**—The operation, maintenance, repair, rehabilitation, and replacement of the project shall be a non-Federal responsibility.

(4) **CREDIT FOR NON-FEDERAL WORK.**—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed by the non-Federal interest before the date of execution of the project cooperation agreement if the Secretary determines that the work is integral to the project.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$10,000,000 to carry out this section.

SEC. 528. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS.

(a) **IN GENERAL.**—In order to further the purposes of section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), the Secretary shall participate in restoration projects for critical coastal wetlands and coastal barrier islands in the State of Mississippi that will produce, consistent with existing Federal programs, projects, and activities, immediate and substantial restoration, preservation, and ecosystem protection benefits, including the beneficial use of dredged material if such use is a cost-effective means of disposal of such material.

(b) **PROJECT SELECTION.**—The Secretary, in coordination with other Federal, tribal, State, and local agencies, may identify and

Contracts.

implement projects described in subsection (a) after entering into an agreement with an appropriate non-Federal interest in accordance with this section.

(c) **COST SHARING.**—Before implementing any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interests. The agreement shall provide that the non-Federal responsibility for the project shall be as follows:

(1) To acquire any lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for implementation of the project.

(2) To hold and save harmless the United States free from claims or damages due to implementation of the project, except for the negligence of the Federal Government or its contractors.

(3) To pay 35 percent of project costs.

(d) **NONPROFIT ENTITY.**—For any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

SEC. 529. LAS VEGAS, NEVADA.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COMMITTEE.**—The term “Committee” means the Las Vegas Wash Coordinating Committee.

(2) **PLAN.**—The term “Plan” means the Las Vegas Wash comprehensive adaptive management plan, developed by the Committee and dated January 20, 2000.

(3) **PROJECT.**—The term “Project” means the Las Vegas Wash wetlands restoration and Lake Mead improvement project and includes the programs, features, components, projects, and activities identified in the Plan.

(b) **PARTICIPATION IN PROJECT.**—

(1) **IN GENERAL.**—The Secretary, in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior and in partnership with the Committee, shall participate in the implementation of the Project at Las Vegas Wash and Lake Mead in accordance with the Plan.

(2) **COST SHARING REQUIREMENTS.**—

(A) **IN GENERAL.**—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(B) **OPERATION AND MAINTENANCE.**—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(C) **FEDERAL LANDS.**—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including the costs of operation and maintenance.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$10,000,000 to carry out this section.

SEC. 530. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY.

(a) **IN GENERAL.**—The Secretary shall develop and implement a research program to evaluate opportunities to manage peak flood flows in urbanized watersheds located in the State of New Jersey.

(b) **SCOPE OF RESEARCH.**—The research program authorized by subsection (a) shall be accomplished through the New York District of the Corps of Engineers. The research shall include the following:

(1) Identification of key factors in the development of an urbanized watershed that affect peak flows in the watershed and downstream.

(2) Development of peak flow management models for 4 to 6 watersheds in urbanized areas with widely differing geology, shapes, and soil types that can be used to determine optimal flow reduction factors for individual watersheds.

(c) **REPORT TO CONGRESS.**—The Secretary shall evaluate policy changes in the planning process for flood damage reduction projects based on the results of the research under this section and transmit to Congress a report on such results not later than 3 years after the date of enactment of this Act. Deadline.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

SEC. 531. NEPPERHAN RIVER, YONKERS, NEW YORK.

The Secretary shall provide technical assistance to the city of Yonkers, New York, in support of activities relating to the dredging of the Nepperhan River outlet, New York.

SEC. 532. UPPER MOHAWK RIVER BASIN, NEW YORK.

(a) **IN GENERAL.**—The Secretary, in cooperation with the Secretary of Agriculture and the State of New York, shall conduct a study, develop a strategy, and implement a project to reduce flood damages and create wildlife habitat through wetlands restoration, soil and water conservation practices, nonstructural measures, and other appropriate means in the Upper Mohawk River Basin, at an estimated Federal cost of \$10,000,000.

(b) **IMPLEMENTATION OF STRATEGY.**—The Secretary shall implement the strategy under this section in cooperation with local landowners and local government. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, non-governmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Mohawk River basin ecosystem.

(c) **COOPERATION AGREEMENTS.**—In carrying out activities under this section, the Secretary shall enter into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies and appropriate nonprofit, non-governmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

(d) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of activities carried out under this section shall be 35 percent and may be provided through in-kind services and materials.

(e) **UPPER MOHAWK RIVER BASIN DEFINED.**—In this section, the term “Upper Mohawk River basin” means the Mohawk River, its tributaries, and associated lands upstream of the confluence of the Mohawk River and Canajoharie Creek, and including Canajoharie Creek, New York.

North Carolina.
Ohio.

SEC. 533. FLOOD DAMAGE REDUCTION.

(a) **IN GENERAL.**—In order to assist the States of North Carolina and Ohio and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris)—

- (1) in eastern North Carolina, in—
 - (A) New River and tributaries;
 - (B) White Oak River and tributaries;
 - (C) Neuse River and tributaries; and
 - (D) Pamlico River and tributaries; and
- (2) in Ohio, in—
 - (A) Symmes Creek;
 - (B) Duck Creek; and
 - (C) Brush Creek.

(b) **COST SHARE.**—The non-Federal interest for a project under this section shall—

- (1) pay 35 percent of the cost of the project; and
- (2) provide any lands, easements, rights-of-way, relocations, and material disposal areas necessary for implementation of the project.

(c) **CONDITIONS.**—The Secretary may not reject a project based solely on a minimum amount of stream runoff.

(d) **MAJOR DISASTER DEFINED.**—In this section, the term “major disaster” means a major disaster declared under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) before the date of enactment of this Act.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$6,000,000 for fiscal years 2001 through 2003.

SEC. 534. CUYAHOGA RIVER, OHIO.

(a) **IN GENERAL.**—The Secretary shall provide technical assistance to non-Federal interests for an evaluation of the structural integrity of the bulkhead system located along the Cuyahoga River in the vicinity of Cleveland, Ohio, at a total cost of \$500,000.

(b) **EVALUATION.**—The evaluation described in subsection (a) shall include design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

Contracts.

SEC. 535. CROWDER POINT, CROWDER, OKLAHOMA.

At the request of the city of Crowder, Oklahoma, the Secretary shall enter into a long-term lease, not to exceed 99 years, with the city under which the city may develop, operate, and maintain as a public park all or a portion of approximately 260 acres of land known as Crowder Point on Lake Eufaula, Oklahoma. The lease shall include such terms and conditions as the Secretary determines are necessary to protect the interest of the United

States and project purposes and shall be made without consideration to the United States.

SEC. 536. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON.

(a) **IN GENERAL.**—The Secretary shall conduct studies and ecosystem restoration projects for the lower Columbia River and Tillamook Bay estuaries, Oregon and Washington.

(b) **USE OF MANAGEMENT PLANS.**—

(1) **LOWER COLUMBIA RIVER ESTUARY.**—

(A) **IN GENERAL.**—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Lower Columbia River estuary program's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) **CONSULTATION.**—The Secretary shall carry out ecosystem restoration projects under this section for the lower Columbia River estuary in consultation with the Governors of the States of Oregon and Washington and the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(2) **TILLAMOOK BAY ESTUARY.**—

(A) **IN GENERAL.**—In carrying out ecosystem restoration projects under this section, the Secretary shall use as a guide the Tillamook Bay national estuary project's comprehensive conservation and management plan developed under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(B) **CONSULTATION.**—The Secretary shall carry out ecosystem restoration projects under this section for the Tillamook Bay estuary in consultation with the Governor of the State of Oregon and the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and the Forest Service.

(c) **AUTHORIZED ACTIVITIES.**—

(1) **IN GENERAL.**—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(2) **LIMITATIONS.**—The Secretary may not carry out any activity under this section that adversely affects—

(A) the water-related needs of the lower Columbia River estuary or the Tillamook Bay estuary, including navigation, recreation, and water supply needs; or

(B) private property rights.

(d) **PRIORITY.**—In determining the priority of projects to be carried out under this section, the Secretary shall consult with the Implementation Committee of the Lower Columbia River Estuary Program and the Performance Partnership Council of the Tillamook Bay National Estuary Project, and shall consider the recommendations of such entities.

(e) **COST-SHARING REQUIREMENTS.**—

(1) **STUDIES.**—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) **ECOSYSTEM RESTORATION PROJECTS.**—

(A) **IN GENERAL.**—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) **ITEMS PROVIDED BY NON-FEDERAL INTERESTS.**—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section. The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(C) **IN-KIND CONTRIBUTIONS.**—Not more than 50 percent of the non-Federal share required under this subsection may be satisfied by the provision of in-kind services.

(3) **OPERATION AND MAINTENANCE.**—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(4) **FEDERAL LANDS.**—Notwithstanding any other provision of this subsection, the Federal share of the cost of a project carried out under this section on Federal lands shall be 100 percent, including costs of operation and maintenance.

(f) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **LOWER COLUMBIA RIVER ESTUARY.**—The term “lower Columbia River estuary” means those river reaches having navigation channels on the mainstem of the Columbia River in Oregon and Washington west of Bonneville Dam, and the tributaries of such reaches to the extent such tributaries are tidally influenced.

(2) **TILLAMOOK BAY ESTUARY.**—The term “Tillamook Bay estuary” means those waters of Tillamook Bay in Oregon and its tributaries that are tidally influenced.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$30,000,000.

SEC. 537. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA.

The Commonwealth of Pennsylvania may transfer any unobligated funds made available to the Commonwealth for item number 1278 of the table contained in section 1602 of Public Law 105-178 (112 Stat. 305) to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 538. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787-3788) is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) The Susquehanna River watershed upstream of the Chemung River, New York, at an estimated Federal cost of \$10,000,000.”; and

(2) by striking subsections (c) and (d) and inserting the following:

“(c) **COOPERATION AGREEMENTS.**—In conducting the study and developing the strategy under this section, the Secretary shall enter

into cooperation agreements to provide financial assistance to appropriate Federal, State, and local government agencies and appropriate nonprofit, nongovernmental organizations with expertise in wetland restoration, with the consent of the affected local government. Financial assistance provided may include activities for the implementation of wetlands restoration projects and soil and water conservation measures.

“(d) IMPLEMENTATION OF STRATEGY.—The Secretary shall undertake development and implementation of the strategy under this section in cooperation with local landowners and local government officials. Projects to implement the strategy shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetlands restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects and may include the acquisition of wetlands, from willing sellers, that contribute to the Upper Susquehanna River basin ecosystem.”.

SEC. 539. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina. Deadline.

(B) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) \$300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) \$5,000,000 for each of fiscal years 2001 through 2004.

SEC. 540. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385-388) is amended—

(1) in subsection (a)(4)(C)(i) by striking subclause (I) and inserting the following:

“(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

“(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

“(bb) the carrying out of plans developed under this section; and”;

(2) in subsection (b)(4)(B) by striking “section 604(d)(3)(A)(iii)” and inserting “section 604(d)(3)(A)”.

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388-389) is amended—

(1) in subsection (c)(2) by striking “The” and inserting “In consultation with the State of South Dakota, the”; and

(2) in subsection (d)—

(A) in paragraph (2) by inserting “Department of Game, Fish and Parks of the” before “State of”; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I) by striking “transferred” and inserting “transferred or to be transferred”; and

(ii) by striking subclause (II) and inserting the following:

“(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation

areas and other land that are transferred or to be transferred to the State of South Dakota by the Secretary;”.

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389–390) is amended—

(1) in subsection (c)(2) by striking “The” and inserting “In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the”; and

(2) in subsection (d)—

(A) in paragraph (2) by inserting “as tribal funds” after “for use”; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I) by striking “transferred” and inserting “transferred or to be transferred”; and

(ii) by striking subclause (II) and inserting the following:

“(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred or to be transferred to the respective affected Indian Tribe by the Secretary;”.

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390–393) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B) by striking “in perpetuity” and inserting “for the life of the Mni Wiconi project”; and

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—

Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.”;

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) by inserting “and” after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) by striking “and” and inserting “or”; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d) by striking paragraph (2) and inserting the following:

“(2) STRUCTURES.—

“(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

“(B) LEASE OF RECREATION AREAS.—

“(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

“(I) OAHE DAM AND LAKE.—

“(aa) Downstream Recreation Area.

“(bb) West Shore Recreation Area.

“(cc) East Shore Recreation Area.

“(dd) Tailrace Recreation Area.

“(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

“(aa) Randall Creek Recreation Area.

“(bb) South Shore Recreation Area.

“(cc) Spillway Recreation Area.

“(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

“(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.”;

(4) in subsection (f)(1) by striking “Federal law” and inserting “a Federal law specified in section 607(a)(6) or any other Federal law”;

(5) in subsection (g) by striking paragraph (3) and inserting the following:

“(3) EASEMENTS AND ACCESS.—

“(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

“(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (58 Stat. 887).”;

(6) in subsection (h) by striking “of this Act” and inserting “of law”; and

(7) by adding at the end the following:

“(j) CLEANUP OF LAND AND RECREATION AREAS.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

“(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe

Deadline.

Deadline.

may establish an advisory commission to be known as the ‘Cultural Resources Advisory Commission’ (referred to in this subsection as the ‘Commission’).

“(2) MEMBERSHIP.—The Commission shall be composed of—

“(A) 1 member representing the State of South Dakota;

“(B) 1 member representing the Cheyenne River Sioux Tribe;

“(C) 1 member representing the Lower Brule Sioux Tribe; and

“(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River basin in South Dakota.

“(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

“(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

Deadline.

“(1) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

Deadline.
Contracts.

“(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.”.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393–395) is amended—

(1) in subsection (a)(1) by striking “The Secretary” and inserting “Not later than January 1, 2002, the Secretary”;

(2) in subsection (b)(1) by striking “Big Bend and Oahe” and inserting “Oahe, Big Bend, and Fort Randall”;

(3) in subsection (d) by striking paragraph (2) and inserting the following:

“(2) STRUCTURES.—

“(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

“(B) LEASE OF RECREATION AREAS.—

“(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

“(I) Left Tailrace Recreation Area.

“(II) Right Tailrace Recreation Area.

“(III) Good Soldier Creek Recreation Area.

“(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.”;

(4) in subsection (f)—

(A) in paragraph (1) by striking “Federal law” and inserting “a Federal law specified in section 607(a)(6) or any other Federal law”;

(B) in paragraph (2) by striking subparagraph (C) and inserting the following:

“(C) EASEMENTS AND ACCESS.—

“(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

“(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps of Engineers from carrying out its mission under the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (58 Stat. 887).”; and

(C) in paragraph (3)(B) by inserting before the period at the end the following: “that were administered by the Corps of Engineers as of the date of the land transfer.”; and

(5) by adding at the end the following:

“(h) CLEANUP OF LAND AND RECREATION AREAS.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and

Deadline.

Deadline.

Deadline.
Contracts.

historic site located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(j) SEDIMENT CONTAMINATION.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall— Deadline.

“(A) complete a study of sediment contamination in the Cheyenne River; and

“(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).”.

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395–396) is amended by adding at the end the following:

“(d) BUDGET CONSIDERATIONS.—

“(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

“(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

“(A) be detailed;

“(B) include all necessary tasks and associated costs; and

“(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.”.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396–397) is amended by striking subsection (a) and inserting the following:

“(a) SECRETARY.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

“(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

“(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

“(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred or to be transferred to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

“(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred or to be transferred under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

“(2) ALLOCATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

“(i) \$1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

“(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

“(I) 65 percent to the State of South Dakota.

“(II) 26 percent to the Cheyenne River Sioux Tribe.

“(III) 9 percent to the Lower Brule Sioux Tribe.

“(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).”.

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

“(1) AFFECTED INDIAN TRIBE.—The term ‘affected Indian Tribe’ means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.”.

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking “the Tribe” and inserting “the affected Indian Tribe”.

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking “the respective Tribe” each place it appears and inserting “the respective affected Indian Tribe”.

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390–393) is amended—

(A) in subsection (b)(3) by striking “an Indian Tribe” and inserting “any Indian Tribe”; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B) of this section) by striking “an Indian Tribe” and inserting “any Indian Tribe”.

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393–395) is amended—

(A) in the section heading by striking “INDIAN TRIBES” and inserting “AFFECTED INDIAN TRIBES”;

(B) in paragraphs (1) and (4) of subsection (a) by striking “the Indian Tribes” each place it appears and inserting “the affected Indian Tribes”;

(C) in subsection (c)(2) by striking “an Indian Tribe” and inserting “any Indian Tribe”;

(D) in subsection (f)(2)(B)(i)—

(i) by striking “the respective tribes” and inserting “the respective affected Indian Tribes”; and

(ii) by striking “the respective Tribe’s” and inserting “the respective affected Indian Tribe’s”; and
(E) in subsection (g) by striking “an Indian Tribe” and inserting “any Indian Tribe”.

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking “an Indian Tribe” each place it appears and inserting “any Indian Tribe”.

SEC. 541. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

The Secretary shall prepare a limited reevaluation report of the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to determine the feasibility of modifying the project to provide urban flood protection along Horn Lake Creek and, if the Secretary determines that the modification is technically sound, environmentally acceptable, and economically justified, carry out the project as modified in accordance with the report. Reports.

SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) CRITICAL RESTORATION PROJECT.—The term “critical restoration project” means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term “Lake Champlain watershed” means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of

maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the appropriate State official for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, the appropriate State officials shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the project;

(B) to provide any land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to carry out the project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the project,

Contracts.

except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out the project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000, to remain available until expended.

SEC. 543. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary—

(1) shall conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b);

(2) shall provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b); and

(3) may carry out measures to prevent or mitigate against such risk if the Secretary determines that a dam described in subsection (b) presents an imminent and substantial risk to public safety.

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

- (1) East Barre Dam, Barre Town.
- (2) Wrightsville Dam, Middlesex-Montpelier.
- (3) Lake Sadawga Dam, Whitingham.
- (4) Dufresne Pond Dam, Manchester.
- (5) Knapp Brook Site 1 Dam, Cavendish.
- (6) Lake Bomoseen Dam, Castleton.
- (7) Little Hosmer Dam, Craftsbury.
- (8) Colby Pond Dam, Plymouth.
- (9) Silver Lake Dam, Barnard.
- (10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of activities under subsection (a) shall be 35 percent.

(d) COORDINATION.—In carrying out this section, the Secretary shall coordinate with the appropriate State dam safety officials and the Director of the Federal Emergency Management Agency.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000.

SEC. 544. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) **DEFINITION OF CRITICAL RESTORATION PROJECT.**—In this section, the term “critical restoration project” means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) **CRITICAL RESTORATION PROJECTS.**—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

- (1) the watersheds that drain directly into Puget Sound;
- (2) Admiralty Inlet;
- (3) Hood Canal;
- (4) Rosario Strait; and
- (5) the Strait of Juan de Fuca to Cape Flattery.

(c) **PROJECT SELECTION.**—

(1) **IN GENERAL.**—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) **CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.**—

(A) **IN GENERAL.**—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing projects identified under paragraph (1).

(B) **CONSISTENCY WITH FISH RESTORATION GOALS.**—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) **USE OF EXISTING STUDIES AND PLANS.**—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) **LOCAL PARTICIPATION.**—In prioritizing projects for implementation under this section, the Secretary shall consult with, and consider the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

- (A) the Salmon Recovery Funding Board;
- (B) the Northwest Straits Commission;
- (C) the Hood Canal Coordinating Council;
- (D) county watershed planning councils; and
- (E) salmon enhancement groups.

(d) **IMPLEMENTATION.**—The Secretary may carry out projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section

Contracts.

221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

Contracts.

(A) to pay 35 percent of the total costs of the project;

(B) to provide any land, easements, rights-of-way, dredged material disposal areas and relocations necessary to carry out the project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary shall credit the non-Federal interest for the value of any land, easement, right-of-way, dredged material disposal area, or relocation provided for carrying out the project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000, of which not more than \$5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 545. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington, at Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Tribe shall provide lands, easements, rights-of-way, and dredged material disposal areas necessary for implementation of the project.

SEC. 546. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) **IN GENERAL.**—The city of Aberdeen, Washington, may transfer all rights, title, and interests of the city in the land transferred to the city under section 203 of the Water Resources Development Act of 1990 (104 Stat. 4632) to the city of Tacoma, Washington.

(b) **CONDITIONS.**—The transfer under this section shall be subject to the conditions set forth in section 203(b) of the Water Resources Development Act of 1990 (104 Stat. 4632); except that the condition set forth in paragraph (1) of such section shall apply to the city of Tacoma only for so long as the city of Tacoma has a valid license with the Federal Energy Regulatory Commission relating to operation of the Wynoochee Dam, Washington.

(c) **LIMITATION.**—The transfer under subsection (a) may be made only after the Secretary determines that the city of Tacoma will be able to operate, maintain, repair, replace, and rehabilitate the project for Wynoochee Lake, Wynoochee River, Washington, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193), in accordance with such regulations as the Secretary may issue to ensure that such operation, maintenance, repair, replacement, and rehabilitation is consistent with project purposes.

(d) **WATER SUPPLY CONTRACT.**—The water supply contract designated as DACWD 67-68-C-0024 shall be null and void if the Secretary exercises the reversionary right set forth in section 203(b)(3) of the Water Resources Development Act of 1990 (104 Stat. 4632).

SEC. 547. BLUESTONE, WEST VIRGINIA.

(a) **IN GENERAL.**—The project for flood control, Bluestone Lake, Ohio River basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to authorize construction of hydroelectric generating facilities at the project by the Tri-Cities Power Authority of West Virginia under the terms and conditions of the agreement referred to in subsection (b).

(b) **AGREEMENT.**—

(1) **AGREEMENT TERMS.**—The Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, shall enter into a binding agreement with the Tri-Cities Power Authority that contains mutually acceptable terms and conditions and under which the Tri-Cities Power Authority agrees to each of the following:

(A) To design and construct the generating facilities referred to in subsection (a) within 4 years after the date of such agreement.

(B) To reimburse the Secretary for—

(i) the cost of approving such design and inspecting such construction;

(ii) the cost of providing any assistance authorized under subsection (c)(2); and

(iii) the redistributed costs associated with the original construction of the dam and dam safety if all parties agree with the method of the development of the chargeable amounts associated with hydropower at the facility.

(C) To release and indemnify the United States from any claims, causes of action, or liabilities that may arise from such design and construction of the facilities referred

Deadline.

to in subsection (a), including any liability that may arise out of the removal of the facility if directed by the Secretary.

(2) ADDITIONAL TERMS.—The agreement shall also specify each of the following:

(A) The procedures and requirements for approval and acceptance of design, construction, and operation and maintenance of the facilities referred to in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) and the procedures under which such payments are to be made.

(c) OTHER REQUIREMENTS.—

(1) PROHIBITION.—No Federal funds may be expended for the design, construction, and operation and maintenance of the facilities referred to in subsection (a) prior to the date on which such facilities are accepted by the Secretary under subsection (d).

(2) REIMBURSEMENT.—Notwithstanding any other provision of law, if requested by the Tri-Cities Power Authority, the Secretary may provide, on a reimbursable basis, assistance in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) COMPLETION OF CONSTRUCTION.—

(1) TRANSFER OF FACILITIES.—Notwithstanding any other provision of law, upon completion of the construction of the facilities referred to in subsection (a) and final approval of such facilities by the Secretary, the Tri-Cities Power Authority shall transfer without consideration title to such facilities to the United States, and the Secretary shall—

(A) accept the transfer of title to such facilities on behalf of the United States; and

(B) operate and maintain the facilities.

(2) CERTIFICATION.—The Secretary may accept title to the facilities pursuant to paragraph (1) only after certifying that the quality of the construction meets all standards established for similar facilities constructed by the Secretary.

(3) AUTHORIZED PROJECT PURPOSES.—The operation and maintenance of the facilities shall be conducted in a manner that is consistent with other authorized project purposes of the Bluestone Lake facility.

(e) EXCESS POWER.—Pursuant to any agreement under subsection (b), the Southeastern Power Administration shall market the excess power produced by the facilities referred to in subsection (a) in accordance with section 5 of the Rivers and Harbors Act of December 22, 1944 (16 U.S.C. 825s; 58 Stat. 890).

(f) PAYMENTS.—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, may pay, in accordance with the terms of the agreement entered into under subsection (b), out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration—

(1) to the Tri-Cities Power Authority all reasonable costs incurred by the Tri-Cities Power Authority in the design and construction of the facilities referred to in subsection (a),

including the capital investment in such facilities and a reasonable rate of return on such capital investment; and

(2) to the Secretary, in accordance with the terms of the agreement entered into under subsection (b) out of the revenues from the sale of power produced by the generating facility of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration, all reasonable costs incurred by the Secretary in the operation and maintenance of facilities referred to in subsection (a).

(g) **AUTHORITY OF SECRETARY OF ENERGY.**—Notwithstanding any other provision of law, the Secretary of Energy, acting through the Southeastern Power Administration, is authorized—

(1) to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and

(2) to repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by such facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southeastern Power Administration.

(h) **SAVINGS CLAUSE.**—Nothing in this section affects any requirement under Federal or State environmental law relating to the licensing or operation of the facilities referred to in subsection (a).

SEC. 548. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA.

Section 30 of the Water Resources Development Act of 1988 (102 Stat. 4030) is amended by adding at the end the following:

“(d) **HISTORIC STRUCTURE.**—The Secretary shall ensure the preservation and restoration of the structure known as the ‘Jenkins House’ located within the Lesage/Greenbottom Swamp in accordance with standards for sites listed on the National Register of Historic Places.”.

SEC. 549. TUG FORK RIVER, WEST VIRGINIA.

(a) **IN GENERAL.**—The Secretary may provide planning and design assistance to non-Federal interests for projects located along the Tug Fork River in West Virginia and identified by the master plan developed pursuant to section 114(t) of the Water Resources Development Act of 1992 (106 Stat. 4820).

(b) **PRIORITIES.**—In providing assistance under this section, the Secretary shall give priority to the primary development demonstration sites in West Virginia identified by the master plan referred to in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000.

SEC. 550. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended in the second sentence by inserting “environmental restoration,” after “distribution facilities,”.

SEC. 551. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA.

The Secretary shall treat the Surfside/Sunset Newport Beach element of the project for beach erosion, Orange County, California,

authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1177), as continuing construction.

SEC. 552. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.

Section 503(d) of the Water Resources Development Act of 1996 (110 Stat. 3756–3757; 113 Stat. 288) is amended by adding at the end the following:

- “(28) Tomales Bay watershed, California.
- “(29) Kaskaskia River watershed, Illinois.
- “(30) Sangamon River watershed, Illinois.
- “(31) Upper Charles River watershed, Massachusetts.
- “(32) Lackawanna River watershed, Pennsylvania.
- “(33) Brazos River watershed, Texas.”.

SEC. 553. MAINTENANCE OF NAVIGATION CHANNELS.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339) is amended by adding at the end the following:

- “(16) Cameron Loop, Louisiana, as part of the Calcasieu River and Pass Ship Channel.
- “(17) Morehead City Harbor, North Carolina.”.

SEC. 554. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration—

(1) to require the Secretary, not later than 60 days after the Corps of Engineers completes a project involving dredging of a channel, to provide data to the Administration in a standard digital format on the results of a hydrographic survey of the channel conducted by the Corps of Engineers; and

(2) to require the Administrator to provide the final charts with respect to the project to the Secretary in digital format, at no charge, for the purpose of enhancing the mission of the Corps of Engineers of maintaining Federal navigation projects.

33 USC 892a
note.
Contracts.

Deadline.

SEC. 555. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled “An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)”, approved November 1, 1988 (102 Stat. 2944), is amended by striking “\$2,000,000” and inserting “\$4,000,000”.

SEC. 556. RELEASE OF USE RESTRICTION.

(a) RELEASE.—Notwithstanding any other provision of law, the Tennessee Valley Authority shall grant a release or releases, without monetary consideration, from the restrictive covenant that requires that property described in subsection (b) shall at all times be used solely for the purpose of erecting docks and buildings for shipbuilding purposes or for the manufacture or storage of products for the purpose of trading or shipping in transportation.

(b) DESCRIPTION OF PROPERTY.—This section shall apply only to those lands situated in the city of Decatur, Morgan County, Alabama, and described in an indenture conveying such lands to the Ingalls Shipbuilding Corporation dated July 29, 1954, and recorded in deed book 535 at page 6 in the office of the Probate

Applicability.
Alabama.

Judge of Morgan County, Alabama, which are owned or may be acquired by the Alabama Farmers Cooperative, Inc.

Florida.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **CENTRAL AND SOUTHERN FLORIDA PROJECT.**—

(A) **IN GENERAL.**—The term “Central and Southern Florida Project” means the project for Central and Southern Florida authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) **INCLUSION.**—The term “Central and Southern Florida Project” includes any modification to the project authorized by this section or any other provision of law.

(2) **GOVERNOR.**—The term “Governor” means the Governor of the State of Florida.

(3) **NATURAL SYSTEM.**—

(A) **IN GENERAL.**—The term “natural system” means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) **INCLUSIONS.**—The term “natural system” includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) **PLAN.**—The term “Plan” means the Comprehensive Everglades Restoration Plan contained in the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement”, dated April 1, 1999, as modified by this section.

(5) **SOUTH FLORIDA ECOSYSTEM.**—

(A) **IN GENERAL.**—The term “South Florida ecosystem” means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) **INCLUSIONS.**—The term “South Florida ecosystem” includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) **STATE.**—The term “State” means the State of Florida.

(b) **COMPREHENSIVE EVERGLADES RESTORATION PLAN.**—

(1) **APPROVAL.**—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D), and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of \$69,000,000, with an estimated Federal cost of \$34,500,000 and an estimated non-Federal cost of \$34,500,000:

(i) Caloosahatchee River (C-43) Basin ASR, at a total cost of \$6,000,000, with an estimated Federal cost of \$3,000,000 and an estimated non-Federal cost of \$3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of \$23,000,000, with an estimated Federal cost of \$11,500,000 and an estimated non-Federal cost of \$11,500,000.

(iii) L-31N Seepage Management, at a total cost of \$10,000,000, with an estimated Federal cost of \$5,000,000 and an estimated non-Federal cost of \$5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of \$30,000,000, with an estimated Federal cost of \$15,000,000 and an estimated non-Federal cost of \$15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of \$1,100,918,000, with an estimated Federal cost of \$550,459,000 and an estimated non-Federal cost of \$550,459,000:

(i) C-44 Basin Storage Reservoir, at a total cost of \$112,562,000, with an estimated Federal cost of \$56,281,000 and an estimated non-Federal cost of \$56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of \$233,408,000, with an estimated Federal cost of \$116,704,000 and an estimated non-Federal cost of \$116,704,000.

(iii) Site 1 Impoundment, at a total cost of \$38,535,000, with an estimated Federal cost of \$19,267,500 and an estimated non-Federal cost of \$19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of \$100,335,000, with an estimated Federal cost of \$50,167,500 and an estimated non-Federal cost of \$50,167,500.

(v) C-11 Impoundment and Stormwater Treatment Area, at a total cost of \$124,837,000, with an estimated Federal cost of \$62,418,500 and an estimated non-Federal cost of \$62,418,500.

(vi) C-9 Impoundment and Stormwater Treatment Area, at a total cost of \$89,146,000, with an estimated Federal cost of \$44,573,000 and an estimated non-Federal cost of \$44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of \$104,027,000, with an estimated Federal cost of \$52,013,500 and an estimated non-Federal cost of \$52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of \$26,946,000, with an estimated Federal cost of \$13,473,000 and an estimated non-Federal cost of \$13,473,000.

(ix) North New River Improvements, at a total cost of \$77,087,000, with an estimated Federal cost of \$38,543,500 and an estimated non-Federal cost of \$38,543,500.

(x) C-111 Spreader Canal, at a total cost of \$94,035,000, with an estimated Federal cost of \$47,017,500 and an estimated non-Federal cost of \$47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of \$100,000,000, with an estimated Federal cost of \$50,000,000 and an estimated non-Federal cost of \$50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S-345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection. Applicability.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature

a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed \$12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed \$25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed \$206,000,000, with an estimated Federal cost of \$103,000,000 and an estimated non-Federal cost of \$103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible

for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section. Furthermore, the Seminole Tribe of Florida shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities for the Big Cypress Seminole Reservation Water Conservation Plan Project.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

- (i) included in the total cost of the project; and
- (ii) credited toward the non-Federal share of the

cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

Reports.

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall complete, after notice and opportunity for public comment and in accordance with subsection (h), a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

Reports.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph

(A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary and the Governor receive written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian trust doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

Deadline.

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment, with the concurrence of the Governor and the Secretary of the Interior, and in consultation with the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and other Federal, State, and local agencies, promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

Deadline.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrence statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrence statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—

(i) IN GENERAL.—Programmatic regulations promulgated under this paragraph shall establish a process—

(I) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(II) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information

that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(III) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(ii) LIMITATION ON APPLICABILITY OF PROGRAMMATIC REGULATIONS.—Programmatic regulations promulgated under this paragraph shall expressly prohibit the requirement for concurrence by the Secretary of the Interior or the Governor on project implementation reports, project cooperation agreements, operating manuals for individual projects undertaken in the Plan, and any other documents relating to the development, implementation, and management of individual features of the Plan, unless such concurrence is provided for in other Federal or State laws.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park;

or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

Deadline.
Contracts.

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

Deadline.

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

Establishment.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—

In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

Effective date.
Termination
date.

(1) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

Deadline.

(m) REPORT ON AQUIFER STORAGE AND RECOVERY PROJECT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing a determination as to whether the ongoing Biscayne Aquifer Storage and Recovery Program located in Miami-Dade County has a substantial benefit to the restoration, preservation, and protection of the South Florida ecosystem.

President.

(n) FULL DISCLOSURE OF PROPOSED FUNDING.—

(1) FUNDING FROM ALL SOURCES.—The President, as part of the annual budget of the United States Government, shall display under the heading “Everglades Restoration” all proposed funding for the Plan for all agency programs.

(2) **FUNDING FROM CORPS OF ENGINEERS CIVIL WORKS PROGRAM.**—The President, as part of the annual budget of the United States Government, shall display under the accounts “Construction, General” and “Operation and Maintenance, General” of the title “Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil”, the total proposed funding level for each account for the Plan and the percentage such level represents of the overall levels in such accounts. The President shall also include an assessment of the impact such funding levels for the Plan would have on the budget year and long-term funding levels for the overall Corps of Engineers civil works program.

(o) **SURPLUS FEDERAL LANDS.**—Section 390(f)(2)(A)(i) of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1023) is amended by inserting after “on or after the date of enactment of this Act” the following: “and before the date of enactment of the Water Resources Development Act of 2000”.

(p) **SEVERABILITY.**—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE.

(a) **FINDINGS.**—Congress finds that—

(1) the Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, Congress believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) Congress seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) Congress is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of

jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

Deadline.
Reports.

(6) not later than August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

Missouri River
Protection and
Improvement Act
of 2000.
Conservation.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

SEC. 701. SHORT TITLE.

This title may be cited as the “Missouri River Protection and Improvement Act of 2000”.

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation;

and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River;

and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and

(2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title, the following definitions apply:

(1) PICK-SLOAN PROGRAM.—The term “Pick-Sloan program” means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891).

(2) PLAN.—The term “plan” means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) STATE.—The term “State” means the State of North Dakota.

(4) TASK FORCE.—The term “Task Force” means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term “Trust” means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) **MEMBERSHIP.**—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) **ESTABLISHMENT.**—There is established the Missouri River Task Force.

(b) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) **DUTIES.**—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) **ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall transmit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

Deadline.
Reports.

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

- (A) the Secretary of Energy;
- (B) the Secretary of the Interior;
- (C) the Secretary of Agriculture;
- (D) the State; and
- (E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title. Deadline.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

- (A) conservation practices in the Missouri River watershed;
- (B) the general control and removal of sediment from the Missouri River;
- (C) the protection of recreation on the Missouri River from sedimentation;
- (D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
- (E) erosion control along the Missouri River; or
- (F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final in accordance with procedures established by the Task Force. Public information.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

- (A) within the boundary of an Indian reservation; or
- (B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) **FEDERAL SHARE.**—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.

(2) **PLAN.**—

(A) **FEDERAL SHARE.**—The Federal share of the cost of preparing the plan shall be 75 percent.

(B) **NON-FEDERAL SHARE.**—Not more than 50 percent of the non-Federal share of the cost of preparing the plan may be provided in the form of services, materials, or other in-kind contributions.

(3) **CRITICAL RESTORATION PROJECTS.**—

(A) **IN GENERAL.**—A non-Federal cost share shall be required to carry out any project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) **FEDERAL SHARE.**—The Federal share of the cost of carrying out a project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed \$5,000,000 for any project.

(C) **NON-FEDERAL SHARE.**—

(i) **IN GENERAL.**—Not more than 50 percent of the non-Federal share of the cost of carrying out a project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) **REQUIRED NON-FEDERAL CONTRIBUTIONS.**—For any project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) **CREDIT.**—The Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) **IN GENERAL.**—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **FEDERAL LIABILITY FOR DAMAGE.**—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) **FLOOD CONTROL.**—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Flood Control Act of December 22, 1944 (33 U.S.C. 701–1 et seq.; 58 Stat. 887).

(d) **USE OF FUNDS.**—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to carry out this title \$5,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) **EXISTING PROGRAMS.**—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “Charles M. Russell National Wildlife Refuge Enhancement Act of 2000”.

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, working with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife

Charles M.
Russell National
Wildlife Refuge
Enhancement
Act of 2000.
Montana.
16 USC 668dd
note.

and other public value for the Charles M. Russell National Wildlife Refuge, to—

- (1) better achieve the wildlife conservation purposes for which the Refuge was established;
- (2) protect additional fish and wildlife habitat in and adjacent to the Refuge;
- (3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;
- (4) improve management of the Refuge; and
- (5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) ASSOCIATION.—The term “Association” means the Fort Peck Lake Association.

(2) CABIN SITE.—

(A) IN GENERAL.—The term “cabin site” means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas that is—

- (i) managed by the Corps of Engineers;
- (ii) located in or near the eastern portion of Fort Peck Lake, Montana; and
- (iii) leased for single family use or occupancy.

(B) INCLUSIONS.—The term “cabin site” includes all right, title, and interest of the United States in and to the property, including—

- (i) any permanent easement that is necessary to provide vehicular and utility access to the cabin site;
- (ii) the right to reconstruct, operate, and maintain an easement described in clause (i); and
- (iii) any adjacent parcel of land that the Secretary determines should be conveyed under section 804(c)(1).

(3) CABIN SITE AREA.—

(A) IN GENERAL.—The term “cabin site area” means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) INCLUSION.—The term “cabin site area” includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land and for each cabin site in the cabin site area to meet the requirements of section 804(e)(1), as determined by the Secretary, with the concurrence of the Secretary of the Interior.

(4) LAND.—The term “land” means land or an interest in land.

(5) LESSEE.—The term “lessee” means a person that is leasing a cabin site.

(6) REFUGE.—The term “Refuge” means the Charles M. Russell National Wildlife Refuge in the State of Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) IN GENERAL.—

(1) PROHIBITION.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with,

or substitute for, an existing cabin site lease under paragraph (2).

(2) DETERMINATION; NOTICE.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

Deadline.

(A)(i) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee because the cabin sites are isolated so that conveyance of 1 or more of the cabin sites would create an inholding that would impair management of the Refuge; and

(ii) with the concurrence of the Secretary of the Interior and the lessee, determine individual cabin sites that are not suitable for conveyance to a lessee for any other reason that adversely impacts the future habitability of the cabin sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1) and an estimate of the portion of administrative costs that would be required to be reimbursed to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) OFFER OF COMPARABLE CABIN SITE.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within the same cabin site area.

(b) RESPONSE.—

(1) NOTICE OF INTEREST.—

(A) IN GENERAL.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

Deadline.

(B) FORM.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) UNPURCHASED CABIN SITES.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) PROCESS.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary, with the concurrence of the Secretary of the Interior, shall—

(1) determine whether any small parcel of land adjacent to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary and the Secretary of the Interior determine that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) prepare permanent easements or deed restrictions to be enforceable by the Secretary of the Interior or an acceptable third party, to be placed on a cabin site before conveyance out of Federal ownership in order to—

(A) comply with the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) comply with any other laws (including regulations);

(C) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake;

(D) limit future uses of the cabin site to—

(i) noncommercial, single-family use; and

(ii) the type and intensity of use of the cabin site as of the date of enactment of this Act; and

(E) maintain the values of the Refuge; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin site; and

(C) takes into consideration—

(i) any easement or deed restriction determined to be necessary under paragraph (5) and subsection (h); and

(ii) the definition of “cabin site” under section 803(2).

(d) CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) affected lessees;

(B) affected counties in the State of Montana; and

(C) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) CONVEYANCE.—Subject to subsections (h) and (i) and section 808(b), the Secretary or, if necessary, the Secretary of the Interior shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if the cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment from the lessee for the cabin site of an amount equal to the sum of—

(A) the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6); and

(B) the administrative costs required to be reimbursed under section 808.

(f) VEHICULAR ACCESS.—

(1) IN GENERAL.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) CONSTRUCTION.—The Secretary and the Secretary of the Interior—

(A) shall not construct any road for the sole purpose of providing access to land conveyed under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) OFFER TO CONVEY.—The Secretary, with the concurrence of the Secretary of the Interior, may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land conveyed under this section.

(g) UTILITIES AND INFRASTRUCTURE.—

(1) IN GENERAL.—The purchaser of a cabin site shall be responsible for acquiring or securing the use of all utilities and infrastructure necessary to support the cabin site.

(2) NO FEDERAL ASSISTANCE.—The Secretary and the Secretary of the Interior shall not provide any utilities or infrastructure to the cabin site.

(h) EASEMENTS AND DEED RESTRICTIONS.—

(1) IN GENERAL.—Before conveying any cabin site under subsection (e), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(A) includes such easements and deed restrictions as are determined, under subsection (c), to be necessary; and

(B) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(2) RESERVATION OF RIGHTS.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2)(A) shall not be conveyed by the Secretary or the Secretary of the Interior under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of this title specified in paragraphs (1) through (4) of section 802 and for which 1 or more willing sellers exist.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of this title specified in paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the

willing seller to facilitate the acquisition of the land in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the cabin site in accordance with section 804(c)(6);

the Secretary or, if necessary, the Secretary of the Interior shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment from the lessee for the cabin site of an amount equal to the sum of the appraised fair market value of the cabin site, as determined by the updated appraisal, and the administrative costs required to be reimbursed under section 808.

(d) EASEMENTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(1) includes such easements and deed restrictions as are determined, under section 804(c), to be necessary; and

(2) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2)(A) shall not be conveyed by the Secretary or the Secretary of the Interior under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this title; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

Deadline.

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) **CONVEYANCES TO THIRD PARTIES.**—As soon as practicable after the expiration or surrender of a lease, the Secretary, with the concurrence of the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2)(A).

(b) **EASEMENTS AND DEED RESTRICTIONS.**—Before conveying any cabin site under subsection (a), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(1) includes such easements and deed restrictions as are determined, under section 804(c), to be necessary; and

(2) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(c) **MANAGEMENT OF REMAINING LAND WITHIN CABIN SITE AREAS.**—

(1) **MANAGEMENT BY THE SECRETARY.**—All land within the outer boundaries of a cabin site area that is not conveyed under this Act shall be managed by the Secretary, in consultation with the Secretary of the Interior, in substantially the same manner as that land is managed on the date of enactment of this Act and consistent with the purposes for which the Refuge was established.

(2) **CONSTRUCTION AND DEVELOPMENT.**—The Secretary shall not initiate or authorize any development or construction on land under paragraph (1) except with the concurrence of the Secretary of the Interior.

SEC. 807. USE OF PROCEEDS.

(a) **PROCEEDS.**—All payments for the conveyance of cabin sites under this title, except costs reimbursed to the Secretary under section 808(b)—

(1) shall be deposited in a special fund within the Montana Fish and Wildlife Conservation Trust established under section 1007 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–715) (as amended by title IV of H.R. 3425 of the 106th Congress, as enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–307); and

(2) notwithstanding title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–710), shall be available for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service in the Director's sole discretion and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(A) is within or adjacent to the Refuge;

(B) would be suitable to carry out the purposes of this title specified in paragraphs (1) through (4) of section 802; and

(C) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) LIMITATIONS.—

(1) IN GENERAL.—To the extent practicable, acquisitions under this title shall be of land within the Refuge.

(2) NO EFFECT ON ACQUISITION.—Nothing in this subsection limits the ability of the Secretary of the Interior to acquire land adjacent to the Refuge from a willing seller in cases in which the Secretary of the Interior also acquires land within the Refuge from the same willing seller.

SEC. 808. ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) REIMBURSEMENT.—As a condition of the conveyance of any cabin site area under this title, the Secretary or the Secretary of the Interior—

(1) may require the party to whom the property is conveyed to reimburse the Secretary or the Secretary of the Interior for a reasonable portion, as determined by the Secretary or the Secretary of the Interior, of the direct administrative costs (including survey costs) incurred in carrying out conveyance activities under this title, taking into consideration any cost savings achieved as a result of the party's agreeing to purchase its cabin site as part of a single transaction for the conveyance of multiple cabin sites; and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this title.

SEC. 809. REVOCATION OF WITHDRAWALS.

(a) IN GENERAL.—Upon execution of any patent or deed, by the Secretary or the Secretary of the Interior, conveying land as specifically authorized by this title, any public land withdrawal affecting the land described in the conveyance document as being conveyed shall be revoked with respect to that land.

(b) EXCLUSIONS.—Nothing in this section affects—

(1) the status of any public land withdrawal on land retained by the Secretary or the Secretary of the Interior;

(2) the boundary of the Refuge as established by Executive Order No. 7509 (December 11, 1936); or

(3) enforcement of any right retained by the United States.

(c) REINSTATEMENT.—If, at any time after the date of enactment of this Act, the Secretary or the Secretary of the Interior reacquires land conveyed under this title, any public land withdrawal revoked under this section shall be reinstated with respect to the reacquired land.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

Missouri River
Restoration Act
of 2000.
Conservation.

SEC. 901. SHORT TITLE.

This title may be cited as the “Missouri River Restoration Act of 2000”.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation;

and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

- (B) to reduce the deposition of sediment; and
- (C) to take other steps necessary for proper management of the Missouri River.
- (b) PURPOSES.—The purposes of this title are—
 - (1) to reduce the siltation of the Missouri River in the State of South Dakota;
 - (2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—
 - (A) to improve conservation in the Missouri River watershed;
 - (B) to protect recreation on the Missouri River from sedimentation;
 - (C) to improve water quality in the Missouri River;
 - (D) to improve erosion control along the Missouri River;
 - and
 - (E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and
 - (3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title, the following definitions apply:

- (1) PICK-SLOAN PROGRAM.—The term “Pick-Sloan program” means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891).
- (2) PLAN.—The term “plan” means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).
- (3) STATE.—The term “State” means the State of South Dakota.
- (4) TASK FORCE.—The term “Task Force” means the Missouri River Task Force established by section 905(a).
- (5) TRUST.—The term “Trust” means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

- (a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.
- (b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—
 - (1) 15 members recommended by the Governor of South Dakota that—
 - (A) represent equally the various interests of the public; and
 - (B) include representatives of—
 - (i) the South Dakota Department of Environment and Natural Resources;
 - (ii) the South Dakota Department of Game, Fish, and Parks;
 - (iii) environmental groups;
 - (iv) the hydroelectric power industry;
 - (v) local governments;
 - (vi) recreation user groups;
 - (vii) agricultural groups; and
 - (viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) **ESTABLISHMENT.**—There is established the Missouri River Task Force.

(b) **MEMBERSHIP.**—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) **DUTIES.**—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) **ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

Deadline.
Reports.

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) **CONSULTATION.**—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) **PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

Deadline.

(2) **CONTENTS OF PLAN.**—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

Public
information.

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed \$5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **FEDERAL LIABILITY FOR DAMAGE.**—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) **FLOOD CONTROL.**—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Flood Control Act of December 22, 1944 (33 U.S.C. 701-1 et seq.; 58 Stat. 887).

(d) **USE OF FUNDS.**—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to carry out this title \$10,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) **EXISTING PROGRAMS.**—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

Approved December 11, 2000.

LEGISLATIVE HISTORY—S. 2796:

HOUSE REPORTS: No. 106-1020 (Comm. of Conference).

SENATE REPORTS: No. 106-362 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 21, 25 considered and passed Senate.

Oct. 19, considered and passed House, amended.

Oct. 23, Senate disagreed to House amendments.

Oct. 31, Senate agreed to conference report.

Nov. 3, House agreed to conference report.



Public Law 106–542
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Dec. 11, 2000
[H.J. Res. 129]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “December 15, 2000”.

Ante, p. 2571.

Approved December 11, 2000.

LEGISLATIVE HISTORY—H.J. Res. 129:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 11, considered and passed House and Senate.



Public Law 106–543
106th Congress

Joint Resolution

Dec. 15, 2000
[H.J. Res. 133]

Making further continuing appropriations for the fiscal year 2001, and for other purposes.

Ante, p. 2713.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting “December 21, 2000” and by adding the following before the period in section 113: “, and in addition, from within the amount provided by section 101, \$217,000,000: *Provided*, That of these funds, \$100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2000 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of \$2,535,700,000”.

Approved December 15, 2000.

LEGISLATIVE HISTORY—H.J. Res. 133:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 15, considered and passed House and Senate.



Public Law 106–544
106th Congress

An Act

To amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

Dec. 19, 2000

[H.R. 3048]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Threat Protection Act of 2000”.

Presidential
Threat Protection
Act of 2000.
18 USC 871 note.

SEC. 2. REVISION OF SECTION 879 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 879 of title 18, United States Code, is amended—

(1) by striking “or” at the end of subsection (a)(2);

(2) in subsection (a)(3)—

(A) by striking “the spouse” and inserting “a member of the immediate family”; and

(B) by inserting “or” after the semicolon at the end;

(3) by inserting after subsection (a)(3) the following:

“(4) a person protected by the Secret Service under section 3056(a)(6);”;

(4) in subsection (a)—

(A) by striking “who is protected by the Secret Service as provided by law,”; and

(B) by striking “three years” and inserting “5 years”; and

(5) in subsection (b)(1)(B)—

(A) by inserting “and (a)(3)” after “subsection (a)(2);” and

(B) by striking “or Vice President-elect” and inserting “Vice President-elect, or major candidate for the office of President or Vice President”.

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading for section 879 of title 18, United States Code, is amended by striking “protected by the Secret Service”.

(2) TABLE OF SECTIONS.—The item relating to section 879 in the table of sections at the beginning of chapter 41 of title 18, United States Code, is amended by striking “protected by the Secret Service”.

SEC. 3. CLARIFICATION OF SECRET SERVICE AUTHORITY FOR SECURITY OPERATIONS AT EVENTS AND GATHERINGS OF NATIONAL SIGNIFICANCE.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

President.

“(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

“(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

“(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

“(B) the criteria and information used in making each designation.”.

18 USC 3056
note.

SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.

(a) **ESTABLISHMENT.**—The United States Secret Service (hereafter in this section referred to as the “Service”), at the direction of the Secretary of the Treasury, may establish the National Threat Assessment Center (hereafter in this section referred to as the “Center”) as a unit within the Service.

(b) **FUNCTIONS.**—The Service may provide the following to Federal, State, and local law enforcement agencies through the Center:

(1) Training in the area of threat assessment.

(2) Consultation on complex threat assessment cases or plans.

(3) Research on threat assessment and the prevention of targeted violence.

(4) Facilitation of information sharing among all such agencies with protective or public safety responsibilities.

(5) Programs to promote the standardization of Federal, State, and local threat assessments and investigations involving threats.

(6) Any other activities the Secretary determines are necessary to implement a comprehensive threat assessment capability.

Deadline.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Service shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing the manner in which the Center will operate.

SEC. 5. ADMINISTRATIVE SUBPOENAS WITH REGARD TO PROTECTIVE INTELLIGENCE FUNCTIONS OF THE SECRET SERVICE.

(a) **IN GENERAL.**—Section 3486(a) of title 18, United States Code, is amended—

(1) so that paragraph (1) reads as follows: “(1)(A) In any investigation of—

“(i)(I) a Federal health care offense; or (II) a Federal offense involving the sexual exploitation or abuse of children, the Attorney General; or

“(ii) an offense under section 871 or 879, or a threat against a person protected by the United States Secret Service under paragraph (5) or (6) of section 3056, if the Director of the

Secret Service determines that the threat constituting the offense or the threat against the person protected is imminent, the Secretary of the Treasury, may issue in writing and cause to be served a subpoena requiring the production and testimony described in subparagraph (B).

“(B) Except as provided in subparagraph (C), a subpoena issued under subparagraph (A) may require—

“(i) the production of any records or other things relevant to the investigation; and

“(ii) testimony by the custodian of the things required to be produced concerning the production and authenticity of those things.

“(C) A subpoena issued under subparagraph (A) with respect to a provider of electronic communication service or remote computing service, in an investigation of a Federal offense involving the sexual exploitation or abuse of children shall not extend beyond—

“(i) requiring that provider to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

“(ii) requiring a custodian of the records of that provider to give testimony concerning the production and authentication of such records or information.

“(D) As used in this paragraph, the term ‘Federal offense involving the sexual exploitation or abuse of children’ means an offense under section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years.”;

(2) in paragraph (3)—

(A) by inserting “relating to a Federal health care offense” after “production of records”; and

(B) by adding at the end the following: “The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.”; and

(3) by adding at the end the following:

“(5) At any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ordered by a court under paragraph (6).

“(6)(A) A United State district court for the district in which the summons is or will be served, upon application of the United States, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such summons for a period of up to 90 days.

“(B) Such order may be issued on a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in—

“(i) endangerment to the life or physical safety of any person;

- “(ii) flight to avoid prosecution;
- “(iii) destruction of or tampering with evidence; or
- “(iv) intimidation of potential witnesses.

“(C) An order under this paragraph may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in subparagraph (B) continue to exist.

“(7) A summons issued under this section shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

“(8) If no case or proceeding arises from the production of records or other things pursuant to this section within a reasonable time after those records or things are produced, the agency to which those records or things were delivered shall, upon written demand made by the person producing those records or things, return them to that person, except where the production required was only of copies rather than originals.

“(9) A subpoena issued under paragraph (1)(A)(i)(II) or (1)(A)(ii) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.

“(10) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(ii), the Secretary of the Treasury shall notify the Attorney General of its issuance.”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3486 of title 18, United States Code, is amended by striking:

“in Federal health care investigations”.

(2) TABLE OF SECTIONS.—The item relating to section 3486 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking:

“in Federal health care investigations”.

(3) CONFORMING REPEAL.—Section 3486A, and the item relating to that section in the table of sections at the beginning of chapter 223, of title 18, United States Code, are repealed.

(c) TECHNICAL AMENDMENT.—Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking “summoned” and inserting “subpoenaed”; and

(2) in subsection (d), by striking “summons” each place it appears and inserting “subpoena”.

28 USC 566 note.

SEC. 6. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section \$30,000,000 for the fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

(c) **OTHER EXISTING APPLICABLE LAW.**—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 7. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

5 USC 551 note.

(a) **STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.**—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

Deadline.

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) **REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.**—

(1) **IN GENERAL.**—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of the enactment of this section.

Approved December 19, 2000.

LEGISLATIVE HISTORY—H.R. 3048:

HOUSE REPORTS: No. 106-669 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 26, considered and passed House.

Oct. 13, considered and passed Senate, amended.

Oct. 25, House disagreed to and concurred in certain Senate amendments, in another with an amendment.

Dec. 6, Senate receded from certain amendments and concurred in House amendment.



Public Law 106–545
106th Congress

An Act

To establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

Dec. 19, 2000

[H.R. 4281]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “ICCVAM Authorization Act of 2000”.

ICCVAM
Authorization
Act of 2000.
42 USC 201 note.

SEC. 2. DEFINITIONS.

42 USC 285l-2.

In this Act:

(1) **ALTERNATIVE TEST METHOD.**—The term “alternative test method” means a test method that—

(A) includes any new or revised test method; and

(B)(i) reduces the number of animals required;

(ii) refines procedures to lessen or eliminate pain or distress to animals, or enhances animal well-being; or

(iii) replaces animals with non-animal systems or one animal species with a phylogenetically lower animal species, such as replacing a mammal with an invertebrate.

(2) **ICCVAM TEST RECOMMENDATION.**—The term “ICCVAM test recommendation” means a summary report prepared by the ICCVAM characterizing the results of a scientific expert peer review of a test method.

SEC. 3. INTERAGENCY COORDINATING COMMITTEE ON THE VALIDATION OF ALTERNATIVE METHODS.

42 USC 285l-3.

(a) **IN GENERAL.**—With respect to the interagency coordinating committee that is known as the Interagency Coordinating Committee on the Validation of Alternative Methods (referred to in this Act as “ICCVAM”) and that was established by the Director of the National Institute of Environmental Health Sciences for purposes of section 463A(b) of the Public Health Service Act, the Director of the Institute shall designate such committee as a permanent interagency coordinating committee of the Institute under the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods. This Act may not be construed as affecting the authorities of such Director regarding ICCVAM that were in effect on the day before the date of the enactment of this Act, except to the extent inconsistent with this Act.

(b) **PURPOSES.**—The purposes of the ICCVAM shall be to—

(1) increase the efficiency and effectiveness of Federal agency test method review;

(2) eliminate unnecessary duplicative efforts and share experiences between Federal regulatory agencies;

(3) optimize utilization of scientific expertise outside the Federal Government;

(4) ensure that new and revised test methods are validated to meet the needs of Federal agencies; and

(5) reduce, refine, or replace the use of animals in testing, where feasible.

(c) COMPOSITION.—The ICCVAM shall be composed of the heads of the following Federal agencies (or their designees):

(1) Agency for Toxic Substances and Disease Registry.

(2) Consumer Product Safety Commission.

(3) Department of Agriculture.

(4) Department of Defense.

(5) Department of Energy.

(6) Department of the Interior.

(7) Department of Transportation.

(8) Environmental Protection Agency.

(9) Food and Drug Administration.

(10) National Institute for Occupational Safety and Health.

(11) National Institutes of Health.

(12) National Cancer Institute.

(13) National Institute of Environmental Health Sciences.

(14) National Library of Medicine.

(15) Occupational Safety and Health Administration.

(16) Any other agency that develops, or employs tests or test data using animals, or regulates on the basis of the use of animals in toxicity testing.

(d) SCIENTIFIC ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Director of the National Institute of Environmental Health Sciences shall establish a Scientific Advisory Committee (referred to in this Act as the “SAC”) to advise ICCVAM and the National Toxicology Program Inter-agency Center for the Evaluation of Alternative Toxicological Methods regarding ICCVAM activities. The activities of the SAC shall be subject to provisions of the Federal Advisory Committee Act.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The SAC shall be composed of the following voting members:

(i) At least one knowledgeable representative having a history of expertise, development, or evaluation of new or revised or alternative test methods from each of—

(I) the personal care, pharmaceutical, industrial chemicals, or agriculture industry;

(II) any other industry that is regulated by the Federal agencies specified in subsection (c); and

(III) a national animal protection organization established under section 501(c)(3) of the Internal Revenue Code of 1986.

(ii) Representatives (selected by the Director of the National Institute of Environmental Health

Sciences) from an academic institution, a State government agency, an international regulatory body, or any corporation developing or marketing new or revised or alternative test methodologies, including contract laboratories.

(B) NONVOTING EX OFFICIO MEMBERS.—The membership of the SAC shall, in addition to voting members under subparagraph (A), include as nonvoting ex officio members the agency heads specified in subsection (c) (or their designees).

(e) DUTIES.—The ICCVAM shall, consistent with the purposes described in subsection (b), carry out the following functions:

(1) Review and evaluate new or revised or alternative test methods, including batteries of tests and test screens, that may be acceptable for specific regulatory uses, including the coordination of technical reviews of proposed new or revised or alternative test methods of interagency interest.

(2) Facilitate appropriate interagency and international harmonization of acute or chronic toxicological test protocols that encourage the reduction, refinement, or replacement of animal test methods.

(3) Facilitate and provide guidance on the development of validation criteria, validation studies and processes for new or revised or alternative test methods and help facilitate the acceptance of such scientifically valid test methods and awareness of accepted test methods by Federal agencies and other stakeholders.

(4) Submit ICCVAM test recommendations for the test method reviewed by the ICCVAM, through expeditious transmittal by the Secretary of Health and Human Services (or the designee of the Secretary), to each appropriate Federal agency, along with the identification of specific agency guidelines, recommendations, or regulations for a test method, including batteries of tests and test screens, for chemicals or class of chemicals within a regulatory framework that may be appropriate for scientific improvement, while seeking to reduce, refine, or replace animal test methods.

(5) Consider for review and evaluation, petitions received from the public that—

(A) identify a specific regulation, recommendation, or guideline regarding a regulatory mandate; and

(B) recommend new or revised or alternative test methods and provide valid scientific evidence of the potential of the test method.

(6) Make available to the public final ICCVAM test recommendations to appropriate Federal agencies and the responses from the agencies regarding such recommendations.

(7) Prepare reports to be made available to the public on its progress under this Act. The first report shall be completed not later than 12 months after the date of the enactment of this Act, and subsequent reports shall be completed biennially thereafter.

Reports.
Deadline.

SEC. 4. FEDERAL AGENCY ACTION.

42 USC 285l-4.

(a) IDENTIFICATION OF TESTS.—With respect to each Federal agency carrying out a program that requires or recommends acute or chronic toxicological testing, such agency shall, not later than

Deadline.

180 days after receiving an ICCVAM test recommendation, identify and forward to the ICCVAM any relevant test method specified in a regulation or industry-wide guideline which specifically, or in practice requires, recommends, or encourages the use of an animal acute or chronic toxicological test method for which the ICCVAM test recommendation may be added or substituted.

(b) **ALTERNATIVES.**—Each Federal agency carrying out a program described in subsection (a) shall promote and encourage the development and use of alternatives to animal test methods (including batteries of tests and test screens), where appropriate, for the purpose of complying with Federal statutes, regulations, guidelines, or recommendations (in each instance, and for each chemical class) if such test methods are found to be effective for generating data, in an amount and of a scientific value that is at least equivalent to the data generated from existing tests, for hazard identification, dose-response assessment, or risk assessment purposes.

(c) **TEST METHOD VALIDATION.**—Each Federal agency carrying out a program described in subsection (a) shall ensure that any new or revised acute or chronic toxicity test method, including animal test methods and alternatives, is determined to be valid for its proposed use prior to requiring, recommending, or encouraging the application of such test method.

Deadline.

(d) **REVIEW.**—Not later than 180 days after receipt of an ICCVAM test recommendation, a Federal agency carrying out a program described in subsection (a) shall review such recommendation and notify the ICCVAM in writing of its findings.

(e) **RECOMMENDATION ADOPTION.**—Each Federal agency carrying out a program described in subsection (a), or its specific regulatory unit or units, shall adopt the ICCVAM test recommendation unless such Federal agency determines that—

(1) the ICCVAM test recommendation is not adequate in terms of biological relevance for the regulatory goal authorized by that agency, or mandated by Congress;

(2) the ICCVAM test recommendation does not generate data, in an amount and of a scientific value that is at least equivalent to the data generated prior to such recommendation, for the appropriate hazard identification, dose-response assessment, or risk assessment purposes as the current test method recommended or required by that agency;

(3) the agency does not employ, recommend, or require testing for that class of chemical or for the recommended test endpoint; or

(4) the ICCVAM test recommendation is unacceptable for satisfactorily fulfilling the test needs for that particular agency and its respective congressional mandate.

42 USC 2851-5.

SEC. 5. APPLICATION.

(a) **APPLICATION.**—This Act shall not apply to research, including research performed using biotechnology techniques, or research related to the causes, diagnosis, treatment, control, or prevention of physical or mental diseases or impairments of humans or animals.

(b) **USE OF TEST METHODS.**—Nothing in this Act shall prevent a Federal agency from retaining final authority for incorporating the test methods recommended by the ICCVAM in the manner

determined to be appropriate by such Federal agency or regulatory body.

(c) LIMITATION.—Nothing in this Act shall be construed to require a manufacturer that is currently not required to perform animal testing to perform such tests. Nothing in this Act shall be construed to require a manufacturer to perform redundant end-point specific testing.

(d) SUBMISSION OF TESTS AND DATA.—Nothing in this Act precludes a party from submitting a test method or scientific data directly to a Federal agency for use in a regulatory program.

Approved December 19, 2000.

LEGISLATIVE HISTORY—H.R. 4281 (S. 1495):

HOUSE REPORTS: No. 106–980 (Comm. on Commerce).

SENATE REPORTS: No. 106–496 accompanying S. 1495 (Comm. on Health, Education, Labor, and Pensions).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Dec. 6, considered and passed Senate.



Public Law 106–546
106th Congress

An Act

Dec. 19, 2000
[H.R. 4640]

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

DNA Analysis
Backlog
Elimination Act
of 2000.
42 USC 13701
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “DNA Analysis Backlog Elimination Act of 2000”.

42 USC 14135.

SEC. 2. AUTHORIZATION OF GRANTS.

(a) **AUTHORIZATION OF GRANTS.**—The Attorney General may make grants to eligible States for use by the State for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3)).

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes.

(3) To increase the capacity of laboratories owned by the State or by units of local government within the State to carry out DNA analyses of samples specified in paragraph (2).

(b) **ELIGIBILITY.**—For a State to be eligible to receive a grant under this section, the chief executive officer of the State shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall—

Deadline.

(1) provide assurances that the State has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

(3) include a certification that the State has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2); and

(5) specify that portion of grant amounts that the State shall use for the purpose specified in subsection (a)(3).

(c) **CRIMES WITHOUT SUSPECTS.**—A State that proposes to allocate grant amounts under paragraph (4) or (5) of subsection (b) for the purposes specified in paragraph (2) or (3) of subsection (a) shall use such allocated amounts to conduct or facilitate DNA analyses of those samples that relate to crimes in connection with which there are no suspects.

(d) **ANALYSIS OF SAMPLES.**—

(1) **IN GENERAL.**—The plan shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government within the State; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government within the State.

(2) **QUALITY ASSURANCE STANDARDS.**—(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

(3) **USE OF VOUCHERS FOR CERTAIN PURPOSES.**—A grant for the purposes specified in paragraph (1) or (2) of subsection (a) may be made in the form of a voucher for laboratory services, which may be redeemed at a laboratory operated by a private entity approved by the Attorney General that satisfies quality assurance standards. The Attorney General may make payment to such a laboratory for the analysis of DNA samples using amounts authorized for those purposes under subsection (j).

(e) **RESTRICTIONS ON USE OF FUNDS.**—

(1) **NONSUPPLANTING.**—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this Act.

(2) **ADMINISTRATIVE COSTS.**—A State may not use more than 3 percent of the funds it receives from this section for administrative expenses.

(f) **REPORTS TO THE ATTORNEY GENERAL.**—Each State which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

- Deadline. (2) such other information as the Attorney General may require.
- (g) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—
- (1) the aggregate amount of grants made under this section to each State for such fiscal year; and
 - (2) a summary of the information provided by States receiving grants under this section.
- (h) EXPENDITURE RECORDS.—
- (1) IN GENERAL.—Each State which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.
 - (2) ACCESS.—Each State which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.
- (i) DEFINITION.—For purposes of this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.
- (j) AUTHORIZATION OF APPROPRIATIONS.—Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) as follows:
- (1) For grants for the purposes specified in paragraph (1) of such subsection—
 - (A) \$15,000,000 for fiscal year 2001;
 - (B) \$15,000,000 for fiscal year 2002; and
 - (C) \$15,000,000 for fiscal year 2003.
 - (2) For grants for the purposes specified in paragraphs (2) and (3) of such subsection—
 - (A) \$25,000,000 for fiscal year 2001;
 - (B) \$50,000,000 for fiscal year 2002;
 - (C) \$25,000,000 for fiscal year 2003; and
 - (D) \$25,000,000 for fiscal year 2004.

42 USC 14135a.

SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN FEDERAL OFFENDERS.

- (a) COLLECTION OF DNA SAMPLES.—
- (1) FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.
 - (2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The probation office responsible for the supervision under Federal law of an individual on probation, parole, or supervised release shall collect a DNA sample from each such individual who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(3) **INDIVIDUALS ALREADY IN CODIS.**—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as “CODIS”) of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under section 1565 of title 10, United States Code, the Director of the Bureau of Prisons or the probation office responsible (as applicable) may (but need not) collect a DNA sample from that individual.

(4) **COLLECTION PROCEDURES.**—(A) The Director of the Bureau of Prisons or the probation office responsible (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or the probation office, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) **CRIMINAL PENALTY.**—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) **ANALYSIS AND USE OF SAMPLES.**—The Director of the Bureau of Prisons or the probation office responsible (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) **DEFINITIONS.**—In this section:

(1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) **QUALIFYING FEDERAL OFFENSES.**—(1) The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses under title 18, United States Code, as determined by the Attorney General:

(A) Murder (as described in section 1111 of such title), voluntary manslaughter (as described in section 1112 of such title), or other offense relating to homicide (as described in chapter 51 of such title, sections 1113, 1114, 1116, 1118, 1119, 1120, and 1121).

(B) An offense relating to sexual abuse (as described in chapter 109A of such title, sections 2241 through 2245), to sexual exploitation or other abuse of children (as described in chapter 110 of such title, sections 2251 through 2252), or to transportation for illegal sexual activity (as described in chapter 117 of such title, sections 2421, 2422, 2423, and 2425).

(C) An offense relating to peonage and slavery (as described in chapter 77 of such title).

(D) Kidnapping (as defined in section 3559(c)(2)(E) of such title).

(E) An offense involving robbery or burglary (as described in chapter 103 of such title, sections 2111 through 2114, 2116, and 2118 through 2119).

(F) Any violation of section 1153 involving murder, manslaughter, kidnapping, maiming, a felony offense relating to sexual abuse (as described in chapter 109A), incest, arson, burglary, or robbery.

(G) Any attempt or conspiracy to commit any of the above offenses.

Deadline.

(2) The initial determination of qualifying Federal offenses shall be made not later than 120 days after the date of the enactment of this Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall be carried out under regulations prescribed by the Attorney General.

(2) PROBATION OFFICERS.—The Director of the Administrative Office of the United States Courts shall make available model procedures for the activities of probation officers in carrying out this section.

Deadline.

(f) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

42 USC 14135b.

SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.

(a) COLLECTION OF DNA SAMPLES.—

(1) FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as “CODIS”) of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for

the collection of the samples described in paragraph (1) or (2).

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) ANALYSIS AND USE OF SAMPLES.—The Director of the Bureau of Prisons or Agency (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) DEFINITIONS.—In this section:

(1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING DISTRICT OF COLUMBIA OFFENSES.—The government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

(e) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

Deadline.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1565. DNA identification information: collection from certain offenders; use

“(a) COLLECTION OF DNA SAMPLES.—(1) The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary’s jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (d)).

“(2) For each member described in paragraph (1), if the Combined DNA Index System (in this section referred to as ‘CODIS’) of the Federal Bureau of Investigation contains a DNA analysis with respect to that member, or if a DNA sample has been or is to be collected from that member under section 3(a) of the DNA Analysis Backlog Elimination Act of 2000, the Secretary concerned may (but need not) collect a DNA sample from that member.

“(3) The Secretary concerned may enter into agreements with other Federal agencies, units of State or local government, or private

entities to provide for the collection of samples described in paragraph (1).

“(b) ANALYSIS AND USE OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall—

(1) carry out a DNA analysis on each such DNA sample in a manner that complies with the requirements for inclusion of that analysis in CODIS; and

(2) furnish the results of each such analysis to the Director of the Federal Bureau of Investigation for inclusion in CODIS.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘DNA sample’ means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

“(2) The term ‘DNA analysis’ means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

“(d) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those felony or sexual offenses under the Uniform Code of Military Justice that shall be treated for purposes of this section as qualifying military offenses.

“(2) An offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000), as determined by the Secretary in consultation with the Attorney General, shall be treated for purposes of this section as a qualifying military offense.

“(e) EXPUNGEMENT.—(1) The Secretary of Defense shall promptly expunge, from the index described in subsection (a) of section 210304 of the Violent Crime Control and Law Enforcement Act of 1994, the DNA analysis of a person included in the index on the basis of a qualifying military offense if the Secretary receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

“(2) For purposes of paragraph (1), the term ‘qualifying offense’ means any of the following offenses:

“(A) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

“(B) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

“(C) A qualifying military offense.

“(3) For purposes of paragraph (1), a court order is not ‘final’ if time remains for an appeal or application for discretionary review with respect to the order.

“(f) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1565. DNA identification information: collection from certain offenders; use.”

(b) **INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.**—The initial determination of qualifying military offenses under section 1565(d) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

Deadline.
10 USC 1565
note.

(c) **COMMENCEMENT OF COLLECTION.**—Collection of DNA samples under section 1565(a) of such title, as added by subsection (a)(1), shall, subject to the availability of appropriations, commence not later than the date that is 60 days after the date of the initial determination referred to in subsection (b).

10 USC 1565
note.

SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.

(a) **USE OF CERTAIN FUNDS.**—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

“(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from—

“(A) individuals convicted of a qualifying Federal offense, as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000;

“(B) individuals convicted of a qualifying District of Columbia offense, as determined under section 4(d) of the DNA Analysis Backlog Elimination Act of 2000; and

“(C) members of the Armed Forces convicted of a qualifying military offense, as determined under section 1565(d) of title 10, United States Code.”

(b) **INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.**—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (b)(1), by inserting after “criminal justice agency” the following: “(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)”;

(2) in subsection (b)(2), by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”;

(3) in subsection (b)(3), by inserting after “criminal justice agencies” in the matter preceding subparagraph (A) the following: “(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)”;

(4) by adding at the end the following new subsection:

“(d) **EXPUNGEMENT OF RECORDS.**—

“(1) **BY DIRECTOR.**—(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

“(B) For purposes of subparagraph (A), the term ‘qualifying offense’ means any of the following offenses:

“(i) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

“(ii) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

“(iii) A qualifying military offense, as determined under section 1565 of title 10, United States Code.

“(C) For purposes of subparagraph (A), a court order is not ‘final’ if time remains for an appeal or application for discretionary review with respect to the order.

“(2) BY STATES.—(A) As a condition of access to the index described in subsection (a), a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned.

“(B) For purposes of subparagraph (A), a court order is not ‘final’ if time remains for an appeal or application for discretionary review with respect to the order.”.

SEC. 7. CONDITIONS OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (8) the following:

“(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.”.

(b) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before “The court shall also order” the following: “The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.”.

(c) CONDITIONS OF PAROLE.—Section 4209 of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting before “In every case, the Commission shall also impose” the following: “In every case, the Commission shall impose as a condition of parole that the parolee cooperate in the collection of a DNA sample from the parolee, if the collection of such a sample is authorized pursuant to section 3 or section 4 of the DNA Analysis Backlog Elimination Act of 2000 or section 1565 of title 10.”.

42 USC 14135c.

(d) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release is authorized pursuant to section 3 or 4 of this Act or section 1565 of title 10, United States Code, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and

Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”.

(b) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking “, at regular intervals not exceeding 180 days,” and inserting “semiannual”.

(c) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking “, at regular intervals of not to exceed 180 days,” and inserting “semiannual”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

42 USC 14135d.

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

SEC. 10. PRIVACY PROTECTION STANDARDS.

42 USC 14135e.

(a) IN GENERAL.—Except as provided in subsection (b), any sample collected under, or any result of any analysis carried out under, section 2, 3, or 4 may be used only for a purpose specified in such section.

(b) PERMISSIVE USES.—A sample or result described in subsection (a) may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3)).

(c) CRIMINAL PENALTY.—A person who knowingly—

(1) discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it; or

(2) obtains, without authorization, a sample or result described in subsection (a),
shall be fined not more than \$100,000.

SEC. 11. SENSE OF THE CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

42 USC 14135
note.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribo-nucleic acid testing (referred to in this section as “DNA testing”) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not

previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in the United States;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing the loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the

establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of those proceedings.

Approved December 19, 2000.

LEGISLATIVE HISTORY—H.R. 4640:

HOUSE REPORTS: No. 106–900, Pt. 1 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 2, considered and passed House.
Dec. 6, considered and passed Senate, amended.
Dec. 7, House concurred in Senate amendment.



Public Law 106–547
106th Congress

An Act

Dec. 19, 2000
[H.R. 4827]

Enhanced
Federal Security
Act of 2000.
18 USC 700 note.

To amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhanced Federal Security Act of 2000”.

SEC. 2. ENTRY BY FALSE PRETENSES TO ANY REAL PROPERTY, VESSEL, OR AIRCRAFT OF THE UNITED STATES, OR SECURE AREA OF AIRPORT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport

“(a) Whoever, by any fraud or false pretense, enters or attempts to enter—

“(1) any real property belonging in whole or in part to, or leased by, the United States;

“(2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States; or

“(3) any secure area of any airport,

shall be punished as provided in subsection (b) of this section.

“(b) The punishment for an offense under subsection (a) of this section is—

“(1) a fine under this title or imprisonment for not more than 5 years, or both, if the offense is committed with the intent to commit a felony; or

“(2) a fine under this title or imprisonment for not more than 6 months, or both, in any other case.

“(c) As used in this section—

“(1) the term ‘secure area’ means an area access to which is restricted by the airport authority or a public agency; and

“(2) the term ‘airport’ has the meaning given such term in section 47102 of title 49.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

“1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport.”.

SEC. 3. POLICE BADGES.

(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by adding at the end the following:

“§ 716. Police badges

“(a) Whoever—

“(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit police badge;

“(2) knowingly transfers, in interstate or foreign commerce, a genuine police badge to an individual, knowing that such individual is not authorized to possess it under the law of the place in which the badge is the official badge of the police;

“(3) knowingly receives a genuine police badge in a transfer prohibited by paragraph (2); or

“(4) being a person not authorized to possess a genuine police badge under the law of the place in which the badge is the official badge of the police, knowingly transports that badge in interstate or foreign commerce,

shall be fined under this title or imprisoned not more than 6 months, or both.

“(b) It is a defense to a prosecution under this section that the badge is used or is intended to be used exclusively—

“(1) as a memento, or in a collection or exhibit;

“(2) for decorative purposes;

“(3) for a dramatic presentation, such as a theatrical, film, or television production; or

“(4) for any other recreational purpose.

“(c) As used in this section—

“(1) the term ‘genuine police badge’ means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers; and

“(2) the term ‘counterfeit police badge’ means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by adding at the end the following new item:

“716. Police badges.”.

Approved December 19, 2000.

LEGISLATIVE HISTORY—H.R. 4827:

HOUSE REPORTS: No. 106-913 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 2, considered and passed House.

Dec. 6, considered and passed Senate.



Public Law 106–548
106th Congress

An Act

To direct the Secretary of Agriculture to convey to the town of Dolores, Colorado,
the current site of the Joe Rowell Park.

Dec. 19, 2000
[S. 1972]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) **IN GENERAL.**—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) **DESCRIPTION OF PROPERTY.**—

(1) **IN GENERAL.**—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) depicted on the map entitled “Joe Rowell Park”, dated July 12, 2000.

(2) **SURVEY.**—

(A) **IN GENERAL.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) **COST.**—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) **POSSIBILITY OF REVERTER.**—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) MAP.—The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

Approved December 19, 2000.

LEGISLATIVE HISTORY—S. 1972:

SENATE REPORTS: No. 106-375 (Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Nov. 13, Dec. 4, considered and passed House.



Public Law 106-549
106th Congress

An Act

To authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

Dec. 19, 2000
[S. 2594]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the “Water Conservation and Utilization Act”) (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the “project”), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

Approved December 19, 2000.

LEGISLATIVE HISTORY—S. 2594:

SENATE REPORTS: No. 106-427 (Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 13, considered and passed Senate.

Nov. 13, Dec. 4, considered and passed House.



Public Law 106–550
106th Congress

An Act

To establish a commission to commemorate the 250th anniversary of the birth of James Madison.

Dec. 19, 2000
[S. 3137]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “James Madison Commemoration Commission Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Congressional findings.
- Sec. 3. Establishment.
- Sec. 4. Duties.
- Sec. 5. Membership.
- Sec. 6. Powers.
- Sec. 7. Staffing and support.
- Sec. 8. Contributions.
- Sec. 9. Reports.
- Sec. 10. Audit of financial transactions.
- Sec. 11. Termination.
- Sec. 12. Authorization of appropriations.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) March 16, 2001, marks the 250th anniversary of the birth of James Madison;

(2) as a delegate to the Continental Congress, and to the Annapolis Convention of 1786, James Madison foresaw the need for a more effective national government and was a persuasive advocate for such a government at the Philadelphia Constitutional Convention of 1787;

(3) James Madison worked tirelessly and successfully at the Constitutional Convention to mold a national charter, the United States Constitution, that combined both energy and restraint, empowering the legislature, the executive, and the judiciary, within a framework of limited government, separated powers, and a system of federalism;

(4) James Madison was an eloquent proponent of the first 10 amendments to the Constitution, the Bill of Rights;

(5) James Madison faithfully served his country as a Representative in Congress from 1789 to 1797, as Secretary of State from 1801 to 1809, and as President of the United States from 1809 to 1817;

(6) as President, James Madison showed courage and resolute will in leading the United States to victory over Great Britain in the War of 1812;

James Madison
Commemoration
Commission Act.
36 USC note
prec. 101.

36 USC note
prec. 101.

(7) James Madison's political writings, as exemplified by his Notes on the Federal Convention and his contributions to The Federalist Papers, are among the most distinguished of American state papers;

(8) by his learning, his devotion to ordered liberty, and by the force of his intellect, James Madison made an indispensable contribution to the American tradition of democratic constitutional republicanism embodied in the Constitution of the United States, and is justifiably acclaimed as father of the Constitution;

(9) it is appropriate to remember, honor, and renew the legacy of James Madison for the American people and, indeed for all mankind; and

(10) as the Nation approaches March 16, 2001, marking the anniversary of the birth of James Madison, it is appropriate to establish a commission for the commemoration of that anniversary.

36 USC note
prec. 101.

SEC. 3. ESTABLISHMENT.

A commission to be known as the James Madison Commemoration Commission (in this Act referred to as the "Commission") and a committee to be known as the James Madison Commemoration Advisory Committee (in this Act referred to as the "Advisory Committee") are established.

36 USC note
prec. 101.

SEC. 4. DUTIES.

(a) COMMISSION.—The Commission shall—

(1) in cooperation with the Advisory Committee and the Library of Congress, direct the Government Printing Office to compile and publish a substantial number of copies of a book (as directed by the Commission) containing a selection of the most important writings of James Madison and tributes to him by members of the Commission and other persons that the Commission deems appropriate;

(2) in cooperation with the Advisory Committee and the Library of Congress, plan and coordinate 1 or more symposia, at least 1 of which will be held on March 16, 2001, and all of which will be devoted to providing a better understanding of James Madison's contribution to American political culture;

(3) in cooperation with the Advisory Committee recognize such other events celebrating James Madison's birth and life as official events of the Commission;

(4) develop and coordinate any other activities relating to the anniversary of the birth of James Madison as may be appropriate;

(5) accept essay papers (via the Internet or otherwise) from students attending public and private institutions of elementary and secondary education in any State regarding James Madison's life and contributions to America and award certificates to students who author exceptional papers on this subject; and

(6) bestow honorary memberships to the Commission or to the Advisory Committee upon such persons as it deems appropriate.

(b) ADVISORY COMMITTEE.—The Advisory Committee shall—

(1) submit a suggested selection of James Madison's most important writings to the Commission for the Commission to

Government
Printing Office,
publication.

consider for inclusion in the book printed as provided in subsection (a)(1);

(2) submit a list and description of events concerning the birth and life of James Madison to the Commission for the Commission's consideration in recognizing such events as official "Commission Events"; and

(3) make such other recommendations to the Commission as a majority of its members deem appropriate.

SEC. 5. MEMBERSHIP.

36 USC note
prec. 101.

(a) MEMBERSHIP OF THE COMMISSION.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 19 members, as follows:

(A) The Chief Justice of the United States or such individual's delegate who is an Associate Justice of the Supreme Court of the United States.

(B) The Majority Leader and the Minority Leader of the Senate or each such individual's delegate who is a Member of the Senate.

(C) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives or each such individual's delegate who is a Member of the House of Representatives.

(D) The Chairman and the Ranking Member of the Committee on the Judiciary of the Senate or each such individual's delegate who is a member of such committee.

(E) The Chairman and the Ranking Member of the Committee on the Judiciary of the House of Representatives or each such individual's delegate who is a member of such committee.

(F) Two Members of the Senate selected by the Majority Leader of the Senate and 2 Members of the Senate selected by the Minority Leader of the Senate.

(G) Two members of the House of Representatives selected by the Speaker of the House of Representatives and 2 Members of the House of Representatives selected by the Minority Leader of the House of Representatives.

(H) Two members of the executive branch selected by the President of the United States.

President.

(2) CHAIRMAN AND VICE CHAIRMAN.—The Chief Justice of the United States shall serve as Chairman of the Commission and the members of the Commission shall select a vice chairman from its members, unless the Chief Justice appoints a delegate to serve in his stead, in which circumstance, the members of the Commission shall select a chairman and vice chairman from its members.

(b) MEMBERSHIP OF THE ADVISORY COMMITTEE.—

(1) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of 14 members, as follows:

(A) The Archivist of the United States or such individual's delegate.

(B) The Secretary of the Smithsonian Institution or such individual's delegate.

(C) The Executive Director of Montpelier, the home of James Madison, and the 2001 Planning Committee of Montpelier or such individual's delegate.

(D) The President of James Madison University in Harrisonburg, Virginia or such individual's delegate.

(E) The Director of the James Madison Center, James Madison University in Harrisonburg, Virginia or such individual's delegate.

(F) The President of the James Madison Memorial Fellowship Foundation or such individual's delegate.

(G) Two members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Majority Leader of the Senate, and 2 members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the Senate.

(H) Two members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Speaker of the House of Representatives, and 2 members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the House of Representatives.

(2) CHAIRMAN AND VICE CHAIRMAN.—The members of the Advisory Committee shall select a chairman and vice chairman from its members.

Deadline.

(c) TERMS.—Each member of the Commission shall be selected and each member of the Advisory Committee shall be selected not later than 90 days after the date of enactment of this Act and shall serve for the life of the Commission and the Advisory Committee, respectively.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made in subsection (a). A vacancy in the Advisory Committee shall be filled by the person holding the office named in subsection (b) or his designate.

(e) COMPENSATION.—

(1) RATES OF PAY.—Members of the Commission and the Advisory Committee shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission and the Advisory Committee may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) MEETINGS.—The Commission shall meet at the call of its chairman or a majority of its members. The Advisory Committee shall meet at the call of the chairman or a majority of its members.

(g) APPROVAL OF ACTIONS.—All official actions of the Commission under this Act shall be approved by the affirmative vote of not less than a majority of the members. All official actions of the Advisory Committee under this Act shall be approved by the affirmative vote of not less than a majority of the members.

36 USC note
prec. 101.

SEC. 6. POWERS.

(a) DELEGATION OF AUTHORITY.—Any member or staff person of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(b) CONTRACT AUTHORITY.—

(1) **IN GENERAL.**—The Commission may procure services and property, and make or enter into contracts, leases, or other legal agreements, in order to carry out this Act.

(2) **RESTRICTION.**—The contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) **TERMINATION.**—All supplies and property acquired by the Commission under this Act that remain in the possession of the Commission on the date of termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(c) **INFORMATION.**—

(1) **IN GENERAL.**—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the chairperson of the Commission, the head of the Federal agency shall furnish the information to the Commission.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any information that the Commission is prohibited to secure or request by another law.

(d) **RULES AND REGULATIONS.**—The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this Act. The Commission may also adopt such rules for the Advisory Committee.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies, and the Committee on the Judiciary of the Senate may mail items on behalf of the Commission.

(f) **NECESSARY AND PROPER POWERS.**—The Commission may exercise such other powers as are necessary and proper in carrying out and effecting the purposes of this Act.

SEC. 7. STAFFING AND SUPPORT.

The Chairman of the Committee on the Judiciary of the Senate, the Chairman of the Committee on the Judiciary of the House of Representatives, and the Librarian of Congress shall provide the Commission and the Advisory Committee with such assistance, including staff support, facilities, and supplies at no charge, as may be necessary to carry out its duties.

36 USC note
prec. 101.

SEC. 8. CONTRIBUTIONS.

(a) **DONATIONS.**—The Commission may accept donations of money, personal services, and property, both real and personal, including books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials related to James Madison.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Any funds donated to the Commission may be used by the Commission to carry out this Act. The source and amount of such funds shall be listed in the interim and final reports required under section 9.

(2) **PROCUREMENT REQUIREMENTS.**—

(A) **IN GENERAL.**—In addition to any procurement requirement otherwise applicable to the Commission, the Commission shall conduct procurements of property or services involving donated funds pursuant to the small purchase procedures required by section 303(g) of the Federal Property and Administrative Services Act of 1949 (41

36 USC note
prec. 101.

U.S.C. 253(g)). Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall not apply to such procurements.

(B) DEFINITION.—In this paragraph, the term “donated funds” means any funds of which 50 percent or more derive from funds donated to the Commission.

(c) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(d) REMAINING FUNDS.—Funds remaining upon the date of termination of the Commission shall be used to ensure the proper disposition of property donated to the Commission as specified in the final report required by section 9.

Deadline.
36 USC note
prec. 101.

SEC. 9. REPORTS.

(a) INTERIM REPORT.—Not later than February 15, 2001, the Commission shall prepare and submit to the President and Congress an interim report detailing the activities of the Commission, including an accounting of funds received and expended by the Commission, during the period beginning on the date of enactment of this Act and ending on December 31, 2000.

(b) FINAL REPORT.—Not later than February 15, 2002, the Commission shall submit to the President and to Congress a final report containing—

- (1) a summary of the activities of the Commission;
- (2) a final accounting of funds received and expended by the Commission;
- (3) the findings, conclusions, and recommendations of the Commission;
- (4) specific recommendations concerning the final disposition of historically significant items donated to the Commission under section 8(a), if any; and
- (5) any additional views of any member of the Commission concerning the Commission’s recommendations that such member requests to be included in the final report.

36 USC note
prec. 101.

SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Inspector General of the General Services Administration shall audit financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

Deadlines.

(b) AUDIT REPORTS.—Not later than March 15, 2001, the Inspector General of the General Services Administration shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted before January 1, 2001. Not later than March 15, 2002, such Inspector General shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted during the period beginning on January 1, 2001, and ending on December 31, 2001.

SEC. 11. TERMINATION.

The Commission and the Advisory Committee shall terminate not later than 60 days following submission of the final report required by section 9.

36 USC note
prec. 101.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$250,000 for fiscal year 2001.

36 USC note
prec. 101.

Approved December 19, 2000.

LEGISLATIVE HISTORY—S. 3137:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 25, considered and passed Senate.

Dec. 4, considered and passed House.



Public Law 106–551
106th Congress

An Act

Dec. 20, 2000
[H.R. 3514]

To amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

Chimpanzee
Health
Improvement,
Maintenance,
and Protection
Act.
42 USC 201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chimpanzee Health Improvement, Maintenance, and Protection Act”.

SEC. 2. ESTABLISHMENT OF NATIONAL SANCTUARY SYSTEM FOR FEDERALLY OWNED OR SUPPORTED CHIMPANZEES NO LONGER NEEDED FOR RESEARCH.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by inserting after section 481B the following section:

42 USC 287a-3a.

“SEC. 481C. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES.

“(a) IN GENERAL.—The Secretary shall provide for the establishment and operation in accordance with this section of a system to provide for the lifetime care of chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, and with respect to which it has been determined by the Secretary that the chimpanzees are not needed for such research (in this section referred to as ‘surplus chimpanzees’).

“(b) ADMINISTRATION OF SANCTUARY SYSTEM.—The Secretary shall carry out this section, including the establishment of regulations under subsection (d), in consultation with the board of directors of the nonprofit private entity that receives the contract under subsection (e) (relating to the operation of the sanctuary system).

“(c) ACCEPTANCE OF CHIMPANZEES INTO SYSTEM.—All surplus chimpanzees owned by the Federal Government shall be accepted into the sanctuary system. Subject to standards under subsection (d)(4), any chimpanzee that is not owned by the Federal Government can be accepted into the system if the owner transfers to the sanctuary system title to the chimpanzee.

“(d) STANDARDS FOR PERMANENT RETIREMENT OF SURPLUS CHIMPANZEES.—

Deadline.

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall by regulation establish standards for operating the sanctuary system

to provide for the permanent retirement of surplus chimpanzees. In establishing the standards, the Secretary shall consider the recommendations of the board of directors of the nonprofit private entity that receives the contract under subsection (e), and shall consider the recommendations of the National Research Council applicable to surplus chimpanzees that are made in the report published in 1997 and entitled ‘Chimpanzees in Research—Strategies for Their Ethical Care, Management, and Use’.

“(2) CHIMPANZEES ACCEPTED INTO SYSTEM.—With respect to chimpanzees that are accepted into the sanctuary system, standards under paragraph (1) shall include the following:

“(A) A prohibition that the chimpanzees may not be used for research, except as authorized under paragraph (3).

“(B) Provisions regarding the housing of the chimpanzees.

“(C) Provisions regarding the behavioral well-being of the chimpanzees.

“(D) A requirement that the chimpanzees be cared for in accordance with the Animal Welfare Act.

“(E) A requirement that the chimpanzees be prevented from breeding.

“(F) A requirement that complete histories be maintained on the health and use in research of the chimpanzees.

“(G) A requirement that the chimpanzees be monitored for the purpose of promptly detecting the presence in the chimpanzees of any condition that may be a threat to the public health or the health of other chimpanzees.

“(H) A requirement that chimpanzees posing such a threat be contained in accordance with applicable recommendations of the Director of the Centers for Disease Control and Prevention.

“(I) A prohibition that none of the chimpanzees may be subjected to euthanasia, except as in the best interests of the chimpanzee involved, as determined by the system and an attending veterinarian.

“(J) A prohibition that the chimpanzees may not be discharged from the system. If any chimpanzee is removed from a sanctuary facility for purposes of research authorized under paragraph (3)(A)(ii), the chimpanzee shall be returned immediately upon the completion of that research. All costs associated with the removal of the chimpanzee from the facility, with the care of the chimpanzee during such absence from the facility, and with the return of the chimpanzee to the facility shall be the responsibility of the entity that obtains approval under such paragraph regarding use of the chimpanzee and removes the chimpanzee from the sanctuary facility.

“(K) A provision that the Secretary may, in the discretion of the Secretary, accept into the system chimpanzees that are not surplus chimpanzees.

“(L) Such additional standards as the Secretary determines to be appropriate.

“(3) RESTRICTIONS REGARDING RESEARCH.—

“(A) IN GENERAL.—For purposes of paragraph (2)(A), standards under paragraph (1) shall provide that a chimpanzee accepted into the sanctuary system may not be used for studies or research, except as provided in clause (i) or (ii), as follows:

“(i) The chimpanzee may be used for noninvasive behavioral studies or medical studies based on information collected during the course of normal veterinary care that is provided for the benefit of the chimpanzee, provided that any such study involves minimal physical and mental harm, pain, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives.

“(ii) The chimpanzee may be used in research if—

“(I) the Secretary finds that there are special circumstances in which there is need for that individual, specific chimpanzee (based on that chimpanzee’s prior medical history, prior research protocols, and current status), and there is no chimpanzee with a similar history and current status that is reasonably available among chimpanzees that are not in the sanctuary system;

“(II) the Secretary finds that there are technological or medical advancements that were not available at the time the chimpanzee entered the sanctuary system, and that such advancements can and will be used in the research;

“(III) the Secretary finds that the research is essential to address an important public health need; and

“(IV) the design of the research involves minimal pain and physical harm to the chimpanzee, and otherwise minimizes mental harm, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives (including with respect to removal of the chimpanzee from the sanctuary facility involved).

“(B) APPROVAL OF RESEARCH DESIGN.—

“(i) EVALUATION BY SANCTUARY BOARD.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the board of directors of the nonprofit private entity that receives the contract under subsection (e) shall, after consultation with the head of the sanctuary facility in which the chimpanzee has been placed and with the attending veterinarian, evaluate whether the design of the research meets the conditions described in subparagraph (A)(ii)(IV) and shall submit to the Secretary the findings of the evaluation.

“(ii) ACCEPTANCE OF BOARD FINDINGS.—The Secretary shall accept the findings submitted to the Secretary under clause (i) by the board of directors referred to in such clause unless the Secretary makes a determination that the findings of the board are arbitrary or capricious.

“(iii) PUBLIC PARTICIPATION.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the proposal shall not be approved until—

“(I) the Secretary publishes in the Federal Register the proposed findings of the Secretary under such subparagraph, the findings of the evaluation by the board under clause (i) of this subparagraph, and the proposed evaluation by the Secretary under clause (ii) of this subparagraph; and

Federal Register, publication.

“(II) the Secretary seeks public comment for a period of not less than 60 days.

Deadline.

“(C) ADDITIONAL RESTRICTION.—For purposes of paragraph (2)(A), a condition for the use in studies or research of a chimpanzee accepted into the sanctuary system is (in addition to conditions under subparagraphs (A) and (B) of this paragraph) that the applicant for such use has not been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

“(4) NON-FEDERAL CHIMPANZEES OFFERED FOR ACCEPTANCE INTO SYSTEM.—With respect to a chimpanzee that is not owned by the Federal Government and is offered for acceptance into the sanctuary system, standards under paragraph (1) shall include the following:

“(A) A provision that the Secretary may authorize the imposition of a fee for accepting such chimpanzee into the system, except as follows:

“(i) Such a fee may not be imposed for accepting the chimpanzee if, on the day before the date of the enactment of this section, the chimpanzee was owned by the nonprofit private entity that receives the contract under subsection (e) or by any individual sanctuary facility receiving a subcontract or grant under subsection (e)(1).

“(ii) Such a fee may not be imposed for accepting the chimpanzee if the chimpanzee is owned by an entity that operates a primate center, and if the chimpanzee is housed in the primate center pursuant to the program for regional centers for research on primates that is carried out by the National Center for Research Resources.

Any fees collected under this subparagraph are available to the Secretary for the costs of operating the system. Any other fees received by the Secretary for the long-term care of chimpanzees (including any Federal fees that are collected for such purpose and are identified in the report under section 3 of the Chimpanzee Health Improvement, Maintenance, and Protection Act) are available for operating the system, in addition to availability for such other purposes as may be authorized for the use of the fees.

“(B) A provision that the Secretary may deny such chimpanzee acceptance into the system if the capacity of the system is not sufficient to accept the chimpanzee, taking into account the physical capacity of the system;

the financial resources of the system; the number of individuals serving as the staff of the system, including the number of professional staff; the necessity of providing for the safety of the staff and of the public; the necessity of caring for accepted chimpanzees in accordance with the standards under paragraph (1); and such other factors as may be appropriate.

“(C) A provision that the Secretary may deny such chimpanzee acceptance into the system if a complete history of the health and use in research of the chimpanzee is not available to the Secretary.

“(D) Such additional standards as the Secretary determines to be appropriate.

“(e) AWARD OF CONTRACT FOR OPERATION OF SYSTEM.—

“(1) IN GENERAL.—Subject to the availability of funds pursuant to subsection (g), the Secretary shall make an award of a contract to a nonprofit private entity under which the entity has the responsibility of operating (and establishing, as applicable) the sanctuary system and awarding subcontracts or grants to individual sanctuary facilities that meet the standards under subsection (d).

“(2) REQUIREMENTS.—The Secretary may make an award under paragraph (1) to a nonprofit private entity only if the entity meets the following requirements:

“(A) The entity has a governing board of directors that is composed and appointed in accordance with paragraph (3) and is satisfactory to the Secretary.

“(B) The terms of service for members of such board are in accordance with paragraph (3).

“(C) The members of the board serve without compensation. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the board.

“(D) The entity has an executive director meeting such requirements as the Secretary determines to be appropriate.

“(E) The entity makes the agreement described in paragraph (4) (relating to non-Federal contributions).

“(F) The entity agrees to comply with standards under subsection (d).

“(G) The entity agrees to make necropsy reports on chimpanzees in the sanctuary system available on a reasonable basis to persons who conduct biomedical or behavioral research, with priority given to such persons who are Federal employees or who receive financial support from the Federal Government for research.

“(H) Such other requirements as the Secretary determines to be appropriate.

“(3) BOARD OF DIRECTORS.—For purposes of subparagraphs (A) and (B) of paragraph (2):

“(A) The governing board of directors of the nonprofit private entity involved is composed and appointed in accordance with this paragraph if the following conditions are met:

“(i) Such board is composed of not more than 13 voting members.

“(ii) Such members include individuals with expertise and experience in the science of managing captive chimpanzees (including primate veterinary care), appointed from among individuals endorsed by organizations that represent individuals in such field.

“(iii) Such members include individuals with expertise and experience in the field of animal protection, appointed from among individuals endorsed by organizations that represent individuals in such field.

“(iv) Such members include individuals with expertise and experience in the zoological field (including behavioral primatology), appointed from among individuals endorsed by organizations that represent individuals in such field.

“(v) Such members include individuals with expertise and experience in the field of the business and management of nonprofit organizations, appointed from among individuals endorsed by organizations that represent individuals in such field.

“(vi) Such members include representatives from entities that provide accreditation in the field of laboratory animal medicine.

“(vii) Such members include individuals with expertise and experience in the field of containing biohazards.

“(viii) Such members include an additional member who serves as the chair of the board, appointed from among individuals who have been endorsed for purposes of clause (ii), (iii), (iv), or (v).

“(ix) None of the members of the board has been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

“(B) The terms of service for members of the board of directors are in accordance with this paragraph if the following conditions are met:

“(i) The term of the chair of the board is 3 years.

“(ii) The initial members of the board select, by a random method, one member from each of the six fields specified in subparagraph (A) to serve a term of 2 years and (in addition to the chair) one member from each of such fields to serve a term of 3 years.

“(iii) After the initial terms under clause (ii) expire, each member of the board (other than the chair) is appointed to serve a term of 2 years.

“(iv) An individual whose term of service expires may be reappointed to the board.

“(v) A vacancy in the membership of the board is filled in the manner in which the original appointment was made.

“(vi) If a member of the board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy is appointed for the remainder of the term of the predecessor member.

“(4) REQUIREMENT OF MATCHING FUNDS.—The agreement required in paragraph (2)(E) for a nonprofit private entity (relating to the award of the contract under paragraph (1))

is an agreement that, with respect to the costs to be incurred by the entity in establishing and operating the sanctuary system, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs, in cash or in kind, in an amount not less than the following, as applicable:

“(A) For expenses associated with establishing the sanctuary system (as determined by the Secretary), 10 percent of such costs (\$1 for each \$9 of Federal funds provided under the contract under paragraph (1)).

“(B) For expenses associated with operating the sanctuary system (as determined by the Secretary), 25 percent of such costs (\$1 for each \$3 of Federal funds provided under such contract).

Deadline.

“(5) ESTABLISHMENT OF CONTRACT ENTITY.—If the Secretary determines that an entity meeting the requirements of paragraph (2) does not exist, not later than 60 days after the date of the enactment of this section, the Secretary shall, for purposes of paragraph (1), make a grant for the establishment of such an entity, including paying the cost of incorporating the entity under the law of one of the States.

“(f) DEFINITIONS.—For purposes of this section:

“(1) PERMANENT RETIREMENT.—The term ‘permanent retirement’, with respect to a chimpanzee that has been accepted into the sanctuary system, means that under subsection (a) the system provides for the lifetime care of the chimpanzee, that under subsection (d)(2) the system does not permit the chimpanzee to be used in research (except as authorized under subsection (d)(3)) or to be euthanized (except as provided in subsection (d)(2)(I)), that under subsection (d)(2) the system will not discharge the chimpanzee from the system, and that under such subsection the system otherwise cares for the chimpanzee.

“(2) SANCTUARY SYSTEM.—The term ‘sanctuary system’ means the system described in subsection (a).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(4) SURPLUS CHIMPANZEES.—The term ‘surplus chimpanzees’ has the meaning given that term in subsection (a).

“(g) FUNDING.—

“(1) IN GENERAL.—Of the amount appropriated under this Act for fiscal year 2001 and each subsequent fiscal year, the Secretary, subject to paragraph (2), shall reserve a portion for purposes of the operation (and establishment, as applicable) of the sanctuary system and for purposes of paragraph (3), except that the Secretary may not for such purposes reserve any further funds from such amount after the aggregate total of the funds so reserved for such fiscal years reaches \$30,000,000. The purposes for which funds reserved under the preceding sentence may be expended include the construction and renovation of facilities for the sanctuary system.

“(2) LIMITATION.—Funds may not be reserved for a fiscal year under paragraph (1) unless the amount appropriated under this Act for such year equals or exceeds the amount appropriated under this Act for fiscal year 1999.

“(3) USE OF FUNDS FOR OTHER COMPLIANT FACILITIES.—With respect to amounts reserved under paragraph (1) for

a fiscal year, the Secretary may use a portion of such amounts to make awards of grants or contracts to public or private entities operating facilities that, as determined by the board of directors of the nonprofit private entity that receives the contract under subsection (e), provide for the retirement of chimpanzees in accordance with the same standards that apply to the sanctuary system pursuant to regulations under subsection (d). Such an award may be expended for the expenses of operating the facilities involved.”.

SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF CHIMPANZEES AND FUNDING FOR CARE OF CHIMPANZEES.

42 USC 287a-3a
note.

With respect to chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, the Secretary of Health and Human Services shall, not later than 365 days after the date of the enactment of this Act, submit to Congress a report providing the following information:

Deadline.

(1) The number of such chimpanzees in the United States, whether owned or held by the Federal Government, any of the States, or private entities.

(2) An identification of any requirement imposed by the Federal Government that, as a condition of the use of such a chimpanzee in research by a non-Federal entity—

(A) fees be paid by the entity to the Federal Government for the purpose of providing for the care of the chimpanzee (including any fees for long-term care); or

(B) funds be provided by the entity to a State, unit of local government, or private entity for an endowment or other financial account whose purpose is to provide for the care of the chimpanzee (including any funds provided for long-term care).

(3) An accounting for fiscal years 1999 and 2000 of all fees paid and funds provided by non-Federal entities pursuant to requirements described in subparagraphs (A) and (B) of paragraph (2).

(4) In the case of such fees, a specification of whether the fees were available to the Secretary (or other Federal officials) pursuant to annual appropriations Acts or pursuant to permanent appropriations.

Approved December 20, 2000.

LEGISLATIVE HISTORY—H.R. 3514 (S. 2725):

SENATE REPORTS: No. 106–494 accompanying S. 2725 (Comm. on Health, Education, Labor, and Pensions).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 24, considered and passed House.

Dec. 6, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Dec. 20, Presidential statement.



Public Law 106–552
106th Congress

An Act

To redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the “J.T. Weeker Service Center”.

Dec. 20, 2000
[H.R. 5016]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, and known as the Chicago International/Military Service Center, shall be known and designated as the “J.T. Weeker Service Center”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “J.T. Weeker Service Center”.

Approved December 20, 2000.

LEGISLATIVE HISTORY—H.R. 5016:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Dec. 14, considered and passed Senate.



***Public Law 106–553**
106th Congress

An Act

Dec. 21, 2000
 [H.R. 4942]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Incorporation by
 reference.

Repealed.

Publication.
 1 USC 112 note.

SECTION 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5547, as introduced on October 25, 2000.

(2) H.R. 5548, as introduced on October 25, 2000.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 4942 (S. 3041):

HOUSE REPORTS: Nos. 106–786 (Comm. on Appropriations) and 106–1005 (Comm. of Conference).

SENATE REPORTS: No. 106–409 accompanying S. 3041 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 26, Sept. 14, considered and passed House.

Sept. 27, considered and passed Senate, amended, in lieu of S. 3041.

Oct. 26, House agreed to conference report.

Oct. 27, Senate agreed to conference report.

***ENDNOTE:** The following appendixes were added pursuant to the provisions of section 1 of this Act. Appendix A was repealed and deemed never to have been enacted by section 406 of Public Law 106–554 (114 Stat. 2763A–189). Appendix B was recertified as an authentic copy of the bill.



TABLE OF CONTENTS

The table of contents is as follows:

APPENDIX A—H.R. 5547

APPENDIX B—H.R. 5548

[This appendix was repealed and deemed never to have been enacted by section 406 of Public Law 106–554, 114 Stat. 2763A–189]

APPENDIX A—H.R. 5547

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading “Federal Payment for Incentives for Adoption of Children” in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: “For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: *Provided*, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.”.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$1,250,000, of which \$250,000 shall be for payment to a mentoring program and for hotline services; \$250,000 shall be for payment to a youth development program with a character building curriculum; \$250,000 shall be for payment to a basic values training program; and \$500,000, to remain available

until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall.

FEDERAL PAYMENT FOR COMMERCIAL REVITALIZATION PROGRAM

For a Federal payment to the District of Columbia, \$1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: *Provided further*, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, \$500,000: *Provided*, That \$250,000 of said amount shall be used for a program to reduce school violence: *Provided further*, That \$250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

FEDERAL PAYMENT TO THE METROPOLITAN POLICE DEPARTMENT

For a Federal payment to the Metropolitan Police Department, \$100,000: *Provided*, That said funds shall be used to fund a youth safe haven police mini-station for mentoring high risk youth.

FEDERAL CONTRIBUTION TO COVENANT HOUSE WASHINGTON

For a Federal contribution to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, \$500,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided*

further, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$105,000,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$7,409,000; for the District of Columbia Superior Court, \$71,121,000; for the District of Columbia Court System, \$17,890,000; \$5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and \$3,325,000, including \$825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation, or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,387,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That, in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to

make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC-99-226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the House and Senate Appropriations Committees on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER
SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), \$112,527,000, of which \$67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$18,778,000 shall be transferred to the Public Defender Service; and \$26,228,000 shall be available to the Pretrial Services Agency: *Provided*, That of the amount provided under this heading, \$17,854,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and \$836,000 of the \$17,854,000 referred to in this proviso is for the Public Defender Service: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during

fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, \$1,000,000: *Provided*, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: *Provided further*, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

FEDERAL PAYMENT FOR PLAN TO SIMPLIFY EMPLOYEE COMPENSATION SYSTEMS

For a Federal payment to the Mayor of the District of Columbia for a contract for the study and development of a plan to simplify the compensation systems, schedules, and work rules applicable to employees of the District government, \$250,000: *Provided*, That under the terms of the contract the plan shall include (at a minimum) a review of the current compensation systems, schedules, and work rules applicable to such employees; a review of the best practices regarding the compensation systems, schedules, and work rules of State and local governments and other appropriate organizations; a proposal for simplifying the systems, schedules, and rules applicable to employees of the District government; and the development of strategies for implementing such proposal, including an identification of any statutory, contractual, or other barriers to implementing the proposal and an estimated time frame for implementing the proposal: *Provided further*, That under the terms of the contract the contractor shall submit the plan to the Mayor and to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That the Mayor shall develop a proposed solicitation for the contract not later than 90 days after the date of the enactment of this Act and shall submit a copy of the proposed solicitation to the Comptroller General for review at least 90 days prior to the issuance of such solicitation: *Provided further*, That not later than 45 days after receiving the proposed solicitation from the Mayor, the Comptroller General shall review the solicitation to ensure that it adequately addresses all of the necessary elements described under this heading and report to the Committees on Appropriations of the House

of Representatives and Senate on the results of this review: *Provided further*, That for purposes of this contract the term “District government” has the meaning given such term in section 305(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-393(5), D.C. Code), except that such term shall not include the courts of the District of Columbia and shall include the District of Columbia Financial Responsibility and Management Assistance Authority.

METRORAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority (WMATA), a contribution of \$25,000,000, to remain available until expended, to design and build a Metrorail station located at New York and Florida Avenues, Northeast: *Provided*, That prior to the release of said funds from the U.S. Treasury, the District of Columbia shall set aside an additional \$25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide \$25,000,000: *Provided further*, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, \$3,450,000 for environmental and infrastructure costs at Poplar Point: *Provided*, That of said amount, \$2,150,000 shall be available for environmental assessment, site remediation, and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: *Provided further*, That no more than \$1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: *Provided further*, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, \$5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CHILDREN’S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children’s National Medical Center in the District of Columbia, \$500,000 to be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia.

CHILD ADVOCACY CENTER

For a Federal contribution to the Child Advocacy Center for its Safe Shores program, \$500,000.

ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, \$1,000,000.

DISTRICT OF COLUMBIA SPECIAL OLYMPICS

For a Federal contribution to the District of Columbia Special Olympics, \$250,000.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 126 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$5,677,379,000 (of which \$172,607,000 shall be from intra-District funds and \$3,250,783,000 shall be from local funds): *Provided further*, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND
MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104-8), \$3,140,000: *Provided*, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia: *Provided further*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B-279095.2): *Provided further*, That none of the funds contained in this Act or any other funds available to the Authority

or any other entity of the District of Columbia government from any source (including any accounts of the Authority) may be used for any payments (including but not limited to severance or bonus payments, and payments under agreements in effect before the enactment of this Act) to any individual upon or following the individual's separation from employment with the Authority (other than a payment of the individual's regular salary for services performed prior to separation or a payment for unused annual leave accrued by the individual), except that an individual who is employed by the Authority during the entire period which begins on the date of the enactment of this Act and ends on September 30, 2001, may receive a severance payment after such date in an aggregate amount which does not exceed the product of 200 percent of the individual's average weekly salary during the final 12-month period (or portion thereof) during which the individual was employed by the Authority and the number of full years during which the individual was employed by the Authority.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$195,771,000 (including \$162,172,000 from local funds, \$20,424,000 from Federal funds, and \$13,175,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That \$303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: *Provided further*, That, effective September 30, 2000, section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1531) is amended by inserting “, to remain available until expended,” after “\$5,000,000”: *Provided further*, That not later than March 1, 2001, the Chief Financial Officer of the District of Columbia shall submit a study to the Committees on Appropriations of the House of Representatives and Senate on the merits and potential savings of privatizing the operation and administration of Saint Elizabeths Hospital.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$205,638,000 (including \$53,562,000 from local funds, \$92,378,000 from Federal funds, and \$59,698,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government \$762,546,000 (including \$591,565,000 from local funds, \$24,950,000 from Federal funds, and \$146,031,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation

to the Council for its review: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$998,918,000 (including \$824,867,000 from local funds, \$147,643,000 from Federal funds, and \$26,408,000 from other funds), to be allocated as follows: \$769,943,000 (including \$629,309,000 from local funds, \$133,490,000 from Federal funds, and \$7,144,000 from other funds), for the public schools of the District of Columbia; \$200,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$1,679,000 from local funds for the State Education Office, \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and \$105,000,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That the District of Columbia public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: *Provided further*, That the quarterly payment of October 15, 2000, shall be 50 percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31-2853.43(A)(2)(D); Public Law 104-134, as amended): *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,433,000 (including \$44,691,000 from local funds, \$13,199,000 from Federal funds, and \$18,543,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That \$200,000 is allocated for the East of the River Campus Assessment Study, \$1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis, \$500,000 for the Adult Education State Plan, \$650,000 for The Saturday Academy Pre-College Program, and \$481,000 for the Strengthening of Academic Programs; and \$26,459,000 (including \$25,208,000 from local funds, \$550,000 from Federal funds and \$701,000 other funds) for the Public Library: *Provided further*, That the \$1,020,000 enhancement shall be allocated such that \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000

for 13 FTEs for the continuation of the Homework Helpers Program, \$166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and \$119,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That \$2,204,000 (including \$1,780,000 from local funds, \$404,000 from Federal funds and \$20,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled “An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes”, approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That \$2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: *Provided further*, That \$50,000 is allocated to fund a conference on learning support for children ages 3-4 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: *Provided further*, That no local funds in this Act shall be used to administer a system-wide standardized test more than once in fiscal year 2001: *Provided further*, That no less than \$436,452,000 shall be expended on local schools through the Weighted Student Formula: *Provided further*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That the District of Columbia Public Schools shall spend \$250,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: *Provided further*, That the District of Columbia Public Schools shall spend \$250,000 to implement a Failure Free Reading program in the

District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2001, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2002: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2001, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2002.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, \$1,535,654,000 (including \$637,347,000 from local funds, \$881,589,000 from Federal funds, and \$16,718,000 from other funds): *Provided*, That \$25,836,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.): *Provided further*, That \$1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: \$250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and \$1,000,000 shall be paid in equal monthly installments by the fifteenth day of each month: *Provided further*, That \$400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That \$7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball

programs and baseball clinics: *Provided further*, That notwithstanding any other provision of law, to augment the District of Columbia subsidy for the District of Columbia Health and Hospitals Public Benefit Corporation, the District of Columbia may transfer from other non-Federal funds appropriated under this Act to the Human Support Services appropriation under this Act an amount not to exceed \$90,000,000 for the purpose of restructuring the delivery of health services in the District of Columbia: *Provided further*, That such restructuring shall be pursuant to a restructuring plan approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Board of Directors of the Public Benefit Corporation: *Provided further*, That—

(1) the restructuring plan reduces personnel levels of D.C. General Hospital and of the Public Benefit Corporation consistent with the reduction in force set forth in the August 25, 2000, resolution of the Board of Directors of the Public Benefit Corporation regarding personnel structure, by reducing personnel by at least 500 full-time equivalent employees, without replacement by contract personnel;

(2) no transferred funds are expended until 10 calendar days after the restructuring plan has received final approval and a copy evidencing final approval has been submitted by the Mayor to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate; and

(3) the plan includes a certification that the plan does not request and does not rely upon any current or future request for additional appropriation of Federal funds.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$278,242,000 (including \$265,078,000 from local funds, \$3,328,000 from Federal funds, and \$9,836,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$100,000 shall be available for a commercial sector recycling initiative, \$250,000 to initiate a recycling education campaign, \$10,000 for community clean-up kits, \$190,000 to restore a 3.5 percent vacancy rate in Parking Services, \$170,000 to plant 500 trees, \$118,000 for two water trucks, \$150,000 for contract monitors and parking analysts within Parking Services, \$1,409,000 for a neighborhood cleanup initiative, \$1,000,000 for tree maintenance, \$600,000 for an anti-graffiti program, \$226,000 for a hazardous waste program, \$1,260,000 for parking control aides, and \$400,000 for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$389,528,000 (including \$234,913,000

from local funds, \$135,555,000 from Federal funds, and \$19,060,000 from other funds).

RESERVE

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$150,000,000 from local funds: *Provided*, That none of these funds shall be obligated or expended under this heading until the emergency reserve fund established under this Act has been fully funded for fiscal year 2001 pursuant to section 450A of the District of Columbia Home Rule Act as set forth herein.

EMERGENCY RESERVE FUND

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, \$243,238,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance \$19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That \$2,000,000 is allocated to the Metropolitan Police Department, \$4,300,000 for the Fire and Emergency Medical Services Department, \$1,622,000 for the Public Library, \$2,010,000 for the Department of Parks and Recreation, \$7,500,000 for the Department of Public Works, and \$1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), \$5,961,000 from local funds, previously appropriated in this Act as a Federal payment, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,409,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, \$2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, \$13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Financing and Trust Fund Amendment Act of 2000, there is transferred the amount available pursuant thereto, but not to exceed \$61,406,000, to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code, sec. 6-135), to be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED COMPETITION)

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

MANAGEMENT REFORM SAVINGS

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

CAFETERIA PLAN SAVINGS

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of \$5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, \$275,705,000 from other funds (including \$230,614,000 for the Water and Sewer Authority and \$45,091,000 for the Washington Aqueduct) of which \$41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), \$223,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$10,968,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT
CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212 (D.C. Code, sec. 32-262.2), \$123,548,000, of which \$45,313,000 shall be derived by transfer from the general fund, and \$78,235,000 from other funds: *Provided*, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading until a restructuring plan for D.C. General Hospital has been approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the Authority, the Chief Financial Officer of the District of Columbia, and the Chair of the Board of Directors of the Corporation: *Provided further*, That for each payment or group of payments made by or on behalf of the Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter 13 of title 31, United States Code, or of any provision of this Act: *Provided further*, That more than one payment may be covered by the same affidavit under the previous proviso, but a single affidavit may not cover more than one week's worth of payments: *Provided further*, That it shall be unlawful for any person to order any other person to sign any affidavit required under this heading, or for any person to provide any signature required under this heading on such an affidavit by proxy or by machine, computer, or other facsimile device.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), \$1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund,
\$52,726,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,077,282,000 of which \$806,787,000 is from local funds, \$66,446,000 is from highway trust funds, and \$204,049,000 is from Federal funds, and a rescission of \$55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,022,074,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 104. (a) REQUIRING MAYOR TO MAINTAIN INDEX.—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in

the index specific information on any severance clause in effect under any such contract.

(b) PUBLIC INSPECTION.—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) CONTRACTS EXEMPTED.—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) DISTRICT GOVERNMENT DEFINED.—In this section, the term “District government” means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 105. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 106. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 107. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 108. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 109. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 110. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 111. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming of funds which transfers any local funds from one appropriation to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 2 percent of the local funds in the appropriation.

SEC. 112. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 113. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 114. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 115. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 116. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term “program, project, and activity” shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 117. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 118. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which

may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 119. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 120. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

“(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

“(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

“(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.”.

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31-2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking “AUTHORITY” and inserting “ELIGIBLE CHARTERING AUTHORITY”;

(B) in clause (i), by striking “Authority” and inserting “eligible chartering authority”; and

(C) by amending clause (ii) to read as follows:

“(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.”.

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31-2853.20, D.C. Code) is amended by adding at the end the following new subsection:

“(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with

respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRESCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31-2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

“(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.”.

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31-2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31-2853.13(h)(2), D.C. Code) is amended by striking “(17),”.

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.43, D.C. Code) is amended by adding at the end the following new subsection:

“(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.”.

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

“(e) PARTICIPATION IN GSA PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

“(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school’s authority under paragraph (1).”.

SEC. 121. REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND THE UNIVERSITY OF THE DISTRICT OF COLUMBIA. (a) The Superintendent of the District of Columbia Public Schools (DCPS) and the University of the District of Columbia (UDC) shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control

center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education;

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC

for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 122. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11-2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed \$2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

SEC. 123. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 124. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 125. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section

442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 126. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 127. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual

budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 128. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 129. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-625.7), is amended as follows:

(1) Subsection (a) is amended by striking "September 30, 2000" and inserting "September 30, 2000, and each subsequent fiscal year".

(2) Subsection (b) is amended by striking “Prior to February 1, 2000” and inserting “Prior to February 1 of each year”.

(3) Subsection (i) is amended by striking “March 1, 2000” and inserting “March 1 of each year”.

(4) Subsection (k) is amended by striking “September 1, 2000” and inserting “September 1 of each year”.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 130. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 131. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 132. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 133. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 134. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 135. Subsection 3(e) of Public Law 104-21 (D.C. Code sec. 7-134.2(e)) is amended to read as follows:

“(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1 thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31 thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next 5 fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.”.

SEC. 136. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), for all agencies of the District of Columbia government

for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 137. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 138. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District)

which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 139. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 140. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports

accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the tenth day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 141. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings, including managed competition, and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 142. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 143. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 144. Notwithstanding any other provision of law, the Mayor of the District of Columbia is hereby solely authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 145. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24-1232, D.C. Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

“(f) TREATMENT AS FEDERAL EMPLOYEES.—

“(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

“(A) Chapter 83 (relating to retirement).

“(B) Chapter 84 (relating to the Federal Employees' Retirement System).

“(C) Chapter 87 (relating to life insurance).

“(D) Chapter 89 (relating to health insurance).

“(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

“(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation,

August 5, 1997, or the date of appointment, whichever is later.

“(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

“(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

“(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

“(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 146. It is the sense of the Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 147. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 148. (a) Chapter 23 of title 11, District of Columbia, is hereby repealed.

(b) The table of chapters for title 11, District of Columbia, is amended by striking the item relating to chapter 23.

(c) The amendments made by this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 149. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals after the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 150. (a) Effective 120 days after the date of the enactment of this Act, it shall be unlawful for any person to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1,000 feet of a public or private elementary or secondary school (including a public charter school). It is stipulated that based on a survey by the Metropolitan Police Department of the District of Columbia that sites at 4th Street Northeast and Rhode Island Avenue Northeast, Southern Avenue Southeast and Central Avenue Southeast, 1st Street Southeast and M Street Southeast, 21st Street Northeast and H Street Northeast, Minnesota Avenue Northeast and Clay Place Northeast, and 15th Street Southeast and Ives Street Southeast are outside the 1,000-foot perimeter. Sites at North Capitol Street and New York Avenue Northeast, Division Avenue Northeast and Foote Street Northeast, Georgia Avenue Northwest and New Hampshire Avenue Northwest, and 15th Street Northeast and A Street Northeast are found to be within the 1,000-foot perimeter.

(b) The Public Housing Police of the District of Columbia Housing Authority shall prepare a monthly report on activity involving illegal drugs at or near any public housing site where a needle exchange program is conducted, and shall submit such reports to the Executive Director of the District of Columbia Housing Authority, who shall submit them to the Committees on Appropriations of the House of Representatives and Senate. The Executive Director shall ascertain any concerns of the residents of any public housing site about any needle exchange program conducted on or near the site, and this information shall be included in these reports. The District of Columbia Government shall take appropriate action to require relocation of any such program if so recommended by the police or by a significant number of residents of such site.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 151. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of \$100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

“SECTION 1. BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS.

“(a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

“(b) EXCEPTIONS.—

“(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

“(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

“(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

“(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

“(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed \$50.

“(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed \$100.

“(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.”.

(b) USE OF CONTRIBUTION.—The Metropolitan Police Department shall use the contribution made under subsection (a) to enforce the law referred to in such subsection.

SEC. 152. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 153. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

SEC. 154. (a) IN GENERAL.—The District of Columbia Home Rule Act, as amended by section 159(a) of this Act, is further amended by inserting after section 450A the following new section:

“COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

“SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

“(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

“(1) A cash management policy.

“(2) A debt management policy.

“(3) A financial asset management policy.

“(4) An emergency reserve management policy in accordance with section 450A(a).

“(5) A contingency reserve management policy in accordance with section 450A(b).

“(6) A policy for determining real property tax exemptions for the District of Columbia.

“(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall—

“(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) for review;

“(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia (Council) for approval; and

“(3) not later than September 1 of each year, notify the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council.

“(d) PROCEDURE FOR DEVELOPMENT OF FIRST COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—

“(1) CHIEF FINANCIAL OFFICER.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to this section.

“(2) COUNCIL.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council for its prompt review and adoption.

“(3) AUTHORITY.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately submit the policy to the Authority for a review of not to exceed 30 days.

“(4) CONGRESS.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review, and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.”.

(b) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450A the following new item:

“Sec. 450B. Comprehensive financial management policy.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

SEC. 155. (a) APPOINTMENT AND DISMISSAL.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47-317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: “Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect.”; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: “upon dismissal by the Mayor and approval of that dismissal by a $\frac{2}{3}$ vote of the Council. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.”.

(b) FUNCTIONS.—

(1) IN GENERAL.—Section 424(c) of such Act (sec. 47-317.3, D.C. Code) is amended—

(A) in the heading, by striking “DURING A CONTROL YEAR”;

(B) in the matter preceding paragraph (1), by striking “During a control year, the Chief Financial Officer” and inserting “The Chief Financial Officer”;

(C) in paragraph (1), by striking “Preparing” and inserting “During a control year, preparing”;

(D) in paragraph (3), by striking “Assuring” and inserting “During a control year, assuring”;

(E) in paragraph (5), by striking “With the approval” and all that follows through “the Council—” and inserting “Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—”;

(F) in paragraph (11), by striking “or the Authority” and inserting “(or by the Authority during a control year)”;

and

(G) by adding at the end the following new paragraphs:

“(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

“(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

“(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

“(21) Administering the centralized District government payroll and retirement systems.

“(22) Governing the accounting policies and systems applicable to the District government.

“(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

“(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).”.

(2) CONFORMING AMENDMENTS.—Section 424 of such Act (sec. 47–317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking “or subsection (d)”; and

and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 156. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code 1–601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

SEC. 157. (a) IN GENERAL.—Notwithstanding section 503 of Public Law 100–71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the “agency”) may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) EFFECTIVE PERIOD.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100–71 or 12 months after the date referred to in paragraph (1), whichever is later.

SEC. 158. Commencing October 1, 2000, the Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including

the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 159. (a) ESTABLISHMENT OF RESERVE FUNDS.—

(1) IN GENERAL.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

“RESERVE FUNDS

“SEC. 450A. (a) EMERGENCY RESERVE FUND.—

“(1) IN GENERAL.—There is established an emergency cash reserve fund (in this subsection referred to as the ‘emergency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

“(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

“(A) IN GENERAL.—The ‘minimum emergency reserve balance’ with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

“(i) For fiscal year 2001, 1 percent.

“(ii) For fiscal year 2002, 2 percent.

“(iii) For fiscal year 2003, 3 percent.

“(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

“(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve

fund which shall include (but which may not be limited to) the following requirements:

“(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) or unexpected obligations by Federal law.

“(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6-1504, D.C. Code).

“(C) The emergency reserve fund may not be used to fund—

“(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

“(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

“(iii) settlements and judgments made by or against the Government of the District of Columbia.

“(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

“(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

“(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

“(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

“(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated from local funds for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

“(b) CONTINGENCY RESERVE FUND.—

“(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the ‘contingency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

“(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

“(A) IN GENERAL.—The ‘minimum contingency reserve balance’ with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated from local funds for operating expenditures for such fiscal year which is derived from local funds.

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

“(i) For fiscal year 2005, 1 percent.

“(ii) For fiscal year 2006, 2 percent.

“(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

“(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

“(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

“(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

“(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

“(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

“(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated from local funds for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

“(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.”.

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

“Sec. 450A. Reserve funds.”.

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-392.2(j), D.C. Code) is amended—

(A) in paragraph (1), by striking “Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act” and inserting “For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year”; and

(B) by adding at the end the following new paragraph:

“(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the \$150,000,000 balance.”.

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47-392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

TREATMENT OF REVENUE BONDS SECURED BY TOBACCO SETTLEMENT PAYMENTS

SEC. 160. (a) PERMITTING COUNCIL TO DELEGATE AUTHORITY TO ISSUE BONDS.—

(1) IN GENERAL.—Section 490 of the District of Columbia Home Rule Act (sec. 47-334, D.C. Code) is amended—

(A) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(B) by inserting after subsection (h) the following new subsection:

“(i)(1) The Council may delegate to the District of Columbia Tobacco Settlement Financing Corporation (hereafter in this subsection referred to as the “Corporation”) established pursuant to the Tobacco Settlement Financing Act of 2000 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations which are used to borrow money to finance or assist in the financing or refinancing of capital projects and other undertakings of the District of Columbia and which are payable solely from and secured by payments under the Master Tobacco Settlement Agreement. The Corporation may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection and the provisions of the Tobacco Settlement Financing Act of 2000.

“(2) Revenue bonds, notes, and other obligations issued by the Corporation under a delegation of authority described in paragraph (1) shall be issued by resolution of the Corporation, and any such resolution shall not be considered to be an act of the Council.

“(3) The fourth sentence of section 446 shall not apply to—

“(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

“(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

“(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

“(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

“(4) In this subsection, the term ‘Master Tobacco Settlement Agreement’ means the settlement agreement (and related documents), as may be amended from time to time, entered into on November 23, 1998, by the District of Columbia and leading United States tobacco product manufacturers.”.

(2) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 47-304, D.C. Code) is amended by striking “and (h)(3)” and inserting “(h)(3), and (i)(3)”.

(b) WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR TOBACCO SETTLEMENT FINANCING ACT.—Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Tobacco Settlement Financing Act of 2000 (title XXXVII of D.C. Act 13-375, as amended by section 8(e) of D.C. Act 13-387) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 161. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended—

(1) by amending the second sentence of paragraph (2)(B) to read as follows: “Of such amounts and proceeds, \$5,000,000 shall be set aside for a credit enhancement fund for public

charter schools in the District of Columbia, to be administered and disbursed in accordance with paragraph (3).”; and

(2) by adding at the end the following new paragraph:

“(3) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

“(A) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

“(i) 50 percent shall be used to make grants under subparagraph (B); and

“(ii) 50 percent shall be used to make grants under subparagraph (C).

“(B) GRANTS TO ELIGIBLE NONPROFIT CORPORATIONS.—

“(i) IN GENERAL.—Using the amounts described in subparagraph (A)(i), not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001, the Mayor of the District of Columbia shall make and disburse grants to eligible nonprofit corporations to carry out the purposes described in subparagraph (E).

“(ii) ADMINISTRATION.—The Mayor shall administer the program of grants under this subparagraph, except that if the committee described in subparagraph (C)(iii) is in operation and is fully functional prior to the date the Mayor makes the grants, the Mayor may delegate the administration of the program to the committee.

“(C) OTHER GRANTS.—

“(i) IN GENERAL.—Using the amounts described in subparagraph (A)(ii), the Mayor of the District of Columbia shall make grants to entities to carry out the purposes described in subparagraph (E).

“(ii) PARTICIPATION OF SCHOOLS.—A public charter school in the District of Columbia may receive a grant under this subparagraph to carry out the purposes described in subparagraph (E) in the same manner as other entities receiving grants to carry out such activities.

“(iii) ADMINISTRATION THROUGH COMMITTEE.—The Mayor shall carry out this subparagraph through the committee appointed by the Mayor under the second sentence of paragraph (2)(B) (as in effect prior to the enactment of the District of Columbia Appropriations Act, 2001). The committee may enter into an agreement with a third party to carry out its responsibilities under this subparagraph.

“(iv) CAP ON ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds available for grants under this subparagraph may be used to cover the administrative costs of making grants under this subparagraph.

“(D) SPECIAL RULE REGARDING ELIGIBILITY OF NONPROFIT CORPORATIONS.—In order to be eligible to receive a grant under this paragraph, a nonprofit corporation must provide appropriate certification to the Mayor or to the committee described in subparagraph (C)(iii) (as the case may be) that it is duly authorized by two or more public

charter schools in the District of Columbia to act on their behalf in obtaining financing (or in assisting them in obtaining financing) to cover the costs of activities described in subparagraph (E)(i).

“(E) PURPOSES OF GRANTS.—

“(i) IN GENERAL.—The recipient of a grant under this paragraph shall use the funds provided under the grant to carry out activities to assist public charter schools in the District of Columbia in—

“(I) obtaining financing to acquire interests in real property (including by purchase, lease, or donation), including financing to cover planning, development, and other incidental costs;

“(II) obtaining financing for construction of facilities or the renovation, repair, or alteration of existing property or facilities (including the purchase or replacement of fixtures and equipment), including financing to cover planning, development, and other incidental costs; and

“(III) enhancing the availability of loans (including mortgages) and bonds.

“(ii) NO DIRECT FUNDING FOR SCHOOLS.—Funds provided under a grant under this subparagraph may not be used by a recipient to make direct loans or grants to public charter schools.”.

SEC. 162. (a) EXCLUSIVE AUTHORITY OF MAYOR.—Notwithstanding section 451 of the District of Columbia Home Rule Act or any other provision of District of Columbia or Federal law to the contrary, the Mayor of the District of Columbia shall have the exclusive authority to approve and execute leases of the Washington Marina and the Washington municipal fish wharf with the existing lessees thereof for an initial term of 30 years, together with such other terms and conditions (including renewal options) as the Mayor deems appropriate.

(b) DEFINITIONS.—In this section—

(1) the term “Washington Marina” means the portions of Federal property in the Southwest quadrant of the District of Columbia within Lot 848 in Square 473, the unassessed Federal real property adjacent to Lot 848 in Square 473, and riparian rights appurtenant thereto; and

(2) the term “Washington municipal fish wharf” means the water frontage on the Potomac River lying south of Water Street between 11th and 12th Streets, including the buildings and wharves thereon.

SEC. 163. Section 11201(g)(4)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)(4)(A)) is amended—

(1) by redesignating clauses (vi) through (ix) as clauses (vii) through (x), respectively; and

(2) by inserting after clause (v) the following:

“(vi) immediately upon completing the remediation required under clause (ii) (but in no event later than June 1, 2003), transfer any property located south of Silverbrooke Road which is identified for use for educational purposes in the Fairfax County reuse plan to the County, without consideration, subject to the

condition that the County use the property only for educational purposes;”.

SEC. 164. (a) Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1-1182.8(a), D.C. Code) is amended—

(1) in paragraph (4)(A), by striking “the same auditor” and inserting “the same auditor, except as may be provided in paragraph (5)); and

(2) by adding at the end the following new paragraph: “(5) Notwithstanding paragraph (4)(A), an auditor who is a subcontractor to the auditor who audited the financial statement and report described in paragraph (3)(H) for a fiscal year may audit the financial statement and report for any succeeding fiscal year (as either the prime auditor or as a subcontractor to another auditor) if—

“(A) such subcontractor is not a signatory to the statement and report for the previous fiscal year;

“(B) the prime auditor reviewed and approved the work of the subcontractor on the statement and report for the previous fiscal year; and

“(C) the subcontractor is not an employee of the prime contractor or of an entity owned, managed, or controlled by the prime contractor.”.

(b) The amendment made by subsection (a) shall apply with respect to financial statements and reports for activities of the District of Columbia Government for fiscal years beginning with fiscal year 2001.

SEC. 165. Section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)) is amended by adding at the end the following new paragraph:

“(6) MEADOWOOD FARM LAND EXCHANGE.—

“(A) IN GENERAL.—If, not later than January 15, 2001, Fairfax County, Virginia, agrees to convey fee simple title to the property on Mason Neck in excess of 800 acres depicted on the map dated June 2000, on file in the Office of the Director of the Bureau of Land Management, Eastern States (hereafter in this paragraph referred to as ‘Meadowood Farm’) to the Secretary of the Interior, then the Administrator of General Services shall agree to convey to Fairfax County, Virginia, fee simple title to the property located at the Lorton Correctional Complex north of Silverbrook Road, and consisting of more than 200 acres identified in the Fairfax County Reuse Plan, dated July 26, 1999, as land available for residential development in Land Units 1 and 2 (hereafter in this paragraph referred to as the ‘Laurel Hill Residential Land’), the actual exchange to occur no later than December 31, 2001.

“(B) TERMS AND CONDITIONS.—(i) When Fairfax County transfers fee simple title to Meadowood Farm to the Secretary of the Interior, the Administrator of General Services shall simultaneously transfer to the County the Laurel Hill Residential Land.

“(ii) The transfer of property to Fairfax County, Virginia, under clause (i) shall be subject to such terms and conditions that the Administrator of General Services

considers to be appropriate to protect the interests of the United States.

“(iii) Any proceeds derived from the sale of the Laurel Hill Residential Land by Fairfax County that exceed the County’s cost of acquiring, financing (which shall be deemed a County cost from the time of financing of the Meadowood Farm acquisition to the receipt of proceeds of the sale or sales of the Laurel Hill Residential Land until such time as the proceeds of such sale or sales exceed the acquisition and financing costs of Meadowood Farm to the County), preparing, and conveying Meadowood Farm and costs incurred for improving, preparing, and conveying the Laurel Hill Residential Land shall be remitted to the United States and deposited into the special fund established pursuant to paragraph (4)(A)(viii).

“(C) MANAGEMENT OF PROPERTY.—The property transferred to the Secretary of the Interior under this section shall be managed by the Bureau of Land Management for public use and recreation purposes.”.

SEC. 166. Section 158(b) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1527) is amended to read as follows:

“(b) SOURCE OF FUNDS; TRANSFER.—An amount not to exceed \$5,000,000 from the National Highway System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a).”.

This Act may be cited as the “District of Columbia Appropriations Act, 2001”.

[This appendix was recertified as an authentic copy of the bill]

APPENDIX B—H.R. 5548

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$88,713,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2000: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$15,915,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$205,000,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$5,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), \$201,420,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$161,062,000.

DETENTION TRUSTEE

For necessary expenses to establish a Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, \$1,000,000: *Provided*, That the Trustee shall be responsible for construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$41,575,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease,

maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$8,855,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$535,771,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, \$18,877,000 shall remain available until expended only for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, and offices funded through “Salaries and Expenses”, General Administration: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$95,838,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$95,838,000 of offsetting collections derived from fees collected in fiscal year 2001 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than \$0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,250,382,000; of which not to exceed \$2,500,000 shall be available until September 30, 2002, for: (1) training personnel

in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That the fourth proviso under the heading “Salaries and Expenses, United States Attorneys” in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113 shall apply to amounts made available under this heading for fiscal year 2001: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,439 positions and 9,557 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$125,997,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$125,997,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the Fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,107,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$572,695,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 3,947 positions and 3,895 full-time equivalent

workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, \$18,128,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 10 years.

In addition, \$13,500,000, to remain available until expended, shall be available only for the purchase of two Sabreliner-class aircraft.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$597,402,000, to remain available until expended: *Provided*, That hereafter amounts appropriated for Federal Prisoner Detention shall be available to reimburse the Federal Bureau of Prisons for salaries and expenses of transporting, guarding and providing medical care outside of Federal penal and correctional institutions to prisoners awaiting trial or sentencing.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$125,573,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may

be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$8,475,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act as in effect on June 1, 2000, \$10,800,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$325,898,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to

the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$3,235,600,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2002; of which not less than \$437,650,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 25,569 positions and 25,142 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$16,687,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and

training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$1,363,309,000; of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2002; of which not to exceed \$50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,520 positions and 7,412 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 passenger motor vehicles, of which 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, \$2,547,057,000; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training, and \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall

be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 19,783 positions and 19,191 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM
DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading “Enforcement and Border Affairs”, \$578,819,000, of which not to exceed \$400,000 for research shall remain available until expended: *Provided*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading “Enforcement and Border Affairs” between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading “Enforcement and Border Affairs” for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and \$4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2001: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,100 positions and 3,150 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That, notwithstanding any other provision

of law, during fiscal year 2001, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$133,302,000, to remain available until expended: *Provided*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 707, of which 600 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,476,889,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$90,000,000 shall remain available for necessary operations until September 30, 2002: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$835,660,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to “Buildings and Facilities” in this or any other Act may be transferred to “Salaries and Expenses”, Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation’s current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (“the 1968 Act”), and the Missing Children’s Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$197,239,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus

Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 821 and 822 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, \$220,980,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (“the 1968 Act”); and the Victims of Child Abuse Act of 1990, as amended (“the 1990 Act”), \$2,848,929,000 (including amounts for administrative costs, which shall be transferred to and merged with the “Justice Assistance” account), to remain available until expended as follows:

(1) \$523,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a “State”, the Commonwealth of Puerto Rico shall be considered a “unit of local government” as well as a “State”, for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) \$60,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) \$20,000,000 shall be available to carry out section 102(2) of H.R. 728;

(2) \$400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) \$686,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which:

(a) \$165,000,000 shall be available for payments to States for incarceration of criminal aliens,

(b) \$35,000,000 shall be available for the Cooperative Agreement Program,

(c) \$34,000,000 shall be reserved by the Attorney General for fiscal year 2001 under section 20109(a) of subtitle A of title II of the 1994 Act, and

(d) \$2,000,000 shall be for the review of State environmental impact statements;

(4) \$8,000,000 for the Tribal Courts Initiative;

(5) \$569,050,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which \$69,050,000 shall be for discretionary

grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) \$11,500,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(7) \$2,000,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(8) \$210,179,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) \$31,625,000 shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence,

(b) \$5,200,000 shall be for the National Institute of Justice for research and evaluation of violence against women,

(c) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended, and

(d) \$11,000,000 shall be used exclusively for violence on college campuses;

(9) \$34,000,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(10) \$25,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(11) \$5,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(12) \$1,000,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(13) \$63,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act;

(14) \$5,000,000 for demonstration grants on alcohol and crime in Indian Country;

(15) \$900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(16) \$50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(17) \$1,500,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(18) \$2,000,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(19) \$250,000,000 for Juvenile Accountability Incentive Block Grants (of which \$500,000 shall be used to construct a treatment and security facility for mid-risk youth in Southwest Colorado) except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but

all references in such provisions to 1998 shall be deemed to refer instead to 2001, and Guam shall be considered a “State” for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(20) \$1,300,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act: *Provided further*, That funds made available in fiscal year 2001 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service: *Provided further*, That balances for these programs may be transferred from the Violent Crime Reduction Programs, State and Local Law Enforcement Assistance account to this account.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement “Weed and Seed” program activities, \$34,000,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in “Weed and Seed” designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the “Weed and Seed” program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for “Weed and Seed” program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of “Weed and Seed” program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 (“the 1994 Act”) (including administrative costs), \$1,032,325,000, to remain available until expended; of which \$130,000,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which \$17,500,000 is for the National Institute of Justice to develop school safety technologies, and of which \$30,000,000 shall be for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as

well as for improvements to the State and local forensic laboratory general forensic science capabilities to reduce States' DNA convicted offender sample backlog and for awards to State, local, and private laboratories; of which \$566,825,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which \$180,000,000 shall be available for school resource officers, of which \$35,000,000 shall be used to improve tribal law enforcement including equipment and training, of which \$25,500,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, of which \$29,500,000 shall be used for Police Corps education, training, and service as set forth in sections 200101-200113 of the 1994 Act, and of which \$15,000,000 shall be used to combat violence in schools; of which \$140,000,000 shall be used for a law enforcement technology program; of which \$48,500,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots"; of which \$75,000,000 shall be for grants to States and units of local government for a Community Prosecution Program in areas of high gun-related violent crime to address gun-related violence and violations of gun statutes in cases involving drug-trafficking or gang-related crime; of which \$25,000,000 shall be used for the Community Prosecutors program; of which \$17,000,000 shall be for a police integrity program; and of which \$30,000,000 shall be for an offender re-entry program: *Provided*, That of the amount provided for Public Safety and Community Policing Grants, not to exceed \$31,825,000 shall be expended for program management and administration: *Provided further*, That of the unobligated balances available in this program, \$5,000,000 shall be available to improve tribal law enforcement including equipment and training: *Provided further*, That no funds that become available as a result of deobligations from prior year balances, excluding those for program management and administration, may be obligated except in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$279,097,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) notwithstanding any other provision of law, \$6,847,000 shall be available for expenses authorized by part A of title II of the Act, \$89,000,000 shall be available for expenses authorized by part B of title II of the Act, and \$50,250,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That \$26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$12,000,000 shall

be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$16,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which \$15,000,000 shall be available for the Safe Schools Initiative: *Provided further*, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, \$11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$8,500,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$2,400,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Hereafter, authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the effective date of a subsequent Department of Justice Appropriation Authorization Act.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 108(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) shall apply for fiscal year 2001 and thereafter.

SEC. 109. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31) shall apply for fiscal year 2001.

SEC. 110. Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208) is amended by inserting before the period at the end of the second sentence the following: “, except that, in the case of an alien admitted under section 101(a)(15)(J) of the Immigration and Nationality Act as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed \$35”.

SEC. 111. Section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) shall apply hereafter.

SEC. 112. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsections:

“(t) GENEALOGY FEE.—(1) There is hereby established the Genealogy Fee for providing genealogy research and information services. This fee shall be deposited as offsetting collections into the Examinations Fee Account. Fees for such research and information services may be set at a level that will ensure the recovery of the full costs of providing all such services.

“(2) The Attorney General will prepare and submit annually to Congress statements of the financial condition of the Genealogy Fee.

“(3) Any officer or employee of the Immigration and Naturalization Service shall collect fees prescribed under regulation before disseminating any requested genealogical information.

“(u) PREMIUM FEE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS.—The Attorney General is authorized to establish and collect a premium fee for employment-based petitions and applications. This fee shall be used to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes. For approval of the benefit applied for, the petitioner/applicant must meet the legal criteria for such benefit. This fee shall be set at \$1,000, shall be paid in addition to any normal petition/application fee that may be applicable, and shall be deposited as offsetting collections in the Immigration Examinations Fee Account. The Attorney General may adjust this fee according to the Consumer Price Index.”.

SEC. 114. Section 1402(d)(3) of Public Law 98-473 is amended by inserting “and the Federal Bureau of Investigation” after “United States Attorneys Offices”.

SEC. 115. Beginning in fiscal year 2001 and thereafter, funds appropriated to the Federal Prison System may be used to place in privately operated prisons only such persons sentenced to incarceration under the District of Columbia Code as the Director, Bureau of Prisons, may determine to be appropriate for such placement consistent with Federal classification standards, after consideration of all relevant factors, including the threat of danger to public safety.

SEC. 116. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 117. Of the discretionary funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in fiscal year 2000, \$2,000,000 shall be transferred to the Violent Offender Incarceration and Truth In Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act.

SEC. 118. Notwithstanding any other provision of law, for fiscal 2001 and hereafter, with respect to any grant program for which amounts are made available under this title, no grant funds may be made available to any local jail that runs “pay-to-stay programs.”.

SEC. 119. Notwithstanding any other provision of law, including section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), the Attorney General hereafter may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis.

This title may be cited as the “Department of Justice Appropriations Act, 2001”.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$29,517,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$48,100,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and

3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines and teletype equipment, \$337,444,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That \$64,747,000 shall be for Trade Development, \$25,555,000 shall be for Market Access and Compliance, \$40,645,000 shall be for the Import Administration, \$194,638,000 shall be for the United States and Foreign Commercial Service, and \$11,859,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$64,854,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these

activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$411,879,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$28,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$27,314,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$53,745,000, to remain available until September 30, 2002.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$157,227,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, \$130,898,000 to remain available until expended: *Provided*, That, of the total amount available for the decennial census (\$130,898,000 in new appropriations and \$260,000,000 in unobligated balances

from prior years), \$24,055,000 is for Program Development and Management; \$55,096,000 is for Data Content and Products; \$122,000,000 is for Field Data Collection and Support Systems; \$1,500,000 is for Address List Development; \$115,038,000 is for Automated Data Processing and Telecommunications Support; \$55,000,000 is for Testing and Evaluation; \$5,512,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; \$9,197,000 is for Marketing, Communications and Partnership activities; and \$3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105-119.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$145,508,000, to remain available until expended: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$11,437,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,500,000, to remain available until

expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$45,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be: *Provided further*, That the Administrator shall, after consultation with other federal departments and agencies responsible for regulating the core operations of entities engaged in the provision of energy, water and railroad services, complete and submit to Congress, not later than twelve months after date of enactment of this subsection, a study of the current and future use of spectrum by these entities to protect and maintain the nation's critical infrastructure: *Provided further*, That within six months after the release of this study, the Chairman of the Federal Communications Commission shall submit a report to Congress on the actions that could be taken by the Commission to address any needs identified in the Administrator's study.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, \$783,843,000, to remain available until expended: *Provided*, That of this amount, \$783,843,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting

collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2001, should the total amount of offsetting fee collections be less than \$783,843,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of \$783,843,000 in fiscal year 2001 shall not be available for obligation: *Provided further*, That not to exceed \$254,889,000 from fees collected in fiscal years 1999 and 2000 shall be made available for obligation in fiscal year 2001.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,080,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$312,617,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the “Working Capital Fund”.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$105,137,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$145,700,000, to remain available until expended, of which not to exceed \$60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$34,879,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including

maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$1,869,170,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled “Promote and Develop Fishery Products and Research Pertaining to American Fisheries”: *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: *Provided further*, That not to exceed \$31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman’s Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING
TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$682,899,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the “Operations, Research, and Facilities” account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That none of the funds provided in this Act or any other Act under the heading “National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction” shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

COASTAL AND OCEAN ACTIVITIES

In addition, for coastal and ocean activities, \$420,000,000, to remain available until expended, of which \$135,000,000 is for ocean, coastal and waterway conservation programs; of which \$135,000,000 is for National Oceanic and Atmospheric Administration programs; and of which \$150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Lands Act as authorized by section 903 of this Act: *Provided*, That of the funds provided under this heading for ocean and coastal conservation programs, \$10,000,000 is available for implementation of State nonpoint pollution control plans established pursuant to section 6217 of the Coastal Zone Management Act of 1972, as amended by Public Law 101-508, other than in non-contiguous States except Hawaii; \$30,000,000 is for competitive grants for community-based coastal restoration activities in the Great Lakes region; \$14,000,000 is for the University of New Hampshire, Building and Pier; \$1,000,000 is for the Sea Coast Science Center; \$3,000,000 is for the Great Bay Partnership; \$1,000,000 is for the New Hampshire Department of Environmental Services Marsh Restoration initiative; \$1,000,000 is for the Mississippi Laboratories at Pascagoula; \$8,000,000 is for the ACE Basin NERRS Research Center construction; \$4,000,000 is for Kachamek Bay NERRS research center construction; \$1,000,000 is for the Raritan, New Jersey, NERRS land acquisition; \$2,500,000 is for Winyah Bay land acquisition; \$2,000,000 is for ACE Basin Land Acquisition; \$10,000,000 is for a direct payment to the SeaLife Center; \$10,000,000 is for Dupage River restoration; \$1,000,000 is for Detroit River restoration; \$500,000 is for lower Rouge River restoration; \$8,500,000 is for Bronx River restoration and land acquisition; \$16,000,000 is for a grant for Eastern Kentucky Pride, Inc., of which \$11,000,000 is for design and construction of facilities for water protection and related environmental infrastructure; \$3,000,000 is for a grant to the Louisiana Department of Natural Resources for brown marsh research/mitigation and nutria control; \$2,000,000 is for land acquisition in southern Orange County, California for conservation of coastal sage scrub; \$3,000,000 is for planning, renovation and construction of facilities for a new national estuarine research reserve in San Francisco, California; \$2,000,000 is for a grant to the National Fish and Wildlife Foundation for species management and estuarine habitat conservation; and \$1,500,000 is for a grant to the Pinellas County Environmental Foundation for the Tampa Bay watershed for lower Rouge River restoration: *Provided further*, That of the funds provided for the National Oceanic and Atmospheric Administration programs, \$5,000,000 is for National Estuarine Research Reserves operations; \$12,000,000 is for Marine Sanctuaries operations; \$8,500,000 is for Coastal Zone Management Act grants; \$1,500,000 is for Program Administration; \$4,000,000 is for marine mammal strandings; \$25,000,000 is for protection of Coral Reefs; \$36,000,000 is for Pacific Coastal Salmon Recovery grants to States and tribes; \$6,000,000 is for fisheries habitat restoration; \$15,000,000 is for NOAA Cooperative Enforcement initiative; \$3,000,000 is for Atlantic Coast observers; \$3,000,000 is for Cooperative Research; \$3,000,000 is for Red Snapper research; \$3,000,000 is for Aquaculture; \$5,000,000 is for Harmful Algal Blooms research; \$2,000,000 is

for Ocean exploration initiative; and \$3,000,000 is for Marine Sanctuaries construction.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$54,000,000, subject to express authorization.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, \$20,000,000, of which \$10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and of which \$10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,200,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$288,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$35,920,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$20,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 208. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2001 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2001 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 209. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the “National Institute of Standards and Technology, Construction of Research Facilities”, \$4,000,000 is appropriated to the Institute at Saint Anselm College, \$4,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$3,000,000 is appropriated to the Thayer School of Engineering for the biocommodity and biomass research initiative, and \$3,000,000 is appropriated to establish the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies.

In addition, of the amounts for “National Oceanic and Atmospheric Administration, Procurement, Acquisition, and Construction”, \$5,000,000 shall be for a grant for Eastern Kentucky Pride, Inc., for design and construction of facilities for water protection and related environmental infrastructure.

SEC. 210. (a) The Secretary of Commerce shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in marine biology,

oceanography, or maritime archaeology, including the curation, preservation, and display of maritime artifacts, to be known as “Dr. Nancy Foster Scholarships”.

(b) The purpose of the Dr. Nancy Foster Scholarship Program is to recognize outstanding scholarship in marine biology, oceanography, or maritime archaeology, particularly by women and members of minority groups, and encourage independent graduate level research in such fields of study.

(c) Each Dr. Nancy Foster Scholarship award—

(1) shall be used to support a candidate’s graduate studies in marine biology, oceanography, or maritime archaeology at a sponsoring institution; and

(2) shall be made available to individual candidates in accordance with guidelines issued by the Secretary.

(d) The amount of each Dr. Nancy Foster Scholarship shall be provided directly to each recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by the sponsoring institution.

(e) The Secretary shall make 1 percent of the amount appropriated each fiscal year to carry out the National Marine Sanctuaries Act (46 U.S.C. 1431 et seq.) available for Dr. Nancy Foster Scholarships.

(f) Repayment of the award shall be made to the Secretary in the case of fraud or noncompliance.

This title may be cited as the “Department of Commerce and Related Agencies Appropriations Act, 2001”.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$37,591,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$17,930,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$12,456,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,359,725,000 (including the purchase of firearms and ammunition); of which not to exceed \$17,817,000 shall remain available until expended for space alteration projects; and of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,602,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d),

\$435,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$59,567,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$199,575,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,340,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, \$18,777,000; of which \$1,800,000 shall remain available through September 30, 2002, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,100,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$9,931,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will: (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b) of this section; (2) examine payment requests as necessary to ascertain whether they are in proper

form, certified, and approved; and (3) be held accountable as provided by law. However, a disbursing officer will not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b) of this section.

(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will be responsible and accountable for: (A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers; (B) the legality of the proposed payment under the appropriation or fund involved; and (C) the correctness of the computations of certified payment requests.

(2) The liability of a certifying officer will be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(c) A certifying or disbursing officer: (1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and (2) is entitled to relief from liability arising under this section as provided by law.

(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

(f) This section shall be effective for fiscal year 2001 and hereafter.

SEC. 305. DISTRICT JUDGES FOR THE DISTRICT COURTS. (a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the district of Arizona;

(2) 1 additional district judge for the southern district of Florida;

(3) 1 additional district judge for the eastern district of Kentucky;

(4) 1 additional district judge for the district of Nevada;

(5) 1 additional district judge for the district of New Mexico;

(6) 1 additional district judge for the district of South Carolina;

(7) 1 additional district judge for the southern district of Texas;

(8) 1 additional district judge for the western district of Texas;

(9) 1 additional district judge for the eastern district of Virginia; and

(10) 1 additional district judge for the eastern district of Wisconsin.

(b) TABLE.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judges authorized under subsection (a), such table is amended—

(1) in the item relating to the district of Arizona, by striking “11” and inserting “12”;

(2) in the item relating to the southern district of Florida, by striking “16” and inserting “17”;

(3) in the item relating to the eastern district of Kentucky, by striking “4” and inserting “5”;

(4) in the item relating to the district of Nevada, by striking “6” and inserting “7”;

(5) in the item relating to the district of New Mexico, by striking “5” and inserting “6”;

(6) in the item relating to the district of South Carolina, by striking “9” and inserting “10”;

(7) in the item relating to the southern district of Texas, by striking “18” and inserting “19”;

(8) in the item relating to the western district of Texas, by striking “10” and inserting “11”;

(9) in the item relating to the eastern district of Virginia, by striking “9” and inserting “10”; and

(10) in the item relating to the eastern district of Wisconsin, by striking “4” and inserting “5”.

(c) DESIGNATION OF JUDGE TO HOLD COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

SEC. 306. Section 332 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

“(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

“(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

“(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

“(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.”.

SEC. 307. Section 3102(a)(1) of title 5, United States Code, is amended—

- (1) in subparagraph (A) by striking “and”;
- (2) in subparagraph (B) by adding “and” after the semicolon; and
- (3) by adding at the end the following:
“(C) an office, agency, or other establishment in the judicial branch;”.

SEC. 308. (a) SUPREME COURT POLICE RETIREMENT.—

(1) SERVICE DEEMED TO BE SERVICE AS LAW ENFORCEMENT OFFICER.—Any period of service performed before the effective date of this section by an individual as a member of the Supreme Court Police, who is such a member on such date, shall be deemed to be service performed as a law enforcement officer for purposes of chapters 83 and 84 of title 5, United States Code. Notwithstanding any amendment made by this section, any period of service performed before the effective date of this section by an individual as a member of the Supreme Court Police, who is not such a member on such date, shall be employee service for purposes of chapters 83 and 84 of title 5, United States Code.

(2) CONTRIBUTIONS.—The Marshal of the Supreme Court of the United States shall pay an amount determined by the Office of Personnel Management equal to—

(A)(i) the difference between—

(I) the amount that was deducted and withheld from basic pay under chapters 83 and 84 of title 5, United States Code, for the period of service described in the first sentence of paragraph (1); and

(II) the amount that should have been deducted and withheld for such period of service, if it had instead been performed as a law enforcement officer; and

(ii) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under clause (i); and

(B) with respect to the period of service described in subparagraph (A), the difference between the Government contributions that were in fact made to the Civil Service Retirement and Disability Fund for such service, and the amount that would have been required if such service had instead been performed as a law enforcement officer, subject to subsection (f).

(3) DEPOSIT OF PAYMENTS.—Payments under paragraph (2) shall be paid from the salaries and expenses account from appropriations to the Supreme Court of the United States, including any prior year unobligated balances, and deposited in the Civil Service Retirement and Disability Fund.

(b) AMENDMENTS TO CHAPTER 83.—

(1) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1) by inserting “member of the Supreme Court Police,” after “member of the Capitol Police,”; and

(B) in subsection (c) in the item relating to law enforcement officers by inserting “, member of the Supreme Court Police for Supreme Court Police service,” after “law enforcement service”.

(2) MANDATORY SEPARATION.—(A) Section 8335 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

“(e) A member of the Supreme Court Police who is otherwise eligible for immediate retirement under section 8336(n) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Marshal of the Supreme Court of the United States, when in his judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Marshal shall notify the member in writing of the date of separation at least 60 days in advance thereof. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.”.

(B) Section 8335(f) of title 5, United States Code, as redesignated by subparagraph (A), is amended by striking “Police)” and inserting “Police or the Supreme Court Police)”.

(3) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended by redesignating subsection (n) as subsection (o) and inserting after subsection (m) the following:

“(n) A member of the Supreme Court Police who is separated from the service after becoming 50 years of age and completing 20 years of service as a member of the Supreme Court Police or as a law enforcement officer, or any combination of such service totaling at least 20 years, is entitled to an annuity.”.

(4) COMPUTATION.—Section 8339 of title 5, United States Code, is amended by redesignating subsection (r) as subsection (s) and inserting after subsection (q) the following:

“(r) The annuity of a member of the Supreme Court Police, or former member of the Supreme Court Police, retiring under this subchapter is computed in accordance with subsection (d).”.

(c) AMENDMENTS TO CHAPTER 84.—

(1) IMMEDIATE RETIREMENT.—Section 8412(d) of title 5, United States Code, is amended by inserting “or Supreme Court Police” after “Capitol Police” each place it appears.

(2) COMPUTATION OF BASIC ANNUITY.—Section 8415(g) of title 5, United States Code, is amended by inserting “member of the Supreme Court Police,” after “law enforcement officer,”.

(3) DEDUCTIONS FROM PAY.—Section 8422(a)(3) of title 5, United States Code, is amended in the item relating to law enforcement officers by inserting “member of the Supreme Court Police,” after “member of the Capitol Police,”.

(4) GOVERNMENT CONTRIBUTIONS.—Section 8423(a) of title 5, United States Code, is amended by inserting “members of the Supreme Court Police,” after “law enforcement officers,” each place it appears.

(5) MANDATORY SEPARATION.—(A) Section 8425 of title 5, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

“(d) A member of the Supreme Court Police who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which such member becomes 57 years of age or completes 20 years of service if then over that age. The Marshal of the Supreme Court

of the United States, when in his judgment the public interest so requires, may exempt such a member from automatic separation under this subsection until that member becomes 60 years of age. The Marshal shall notify the member in writing of the date of separation at least 60 days before the date. Action to separate the member is not effective, without the consent of the member, until the last day of the month in which the 60-day notice expires.”.

(B) Section 8425(e) of title 5, United States Code, as so redesignated, is amended by striking “Police)” and inserting “Police or Supreme Court Police)”.

(d) PAYMENTS FOR OTHER LIABILITY.—

(1) IN GENERAL.—The Marshal of the Supreme Court of the United States shall pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund resulting from the amendments related to the Civil Service Retirement System under this section, and for any estimated increase in the supplemental liability of the Fund resulting from the amendments related to the Federal Employees’ Retirement System under this section.

(2) INSTALLMENTS.—The amount determined under paragraph (1) shall be paid in 5 equal annual installments with interest computed at the rates used in the most recent valuation of the Federal Employees’ Retirement System.

(3) SOURCE OF FUNDS.—Payments under this subsection shall be made from amounts available from the salaries and expenses account from appropriations to the Supreme Court of the United States, including any prior year unobligated balances.

(e) NO MANDATORY SEPARATION FOR A 2-YEAR PERIOD.—Nothing in section 8335(e) or 8425(d) of title 5, United States Code, as added by this section, shall require the automatic separation of any member of the Supreme Court Police before the end of the 2-year period beginning on the effective date of this section.

(f) NONREDUCTION IN GOVERNMENT CONTRIBUTIONS.—Notwithstanding any other provision of this section, Government contributions to the Civil Service Retirement and Disability Fund on behalf of a member of the Supreme Court Police shall, with respect to any service performed during the period beginning on January 1, 1999, and ending on December 31, 2002, while subject to the Federal Employees’ Retirement System, be determined in the same way as if this section had never been enacted.

(g) SAVINGS PROVISION.—Nothing in this section or in any amendment made by this section shall, with respect to any service performed before the effective date of such amendment, have the effect of reducing the percentage applicable in computing any portion of an annuity based on service as a member of the Supreme Court Police below the percentage which would otherwise apply if this section had not been enacted.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 8337(a) of title 5, United States Code, is amended in the last sentence by striking “8339(a)–(e), (n), (q), or (r)” and inserting “8339(a) through (e), (n), (q), (r), or (s)”.

(2) Subsections (f) and (m) of section 8339 of title 5, United States Code, are each amended by striking “subsections (a)–

(e), (n), (q), and (r)” and inserting “subsections (a) through (e), (n), (q), (r), and (s)”.

(3) Section 8339(g) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking “subsections (a)–(c), (n), (q), or (r)” and inserting “subsections (a) through (c), (n), (q), (r), or (s)”; and

(B) in the matter following paragraph (2), by striking “(q), or (r)” each place it appears and inserting “(q), (r), or (s)”.

(4) Section 8339(i) of title 5, United States Code, is amended by striking “(a)–(h), (n), (q), and (r)” and inserting “(a)–(h), (n), (q), (r), or (s)”.

(5) Sections 8339(j), 8339(k)(1), and 8343a of title 5, United States Code, are each amended by striking “(a)–(i), (n), (q), and (r)” each place it appears and inserting “(a)–(i), (n), (q), (r), and (s)”.

(6) Section 8339(l) of title 5, United States Code, is amended by striking “(a)–(k), (n), (q), and (r)” and inserting “(a)–(k), (n), (q), (r), and (s)”.

(7) Subsections (b)(1) and (d) of section 8341 of title 5, United States Code, are each amended by striking “(q), and (r)” and inserting “(q), (r), and (s)”.

(8) Section 8344(a)(A) of title 5, United States Code, is amended by striking “(q), and (r)” and inserting “(q), (r), and (s)”.

(i) **APPLICABILITY.**—This section and the amendments made by this section shall apply only to an individual who is employed as a member of the Supreme Court Police after the later of October 1, 2000, or the date of enactment of this Act.

(j) **EFFECTIVE DATE.**—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect on the first day of the first applicable pay period that begins on the later of October 1, 2000, or the date of enactment of this Act.

SEC. 309. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2001, to receive a salary adjustment in accordance with 28 U.S.C. 461, only if for the purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), adjustments under section 5303 of title 5, United States Code, shall take effect in fiscal year 2001: *Provided*, That, if such adjustments take effect pursuant to this section, \$8,801,000 is appropriated for such adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as this “Judiciary Appropriations Act, 2001”.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$2,758,725,000: *Provided*, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, in fiscal year 2001, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: *Provided further*, That, of the amount made available under this heading, \$246,644,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, \$5,000,000 shall be available only for overseas continuing language education: *Provided further*, That of the amount made available under this heading, not to exceed \$1,400,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: *Provided further*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2001 and 2002, under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited in fiscal years 2001 and 2002 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: *Provided further*, That in fiscal year 2001 and thereafter reimbursements for services provided to the press in connection with the travel of senior-level officials may be collected and credited to this appropriation and shall remain available until expended: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: *Provided further*, That of

the amount made available under this heading, \$40,000,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which \$10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$20,000,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$410,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$97,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$28,490,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$231,587,000, to remain available until expended: *Provided*, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$6,499,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$15,467,000, to remain available until September 30, 2002: *Provided*, That, notwithstanding the limitations of 3 U.S.C. 202(10)

concerning 20 or more consulates, of the amount made available under this heading, \$5,000,000 shall be available only for the reimbursement of costs incurred by the City of Seattle, Washington.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, \$416,976,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$663,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$5,477,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$591,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$604,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$16,345,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$131,224,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress,

\$870,833,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That of the funds appropriated in this paragraph, \$100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2000 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000-2001 of \$2,535,700,000: *Provided further*, That if the Secretary of State is unable to make the aforementioned certification, the \$100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in Section 605 of this Act: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$846,000,000, of which 15 percent shall remain available until September 30, 2002: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES
AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$7,142,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$22,950,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$6,741,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$19,392,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$9,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2001, to remain

available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2001, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$13,500,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$30,999,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, \$398,971,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$22,095,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$20,358,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. (a) Section 1(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(a)(2)) is amended by striking “and the Deputy Secretary of State” and inserting “, the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources”.

(b) Section 5313 of title 5, United States Code, is amended by inserting “Deputy Secretary of State for Management and Resources.” after the item relating to the “Deputy Secretary of State”.

SEC. 405. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty,

resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

SEC. 406. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, Burkina Faso, the Democratic Republic of the Congo, or the Republic of Angola with the exception of diamonds certified by the lawful governments of the Republic of Sierra Leone, the Democratic Republic of the Congo, or the Republic of Angola.

SEC. 407. Section 37(a)(3) of the State Department Basic Authorities Act, as amended, (22 U.S.C. 2709) is amended by—

- (1) striking “and” at the end of subsection (a)(3)(C); and
- (2) by inserting at the end the following new subsections:

“(E) a departing Secretary of State for a period of up to 180 days after the date of termination of that individual’s incumbency as Secretary of State, on the basis of a threat assessment; and

“(F) an individual who has been designated by the President to serve as Secretary of State, prior to that individual’s appointment.”.

SEC. 408. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State, and for the American Section of the International Joint Commission in Public Law 106–246, may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956, as amended.

This title may be cited as the “Department of State and Related Agency Appropriations Act, 2001”.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$86,910,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$30,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such

loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,987,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$490,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,900,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to S. 2327 as passed the Senate, \$1,000,000, to remain available until expended: *Provided*, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,370,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S
REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$30,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$303,864,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$230,000,000, of which not to exceed \$300,000 shall remain available until September 30, 2002, for research and policy studies: *Provided*, That \$200,146,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at \$29,854,000: *Provided further*, That any offsetting

collections received in excess of \$200,146,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$15,500,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$145,254,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$145,254,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than \$0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$330,000,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$10,800,000 is for management and administration; and \$7,000,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, \$1,700,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$127,800,000 from fees collected in fiscal year 2001 to remain available until expended, and from fees collected in fiscal year 1999, \$295,000,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31

U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$331,635,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That \$88,000,000 shall be available to fund grants for performance in fiscal year 2001 or fiscal year 2002 as authorized by section 21 of the Small Business Act, as amended: *Provided further*, That, of the funds made available under this heading, \$4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c).

In addition, for the costs of programs related to the New Markets Venture Capital Program, \$37,000,000, of which \$7,000,000 shall be for BusinessLINC, and of which \$30,000,000 shall be for technical assistance: *Provided*, That the funds appropriated under this paragraph shall not be available for obligation until the New Markets Venture Capital Program is authorized by subsequent legislation.

In addition, to reimburse the Small Business Administration for qualified expenses of delinquent non-tax debt collection, to be derived from increased agency collections of delinquent debt, 5 percent of such collections but not to exceed \$3,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,953,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$2,250,000, to be available until expended; and for the cost of guaranteed loans, \$163,160,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2002: *Provided*, That of the total provided, \$22,000,000 shall be available only for the costs of guaranteed loans under the New Markets Venture Capital program and shall become available for obligation only upon authorization of such program by the enactment of subsequent legislation in fiscal year 2001: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$3,750,000,000: *Provided further*, That during fiscal year 2001, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed \$500,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$76,140,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$108,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$98,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), \$6,850,000, to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President’s military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2001.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings “Operations, Research, and Facilities” and “Procurement, Acquisition and Construction” may be used to implement sections 603, 604, and 605 of Public Law 102-567: *Provided*,

That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading “Office of Justice Programs—State and Local Law Enforcement Assistance”, not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) Subsection (a)(1) of section 616 of that Act, as amended, is further amended—

(1) by striking “and” after “Toussaint,”; and

(2) by inserting before the semicolon at the end of the subsection, “, Jean Leopold Dominique, Jean-Claude Louissaint, Legitime Athis and his wife, Christa Joseph Athis, Jean-Michel Olophene, Claudy Myrthil, Merilus Deus, and Ferdinand Dorvil”.

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2001.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$537,500,000 shall not be available for obligation until the following fiscal year.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or non-immigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 624. Beginning 60 days from the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides its advice and consent to the Memorandum of Understanding.

SEC. 625. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

SEC. 626. Title 18, section 4006(b)(1) is amended by inserting, “, the Federal Bureau of Investigation” after “United States Marshals Service”.

SEC. 627. Section 3022 of the 1999 Emergency Supplemental Appropriations Act (113 Stat. 100) is amended by striking “between the date of enactment of this Act and October 1, 2000,”.

SEC. 628. Section 623 of H.R. 3421 (the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (16 U.S.C. 3645)), as enacted into law by section 1000(a)(1) of Public Law 106-113 (113 Stat. 1535), is amended—

(a) in subsection (a)(1) by striking “The Northern Fund and Southern Fund shall each receive \$10,000,000 of the amounts authorized by this section.”;

(b) by striking subsection (d) and inserting in lieu thereof the following new subsection:

“(d)(1) PACIFIC SALMON TREATY.—

“(A) For capitalizing the Northern Fund there is authorized to be appropriated in fiscal years 2000, 2001, 2002, and 2003 a total of \$75,000,000.

“(B) For capitalizing the Southern Fund there is authorized to be appropriated in fiscal years 2000, 2001, 2002, and 2003 a total of \$65,000,000.

“(C) To provide economic adjustment assistance to fishermen pursuant to the 1999 Pacific Salmon Treaty Agreement, there is authorized to be appropriated in fiscal years 2000, 2001, and 2002 a total of \$30,000,000.

“(2) PACIFIC COASTAL SALMON RECOVERY.—

“(A) For salmon habitat restoration, salmon stock enhancement, and salmon research, including the construction of salmon research and related facilities, there is authorized to be appropriated for each of fiscal years 2000, 2001, 2002, and 2003, \$90,000,000 to the States of Alaska, Washington, Oregon, and California. Amounts appropriated pursuant to this subparagraph shall be made available as direct payments. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

“(B) For salmon habitat restoration, salmon stock enhancement, salmon research, and supplementation activities, there is authorized to be appropriated in each of fiscal years 2000, 2001, 2002, and 2003, \$10,000,000 to be divided between the Pacific Coastal tribes (as defined by the Secretary of Commerce) and the Columbia River tribes (as defined by the Secretary of Commerce).”.

SEC. 629. Section 3(3) of the Interstate Horseracing Act of 1978 (15 U.S.C. 3002(3)) is amended by inserting “and includes pari-mutuel wagers, where lawful in each State involved, placed or transmitted by an individual in one State via telephone or other electronic media and accepted by an off-track betting system in the same or another State, as well as the combination of any pari-mutuel wagering pools” after “another State”.

SEC. 630. (a) Section 7A(a) of the Clayton Act (15 U.S.C. 18a(a)) is amended to read as follows:

“(a) Except as exempted pursuant to subsection (c), no person shall acquire, directly or indirectly, any voting securities or assets of any other person, unless both persons (or in the case of a tender offer, the acquiring person) file notification pursuant to rules under subsection (d)(1) and the waiting period described in subsection (b)(1) has expired, if—

“(1) the acquiring person, or the person whose voting securities or assets are being acquired, is engaged in commerce or in any activity affecting commerce; and

“(2) as a result of such acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person—

“(A) in excess of \$200,000,000 (as adjusted and published for each fiscal year beginning after September 30, 2004, in the same manner as provided in section 8(a)(5) to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2003); or

“(B)(i) in excess of \$50,000,000 (as so adjusted and published) but not in excess of \$200,000,000 (as so adjusted and published); and

“(ii)(I) any voting securities or assets of a person engaged in manufacturing which has annual net sales or total assets of \$10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of \$100,000,000 (as so adjusted and published) or more;

“(II) any voting securities or assets of a person not engaged in manufacturing which has total assets of \$10,000,000 (as so adjusted and published) or more are being acquired by any person which has total assets or annual net sales of \$100,000,000 (as so adjusted and published) or more; or

“(III) any voting securities or assets of a person with annual net sales or total assets of \$100,000,000 (as so adjusted and published) or more are being acquired by any person with total assets or annual net sales of \$10,000,000 (as so adjusted and published) or more.

In the case of a tender offer, the person whose voting securities are sought to be acquired by a person required to file notification under this subsection shall file notification pursuant to rules under subsection (d).”.

(b) Section 605 of title VI of Public Law 101-162 (15 U.S.C. 18a note) is amended—

(1) by inserting “(a)” after “SEC. 605.”,

(2) in the 1st sentence—

(A) by striking “at \$45,000” and inserting “in subsection (b)”, and

(B) by striking “Hart-Scott-Rodino Antitrust Improvements Act of 1976” and inserting “section 7A of the Clayton Act”, and

(3) by adding at the end the following:

“(b) The filing fees referred to in subsection (a) are—

“(1) \$45,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is less than \$100,000,000 (as adjusted and published for each fiscal year beginning after September 30, 2004, in the same

manner as provided in section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) to reflect the percentage change in the gross national product for such fiscal year compared to the gross national product for the year ending September 30, 2003);

“(2) \$125,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$100,000,000 (as so adjusted and published) but less than \$500,000,000 (as so adjusted and published); and

“(3) \$280,000 if the aggregate total amount determined under section 7A(a)(2) of the Clayton Act (15 U.S.C. 18a(a)(2)) is not less than \$500,000,000 (as so adjusted and published).”,

(4) by striking “States.” and inserting “States”, and

(5) by adding a period at the end.

(c) Section 7A(e)(1) of the Clayton Act (15 U.S.C. 18a(e)(1)) is amended—

(1) by inserting “(A)” after “(1)”, and

(2) by inserting at the end the following:

“(B)(i) The Assistant Attorney General and the Federal Trade Commission shall each designate a senior official who does not have direct responsibility for the review of any enforcement recommendation under this section concerning the transaction at issue, to hear any petition filed by such person to determine—

“(I) whether the request for additional information or documentary material is unreasonably cumulative, unduly burdensome, or duplicative; or

“(II) whether the request for additional information or documentary material has been substantially complied with by the petitioning person.

“(ii) Internal review procedures for petitions filed pursuant to clause (i) shall include reasonable deadlines for expedited review of such petitions, after reasonable negotiations with investigative staff, in order to avoid undue delay of the merger review process.

“(iii) Not later than 90 days after the date of the enactment of this Act, the Assistant Attorney General and the Federal Trade Commission shall conduct an internal review and implement reforms of the merger review process in order to eliminate unnecessary burden, remove costly duplication, and eliminate undue delay, in order to achieve a more effective and more efficient merger review process.

“(iv) Not later than 120 days after the date of enactment of this Act, the Assistant Attorney General and the Federal Trade Commission shall issue or amend their respective industry guidance, regulations, operating manuals and relevant policy documents, to the extent appropriate, to implement each reform in this subparagraph.

“(v) Not later than 180 days after the date the of enactment of this Act, the Assistant Attorney General and the Federal Trade Commission shall each report to Congress—

“(I) which reforms each agency has adopted under this subparagraph;

“(II) which steps each has taken to implement such internal reforms; and

“(III) the effects of such reforms.”

(d) Section 7A of the Clayton Act (15 U.S.C. 18a) is amended—

(1) in subsection (e)(2), by striking “20 days” and inserting “30 days”, and

(2) by adding at the end the following:

“(k) If the end of any period of time provided in this section falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5 of the United States Code), then such period shall be extended to the end of the next day that is not a Saturday, Sunday, or legal public holiday.”.

(e) This section and the amendments made by this section shall take effect on the 1st day of the 1st month that begins more than 30 days after the date of the enactment of this Act.

SEC. 631. (a) The Secretary of the Army is authorized to take all necessary measures to further stabilize and renovate Lock and Dam 10 at Boonesborough, Kentucky, with the purpose of extending the design life of the structure by an additional 50 years, at a total cost of \$24,000,000, with an estimated Federal cost of \$19,200,000 and an estimated non-Federal cost of \$4,800,000.

(b) For purposes of this section only, “stabilize and renovate” shall include, but shall not be limited to, the following activities: stabilization of the main dam, auxiliary dam and lock; renovation of all operational aspects of the lock; and elevation of the main and auxiliary dams.

SEC. 632. (a)(1) The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99-25, to—

(A) prescribe minimum distance separations for third-adjacent channels (as well as for co-channels and first- and second-adjacent channels); and

(B) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

(2) The Federal Communications Commission may not—

(A) eliminate or reduce the minimum distance separations for third-adjacent channels required by paragraph (1)(A); or

(B) extend the eligibility for application for low-power FM stations beyond the organizations and entities as proposed in MM Docket No. 99-25 (47 CFR 73.853),

except as expressly authorized by an Act of Congress enacted after the date of the enactment of this Act.

(3) Any license that was issued by the Commission to a low-power FM station prior to the date on which the Commission modifies its rules as required by paragraph (1) and that does not comply with such modifications shall be invalid.

(b)(1) The Federal Communications Commission shall conduct an experimental program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if such stations are not subject to the minimum distance separations for third-adjacent channels required by subsection (a). The Commission shall conduct such test in no more than nine FM radio markets, including urban, suburban, and rural markets, by waiving the minimum distance separations for third-adjacent channels for the stations that are the subject of the experimental program. At least one of the stations shall be selected for the purpose of evaluating whether minimum distance separations for third-adjacent channels are needed for FM translator stations. The Commission may, consistent with the public interest, continue after the conclusion of the experimental program to waive the minimum

distance separations for third-adjacent channels for the stations that are the subject of the experimental program.

(2) The Commission shall select an independent testing entity to conduct field tests in the markets of the stations in the experimental program under paragraph (1). Such field tests shall include—

(A) an opportunity for the public to comment on interference; and

(B) independent audience listening tests to determine what is objectionable and harmful interference to the average radio listener.

(3) The Commission shall publish the results of the experimental program and field tests and afford an opportunity for the public to comment on such results. The Federal Communications Commission shall submit a report on the experimental program and field tests to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2001. Such report shall include—

(A) an analysis of the experimental program and field tests and of the public comment received by the Commission;

(B) an evaluation of the impact of the modification or elimination of minimum distance separations for third-adjacent channels on—

(i) listening audiences;

(ii) incumbent FM radio broadcasters in general, and on minority and small market broadcasters in particular, including an analysis of the economic impact on such broadcasters;

(iii) the transition to digital radio for terrestrial radio broadcasters;

(iv) stations that provide a reading service for the blind to the public; and

(v) FM radio translator stations;

(C) the Commission's recommendations to the Congress to reduce or eliminate the minimum distance separations for third-adjacent channels required by subsection (a); and

(D) such other information and recommendations as the Commission considers appropriate.

SEC. 633. For an additional amount for "Small Business Administration, Salaries and Expenses", \$40,000,000, of which \$2,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; \$600,000 shall be available for a grant for Western Carolina University to develop a tourism and hospitality curriculum; \$2,500,000 shall be available for a grant to the Bronx Museum of the Arts, New York, to develop facilities, including the Museum's participation in the Point Residency and the Community Gallery projects; \$1,000,000 shall be available for a grant to Soundview Community in Action in the Bronx, New York, for a technology access and business improvement project; \$5,000,000 shall be available for the Center for Rural Development, Somerset, Kentucky, for a regional program of technology workforce development; \$1,500,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; \$500,000 shall be available for a grant for Pike County, Kentucky,

for an interpretive development initiative; \$1,000,000 shall be available for a grant to the East Los Angeles Community Union to develop a facility; \$5,000,000 shall be available for a grant to the Southern Kentucky Tourism Development Association for a regional tourism promotion initiative; \$1,500,000 shall be available for a grant for Union College, Barbourville, Kentucky, for a technology and media center; \$500,000 shall be available for a grant to the National Corrections and Law Enforcement Training and Technology Center, Inc., to work in conjunction with the Office of Law Enforcement Technology Commercialization and the Moundsville Economic Development Council for continued operations of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; \$2,000,000 shall be available for a grant for the City of Paintsville, Kentucky, for a regional arts and tourism center; \$200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; \$800,000 shall be available for a grant for the Museum of Science and Industry to develop a Manufacturing Learning Center; \$200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma, to continue support for a resource center for rural businesses; \$1,000,000 shall be available for a grant for Greenpoint Manufacturing and Design Center to acquire certain properties to develop a small business incubator facility; \$1,000,000 shall be available for a grant to the Long Island Bay Shore Aquarium to develop a facility; \$200,000 shall be available for a grant for Old Sturbridge Village's Threshold Project to develop an arts and tourism facility; \$1,300,000 shall be available for a grant to Pulaski County, Kentucky, for an emergency training center; \$2,000,000 shall be available for a grant for Promesa Enterprises in the Bronx, New York, to assist community-based businesses; \$1,000,000 shall be available for a grant to the City of Oak Ridge, Tennessee, to develop a center to support technology and economic development initiatives; \$1,000,000 shall be available for a grant for the Safer Foundation to develop a facility; \$250,000 shall be available for a grant for the Johnstown Area Regional Industries Center for a Workforce Development initiative; \$600,000 shall be available for a grant for the Buckhorn Children's Foundation for a community-based youth development facility; \$250,000 shall be available for a grant for the Johnstown Area Regional Industries Center to continue support for the Entrepreneur Challenge 2000 small business incubator initiative; \$250,000 shall be available for a grant to the Business Development Assistance Group to establish an Entrepreneurship Center for New Americans in Northern Virginia; \$1,000,000 shall be available for a grant for the Brotherhood Business Development and Capital Fund for a small business technical assistance and loan program; \$900,000 shall be available for a grant for the Arizona Department of Public Safety for planning and design for infrastructure improvements; \$250,000 shall be available for a grant for Gadsden State Community College to develop a Center for Economic Development; \$2,000,000 shall be available for a grant to Morehead State University for a science research and technology center; \$350,000 shall be available for a grant for the Nicholas County, Kentucky, Industrial Authority to acquire certain properties in Carlisle, Kentucky, to develop a small business initiative; \$350,000 shall be available for a grant for Montgomery County, Kentucky, to develop an education and training facility; \$500,000 shall be

available for a grant to the New York City Department of Parks and Recreation, Bronx County, to develop a river house facility; \$500,000 shall be available for a grant to the New York Public Library Mott Haven Branch in the Bronx, New York, to develop a facility; and \$500,000 shall be available for a grant to the Oklahoma Department of Career and Technology Education for a technology-based pilot program for vocational training for economic and job development.

SEC. 634. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to issue or renew, for any fishing vessel, any general or harpoon category fishing permit for Atlantic bluefin tuna that would allow the vessel—

(1) to use an aircraft to locate, or otherwise assist in fishing for, catching, or possessing Atlantic bluefin tuna; or

(2) to fish for, catch, or possessing Atlantic bluefin tuna located by the use of an aircraft.

SEC. 635. (a) This section may be cited as “Amy Boyer’s Law”. (b) Congress makes the following findings:

(1) The inappropriate display, sale, or use of social security numbers is a significant factor in a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) Because social security numbers are used to track financial, health care, and other sensitive information about individuals, the inappropriate sale or display of those numbers to the general public can result in serious invasions of individual privacy and facilitate the commission of criminal activity.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains the social security number system, and because the Federal Government does not permit persons to exempt themselves from the requirements of that system, it is appropriate for the Federal Government to take steps to stem abuse of the system.

(4) A social security number is simply a sequence of numbers. In no meaningful sense can the number itself impart knowledge or ideas. Persons do not sell or transfer such numbers in order to convey any particularized message, nor to express to the purchaser any ideas, knowledge, or thoughts.

(5) No one should seek to profit from the display or sale to the general public of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Various entities may display, sell, or use social security numbers, including the private sector, the Federal Government and State governments, and Federal and State courts. Whatever the source, the inappropriate display or sale to the general public of social security numbers should be prevented.

(7) Congress should enact legislation that will offer an individual assigned a social security number necessary protection from the display, sale, or purchase of the number in circumstances that might facilitate unlawful conduct or that might otherwise likely result in unfair and deceptive practices.

(c)(1) Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

“PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL SECURITY NUMBER

“SEC. 1150A. (a) Except as otherwise provided in this section, no person may display or sell to the general public any individual’s social security number, or any identifiable derivative of such number, without the affirmatively expressed consent, electronically or in writing, of the individual.

“(b) No person may obtain any individual’s social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes.

“(c) In order for consent to exist under subsection (a), the person displaying, or seeking to display, or selling or attempting to sell, an individual’s social security number, or any identifiable derivative of such number, shall—

“(1) inform the individual of the general purposes for which the number will be utilized and the types of persons to whom the number may be available; and

“(2) obtain affirmatively expressed consent electronically or in writing.

“(d) Except as set forth in subsection (b), nothing in this section shall be construed to prohibit or limit the display, sale, or use of a social security number—

“(1)(A) permitted, required, or excepted, expressly or by implication, under section 205(c)(2), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note; 88 Stat. 1909), section 6109(d) of the Internal Revenue Code of 1986, the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), or the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 1936) or the amendments made by that Act, or (B) in connection with an activity authorized under or pursuant to section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)), whether or not such activity is conducted by or subject to any limitations or requirements applicable to a financial holding company;

“(2) by a professional or commercial user who appropriately uses the information in the normal course and scope of their businesses for purposes of retrieval of other information, except that the professional or commercial user may not display or sell the number (or any identifiable derivative of the number) to the general public;

“(3) for purposes of law enforcement, including investigation of fraud or as required under subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91-508 (12 U.S.C. 1951-1959); or

“(4) that may appear in a public record including, but not limited to, proceedings or records of Federal or State courts.

“(e)(1) Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

“(A) such preliminary and equitable relief as the court determines to be appropriate; and

“(B) the greater of—

“(i) actual damages;

“(ii) liquidated damages of \$2,500; or

“(iii) in the case of a violation that was willful and resulted in profit or monetary gain, liquidated damages of \$10,000.

“(2) In the case of a civil action brought under paragraph (1)(B)(iii) in which the aggrieved individual has substantially prevailed, the court may assess against the respondent a reasonable attorney’s fee and other litigation costs and expenses (including expert fees) reasonably incurred.

“(3) No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

“(4) The remedy provided under this subsection shall be in addition to any other lawful remedy available to the individual.

“(f)(1) Any person who the Commissioner of Social Security determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law, to—

“(A) a civil money penalty of not more than \$5,000 for each such violation; and

“(B) a civil money penalty of not more than \$50,000, if violations have occurred with such frequency as to constitute a general business practice.

“(2) Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise shall be treated as a separate violation with respect to each such individual.

“(3) The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)) and the provisions of subsections (d) and (e) of section 205 shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a), except that, for purposes of this paragraph, any reference in section 1128A to the Secretary shall be deemed a reference to the Commissioner of Social Security.

“(g) In this section, the term ‘display or sell to the general public’ means the intentional placing of an individual’s social security number, or identifying portion thereof, in a viewable manner on a web site that makes such information available to the general public, or otherwise intentionally communicating an individual’s social security number, or an identifying portion thereof, to the general public.

“(h) Nothing in this section shall be construed to limit the use of social security numbers by the Federal Government for governmental purposes, including any of the following purposes:

“(1) National security.

“(2) Law enforcement.

“(3) Public health.

“(4) Federal or federally-funded research conducted for the purposes of advancing knowledge.

“(5) When such numbers are required to be submitted as part of the process for applying for any type of government benefit or program.”.

(2) Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting “or” after the semicolon; and

(2) by inserting after paragraph (8), the following new paragraphs:

“(9) except as provided in section 1150A(d), knowingly and willfully displays or sells to the general public (as defined in section 1150A(g)) any individual’s social security number, or any identifiable derivative of such number, without the affirmatively expressed consent (as defined in section 1150A(c)), electronically or in writing, of such individual; or

“(10) obtains any individual’s social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes;”.

(3) The amendments made by this subsection apply with respect to violations occurring on and after the date that is 2 years after the date of enactment of this Act.

(d)(1) The Comptroller General of the United States shall conduct a study of the feasibility and advisability of imposing additional limitations or prohibitions on the use of social security numbers in public records.

(2) Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and such recommendations for legislative action as the Comptroller General considers appropriate.

SEC. 636. The Cuyahoga Valley National Park shall not be redesignated as a Class I area under title I, Part C of the Clean Air Act, 42 U.S.C. sections 7470–7479.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

Amounts otherwise available for obligation in fiscal year 2001 for the Drug Diversion Control Fee Account are reduced by \$8,000,000.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 104-208, \$7,644,000 are rescinded.

TITLE VIII—DEBT REDUCTION AND OTHER MATTER

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit on November 1, 2000, of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, the amount equal to the difference between \$240,088,000,000 and the aggregate amount deposited into this account in other appropriation Acts for fiscal year 2001 enacted before such date.

GENERAL PROVISION

SEC. 801. Beginning on the first day of the 107th Congress, the Presiding officer of the Senate shall apply all of the precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103rd Congress. Further that there is now in effect a Standing order of the Senate that the reading of conference reports, are no longer required, if the said conference report is available in the Senate.

TITLE IX—WILDLIFE, OCEAN AND COASTAL
CONSERVATION

SEC. 901. WILDLIFE CONSERVATION AND RESTORATION PLANNING.

For expenses necessary to support activities that supplement, but not replace, existing funding available to the States and territories from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration plans and programs, \$50,000,000, to remain available until expended: *Provided*, That these funds may be used by a State, territory or an Indian Tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects: *Provided further*, That the Secretary, after deducting administrative expenses shall make the following apportionment from the Wildlife Conservation and Restoration Account: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; (B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana

Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each year among the States in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and, (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That no State, territory or other jurisdiction shall receive a grant unless it has certified to the Service that it has in place, or has agreed to develop by a mutually agreed date certain, a wildlife conservation strategy and plan.

SEC. 902. WILDLIFE CONSERVATION AND RESTORATION.

(a) PURPOSES.—The purposes of this section are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

(b) REFERENCE TO LAW.—In this section, the term “Federal Aid in Wildlife Restoration Act” means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(c) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended to read as follows:

“SEC. 2. DEFINITIONS.

“As used in this Act—

“(1) the term ‘conservation’ means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

“(2) the term ‘Secretary’ means the Secretary of the Interior;

“(3) the term ‘State fish and game department’ or ‘State fish and wildlife department’ means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

“(4) the term ‘wildlife’ means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

“(5) the term ‘wildlife-associated recreation’ means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

“(6) the term ‘wildlife conservation and restoration program’ means a program developed by a State fish and wildlife department and approved by the Secretary under section 304(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

“(7) the term ‘wildlife conservation education’ means projects, including public outreach, intended to foster responsible natural resource stewardship; and

“(8) the term ‘wildlife-restoration project’ includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.”.

(d) WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting “(1)” after “(a)”, and by adding at the end the following:

“(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the ‘Wildlife Conservation and Restoration Account’. There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this Act to carry out State

wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1)).”; and

(2) by adding at the end the following:

“(c)(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

“(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 4(d) and (e) of this Act, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

“(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

“(d) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the Wildlife Conservation and Restoration Account, so much of such amounts apportioned to any State for any fiscal year as remains unexpended at the close thereof shall remain available for obligation in that State until the close of the second succeeding fiscal year.”.

(e) APPORTIONMENTS OF AMOUNTS.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

“(c) APPORTIONMENT OF WILDLIFE CONSERVATION AND RESTORATION ACCOUNT.—

“(1) The Secretary of the Interior shall make the following apportionment from the Wildlife Conservation and Restoration Account:

“(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof.

“(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof.

“(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remaining amount in the Wildlife Conservation and Restoration Account for each fiscal year among the States in the following manner:

“(i) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

“(ii) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

“(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than one percent of the amount available for apportionment under this paragraph for any fiscal year or more than five percent of such amount.

“(3) Of the amounts transferred to the Wildlife Conservation and Restoration Account, not to exceed 3 percent shall be available for any Federal expenses incurred in the administration and execution of programs carried out with such amounts.

“(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—

“(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds from the Wildlife Conservation and Restoration Account, to develop a program. To apply, a State shall submit a comprehensive plan that includes—

“(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

“(B) provisions for the development and implementation of—

“(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

“(ii) wildlife-associated recreation projects; and

“(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

“(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

“(D) WILDLIFE CONSERVATION STRATEGY.—Within five years of the date of the initial apportionment, develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

“(i) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

“(ii) identifies the extent and condition of wildlife habitats and community types essential to conservation of species identified under paragraph (1);

“(iii) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

“(iv) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats and establishes priorities for implementing such conservation actions;

“(v) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

“(vi) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

“(vii) provides for coordination to the extent feasible the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

“(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

“(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

“(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State’s wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State’s wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

“(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State’s wildlife conservation and restoration program may be used for wildlife-associated recreation.

“(5) For purposes of this subsection, the term ‘State’ shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

(f) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of

the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

(g) EDUCATION.—Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: “Funds from the Wildlife Conservation and Restoration Account may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.”.

(h) PROHIBITION AGAINST DIVERSION.—No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 2000, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing.

(i) NORTH AMERICAN WETLANDS CONSERVATION ACT.—Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking “\$30,000,000” and inserting “\$50,000,000”.

SEC. 903. COASTAL IMPACT ASSISTANCE.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

“SEC. 31. COASTAL IMPACT ASSISTANCE.

“(a) IN GENERAL.—Nothing in this section shall be construed as a permanent authorization.

“(b) DEFINITIONS.—When used in this section:

“(1) The term ‘coastal political subdivision’ means a county, parish, or any equivalent subdivision of a Producing Coastal State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1))).

“(2) The term ‘coastal population’ means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State’s coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 et seq.).

“(3) The term ‘Coastal State’ has the same meaning as provided by subsection 304(4) of the Coastal Zone Management Act (16 U.S.C. 1453(4)).

“(4) The term ‘coastline’ has the same meaning as the term ‘coast line’ as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

“(5) The term ‘distance’ means minimum great circle distance, measured in statute miles.

“(6) The term ‘leased tract’ means a tract maintained under section 6 or leased under section 8 for the purpose of drilling for, developing, and producing oil and natural gas resources.

“(7) The term ‘Producing Coastal State’ means a Coastal State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract within any area of the Outer Continental Shelf where

a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(8) The term ‘qualified Outer Continental Shelf revenues’ means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of this Act, or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(9) The term ‘Secretary’ means the Secretary of Commerce.

“(c) AUTHORIZATION.—For fiscal year 2001, \$150,000,000 is authorized to be appropriated for the purposes of this section.

“(d) IMPACT ASSISTANCE PAYMENTS TO STATES AND POLITICAL SUBDIVISIONS.—The Secretary shall make payments from the amounts available under this section to Producing Coastal States with an approved Coastal Impact Assistance Plan, and to coastal political subdivisions as follows:

“(1) ALLOCATIONS TO PRODUCING COASTAL STATES.—In each fiscal year, each Producing Coastal State’s allocable share shall be equal to the sum of the following:

“(A) 60 percent of the amounts appropriated shall be equally divided among all Producing Coastal States;

“(B) 40 percent of the amounts appropriated for the purposes of this section shall be divided among Producing Coastal States based on Outer Continental Shelf production, except that of such amounts no Producing Coastal State may receive more than 25 percent in any fiscal year.

“(2) CALCULATION.—The amount for each Producing Coastal State under paragraph (1)(B) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the Producing Coastal State to the qualified OCS revenues generated off the coastlines of all Producing Coastal States for the period beginning on January 1, 1995 and ending on December 31, 2000. Where there is more than one Producing Coastal State within 200 miles of a leased tract, the amount of each Producing Coastal State’s payment under paragraph (1)(B) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—Thirty-five percent of each Producing Coastal State’s allocable share as determined under paragraph (1) shall be paid directly to the coastal political subdivisions by the Secretary based on the following formula, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in paragraph (C) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues:

“(A) Twenty-five percent shall be allocated based on the ratio of such coastal political subdivision’s coastal population to the coastal population of all coastal political subdivisions in the Producing Coastal State.

“(B) Twenty-five percent shall be allocated based on the ratio of such coastal political subdivision’s coastline miles to the coastline miles of all coastal political subdivisions in the Producing Coastal State.

“(C) Fifty percent shall be allocated based on the relative distance of such coastal political subdivision from any leased tract used to calculate that Producing Coastal State’s allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2000, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2000.

“(4) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to a Producing Coastal State or coastal political subdivision but not disbursed because of a failure to have an approved Coastal Impact Assistance Plan under this section shall be allocated equally by the Secretary among all other Producing Coastal States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold a Producing Coastal State’s allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Coastal Impact Assistance Plan.

“(e) COASTAL IMPACT ASSISTANCE PLAN.—

“(1) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—The Governor of each Producing Coastal State shall prepare, and submit to the Secretary, a Coastal Impact Assistance Plan. The Governor shall solicit local input and shall provide for public participation in the development of the plan. The plan shall be submitted to the Secretary by July 1, 2001. Amounts

received by Producing Coastal States and coastal political subdivisions may be used only for the purposes specified in the Producing Coastal State's Coastal Impact Assistance Plan.

“(2) APPROVAL.—The Secretary shall approve a plan under paragraph (1) prior to disbursement of amounts under this section. The Secretary shall approve the plan if the Secretary determines that the plan is consistent with the uses set forth in subsection (f) and if the plan contains each of the following:

“(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section.

“(B) A program for the implementation of the plan which describes how the amounts provided under this section will be used.

“(C) A contact for each political subdivision and description of how coastal political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section.

“(D) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

“(E) Measures for taking into account other relevant Federal resources and programs.

“(3) PROCEDURE.—The Secretary shall approve or disapprove each plan or amendment within 90 days of its submission.

“(4) AMENDMENT.—Any amendment to the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval.

“(f) AUTHORIZED USES.—Producing Coastal States and coastal political subdivisions shall use amounts provided under this section, including any such amounts deposited in a State or coastal political subdivision administered trust fund dedicated to uses consistent with this subsection, in compliance with Federal and State law and only for one or more of the following purposes:

“(1) uses set forth in new section 32(c)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) proposed by the amendment to H.R. 701 of the 106th Congress as reported by the Senate Committee on Energy and Natural Resources;

“(2) projects and activities for the conservation, protection or restoration of wetlands;

“(3) mitigating damage to fish, wildlife or natural resources, including such activities authorized under subtitle B of title IV of the Oil Pollution Act of 1990 (33 U.S.C. 1321(c), (d));

“(4) planning assistance and administrative costs of complying with the provisions of this section;

“(5) implementation of Federally approved marine, coastal, or comprehensive conservation management plans; and

“(6) mitigating impacts of Outer Continental Shelf activities through funding of: (A) onshore infrastructure projects; and (B) other public service needs intended to mitigate the environmental effects of Outer Continental Shelf activities: *Provided*, That funds made available under this paragraph shall not exceed 23 percent of the funds provided under this section.

“(g) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by a Producing Coastal State or coastal political subdivision is not consistent with the uses authorized in subsection (f), the Secretary shall not disburse any further amounts under this section to that Producing Coastal State or coastal political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.”.

TITLE X—LOCAL TV ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “Launching Our Communities’ Access to Local Television Act of 2000”.

SEC. 1002. PURPOSE.

The purpose of this Act is to facilitate access, on a technologically neutral basis and by December 31, 2006, to signals of local television stations for households located in nonserved areas and underserved areas.

SEC. 1003. LOCAL TELEVISION LOAN GUARANTEE BOARD.

(a) ESTABLISHMENT.—There is established the LOCAL Television Loan Guarantee Board (in this Act referred to as the “Board”).

(b) MEMBERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board shall consist of the following members:

(A) The Secretary of the Treasury, or the designee of the Secretary.

(B) The Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman.

(C) The Secretary of Agriculture, or the designee of the Secretary.

(D) The Secretary of Commerce, or the designee of the Secretary.

(2) REQUIREMENT AS TO DESIGNEES.—An individual may not be designated a member of the Board under paragraph (1) unless the individual is an officer of the United States pursuant to an appointment by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF THE BOARD.—

(1) IN GENERAL.—The Board shall determine whether or not to approve loan guarantees under this Act. The Board shall make such determinations consistent with the purpose of this Act and in accordance with this subsection and section 4.

(2) CONSULTATION AUTHORIZED.—

(A) IN GENERAL.—In carrying out its functions under this Act, the Board shall consult with such departments and agencies of the Federal Government as the Board considers appropriate, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, the Department of Justice, the Department of the Interior, the Board of Governors of the Federal Reserve System, the Federal Communications Commission, the Federal Trade Commission, and the National Aeronautics and Space Administration.

(B) RESPONSE.—A department or agency consulted by the Board under subparagraph (A) shall provide the Board such expertise and assistance as the Board requires to carry out its functions under this Act.

(3) APPROVAL BY MAJORITY VOTE.—The determination of the Board to approve a loan guarantee under this Act shall be by an affirmative vote of not less than 3 members of the Board.

SEC. 1004. APPROVAL OF LOAN GUARANTEES.

(a) AUTHORITY TO APPROVE LOAN GUARANTEES.—Subject to the provisions of this section and consistent with the purpose of this Act, the Board may approve loan guarantees under this Act.

(b) REGULATIONS.—

(1) REQUIREMENTS.—The Administrator (as defined in section 5), under the direction of and for approval by the Board, shall prescribe regulations to implement the provisions of this Act and shall do so not later than 120 days after funds authorized to be appropriated under section 11 have been appropriated in a bill signed into law.

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall—

(A) set forth the form of any application to be submitted to the Board under this Act;

(B) set forth time periods for the review and consideration by the Board of applications to be submitted to the Board under this Act, and for any other action to be taken by the Board with respect to such applications;

(C) provide appropriate safeguards against the evasion of the provisions of this Act;

(D) set forth the circumstances in which an applicant, together with any affiliate of an applicant, shall be treated as an applicant for a loan guarantee under this Act;

(E) include requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the provisions of this Act; and

(F) include such other provisions consistent with the purpose of this Act as the Board considers appropriate.

(3) CONSTRUCTION.—(A) Nothing in this Act shall be construed to prohibit the Board from requiring, to the extent and under circumstances considered appropriate by the Board, that affiliates of an applicant be subject to certain obligations of the applicant as a condition to the approval or maintenance of a loan guarantee under this Act.

(B) If any provision of this Act or the application of such provision to any person or entity or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Act, or the application of such provision to such person or entity or circumstance other than those as to which it is held invalid, shall not be affected thereby.

(c) AUTHORITY LIMITED BY APPROPRIATIONS ACTS.—The Board may approve loan guarantees under this Act only to the extent provided for in advance in appropriations Acts, and the Board may accept credit risk premiums from a non-Federal source in order to cover the cost of a loan guarantee under this Act, to

the extent that appropriations of budget authority are insufficient to cover such costs.

(d) REQUIREMENTS AND CRITERIA APPLICABLE TO APPROVAL.—

(1) IN GENERAL.—The Board shall utilize the underwriting criteria developed under subsection (g), and any relevant information provided by the departments and agencies with which the Board consults under section 3, to determine which loans may be eligible for a loan guarantee under this Act.

(2) PREREQUISITES.—In addition to meeting the underwriting criteria under paragraph (1), a loan may not be guaranteed under this Act unless—

(A) the loan is made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which local television broadcast signals will be delivered to a nonserved area or underserved area;

(B) the proceeds of the loan will not be used for operating, advertising, or promotion expenses, or for the acquisition of licenses for the use of spectrum in any competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j));

(C) the proposed project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to the signals of a local television station in a nonserved area or underserved area and is commercially viable;

(D)(i) the loan—

(I) is provided by any entity engaged in the business of commercial lending—

(aa) if the loan is made in accordance with loan-to-one-borrower and affiliate transaction restrictions to which the entity is subject under applicable law; or

(bb) if item (aa) does not apply, the loan is made only to a borrower that is not an affiliate of the entity and only if the amount of the loan and all outstanding loans by that entity to that borrower and any of its affiliates does not exceed 10 percent of the net equity of the entity; or

(II) is provided by a nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, if the Board determines that such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization;

(ii) if the loan is provided by a lender described in clause (i)(II) and the Board determines that the making of the loan by such lender will cause a decline in such lender's debt rating as described in that clause, the Board at its discretion may disapprove the loan guarantee on this basis;

(iii) no loan may be made for purposes of this Act by a governmental entity or affiliate thereof, or by the

Federal Agricultural Mortgage Corporation, or any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any affiliate of such entities;

(iv) any loan must have terms, in the judgment of the Board, that are consistent in material respects with the terms of similar obligations in the private capital market;

(v) for purposes of clause (i)(I)(bb), the term “net equity” means the value of the total assets of the entity, less the total liabilities of the entity, as recorded under generally accepted accounting principles for the fiscal quarter ended immediately prior to the date on which the subject loan is approved;

(E) repayment of the loan is required to be made within a term of the lesser of—

(i) 25 years from the date of the execution of the loan; or

(ii) the economically useful life, as determined by the Board or in consultation with persons or entities deemed appropriate by the Board, of the primary assets to be used in the delivery of the signals concerned; and

(F) the loan meets any additional criteria developed under subsection (g).

(3) PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

The Board may not approve the guarantee of a loan under this Act unless—

(A) the Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to the review of the loan by the Board for purposes of this Act; and

(B) the Board makes a determination in writing that—

(i) to the best of its knowledge upon due inquiry, the assets, facilities, or equipment covered by the loan will be utilized economically and efficiently;

(ii) the terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the loan protect the financial interests of the United States and are reasonable;

(iii) the value of collateral provided by an applicant is at least equal to the unpaid balance of the loan amount covered by the loan guarantee (the “Amount” for purposes of this clause); and if the value of collateral provided by an applicant is less than the Amount, the additional required collateral is provided by any affiliate of the applicant;

(iv) all necessary and required regulatory and other approvals, spectrum licenses, and delivery permissions have been received for the loan and the project under the loan;

(v) the loan would not be available on reasonable terms and conditions without a loan guarantee under this Act; and

(vi) repayment of the loan can reasonably be expected.

(e) CONSIDERATIONS.—

(1) TYPE OF MARKET.—

(A) PRIORITY CONSIDERATIONS.—To the maximum extent practicable, the Board shall give priority in the approval of loan guarantees under this Act in the following order:

(i) First, to projects that will serve households in nonserved areas. In considering such projects, the Board shall balance projects that will serve the largest number of households with projects that will serve remote, isolated communities (including noncontiguous States) in areas that are unlikely to be served through market mechanisms.

(ii) Second, to projects that will serve households in underserved areas. In considering such projects, the Board shall balance projects that will serve the largest number of households with projects that will serve remote, isolated communities (including noncontiguous States) in areas that are unlikely to be served through market mechanisms.

Within each category, the Board shall consider the project's estimated cost per household and shall give priority to those projects that provide the highest quality service at the lowest cost per household.

(B) ADDITIONAL CONSIDERATION.—The Board should give additional consideration to projects that also provide high-speed Internet service.

(C) PROHIBITIONS.—The Board may not approve a loan guarantee under this Act for a project that—

(i) is designed primarily to serve 1 or more of the top 40 designated market areas (as that term is defined in section 122(j) of title 17, United States Code); or

(ii) would alter or remove National Weather Service warnings from local broadcast signals.

(2) OTHER CONSIDERATIONS.—The Board shall consider other factors, which shall include projects that would—

(A) offer a separate tier of local broadcast signals, but for applicable Federal, State, or local laws or regulations;

(B) provide lower projected costs to consumers of such separate tier; and

(C) enable the delivery of local broadcast signals consistent with the purpose of this Act by a means reasonably compatible with existing systems or devices predominantly in use.

(3) FURTHER CONSIDERATION.—In implementing this Act, the Board shall support the use of loan guarantees for projects that would serve households not likely to be served in the absence of loan guarantees under this Act.

(f) GUARANTEE LIMITS.—

(1) LIMITATION ON AGGREGATE VALUE OF LOANS.—The aggregate value of all loans for which loan guarantees are issued under this Act (including the unguaranteed portion of such loans) may not exceed \$1,250,000,000.

(2) **GUARANTEE LEVEL.**—A loan guarantee issued under this Act may not exceed an amount equal to 80 percent of a loan meeting in its entirety the requirements of subsection (d)(2)(A). If only a portion of a loan meets the requirements of that subsection, the Board shall determine that percentage of the loan meeting such requirements (the “applicable portion”) and may issue a loan guarantee in an amount not exceeding 80 percent of the applicable portion.

(g) **UNDERWRITING CRITERIA.**—Within the period provided for under subsection (b)(1), the Board shall, in consultation with the Director of the Office of Management and Budget and an independent public accounting firm, develop underwriting criteria relating to the guarantee of loans that are consistent with the purpose of this Act, including appropriate collateral and cash flow levels for loans guaranteed under this Act, and such other matters as the Board considers appropriate.

(h) **CREDIT RISK PREMIUMS.**—

(1) **ESTABLISHMENT AND ACCEPTANCE.**—

(A) **IN GENERAL.**—The Board may establish and approve the acceptance of credit risk premiums with respect to a loan guarantee under this Act in order to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a loan guarantee under this Act, credit risk premiums shall be accepted from a non-Federal source under this subsection on behalf of the applicant for the loan guarantee.

(B) **AUTHORITY LIMITED BY APPROPRIATIONS ACTS.**—Credit risk premiums under this subsection shall be imposed only to the extent provided for in advance in appropriations Acts.

(2) **CREDIT RISK PREMIUM AMOUNT.**—

(A) **IN GENERAL.**—The Board shall determine the amount of any credit risk premium to be accepted with respect to a loan guarantee under this Act on the basis of—

(i) the financial and economic circumstances of the applicant for the loan guarantee, including the amount of collateral offered;

(ii) the proposed schedule of loan disbursements;

(iii) the business plans of the applicant for providing service;

(iv) any financial commitment from a broadcast signal provider; and

(v) the concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(B) **PROPORTIONALITY.**—To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 502(5) of the Federal Credit Reform Act of 1990, of loan guarantees under this Act, the credit risk premium with respect to each loan guarantee shall be reduced proportionately.

(C) **PAYMENT OF PREMIUMS.**—Credit risk premiums under this subsection shall be paid to an account (the “Escrow Account”) established in the Treasury which shall

accrue interest and such interest shall be retained by the account, subject to subparagraph (D).

(D) DEDUCTIONS FROM ESCROW ACCOUNT.—If a default occurs with respect to any loan guaranteed under this Act and the default is not cured in accordance with the terms of the underlying loan or loan guarantee agreement, the Administrator, in accordance with subsections (i) and (j) of section 5, shall liquidate, or shall cause to be liquidated, all assets collateralizing such loan as to which it has a lien or security interest. Any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid pursuant to this Act shall be deducted from funds in the Escrow Account and credited to the Administrator for payment of such shortfall. At such time as determined under subsection (d)(2)(E) of this section when all loans guaranteed under this Act have been repaid or otherwise satisfied in accordance with this Act and the regulations promulgated hereunder, remaining funds in the Escrow Account, if any, shall be refunded, on a pro rata basis, to applicants whose loans guaranteed under this Act were not in default, or where any default was cured in accordance with the terms of the underlying loan or loan guarantee agreement.

(i) LIMITATIONS ON GUARANTEES FOR CERTAIN CABLE OPERATORS.—Notwithstanding any other provision of this Act, no loan guarantee under this Act may be granted or used to provide funds for a project that extends, upgrades, or enhances the services provided over any cable system to an area that, as of the date of the enactment of this Act, is covered by a cable franchise agreement that expressly obligates a cable system operator to serve such area.

(j) JUDICIAL REVIEW.—The decision of the Board to approve or disapprove the making of a loan guarantee under this Act shall not be subject to judicial review.

(k) APPLICABILITY OF APA.—Except as otherwise provided in subsection (j), the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), shall apply to actions taken under this Act.

SEC. 1005. ADMINISTRATION OF LOAN GUARANTEES.

(a) IN GENERAL.—The Administrator of the Rural Utilities Service (in this Act referred to as the “Administrator”) shall issue and otherwise administer loan guarantees that have been approved by the Board in accordance with sections 3 and 4.

(b) SECURITY FOR PROTECTION OF UNITED STATES FINANCIAL INTERESTS.—

(1) TERMS AND CONDITIONS.—An applicant shall agree to such terms and conditions as are satisfactory, in the judgment of the Board, to ensure that, as long as any principal or interest is due and payable on a loan guaranteed under this Act, the applicant—

(A) shall maintain assets, equipment, facilities, and operations on a continuing basis;

(B) shall not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under this Act;

(C) shall remain sufficiently capitalized; and

(D) shall submit to, and cooperate fully with, any audit of the applicant under section 6(a)(2).

(2) COLLATERAL.—

(A) EXISTENCE OF ADEQUATE COLLATERAL.—An applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate collateral secures a loan guaranteed under this Act.

(B) FORM OF COLLATERAL.—Collateral required by subparagraph (A) shall consist solely of assets of the applicant, any affiliate of the applicant, or both (whichever the Board considers appropriate), including primary assets to be used in the delivery of signals for which the loan is guaranteed.

(C) REVIEW OF VALUATION.—The value of collateral securing a loan guaranteed under this Act may be reviewed by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate.

(3) LIEN ON INTERESTS IN ASSETS.—Upon the Board's approval of a loan guarantee under this Act, the Administrator shall have liens on assets securing the loan, which shall be superior to all other liens on such assets, and the value of the assets (based on a determination satisfactory to the Board) subject to the liens shall be at least equal to the unpaid balance of the loan amount covered by the loan guarantee, or that value approved by the Board under section 4(d)(3)(B)(iii).

(4) PERFECTED SECURITY INTEREST.—With respect to a loan guaranteed under this Act, the Administrator and the lender shall have a perfected security interest in assets securing the loan that are fully sufficient to protect the financial interests of the United States and the lender.

(5) INSURANCE.—In accordance with practices in the private capital market, as determined by the Board, the applicant for a loan guarantee under this Act shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee under this Act may assign the loan guaranteed under this Act in whole or in part, subject to such requirements as the Board may prescribe.

(d) EXPIRATION OF LOAN GUARANTEE UPON STRIPPING.—Notwithstanding subsections (c), (e), and (h), a loan guarantee under this Act shall have no force or effect if any part of the guaranteed portion of the loan is transferred separate and apart from the unguaranteed portion of the loan.

(e) ADJUSTMENT.—The Board may approve the adjustment of any term or condition of a loan guarantee or a loan guaranteed under this Act, including the rate of interest, time of payment of principal or interest, or security requirements only if—

(1) the adjustment is consistent with the financial interests of the United States;

(2) consent has been obtained from the parties to the loan agreement;

(3) the adjustment is consistent with the underwriting criteria developed under section 4(g);

(4) the adjustment does not adversely affect the interest of the Federal Government in the assets or collateral of the applicant;

(5) the adjustment does not adversely affect the ability of the applicant to repay the loan; and

(6) the National Telecommunications and Information Administration has been consulted by the Board regarding the adjustment.

(f) PERFORMANCE SCHEDULES.—

(1) PERFORMANCE SCHEDULES.—An applicant for a loan guarantee under this Act for a project covered by section 4(e)(1) shall enter into stipulated performance schedules with the Administrator with respect to the signals to be provided through the project.

(2) PENALTY.—The Administrator may assess against and collect from an applicant described in paragraph (1) a penalty not to exceed 3 times the interest due on the guaranteed loan of the applicant under this Act if the applicant fails to meet its stipulated performance schedule under that paragraph.

(g) COMPLIANCE.—The Administrator, in cooperation with the Board and as the regulations of the Board may provide, shall enforce compliance by an applicant, and any other party to a loan guarantee for whose benefit assistance under this Act is intended, with the provisions of this Act, any regulations under this Act, and the terms and conditions of the loan guarantee, including through the submittal of such reports and documents as the Board may require in regulations prescribed by the Board and through regular periodic inspections and audits.

(h) COMMERCIAL VALIDITY.—A loan guarantee under this Act shall be incontestable—

(1) in the hands of an applicant on whose behalf the loan guarantee is made, unless the applicant engaged in fraud or misrepresentation in securing the loan guarantee; and

(2) as to any person or entity (or their respective successor in interest) who makes or contracts to make a loan to the applicant for the loan guarantee in reliance thereon, unless such person or entity (or respective successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

(i) DEFAULTS.—The Board shall prescribe regulations governing defaults on loans guaranteed under this Act, including the administration of the payment of guaranteed amounts upon default.

(j) RECOVERY OF PAYMENTS.—

(1) IN GENERAL.—The Administrator shall be entitled to recover from an applicant for a loan guarantee under this Act the amount of any payment made to the holder of the guarantee with respect to the loan.

(2) SUBROGATION.—Upon making a payment described in paragraph (1), the Administrator shall be subrogated to all rights of the party to whom the payment is made with respect to the guarantee which was the basis for the payment.

(3) DISPOSITION OF PROPERTY.—

(A) SALE OR DISPOSAL.—The Administrator shall, in an orderly and efficient manner, sell or otherwise dispose of any property or other interests obtained under this Act in a manner that maximizes taxpayer return and is consistent with the financial interests of the United States.

(B) MAINTENANCE.—The Administrator shall maintain in a cost-effective and reasonable manner any property or other interests pending sale or disposal of such property or other interests under subparagraph (A).

(k) ACTION AGAINST OBLIGOR.—

(1) AUTHORITY TO BRING CIVIL ACTION.—The Administrator may bring a civil action in an appropriate district court of the United States in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under this Act. The holder of a loan guarantee shall make available to the Administrator all records and evidence necessary to prosecute the civil action.

(2) FULLY SATISFYING OBLIGATIONS OWED THE UNITED STATES.—The Administrator may accept property in satisfaction of any sums owed the United States as a result of a default on a loan guaranteed under this Act, but only to the extent that any cash accepted by the Administrator is not sufficient to satisfy fully the sums owed as a result of the default.

(l) BREACH OF CONDITIONS.—The Administrator shall commence a civil action in a court of appropriate jurisdiction to enjoin any activity which the Board finds is in violation of this Act, the regulations under this Act, or any conditions which were duly agreed to, and to secure any other appropriate relief, including relief against any affiliate of the applicant.

(m) ATTACHMENT.—No attachment or execution may be issued against the Administrator or any property in the control of the Administrator pursuant to this Act before the entry of a final judgment (as to which all rights of appeal have expired) by a Federal, State, or other court of competent jurisdiction against the Administrator in a proceeding for such action.

(n) FEES.—

(1) APPLICATION FEE.—The Board shall charge and collect from an applicant for a loan guarantee under this Act a fee to cover the cost of the Board in making necessary determinations and findings with respect to the loan guarantee application under this Act. The amount of the fee shall be reasonable.

(2) LOAN GUARANTEE ORIGATION FEE.—The Board shall charge, and the Administrator may collect, a loan guarantee origination fee with respect to the issuance of a loan guarantee under this Act.

(3) USE OF FEES COLLECTED.—

(A) IN GENERAL.—Any fee collected under this subsection shall be used, subject to subparagraph (B), to offset administrative costs under this Act, including costs of the Board and of the Administrator.

(B) SUBJECT TO APPROPRIATIONS.—The authority provided by this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(C) LIMITATION ON FEES.—The aggregate amount of fees imposed by this subsection shall not exceed the actual amount of administrative costs under this Act.

(o) REQUIREMENTS RELATING TO AFFILIATES.—

(1) INDEMNIFICATION.—The United States shall be indemnified by any affiliate (acceptable to the Board) of an applicant for a loan guarantee under this Act for any losses that the United States incurs as a result of—

(A) a judgment against the applicant or any of its affiliates;

(B) any breach by the applicant or any of its affiliates of their obligations under the loan guarantee agreement;

(C) any violation of the provisions of this Act, and the regulations prescribed under this Act, by the applicant or any of its affiliates;

(D) any penalties incurred by the applicant or any of its affiliates for any reason, including violation of a stipulated performance schedule under subsection (f); and

(E) any other circumstances that the Board considers appropriate.

(2) **LIMITATION ON TRANSFER OF LOAN PROCEEDS.**—An applicant for a loan guarantee under this Act may not transfer any part of the proceeds of the loan to an affiliate.

(p) **EFFECT OF BANKRUPTCY.**—

(1) Notwithstanding any other provision of law, whenever any person or entity is indebted to the United States as a result of any loan guarantee issued under this Act and such person or entity is insolvent or is a debtor in a case under title 11, United States Code, the debts due to the United States shall be satisfied first.

(2) A discharge in bankruptcy under title 11, United States Code, shall not release a person or entity from an obligation to the United States in connection with a loan guarantee under this Act.

SEC. 1006. ANNUAL AUDIT.

(a) **REQUIREMENT.**—The Comptroller General of the United States shall conduct on an annual basis an audit of—

(1) the administration of the provisions of this Act; and

(2) the financial position of each applicant who receives a loan guarantee under this Act, including the nature, amount, and purpose of investments made by the applicant.

(b) **REPORT.**—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on each audit conducted under subsection (a).

SEC. 1007. IMPROVED CELLULAR SERVICE IN RURAL AREAS.

(a) **REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.**—

(1) **IN GENERAL.**—Notwithstanding the order of the Federal Communications Commission in the proceeding described in paragraph (3), the Commission shall—

(A) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(B) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(2) **EXEMPTION FROM PETITIONS TO DENY.**—For purposes of the amended applications filed pursuant to paragraph (1)(B), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(3) PROCEEDING.—The proceeding described in this paragraph is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

(b) CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.—

(1) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(2) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of subsection (d)(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(3) CALCULATION OF LICENSE FEE.—

(A) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(i) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(ii) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(B) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by subsection (a)(1)(B), the Commission shall notify each applicant of the fee established for the license associated with its application.

(4) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to paragraph (3) for the license granted to the applicant under paragraph (1).

(5) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to subsection (a)(1)(B), the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under paragraph (2) of this subsection, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to subsection (a)(1)(B) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

(c) PROHIBITION OF TRANSFER.—During the 5-year period that begins on the date that an applicant is granted any license pursuant

to subsection (a), the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to subsection (a) from contracting with other licensees to improve cellular telephone service.

(d) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term “applicant” means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term “covered rural service area licensing proceeding” means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term “tentative selectee” means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission’s rules for grant of the license.

SEC. 1008. TECHNICAL AMENDMENT.

Section 339(c) of the Communications Act of 1934 (47 U.S.C. 339(c)) is amended by adding at the end the following new paragraph:

“(5) DEFINITION.—Notwithstanding subsection (d)(4), for purposes of paragraphs (2) and (4) of this subsection, the term ‘satellite carrier’ includes a distributor (as defined in section 119(d)(1) of title 17, United States Code), but only if the satellite distributor’s relationship with the subscriber includes billing, collection, service activation, and service deactivation.”.

SEC. 1009. SUNSET.

No loan guarantee may be approved under this Act after December 31, 2006.

SEC. 1010. DEFINITIONS.

In this Act:

(1) AFFILIATE.—The term “affiliate”—

(A) means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and

(B) may include any individual who is a director or senior management officer of an affiliate, a shareholder controlling more than 25 percent of the voting securities

of an affiliate, or more than 25 percent of the ownership interest in an affiliate not organized in stock form.

(2) NONSERVED AREA.—The term “nonserved area” means any area that—

(A) is outside the grade B contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) does not have access to such signals by any commercial, for-profit, multichannel video provider.

(3) UNDERSERVED AREA.—The term “underserved area” means any area that—

(A) is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the local television broadcast signals serving a particular designated market area; and

(B) has access to local television broadcast signals from not more than one commercial, for-profit multichannel video provider.

(4) COMMON TERMS.—Except as provided in paragraphs (1) through (3), any term used in this Act that is defined in the Communications Act of 1934 (47 U.S.C. 151 et seq.) has the meaning given that term in the Communications Act of 1934.

SEC. 1011. AUTHORIZATIONS OF APPROPRIATIONS.

(a) COST OF LOAN GUARANTEES.—For the cost of the loans guaranteed under this Act, including the cost of modifying the loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661(a)), there are authorized to be appropriated for fiscal years 2001 through 2006, such amounts as may be necessary.

(b) COST OF ADMINISTRATION.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, other than to cover costs under subsection (a).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authorizations of appropriations in subsections (a) and (b) shall remain available until expended.

SEC. 1012. PREVENTION OF INTERFERENCE TO DIRECT BROADCAST SATELLITE SERVICES.

(a) TESTING FOR HARMFUL INTERFERENCE.—The Federal Communications Commission shall provide for an independent technical demonstration of any terrestrial service technology proposed by any entity that has filed an application to provide terrestrial service in the direct broadcast satellite frequency band to determine whether the terrestrial service technology proposed to be provided by that entity will cause harmful interference to any direct broadcast satellite service.

(b) TECHNICAL DEMONSTRATION.—In order to satisfy the requirement of subsection (a) for any pending application, the Commission shall select an engineering firm or other qualified entity independent of any interested party based on a recommendation made by the Institute of Electrical and Electronics Engineers (IEEE), or a similar independent professional organization, to perform the technical demonstration or analysis. The demonstration shall be concluded within 60 days after the date of enactment

of this Act and shall be subject to public notice and comment for not more than 30 days thereafter.

(c) DEFINITIONS.—As used in this section:

(1) DIRECT BROADCAST SATELLITE FREQUENCY BAND.—The term “direct broadcast satellite frequency band” means the band of frequencies at 12.2 to 12.7 gigahertz.

(2) DIRECT BROADCAST SATELLITE SERVICE.—The term “direct broadcast satellite service” means any direct broadcast satellite system operating in the direct broadcast satellite frequency band.

TITLE XI—ENCOURAGING IMMIGRANT FAMILY REUNIFICATION

SEC. 1101. SHORT TITLE.

This title may be cited as—

- (1) the “Legal Immigration Family Equity Act”; or
- (2) the “LIFE Act”.

SEC. 1102. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA; PROVISIONS AFFECTING SUBSE- QUENT ADJUSTMENT OF STATUS FOR SUCH NON- IMMIGRANTS.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

- (1) in subparagraph (T), by striking “or” at the end;
- (2) in subparagraph (U), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following:

“(V) subject to section 214(o), an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 203(d)) of a petition to accord a status under section 203(a)(2)(A) that was filed with the Attorney General under section 204 on or before the date of the enactment of the Legal Immigration Family Equity Act, if—

“(i) such petition has been pending for 3 years or more; or

“(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

“(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 203(a)(2)(A); or

“(II) the alien’s application for an immigrant visa, or the alien’s application for adjustment of status under section 245, pursuant to the approval of such petition, remains pending.

(b) PROVISIONS AFFECTING NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

“(o)(1) In the case of a nonimmigrant described in section 101(a)(15)(V)—

“(A) the Attorney General shall authorize the alien to engage in employment in the United States during the period of authorized admission and shall provide the alien with an

‘employment authorized’ endorsement or other appropriate document signifying authorization of employment; and

“(B) the period of authorized admission as such a nonimmigrant shall terminate 30 days after the date on which any of the following is denied:

“(i) The petition filed under section 204 to accord the alien a status under section 203(a)(2)(A) (or, in the case of a child granted nonimmigrant status based on eligibility to receive a visa under section 203(d), the petition filed to accord the child’s parent a status under section 203(a)(2)(A)).

“(ii) The alien’s application for an immigrant visa pursuant to the approval of such petition.

“(iii) The alien’s application for adjustment of status under section 245 pursuant to the approval of such petition.

“(2) In determining whether an alien is eligible to be admitted to the United States as a nonimmigrant under section 101(a)(15)(V), the grounds for inadmissibility specified in section 212(a)(9)(B) shall not apply.

“(3) The status of an alien physically present in the United States may be adjusted by the Attorney General, in the discretion of the Attorney General and under such regulations as the Attorney General may prescribe, to that of a nonimmigrant under section 101(a)(15)(V), if the alien—

“(A) applies for such adjustment;

“(B) satisfies the requirements of such section; and

“(C) is eligible to be admitted to the United States, except in determining such admissibility, the grounds for inadmissibility specified in paragraphs (6)(A), (7), and (9)(B) of section 212(a) shall not apply.”.

(c) PROVISIONS AFFECTING PERMANENT RESIDENT STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(m)(1) The status of a nonimmigrant described in section 101(a)(15)(V) who the Attorney General determines was physically present in the United States at any time during the period beginning on July 1, 2000, and ending on October 1, 2000, may be adjusted by the Attorney General, in the discretion of the Attorney General and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence, if—

“(A) the alien makes an application for such adjustment;

“(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in paragraphs (6)(A), (7), and (9)(B) of section 212(a) shall not apply; and

“(C) an immigrant visa is immediately available to the alien at the time the alien’s application is filed.

“(2) Paragraph (1) shall not apply to an alien who has failed (other than through no fault of the alien or for technical reasons) to maintain continuously a lawful status since obtaining the status of a nonimmigrant described in section 101(a)(15)(V).

“(3) Upon the approval of an application for adjustment made under paragraph (1), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date the order

of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference visas authorized to be issued under sections 202 and 203 within the class to which the alien is chargeable for the fiscal year then current.

“(4) The Attorney General may accept an application for adjustment made under paragraph (1) only if the alien remits with such application a sum equalling \$1,000, except that such sum shall not be required from an alien if it would not be required from the alien if the alien were applying under subsection (i).

“(5) The sum specified in paragraph (4) shall be in addition to the fee normally required for the processing of an application under this section.

“(6)(A) The portion of each application fee (not to exceed \$200) that the Attorney General determines is required to process an application under this subsection shall be disposed of by the Attorney General as provided in subsections (m), (n), and (o) of section 286.

“(B) One-half of any remaining portion of such fee shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).

“(7) Nothing in this subsection shall be construed as precluding a nonimmigrant described in section 101(a)(15)(V) who is eligible for adjustment of status under subsection (a) from applying for and obtaining adjustment under such subsection. In the case of such an application, the alien shall be required to remit only the fee normally required for the processing of an application under subsection (a).”.

(d) CONFORMING AMENDMENTS.—

(1) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended, in each of subsections (b) and (h), by striking “(H)(i) or (L)” and inserting “(H)(i), (L), or (V)”.

(2) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in each of subsections (d) and (f), by striking “under subsection (a),” each place such term appears and inserting “under subsection (a) or (m),”; and

(B) in subsection (e)(1), by striking “subsection (a).” and inserting “subsection (a) or (m).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act on or before the date of the enactment of this Act.

SEC. 1103. NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF CITIZENS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

(a) IN GENERAL.—Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended to read as follows:

“(K) subject to subsections (d) and (p) of section 214, an alien who—

“(i) is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after admission;

“(ii) has concluded a valid marriage with a citizen of the United States who is the petitioner, is the beneficiary of a petition to accord a status under section 201(b)(2)(A)(i) that was filed under section 204 by the petitioner, and seeks to enter the United States to await the approval of such petition and the availability to the alien of an immigrant visa; or

“(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;”.

(b) PROVISIONS AFFECTING NONIMMIGRANT STATUS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by section 2 of this Act, is further amended by adding at the end the following:

“(p)(1) A visa shall not be issued under the provisions of section 101(a)(15)(K)(ii) until the consular officer has received a petition filed in the United States by the spouse of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe.

“(2) In the case of an alien seeking admission under section 101(a)(15)(K)(ii) who concluded a marriage with a citizen of the United States outside the United States, the alien shall be considered inadmissible under section 212(a)(7)(B) if the alien is not at the time of application for admission in possession of a valid nonimmigrant visa issued by a consular officer in the foreign state in which the marriage was concluded.

“(3) In the case of a nonimmigrant described in section 101(a)(15)(K)(ii), and any child of such a nonimmigrant who was admitted as accompanying, or following to join, such a nonimmigrant, the period of authorized admission shall terminate 30 days after the date on which any of the following is denied:

“(A) The petition filed under section 204 to accord the principal alien status under section 201(b)(2)(A)(i).

“(B) The principal alien’s application for an immigrant visa pursuant to the approval of such petition.

“(C) The principal alien’s application for adjustment of status under section 245 pursuant to the approval of such petition.”.

(c) CONFORMING AMENDMENTS.—

(1) ADMISSION OF NONIMMIGRANTS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by striking “101(a)(15)(K)” and inserting “101(a)(15)(K)(i)”.

(2) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a) is amended, in each of subsections (b)(1)(B) and (d)(1)(A)(ii), by striking “214(d)” and inserting “subsection (d) or (p) of section 214”.

(3) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (d), by striking “(relating to an alien fiancée or fiancé or the minor child of such alien)”; and

(B) in subsection (e)(3), by striking “214(d)” and inserting “subsection (d) or (p) of section 214”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to an alien who is the beneficiary of a classification petition filed under section 204 of the Immigration and Nationality Act before, on, or after the date of the enactment of this Act.

SEC. 1104. ADJUSTMENT OF STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE.

(a) **IN GENERAL.**—In the case of an eligible alien described in subsection (b), the provisions of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a), as modified by subsection (c), shall apply to the alien.

(b) **ELIGIBLE ALIENS DESCRIBED.**—An alien is an eligible alien described in this subsection if, before October 1, 2000, the alien filed with the Attorney General a written claim for class membership, with or without a filing fee, pursuant to a court order issued in the case of—

(1) *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993); or

(2) *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993).

(c) **MODIFICATIONS TO PROVISIONS GOVERNING ADJUSTMENT OF STATUS.**—The modifications to section 245A of the Immigration and Nationality Act that apply to an eligible alien described in subsection (b) of this section are the following:

(1) **TEMPORARY RESIDENT STATUS.**—Subsection (a) of such section 245A shall not apply.

(2) **ADJUSTMENT TO PERMANENT RESIDENT STATUS.**—In lieu of paragraphs (1) and (2) of subsection (b) of such section 245A, the Attorney General shall be required to adjust the status of an eligible alien described in subsection (b) of this section to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

(A) **APPLICATION PERIOD.**—The alien must file with the Attorney General an application for such adjustment during the 12-month period beginning on the date on which the Attorney General issues final regulations to implement this section.

(B) **CONTINUOUS UNLAWFUL RESIDENCE.**—

(i) **IN GENERAL.**—The alien must establish that the alien entered the United States before January 1, 1982, and that he or she has resided continuously in the United States in an unlawful status since such date and through May 4, 1988. In determining whether an alien maintained continuous unlawful residence in the United States for purposes of this subparagraph, the regulations prescribed by the Attorney General under section 245A(g) of the Immigration and Nationality Act that were most recently in effect before the date of the enactment of this Act shall apply.

(ii) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

(iii) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J))), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) of such Act or has fulfilled that requirement or received a waiver thereof.

(iv) CUBAN AND HAITIAN ENTRANTS.—For purposes of this section, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States.

(C) CONTINUOUS PHYSICAL PRESENCE.—

(i) IN GENERAL.—The alien must establish that the alien was continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988, except that—

(I) an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of this subparagraph by virtue of brief, casual, and innocent absences from the United States; and

(II) brief, casual, and innocent absences from the United States shall not be limited to absences with advance parole.

(ii) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this section or section 245A of the Immigration and Nationality Act.

(D) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien—

(i) is admissible to the United States as an immigrant, except as otherwise provided under section 245A(d)(2) of the Immigration and Nationality Act;

(ii) has not been convicted of any felony or of three or more misdemeanors committed in the United States;

(iii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

(E) BASIC CITIZENSHIP SKILLS.—

(i) IN GENERAL.—The alien must demonstrate that the alien either—

(I) meets the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or

(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

(ii) EXCEPTION FOR ELDERLY OR DEVELOPMENTALLY DISABLED INDIVIDUALS.—The Attorney General may, in the discretion of the Attorney General, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older or who is developmentally disabled.

(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312(a) of the Immigration and Nationality Act may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III of such Act.

(3) TEMPORARY STAY OF REMOVAL, AUTHORIZED TRAVEL, AND EMPLOYMENT DURING PENDENCY OF APPLICATION.—In lieu of subsections (b)(3) and (e)(2) of such section 245A, the Attorney General shall provide that, in the case of an eligible alien described in subsection (b) of this section who presents a prima facie application for adjustment of status to that of an alien lawfully admitted for permanent residence under such section 245A during the application period described in paragraph (2)(A), until a final determination on the application has been made—

(A) the alien may not be deported or removed from the United States;

(B) the Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need; and

(C) the Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an “employment authorized” endorsement or other appropriate work permit.

(4) APPLICATIONS.—Paragraphs (1) through (4) of subsection (c) of such section 245A shall not apply.

(5) CONFIDENTIALITY OF INFORMATION.—Subsection (c)(5) of such section 245A shall apply to information furnished by an eligible alien described in subsection (b) pursuant to any application filed under such section 245A or this section, except

that the Attorney General (and other officials and employees of the Department of Justice and any bureau or agency thereof) may use such information for purposes of rescinding, pursuant to section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)), any adjustment of status obtained by the alien.

(6) USE OF FEES FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—Notwithstanding subsection (c)(7)(C) of such section 245A, no application fee paid to the Attorney General pursuant to this section by an eligible alien described in subsection (b) of this section shall be available in any fiscal year for the purpose described in such subsection (c)(7)(C).

(7) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS BEFORE APPLICATION PERIOD.—In lieu of subsection (e)(1) of such section 245A, the Attorney General shall provide that in the case of an eligible alien described in subsection (b) of this section who is apprehended before the beginning of the application period described in paragraph (2)(A) and who can establish a prima facie case of eligibility to have his status adjusted under such section 245A pursuant to this section (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

(A) may not be deported or removed from the United States; and

(B) shall be granted authorization to engage in employment in the United States and be provided an “employment authorized” endorsement or other appropriate work permit.

(8) JURISDICTION OF COURTS.—Effective as of November 6, 1986, subsection (f)(4)(C) of such section 245A shall not apply to an eligible alien described in subsection (b) of this section.

(9) PUBLIC WELFARE ASSISTANCE.—Subsection (h) of such section 245A shall not apply.

(d) APPLICATIONS FROM ABROAD.—The Attorney General shall establish a process under which an alien who has become eligible to apply for adjustment of status to that of an alien lawfully admitted for permanent residence as a result of the enactment of this section and who is not physically present in the United States may apply for such adjustment from abroad.

(e) DEADLINE FOR REGULATIONS.—The Attorney General shall issue regulations to implement this section not later than 120 days after the date of the enactment of this Act.

(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—The provisions of subparagraphs (A) and (B) of section 245A(f)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(f)(4)) shall apply to administrative or judicial review of a determination under this section or of a determination respecting an application for adjustment of status under section 245A of the Immigration and Nationality Act filed pursuant to this section.

(g) DEFINITION.—For purposes of this section, the term “such section 245A” means section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a).

Titles I through VII of this Act may be cited as the “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001”.

*Public Law 106–554
106th Congress

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2001,
and for other purposes.

Dec. 21, 2000
[H.R. 4577]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. (a) The provisions of the following bills of the
106th Congress are hereby enacted into law:

- (1) H.R. 5656, as introduced on December 14, 2000.
- (2) H.R. 5657, as introduced on December 14, 2000.
- (3) H.R. 5658, as introduced on December 14, 2000.
- (4) H.R. 5666, as introduced on December 15, 2000, except
that the text of H.R. 5666, as so enacted, shall not include
section 123 (relating to the enactment of H.R. 4904).
- (5) H.R. 5660, as introduced on December 14, 2000.
- (6) H.R. 5661, as introduced on December 14, 2000.
- (7) H.R. 5662, as introduced on December 14, 2000.
- (8) H.R. 5663, as introduced on December 14, 2000.
- (9) H.R. 5667, as introduced on December 15, 2000.

(b) In publishing this Act in slip form and in the United
States Statutes at Large pursuant to section 112 of title 1, United
States Code, the Archivist of the United States shall include after
the date of approval at the end appendixes setting forth the texts
of the bills referred to in subsection (a) of this section and the
text of any other bill enacted into law by reference by reason
of the enactment of this Act.

SEC. 2. (a) Notwithstanding Rule 3 of the Budget Scorekeeping
Guidelines set forth in the joint explanatory statement of the
committee of conference accompanying Conference Report 105–217,
legislation enacted in section 505 of the Department of Transpor-
tation and Related Agencies Appropriations Act, 2001, section 312
of the Legislative Branch Appropriations Act, 2001, titles X and
XI of H.R. 5548 (106th Congress) as enacted by H.R. 4942 (106th
Congress), division B of H.R. 5666 (106th Congress) as enacted
by this Act, and sections 1(a)(5) through 1(a)(9) of this Act that
would have been estimated by the Office of Management and Budget
as changing direct spending or receipts under section 252 of the
Balanced Budget and Emergency Deficit Control Act of 1985 were
it included in an Act other than an appropriations Act shall be
treated as direct spending or receipts legislation, as appropriate,
under section 252 of the Balanced Budget and Emergency Deficit
Control Act of 1985.

(b) In preparing the final sequestration report required by
section 254(f)(3) of the Balanced Budget and Emergency Deficit
Control Act of 1985 for fiscal year 2001, in addition to the informa-
tion required by that section, the Director of the Office of Manage-
ment and Budget shall change any balance of direct spending

Consolidated
Appropriations
Act, 2001.
Incorporation by
reference.

Publication.
1 USC 112 note.

* See Endnote on 114 Stat. 2764.

and receipts legislation for fiscal year 2001 under section 252 of that Act to zero.

(c) This Act may be cited as the “Consolidated Appropriations Act, 2001”.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 4577 (S. 2553):

HOUSE REPORTS: Nos. 106-645 (Comm. on Appropriations) and 106-1033 (Comm. of Conference).

SENATE REPORTS: No. 106-293 accompanying S. 2553 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 8, 12-14, considered and passed House.

June 22, 23, 26-30, considered and passed Senate, amended.

Dec. 15, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Dec. 21, Presidential remarks and statement.

***ENDNOTE:** The following appendixes were added pursuant to the provisions of section 1 of this Act (114 Stat. 2763).



TABLE OF CONTENTS

The table of contents is as follows:

APPENDIX A—H.R. 5656

APPENDIX B—H.R. 5657

APPENDIX C—H.R. 5658

APPENDIX D—H.R. 5666

APPENDIX D–1—S. 2273

APPENDIX D–2—S. 2885

APPENDIX E—H.R. 5660

APPENDIX F—H.R. 5661

APPENDIX G—H.R. 5662

APPENDIX H—H.R. 5663

APPENDIX I—H.R. 5667

APPENDIX A—H.R. 5656

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; \$3,207,805,000 plus reimbursements, of which \$1,808,465,000 is available for obligation for the period July 1, 2001 through June 30, 2002; of which \$1,377,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including \$1,102,965,000 to carry out chapter 4 of the Workforce Investment Act and \$275,000,000 to carry out section 169 of such Act; and of which \$20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That \$9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and \$3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the

Act: *Provided further*, That of the funds made available for Job Corps operating expenses in the Department of Labor Appropriations Act, 2000, as enacted by section 1000(a)(4) of Public Law 106-113, \$586,487 shall be paid to the city of Vergennes, Vermont in settlement of the city's claim: *Provided further*, That \$4,600,000 provided herein for dislocated worker employment and training activities shall be made available to the New Mexico Telecommunications Call Center Training Consortium for training in telecommunications-related occupations.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002, and of which \$100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$193,452,000, together with not to exceed \$3,172,246,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which \$193,452,000, together with not to exceed \$773,283,000 of the amount which may be expended

from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the “Federal unemployment benefits and allowances” account, to remain available until September 30, 2002, \$435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$110,651,000, including \$6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed \$48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, \$107,832,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: *Provided*, That not to exceed \$11,652,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$361,491,000, together with \$1,985,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That \$2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United

States Code; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, as amended, \$56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, \$34,910,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees’ Compensation Act administration, \$23,371,000; (2) for conversion to a paperless office, \$7,005,000; (3) for communications redesign, \$1,750,000; (4) for information technology maintenance and support, \$2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, \$1,028,000,000, of which \$975,343,000 shall be available until September 30, 2002, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which \$30,393,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, \$21,590,000 for transfer to Departmental Management, Salaries and Expenses, \$318,000 for transfer to Departmental Management, Office of Inspector General, and \$356,000 for payment into miscellaneous receipts for the expenses of the Department of the Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized

by section 9501(d)(5) of that Act: *Provided*, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$425,983,000, including not to exceed \$88,493,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act.

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$246,747,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to \$1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2001 obligations for these activities exceed \$1,000,000; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$374,327,000, together with not to exceed \$67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and \$10,000,000 which shall be available for obligation for the period July 1, 2001 through June 30, 2002, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants, or other arrangements of Departmental bilateral and multilateral foreign technical assistance, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2002, and \$37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software, and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy, \$380,529,000; together with not to exceed \$310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): *Provided further*, That beginning in fiscal year 2001, there is established in the Department of Labor an office of disability employment policy which shall, under the overall direction of the Secretary, provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities. Such office shall be headed by an Assistant Secretary: *Provided further*, That of amounts provided under this head, not more than \$23,002,000 is for this purpose.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$186,913,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4110A, 4212, 4214, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance

Act and section 168 of the Workforce Investment Act of 1998, \$24,800,000, of which \$7,300,000 shall be available for obligation for the period July 1, 2001 through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$50,015,000, together with not to exceed \$4,770,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. Section 403(a)(5)(C)(viii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(viii)) (as amended by section 801(b)(1)(A) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking “3 years” and inserting “5 years”.

SEC. 104. No funds appropriated in this Act or any other Act making appropriations for fiscal year 2001 may be used to implement or enforce the proposed and final regulations appearing in 65 Fed. Reg. 43528–43583, regarding temporary alien labor certification applications and petitions for admission of nonimmigrant workers, or any similar or successor rule with an effective date prior to October 1, 2001: *Provided*, That nothing in this section shall prohibit the development or revision of such a rule, or the publication of any similar or successor proposed or final rule, or the provision of training or technical assistance, or other activities necessary and appropriate in preparing to implement such a rule with an effective date after September 30, 2001.

SEC. 105. Section 218(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1188(c)(4)) is amended by adding at the end the following new sentence: “The determination as to whether the housing furnished by an employer for an H–2A worker meets the requirements imposed by this paragraph must be made prior to the date specified in paragraph (3)(A) by which the Secretary of Labor is required to make a certification described in subsection (a)(1) with respect to a petition for the importation of such worker.”

SEC. 106. Section 286(s)(6) of the Immigration and Naturalization Act (8 U.S.C. 1356(s)(6)) is amended by inserting “and section 212(a)(5)(A)” after the second reference to “section 212(n)(1)”.

SEC. 107. (a) Section 403(a)(5) of the Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) The Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113)) is further amended as follows:

(1) Section 403(a)(5)(A)(i) (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking “subparagraph (I)” and inserting “subparagraph (H)”.

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking “(I)” and inserting “(H)”; and

(ii) by striking “(G), and (H)” and inserting “and (G)”; and

(B) in item (bb), by striking “(F)” and inserting “(E)”.

(3) Section 403(a)(5)(B)(v) (42 U.S.C. 603(a)(5)(B)(v)) is amended in the matter preceding subclause (I) by striking “(I)” and inserting “(H)”.

(4) Subparagraphs (E), (F), and (G)(i) of section 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesignated by subsection (a) of this section, are each amended by striking “(I)” and inserting “(H)”.

(5) Section 412(a)(3)(A) (42 U.S.C. 612(a)(3)(A)) is amended by striking “403(a)(5)(I)” and inserting “403(a)(5)(H)”.

(c) Section 403(a)(5)(H)(i)(II) of such Act (42 U.S.C. 603(a)(5)(H)(i)(II)) (as redesignated by subsection (a) of this section and as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113)) is further amended by striking “\$1,450,000,000” and inserting “\$1,400,000,000”.

(d) The amendments made by subsections (a), (b), and (c) of this section shall take effect on October 1, 2000.

This title may be cited as the “Department of Labor Appropriations Act, 2001”.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, and the Poison Control Center Enhancement and Awareness Act, \$5,525,476,000, of which \$226,224,000 shall

be available for the construction and renovation of health care and other facilities, and of which \$25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, \$250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$253,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$589,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That of the amount provided under this heading, \$700,000 shall be for the American Federation of Negro Affairs Education and Research Fund of Philadelphia, \$900,000 shall be for the Des Moines University Osteopathic Medical Center, \$250,000 shall be for the University of Alaska, Anchorage, to train Alaska Natives as psychologists, \$900,000 shall be for Northeastern University in Boston, Massachusetts, to train doctors to serve in low-income communities, \$500,000 shall be for the University of Alaska, Anchorage, to recruit and train nurses in rural areas, and \$230,000 shall be for the Illinois Poison Center: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$113,728,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act, of which \$5,000,000 is for Columbia Hospital for Women Medical Center in Washington, D.C., to support community outreach programs for women, \$5,000,000 is for continuation of the traumatic brain injury State demonstration projects, and \$100,000 is for St. Joseph's Health Services of Rhode Island for the Providence Smiles dental program for low-income children.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, \$30,000,000, which

shall become available on October 1, 2001, and shall remain available until September 30, 2002: *Provided*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$3,679,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, \$3,868,027,000, of which \$175,000,000 shall remain available until expended for the facilities master plan for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, and of which \$104,527,000 for international HIV/AIDS programs shall remain available until September 30, 2002: *Provided*, That in addition to amounts provided herein, up to

\$71,690,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics Surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed \$10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232–18: *Provided further*, That funds obligated for influenza vaccine stockpile in fiscal year 2000 and fiscal year 2001 shall be considered as appropriated under section 3 of Public Law 101–502.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$3,757,242,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,299,866,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$306,448,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,303,385,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,176,482,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$2,043,208,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,535,823,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$976,455,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$510,611,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$502,549,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$786,039,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$396,687,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$300,581,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$104,370,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$340,678,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$781,327,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,107,028,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$382,384,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$817,475,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That \$75,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$50,514,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$246,801,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2001, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE
MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$89,211,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$130,200,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$213,581,000, of which \$48,271,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in

National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$153,790,000, to remain available until expended, of which \$47,300,000 shall be for the National Neuroscience Research Center: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232-18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$2,958,001,000, of which \$24,605,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, \$104,963,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed \$164,980,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$93,586,251,000, to remain available until expended.

For making, after May 31, 2001, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2001 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2002, \$36,207,551,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$70,381,600,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$2,246,326,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That \$20,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: *Provided further*, That the Secretary of Health and Human Services is directed to enter into an agreement with the Mind-Body Institute of Boston, Massachusetts, to conduct a demonstration of a lifestyle modification program: *Provided further*, That \$2,800,000 of the amount available for research, demonstration, and evaluation activities shall be awarded for administration, evaluation, quality monitoring and peer review of this lifestyle modification demonstration: *Provided further*, That \$2,800,000 of the amount available for research, demonstration, and evaluation activities shall be awarded

to a joint application from the University of Pittsburgh, Case Western Reserve in Cleveland, Ohio, and Mt. Sinai Hospital in Miami, Florida, to use integrated nursing services and technology to implement daily monitoring of congestive heart failure patients in underserved populations in accordance with established clinical guidelines: *Provided further*, That \$500,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the University of Pittsburgh Medical Center and University of Pennsylvania for a study of the efficacy of surgical versus non-surgical management of abdominal aneurysms: *Provided further*, That \$650,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Vascular Surgery Outcome Initiative at Dartmouth College: *Provided further*, That up to \$300,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the United States-Mexico Border Counties Coalition for a study to determine the unreimbursed costs incurred to treat undocumented aliens for medical emergencies in southwest border States, their border counties, and hospitals within the jurisdiction of these States and counties: *Provided further*, That \$1,700,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the AIDS Healthcare Foundation in Los Angeles for a demonstration of residential and outpatient treatment facilities: *Provided further*, That \$350,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Cook County, Illinois Bureau of Health for the Asthma Champion Initiative demonstration to reduce morbidity and mortality from asthma in high prevalence areas: *Provided further*, That \$1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the West Virginia University School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision, with a particular focus on the elderly: *Provided further*, That \$1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Iowa Department of Public Health for the establishment and operation of a mercantile prescription drug purchasing cooperative or non-profit corporation demonstration: *Provided further*, That \$691,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Ohio State University to determine the benefits of compliance packaging: *Provided further*, That \$855,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Children's Hospice International for a demonstration project to provide a continuum of care for children with life-threatening conditions and their families: *Provided further*, That \$921,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Equip for Equality for a demonstration project to document the impact of an independent investigative unit that will examine deaths or other serious allegations of abuse and neglect of people with disabilities at facilities in Illinois: *Provided further*, That \$1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Duke University Medical Center to demonstrate the potential savings in the Medicare program of a reimbursement system based on preventative care: *Provided further*, That \$1,843,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Bucks County,

Pennsylvania, for a health improvement project: *Provided further*, That \$255,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the LA Care Health Plan in Los Angeles, California, for a demonstration program to improve clinical data coordination among Medicaid providers: *Provided further*, That \$646,000 of the amount available for research, demonstration, and evaluation activities shall be for the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TennCare eligibility: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2001, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,441,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2002, \$1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, in addition to amounts already appropriated for fiscal year 2001, \$300,000,000.

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, \$300,000,000: *Provided*, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$423,109,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2001 shall be available for the costs of assistance provided and other activities through September 30, 2003: *Provided further*, That up to \$5,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT
BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 2001, \$817,328,000, such funds shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That of the funds appropriated for fiscal year 2001, \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That of the funds appropriated for fiscal year 2001, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler child care: *Provided further*, That of the funds appropriated for fiscal year 2001, \$10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,725,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be \$1,725,000,000: *Provided further*, That, notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent

specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public law 103-322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322 and section 126 and titles IV and V of Public Law 100-485, \$7,956,345,000, of which \$43,000,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed in fiscal years 1999 and 2000; of which \$682,876,000 shall be for making payments under the Community Services Block Grant Act; and of which \$6,200,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2001 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by \$6,000,000.

Funds appropriated for fiscal year 2001 under section 413(h)(1) of the Social Security Act shall be reduced by \$15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, \$305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,863,100,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2002, \$1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,103,135,000, of which \$5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$285,224,000, together with \$5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$10,377,000 shall be for activities specified under section 2003(b)(2), of which \$10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$33,849,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases

for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$24,742,000, together with not to exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, \$241,231,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, \$181,131,000, of which \$32,000,000 shall be for the Health Alert Network and \$18,040,000 shall be for the continued study of the anthrax vaccine; and Office of Emergency Preparedness, \$60,100,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary

of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “1997, 1998, 1999, and 2000” and inserting “1997, 1998, 1999, 2000, and 2001”; and

(B) in subsection (e), by striking “October 1, 2000” each place it appears and inserting “October 1, 2001”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “September 30, 2000” and inserting “September 30, 2001”.

SEC. 213. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2001 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services).

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by March 1, 2001 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State’s substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2001 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2000, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2000 State expenditures and all fiscal year 2001 obligations for tobacco prevention and compliance activities by program activity by July 31, 2001.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2001.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 215. Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting “gynecologic health,” after “with respect to”.

SEC. 216. None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act: *Provided*, That the requirements of section 481(A)(e)(1) shall not apply to funds awarded to nonhuman primate research facilities of special interest to NIH.

SEC. 217. No grants may be awarded under the first paragraph under the heading “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services” in chapter 4 of title II of the Emergency Supplemental Act, 2000 (Public Law 106–246, division B) until March 1, 2001.

SEC. 218. (a) The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: “No agreement shall be entered into under this section later than September 30, 2005, nor shall any agreement cover a period of service extending beyond September 30, 2007.”

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking “September 30, 2002” and inserting “September 30, 2007”.

SEC. 219. (a) Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2

to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(b) Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

“(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

“(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

“(I) January 1, 2002; or

“(II) the completion of recertification under the requirements of clause (ii); or

“(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

“(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

“(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

“(III) use multiple outcome measures as part of the certification process; and

“(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;”.

SEC. 220. (a) In order for the Centers for Disease Control and Prevention to carry out international HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2001, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, subject to the limitations set forth in subsection (b), and

(2) enter into reimbursable agreements with the Department of State using any funds appropriated to the Department of Health and Human Services, for the purposes for which the funds were appropriated in accordance with authority granted to the Secretary of Health and Human Services or under authority governing the activities of the Department of State.

(b) In exercising the authority set forth in subsection (a)(1), the Secretary of Health and Human Services—

(1) shall not award contracts for performance of an inherently governmental function; and

(2) shall follow otherwise applicable Federal procurement laws and regulations to the maximum extent practicable.

SEC. 221. Notwithstanding any other provision of law, the Director, National Institutes of Health, may enter into and administer a long-term lease for facilities for the purpose of providing laboratory, office and other space for biomedical and behavioral research at the Bayview Campus in Baltimore, Maryland: *Provided*, That the House and Senate Appropriations Committees will be notified of the terms and conditions of the lease upon its execution.

SEC. 222. Of the funds appropriated in this Act for the National Institutes of Health, \$5,800,000 shall be transferred to the Office of the Secretary, General Departmental Management to support the newly established Office for Human Research Protections.

SEC. 223. Section 487E(a)(1) of the Public Health Service Act is amended by striking “as employees of the National Institutes of Health”.

SEC. 224. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 225. The National Neuroscience Research Center to be constructed on the National Institutes of Health Bethesda campus is hereby named the John Edward Porter Neuroscience Research Center.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2001”.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by title IV of the Goals 2000: Educate America Act as in effect prior to September 30, 2000, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and section 10105 and part I of title X of the Elementary and Secondary Education Act of 1965, \$1,880,710,000, of which \$38,000,000 shall be for the Goals 2000: Educate America Act, and of which \$191,950,000 shall be for section 3122: *Provided*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State’s allotment under section

3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: *Provided further*, That with respect to all funds appropriated to carry out section 10901 et seq. in this Act, the Secretary shall strongly encourage applications for grants that are to be submitted jointly by a local educational agency (or a consortium of local educational agencies) and a community-based organization that has experience in providing before- and after-school services and all applications submitted to the Secretary shall contain evidence that the project contains elements that are designed to assist students in meeting or exceeding State and local standards in core academic subjects, as appropriate to the needs of participating children: *Provided further*, That \$125,000,000, which shall become available on July 1, 2001, and remain available through September 30, 2002, shall be available to support activities under section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, of which up to 6 percent shall become available October 1, 2000, and be available for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities: *Provided further*, That funds made available to local educational agencies under this section shall be used only for activities related to establishing smaller learning communities in high schools: *Provided further*, That \$46,328,000 of the funds available to carry out section 3136 of the Elementary and Secondary Education Act of 1965, \$8,768,000 of the funds available to carry out part B of title III of that Act and \$20,614,000 of the funds available to carry out part I of title X of that Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, \$9,532,621,000, of which \$2,731,921,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which \$6,758,300,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001-2002: *Provided*, That \$7,332,721,000 shall be available for basic grants under section 1124: *Provided further*, That \$225,000,000 of these funds shall be allocated among the States in the same proportion as funds are allocated among the States under section 1122, to carry out section 1116(c): *Provided further*, That 100 percent of these funds shall be allocated by States to local educational agencies for the purposes of carrying out section 1116(c): *Provided further*, That all local educational agencies receiving an allocation under the preceding proviso, and all other local educational agencies that are within a State that receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (other than a local educational agency within a State receiving a minimum grant under section 1124(d) or 1124A(a)(1)(B) of such Act), shall provide all students enrolled in a school identified under section 1116(c) with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under section

1116(c), unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy: *Provided further*, That if the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide all students with the option to transfer to another public school, and after giving notice to the parents of children affected that it is not possible, consistent with State and local law, to accommodate the transfer request of every student, the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school that has not been identified for school improvement under section 1116(c): *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: *Provided further*, That \$1,364,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be not less than the greater of 100 percent of the amount each State and local educational agency received under this authority for fiscal year 2000 or the amount such State and local educational agency would receive if \$6,883,503,000 for Basic Grants and \$1,222,397,000 for Concentration Grants were allocated in accordance with section 1122(c)(3) of title I: *Provided further*, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 2000, but are not eligible to receive such a grant for fiscal year 2001: *Provided further*, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year: *Provided further*, That \$8,900,000 shall be available for evaluations under section 1501 and not more than \$8,500,000 shall be reserved for section 1308, of which not more than \$3,000,000 shall be reserved for section 1308(d): *Provided further*, That \$210,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105-78 and in the statement of the managers on the conference report accompanying Public Law 105-277: *Provided further*, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$993,302,000, of which \$882,000,000 shall be for basic support payments under section

8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$12,802,000 shall be for construction under section 8007, \$40,500,000 shall be for Federal property payments under section 8002, and \$8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That \$6,802,000 of the funds for section 8007 shall be available for the local educational agencies and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That from the amount appropriated for section 8002, the Secretary shall treat as timely filed, and shall process for payment, an application for a fiscal year 1999 payment from Academy School District 20, Colorado, under that section if the Secretary has received that application not later than 30 days after the enactment of this Act: *Provided further*, That the Secretary of Education shall consider the local educational agency serving the Kadoka School District, 35-1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001 and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: *Provided further*, That from the amount appropriated for section 8002, the Secretary shall first increase the payment of any local educational agency that was denied funding or had its payment reduced under that section for fiscal year 1998 due to section 8002(b)(1)(C) to the amount that would have been made without the limitation of that section: *Provided further*, That from the amount appropriated for section 8002, \$500,000 shall be for subsection 8002(j).

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V-A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 (“ESEA”); the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Amendments of 1998; \$4,872,084,000, of which \$2,403,750,000 shall become available on July 1, 2001, and remain available through September 30, 2002, and of which \$1,765,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002 for academic year 2001-2002: *Provided*, That \$485,000,000 shall be available for Eisenhower professional development State grants under part B of title II of the Elementary and Secondary Education Act of 1965: *Provided further*, That each local educational agency shall use funds in excess of the allocation it received under such part for the preceding fiscal year to improve teacher quality by reducing the percentage of teachers who do not have State certification or are certified through emergency or provisional means; are teaching out of field in some or all of the subject areas and grade levels in which they teach; or who lack sufficient content knowledge to teach effectively in the areas they teach to obtain that knowledge: *Provided further*, That the local educational agency may also use such excess funds for: activities authorized under section 2210 of the Elementary and Secondary Education Act of 1965; mentoring programs for new teachers; providing opportunities for teachers to attend multi-week institutes, such as those provided in the summer months, that provide intensive professional development in partnership with local educational agencies; and carrying out initiatives to promote the retention of

highly qualified teachers who have a record of success in helping low-achieving students improve their academic success: *Provided further*, That each State educational agency may use such excess funds to carry out activities under section 2207 of the Elementary and Secondary Education Act of 1965: *Provided further*, That each State agency for higher education may use such excess funds to carry out activities under section 2211 of the Elementary and Secondary Education Act of 1965: *Provided further*, That both State educational agencies and State agencies for higher education may also use such excess funds for multi-week institutes, such as those provided in the summer months, that provide intensive professional development in partnership with local educational agencies; and grants to partnerships of such entities as local educational agencies, institutions of higher education, and private business, to recruit, and prepare, and provide professional development to, and help retain, school principals and superintendents, especially for such individuals who serve, or are preparing to serve, in high-poverty, low-performing schools and local educational agencies: *Provided further*, That such activities may be undertaken in consortium with other States: *Provided further*, That of the funds appropriated for part B of title II of the Elementary and Secondary Education Act of 1965, \$45,000,000 shall be available to States and allocated in accordance with section 2202(b) of that Act (except that the requirements of section 2203 shall not apply): *Provided further*, That notwithstanding any other provision of law, each State shall use the amount made available under the preceding proviso to support efforts to meet the requirements for State eligibility for the Ed-Flex Partnership Act of 1999 or the requirements under section 1111 of title I of the Elementary and Secondary Education Act of 1965: *Provided further*, That \$44,000,000 shall be available for national activities under section 2102 of the Elementary and Secondary Education Act of 1965: *Provided further*, That of the amount available in the preceding proviso, \$3,000,000 shall be made available to the Secretary for the Troops-to-Teachers Program for transfer to the Defense Activity for Non-Traditional Education Support of the Department of Defense: *Provided further*, That the funds transferred under the preceding proviso shall be used by the Secretary of Defense to administer the Troops-to-Teachers Program, including the selection of participants in the Program under the Troops-to-Teachers Program Act of 1999 (title XVII of Public Law 106-65; 20 U.S.C. 9301 et seq.): *Provided further*, That for purposes of sections 1702(b) and (c) of the Troops-to-Teachers Program Act of 1999, the Secretary of Education shall be the administering Secretary and may, at the Secretary's discretion, carry out the activities under section 1702(c) of that Act and retain a portion of the funds made available for the Troops-to-Teachers Program to carry out section 1702(b) and (c) of that Act: *Provided further*, That of the amount made available under this heading for national activities under section 2102 of the Elementary and Secondary Education Act of 1965, the Secretary is authorized to use a portion of such funds to carry out activities to improve the knowledge and skills of early childhood educators and caregivers who work in urban or rural communities with high concentrations of young children living in poverty: *Provided further*, That of the amount appropriated, \$3,208,000,000 shall be for title VI of the Elementary and Secondary Education Act of 1965 and to carry out activities under part B of the Individuals with Disabilities

Education Act (20 U.S.C. 1411 et seq.): *Provided further*, That of the amount made available for title VI, \$1,623,000,000 shall be available, notwithstanding any other provision of law, in accordance with section 306 of this Act in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children: *Provided further*, That of the amount made available for title VI, \$1,200,000,000 shall be available, notwithstanding any other provision of law, for grants for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, in accordance with section 321 of this Act: *Provided further*, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law: *Provided further*, That of the amount made available to carry out activities authorized under part C of title IX of the Elementary and Secondary Education Act of 1965, \$1,000,000 shall be for the Alaska Humanities Forum for operation of the Rose student exchange program and \$1,000,000 shall be for the Alaska Native Heritage Center to support its program of cultural education activities: *Provided further*, That of the amount made available for subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, \$10,000,000, to remain available until expended, shall be for Project School Emergency Response to Violence to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, \$91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002 and \$195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, \$115,500,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, \$460,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$7,439,948,000, of which \$2,090,452,000 shall become available for obligation on July 1, 2001, and shall remain available through September 30, 2002, and of which \$5,072,000,000 shall become

available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001–2002: *Provided*, That \$9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That \$7,353,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,805,339,000: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 (“the AT Act”) shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That each State shall be provided \$50,000 for activities under section 102 of the AT Act: *Provided further*, That \$15,000,000 shall be used to support grants for up to 3 years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants: *Provided further*, That \$4,600,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That \$400,000 of the funds for title II of the Rehabilitation Act of 1973 shall be for the Cerebral Palsy Research Foundation in Wichita, Kansas for the establishment of a Rehabilitation Research and Training Center to study and recommend incentives for employers to hire persons with significant disabilities.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$12,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$53,376,000, of which \$5,376,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet

University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$89,400,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII-D of the Higher Education Act of 1965, as amended, and Public Law 102-73, \$1,825,600,000, of which \$1,000,000 shall remain available until expended, and of which \$1,028,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2002 and of which \$791,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$5,600,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: *Provided further*, That \$9,000,000 shall be for carrying out section 118 of such Act: *Provided further*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$5,000,000 shall be for demonstration activities authorized by section 207: *Provided further*, That of the amount provided for Adult Education State Grants, \$70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$14,000,000 shall be for national leadership activities under section 243 and \$6,500,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$22,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$10,674,000,000, which shall remain available through September 30, 2002.

The maximum Pell Grant for which a student shall be eligible during award year 2001-2002 shall be \$3,750: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines,

prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2000 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, \$48,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, section 1543 of the Higher Education Amendments of 1992 and title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, \$1,911,710,000, of which \$10,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That \$10,000,000, to remain available through September 30, 2002, shall be available to fund fellowships for academic year 2002–2003 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That \$3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That \$15,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of which \$5,000,000 shall be used for construction and renovation: *Provided further*, That \$250,000 shall be for the Web-Based Education Commission to continue activities authorized under part J of title VIII of the Higher Education Amendments of 1998: *Provided further*, That \$115,487,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$232,474,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$762,000 to carry out

activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING
PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$208,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, parts A, B, K, and L and sections 10102 and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103-227, \$732,721,000: *Provided*, That of the funds appropriated for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, \$5,000,000 shall be made available for a high school reform program of grants to State educational agencies to improve academic performance and provide technical skills training: *Provided further*, That of the funds appropriated for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, \$5,000,000 shall be made available to carry out part L of title X of the Act: *Provided further*, That of the amount available for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, \$5,000,000 shall be available for grants to State and local educational agencies, in collaboration with other agencies and organizations, for school dropout prevention programs designed to address the needs of populations or communities with the highest dropout rates: *Provided further*, That of the amount made available for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, \$50,000,000 shall be made available to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula: *Provided further*, That \$53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B-F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227 and \$20,000,000 of that \$53,000,000 shall be made available for the Interagency Education Research Initiative: *Provided further*, That of the funds appropriated for part A of title X of the Elementary and Secondary Education Act, as amended, \$50,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105-78 and in the statement of the managers on the conference

report accompanying Public Law 105-277: *Provided further*, That the funds made available for comprehensive school reform shall become available on July 1, 2001, and remain available through September 30, 2002, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: *Provided further*, That \$139,624,000 of the funds for section 10101 of the Elementary and Secondary Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, \$2,000,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That of the funds available for section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, \$150,000 shall be awarded to the Center for Educational Technologies to complete production and distribution of an effective CD-ROM product that would complement the “We the People: The Citizen and the Constitution” curriculum: *Provided further*, That, of the funds for title VI of Public Law 103-227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, \$1,200,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103-227, to provide civic education assistance to democracies in developing countries. The term “developing countries” shall have the same meaning as the term “developing country” in the Education for the Deaf Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, \$413,184,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$76,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$36,500,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial

imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. The Comptroller General of the United States shall evaluate the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourages the targeting of State funds to areas with higher concentrations of children from low-income families, and the implications of current distribution methods for such funds, shall make formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and shall prepare interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001.

SEC. 306. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education—

(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

(2) shall allocate the remainder by providing each State the same percentage of that remainder as it received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which—

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency, who is certified within the State (which may include certification through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in his or her content areas, that agency may use funds under this section to (A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or (B) pay for activities described in subsection (c)(2)(A)(iii) which may be related to teaching in smaller classes.

(c)(1) The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State, including teachers certified through State or local alternative routes, and who demonstrate competency in the areas in which they teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may use funds under this section for—

(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children who are certified within the State, including teachers certified through State or local alternative routes, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in their content areas;

(ii) testing new teachers for academic content knowledge and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development (which may include such activities as those described in section 2210 of the Elementary and Secondary Education Act of 1965, opportunities for teachers to attend multi-week institutes, such as those made available during the summer months that provide intensive professional development in partnership with local educational agencies and initiatives that promote retention and mentoring), to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

(B)(i) Except as provided under clause (ii), a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

(ii) A local educational agency in which 10 percent or more of teachers in elementary schools, as defined by section 14101(14) of the Elementary and Secondary Education Act of 1965, have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) to help teachers who are not certified by the State become certified, including through State or local alternative routes, or to help teachers affected by class size reduction who lack sufficient content knowledge to teach effectively in the areas they teach to obtain that knowledge, if the local educational agency notifies the State educational agency of the percentage of the funds that it will use for the purpose described in this clause.

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

(i) to make further class size reductions in grades kindergarten through 3;

(ii) to reduce class size in other grades; or

(iii) to carry out activities to improve teacher quality including professional development.

(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that,

in the absence of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are not hired under this section. Funds under this section may be used to pay the salary of teachers hired under section 307 of the Department of Education Appropriations Act, 1999, or under section 310 of the Department of Education Appropriations Act, 2000.

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

(3) Each school receiving funds under this section shall provide to parents, upon request, the professional qualifications of their child's teacher.

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private non-profit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

(f) A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

(h) No funds under this section may be used to pay the salary of any teacher hired with funds under section 307 of the Department of Education Appropriations Act, 1999, unless, by the start of the 2001-2002 school year, the teacher is certified within the State (which may include certification through State or local alternative routes) and demonstrates competency in the subject areas in which he or she teaches.

(i) Not later than 30 days after the date of the enactment of this Act, the Secretary shall provide specific notification to each local educational agency eligible to receive funds under this part regarding the flexibility provided under subsection (c)(2)(B)(ii) and the ability to use such funds to carry out activities described in subsection (c)(2)(A)(iii).

SEC. 307. Section 412 of the National Education Statistics Act of 1994 (Public Law 103-382) is amended—

(1) in subsection 412(c)(1), after “period of” and before “years,” by striking “3” and inserting “4”; and

(2) after “expiration of such term.”, by adding the following new subsection:

“(4) CONFORMING PROVISION.—Members of the Board previously granted 3 year terms, whose terms are in effect on the date of enactment of the Department of Education Appropriations Act, 2001, shall have their terms extended by 1 year.”.

SEC. 308. (a) Section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)) is amended by adding at the end thereof the following new subparagraph:

“(D) Notwithstanding the first sentence of subparagraph (A), the Secretary shall restore the eligibility to participate in a program under subpart 1 of part A, part B, or part D of an institution that did not appeal its loss of eligibility within 30 days of receiving notification if the Secretary determines, on a case-by-case basis, that the institution’s failure to appeal was substantially justified under the circumstances, and that—

“(i) the institution made a timely request that the appropriate guaranty agency correct errors in the draft data used to calculate the institution’s cohort default rate;

“(ii) the guaranty agency did not correct the erroneous data in a timely fashion; and

“(iii) the institution would have been eligible if the erroneous data had been corrected by the guaranty agency.”.

(b) The amendment made by subsection (a) of this section shall be effective for cohort default rate calculations for fiscal years 1997 and 1998.

SEC. 309. Section 439(r)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087-2(r)(2)) is amended—

(1) in clause (A)(i), by striking “auditors and examiners” and inserting “and fix the compensation of such auditors and examiners as may be necessary”; and

(2) by inserting at the end of subparagraph (E) the following new subparagraph:

“(F) COMPENSATION OF AUDITORS AND EXAMINERS.—

“(i) RATES OF PAY.—Rates of basic pay for all auditors and examiners appointed pursuant to subparagraph (A) may be set and adjusted by the Secretary of the Treasury without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

“(ii) COMPARABILITY.—

“(I) IN GENERAL.—Subject to section 5373 of title 5, United States Code, the Secretary of the Treasury may provide additional compensation and benefits to auditors and examiners appointed pursuant to subparagraph (A) if the same type of compensation or benefits are then being provided by any agency referred to in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation.

“(II) CONSULTATION.—In setting and adjusting the total amount of compensation and benefits for auditors and examiners appointed pursuant to subparagraph (A), the Secretary of the Treasury shall consult with, and seek to maintain comparability with, the agencies referred to in section

1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).”.

SEC. 310. Section 117(i) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(i)) is amended by inserting “such sums as may be necessary for” before “each of the 4 succeeding fiscal years.”.

SEC. 311. Section 432(m)(1) of the Higher Education Act of 1965 (20 U.S.C. 1082(m)(1)) is amended—

(1) by striking clause (iv) of subparagraph (D); and

(2) by adding at the end the following new subparagraph:

“(E) PERFECTION OF SECURITY INTERESTS IN STUDENT LOANS.—

“(i) IN GENERAL.—Notwithstanding the provisions of any State law to the contrary, including the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part, on behalf of any eligible lender (as defined in section 435(d)) shall attach, be perfected, and be assigned priority in the manner provided by the applicable State’s law for perfection of security interests in accounts, as such law may be amended from time to time (including applicable transition provisions). If any such State’s law provides for a statutory lien to be created in such loans, such statutory lien may be created by the entity or entities governed by such State law in accordance with the applicable statutory provisions that created such a statutory lien.

“(ii) COLLATERAL DESCRIPTION.—In addition to any other method for describing collateral in a legally sufficient manner permitted under the laws of the State, the description of collateral in any financing statement filed pursuant to this subparagraph shall be deemed legally sufficient if it lists such loans, or refers to records (identifying such loans) retained by the secured party or any designee of the secured party identified in such financing statement, including the debtor or any loan servicer.

“(iii) SALES.—Notwithstanding clauses (i) and (ii) and any provisions of any State law to the contrary, other than any such State’s law providing for creation of a statutory lien, an outright sale of loans made under this part shall be effective and perfected automatically upon attachment as defined in the Uniform Commercial Code of such State.”.

SEC. 312. Section 435(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(5)) is amended—

(1) in subparagraph (A)(i), by striking “July 1, 2002,” and inserting “July 1, 2004,”; and

(2) in subparagraph (B), by striking “1999, 2000, and 2001” and inserting “1999 through 2003”.

SEC. 313. From the amounts made available for the “Fund for the Improvement of Education” under the heading “Education Research, Statistics, and Improvement”, \$10,000,000, to remain available until expended, shall be available to the Secretary of Education to be transferred to the Secretary of the Interior for

an award to the National Constitution Center for construction activities authorized under Public Law 100-433.

SEC. 314. Section 4116(b)(4) of the Elementary and Secondary Education Act of 1965 is amended by striking subparagraph (D) and inserting in lieu thereof: “(D) the development and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and”.

SEC. 315. The Secretary of Education shall review the nursing program operated by Graceland University in Lamoni, Iowa, and may exercise the waiver authority provided in section 102(a)(3)(B) of the Higher Education Act of 1965, without regard to the provisions of 34 CFR 600.7(b)(3)(ii), if the Secretary determines that such a waiver is appropriate.

SEC. 316. Section 415 of the Higher Education Act of 1965 is amended—

(1) in section 415A(a)(2), by striking “section 415F” and inserting “section 415E”; and

(2) in section 415E, by striking 415E(c) and inserting in lieu thereof the following:

“(c) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this section may use the grant funds for—

“(1) making awards that—

“(A) supplement grants received under section 415C(b)(2) by eligible students who demonstrate financial need; or

“(B) provide grants under section 415C(b)(2) to additional eligible students who demonstrate financial need;

“(2) providing scholarships for eligible students—

“(A) who demonstrate financial need; and

“(B) who—

“(i) desire to enter a program of study leading to a career in—

“(I) information technology;

“(II) mathematics, computer science, or engineering;

“(III) teaching; or

“(IV) another field determined by the State to be critical to the State’s workforce needs; or

“(ii) demonstrate merit or academic achievement;

and

“(3) making awards that—

“(A) supplement community service work-study awards received under section 415C(b)(2) by eligible students who demonstrate financial need; or

“(B) provide community service work-study awards under section 415C(b)(2) to additional eligible students who demonstrate financial need.”.

(3) in section 415E, adding at the end the following new subsections:

“(f) SPECIAL RULE.—Notwithstanding subsection (d), for purposes of determining a State’s share of the cost of the authorized activities described in subsection (c), the State shall consider only those expenditures from non-Federal sources that exceed its total expenditures for need-based grants, scholarships, and work-study

assistance for fiscal year 1999 (including any such assistance provided under this subpart).

“(g) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State receiving a grant under this section shall not use any of the grant funds to pay administrative costs associated with any of the authorized activities described in subsection (c).”.

SEC. 317. (a) Section 402D of the Higher Education Act of 1965 (20 U.S.C. 1070a-14) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) SPECIAL RULE.—

“(1) USE FOR STUDENT AID.—A recipient of a grant that undertakes any of the permissible services identified in subsection (b) may, in addition, use such funds to provide grant aid to students. A grant provided under this paragraph shall not exceed the maximum appropriated Pell Grant or, be less than the minimum appropriated Pell Grant, for the current academic year. In making grants to students under this subsection, an institution shall ensure that adequate consultation takes place between the student support service program office and the institution’s financial aid office.

“(2) ELIGIBLE STUDENTS.—For purposes of receiving grant aid under this subsection, eligible students shall be current participants in the student support services program offered by the institution and be—

“(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

“(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 if the institution demonstrates to the satisfaction of the Secretary that—

“(i) these students are at high risk of dropping out; and

“(ii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

“(3) DETERMINATION OF NEED.—A grant provided to a student under paragraph (1) shall not be considered in determining that student’s need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student’s cost of attendance, as defined in section 472.

“(4) MATCHING REQUIRED.—A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purpose, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of title III or title V.

“(5) RESERVATION.—In no event may a recipient use more than 20 percent of the funds received under this section for grant aid.

“(6) SUPPLEMENT, NOT SUPPLANT.—Funds received by a grant recipient that are used under this subsection shall be

used to supplement, and not supplant, non-Federal funds expended for student support services programs.”

(b) The amendments made by subsection (a) shall apply with respect to student support services grants awarded on or after the date of enactment of this Act.

SEC. 318. (a) Subparagraph (B) of section 427A(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)(4)) is amended to read as follows:

“(B)(i) For any 12-month period beginning on July 1 and ending on or before June 30, 2001, the rate determined under this subparagraph is determined on the preceding June 1 and is equal to—

“(I) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

“(II) 3.25 percent.

“(ii) For any 12-month period beginning on July 1 of 2001 or any succeeding year, the rate determined under this subparagraph is determined on the preceding June 26 and is equal to—

“(I) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus

“(II) 3.25 percent.”

(b) Subparagraph (A) of section 455(b)(4) of such Act (20 U.S.C. 1087e(b)(4)) is amended to read as follows:

“(A)(i) For Federal Direct PLUS Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on or before June 30, 2001, be determined on the preceding June 1 and be equal to—

“(I) the bond equivalent rate of 52-week Treasury bills auctioned at final auction held prior to such June 1; plus

“(II) 3.1 percent,

except that such rate shall not exceed 9 percent.

“(ii) For any 12-month period beginning on July 1 of 2001 or any succeeding year, the applicable rate of interest determined under this subparagraph shall be determined on the preceding June 26 and be equal to—

“(I) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus

“(II) 3.1 percent,

except that such rate shall not exceed 9 percent.”

SEC. 319. Section 1543 of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by adding at the end the following new subsection:

“(e) DESIGNATION.—Scholarships awarded under this section shall be known as ‘B.J. Stupak Olympic Scholarships’.”

SEC. 320. (a) Subject to subsection (c), the Secretary of Education shall release the reversionary interests that were retained by the United States, as part of the conveyance of certain real property situated in the County of Marin, State of California, in

an April 3, 1978 Quitclaim Deed, which was filed for record on June 5, 1978, in Book 3384, at page 33, of the official Records of Marin County, California.

(b) The Secretary shall execute the release of the reversionary interests under subsection (a) without consideration.

(c) The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instruments effectuating the release of the reversionary interests under subsection (a). In all other respects the provisions of the April 3, 1978 Quitclaim Deed shall remain intact.

SEC. 321. (a) GRANTS TO NATIVE AMERICAN SCHOOLS AND STATE EDUCATIONAL AGENCIES.—

(1) ALLOCATION OF FUNDS.—Of the amount made available under the heading “School improvement programs” for grants made in accordance with this section for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, the Secretary of Education shall allocate—

(A) \$75,000,000 for grants to impacted local educational agencies (as defined in paragraph (3)) for school repair, renovation, and construction;

(B) \$3,250,000 for grants to outlying areas for school repair and renovation in high-need schools and communities, allocated on such basis, and subject to such terms and conditions, as the Secretary determines appropriate;

(C) \$25,000,000 for grants to public entities, private nonprofit entities, and consortia of such entities, for use in accordance with subpart 2 of part C of title X of the Elementary and Secondary Education Act of 1965; and

(D) the remainder to State educational agencies in proportion to the amount each State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 2000, except that no State shall receive less than 0.5 percent of the amount allocated under this subparagraph.

(2) DETERMINATION OF GRANT AMOUNT.—

(A) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the grant amounts under paragraph (1)(A) for fiscal year 2001, the Secretary shall determine the results obtained by the computation made under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) with respect to children described in subsection (a)(1)(C) of such section and computed under subsection (a)(2)(B) of such section for such year—

(i) for each impacted local educational agency that receives funds under this section; and

(ii) for all such agencies together.

(B) COMPUTATION OF PAYMENT.—For fiscal year 2001, the Secretary shall calculate the amount of a grant to an impacted local educational agency by—

(i) dividing the amount described in paragraph (1)(A) by the results of the computation described in subparagraph (A)(ii); and

(ii) multiplying the number derived under clause (i) by the results of the computation described in subparagraph (A)(i) for such agency.

(3) DEFINITION.—For purposes of this section, the term “impacted local educational agency” means, for fiscal year 2001—

(A) a local educational agency that receives a basic support payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) for such fiscal year; and

(B) with respect to which the number of children determined under section 8003(a)(1)(C) of such Act for the preceding school year constitutes at least 50 percent of the total student enrollment in the schools of the agency during such school year.

(b) WITHIN-STATE ALLOCATIONS.—

(1) ADMINISTRATIVE COSTS.—

(A) STATE EDUCATIONAL AGENCY ADMINISTRATION.—Except as provided in subparagraph (B), each State educational agency may reserve not more than 1 percent of its allocation under subsection (a)(1)(D) for the purpose of administering the distribution of grants under this subsection.

(B) STATE ENTITY ADMINISTRATION.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the agency shall transfer to such entity 0.75 of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

(2) RESERVATION FOR COMPETITIVE SCHOOL REPAIR AND RENOVATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 75 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the “State entity”) for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(i) IN GENERAL.—The State educational agency or State entity shall carry out a program of competitive grants to local educational agencies for the purpose described in subparagraph (A). Of the total amount available for distribution to such agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the competition—

(I) award to high poverty local educational agencies described in clause (ii), in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2000 bears to the aggregate amount received for such fiscal year

under such part by all local educational agencies in the State;

(II) award to rural local educational agencies in the State, in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2000 bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State; and

(III) award the remaining funds to local educational agencies not receiving an award under subclause (I) or (II), including high poverty and rural local educational agencies that did not receive such an award.

(ii) HIGH POVERTY LOCAL EDUCATIONAL AGENCIES.—A local educational agency is described in this clause if—

(I) the percentage described in subparagraph (C)(i) with respect to the agency is 30 percent or greater; or

(II) the number of children described in such subparagraph with respect to the agency is at least 10,000.

(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

(i) The percentage of poor children 5 to 17 years of age, inclusive, in a local educational agency.

(ii) The need of a local educational agency for school repair and renovation, as demonstrated by the condition of its public school facilities.

(iii) The fiscal capacity of a local educational agency to meet its needs for repair and renovation of public school facilities without assistance under this section, including its ability to raise funds through the use of local bonding capacity and otherwise.

(iv) In the case of a local educational agency that proposes to fund a repair or renovation project for a charter school or schools, the extent to which the school or schools have access to funding for the project through the financing methods available to other public schools or local educational agencies in the State.

(v) The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

(D) POSSIBLE MATCHING REQUIREMENT.—

(i) IN GENERAL.—A State educational agency or State entity may require local educational agencies to match funds awarded under this subsection.

(ii) MATCH AMOUNT.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative

poverty of the population served by the local educational agency.

(3) RESERVATION FOR COMPETITIVE IDEA OR TECHNOLOGY GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 25 percent of such funds to local educational agencies through competitive grant processes, to be used for the following:

(i) To carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) For technology activities that are carried out in connection with school repair and renovation, including—

- (I) wiring;
- (II) acquiring hardware and software;
- (III) acquiring connectivity linkages and resources; and
- (IV) acquiring microwave, fiber optics, cable, and satellite transmission equipment.

(B) CRITERIA FOR AWARDING IDEA GRANTS.—In awarding competitive grants under subparagraph (A) to be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), a State educational agency shall take into account the following criteria:

(i) The need of a local educational agency for additional funds for a student whose individually allocable cost for expenses related to the Individuals with Disabilities Education Act substantially exceeds the State's average per-pupil expenditure (as defined in section 14101(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(2))).

(ii) The need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(iii) The need of a local educational agency for additional funds for assistive technology devices (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) or assistive technology services (as so defined) for children being served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(iv) The need of a local educational agency for additional funds for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in order for children with disabilities to make progress toward meeting the performance goals and indicators established by the State under section 612(a)(16) of such Act (20 U.S.C. 1412).

(C) CRITERIA FOR AWARDING TECHNOLOGY GRANTS.—In awarding competitive grants under subparagraph (A) to be used for technology activities that are carried out in connection with school repair and renovation, a State

educational agency shall take into account the need of a local educational agency for additional funds for such activities, including the need for the activities described in subclauses (I) through (IV) of subparagraph (A)(ii).

(c) RULES APPLICABLE TO SCHOOL REPAIR AND RENOVATION.—With respect to funds made available under this section that are used for school repair and renovation, the following rules shall apply:

(1) PERMISSIBLE USES OF FUNDS.—School repair and renovation shall be limited to one or more of the following:

(A) Emergency repairs or renovations to public school facilities only to ensure the health and safety of students and staff, including—

(i) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, or sewage systems;

(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

(iii) bringing public schools into compliance with fire and safety codes.

(B) School facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(C) School facilities modifications necessary to render public school facilities accessible in order to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(D) Asbestos abatement or removal from public school facilities.

(E) Renovation, repair, and acquisition needs related to the building infrastructure of a charter school.

(2) IMPERMISSIBLE USES OF FUNDS.—No funds received under this section may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this section;

(B) the construction of new facilities, except for facilities for an impacted local educational agency (as defined in subsection (a)(3)); or

(C) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

(3) CHARTER SCHOOLS.—A public charter school that constitutes a local educational agency under State law shall be eligible for assistance under the same terms and conditions as any other local educational agency (as defined in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18))).

(4) SUPPLEMENT, NOT SUPPLANT.—Excluding the uses described in subparagraphs (B) and (C) of paragraph (1), a local educational agency shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair and renovation.

(d) SPECIAL RULE.—Each local educational agency that receives funds under this section shall ensure that, if it carries out repair

or renovation through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

(e) PUBLIC COMMENT.—Each local educational agency receiving funds under paragraph (2) or (3) of subsection (b)—

(1) shall provide parents, educators, and all other interested members of the community the opportunity to consult on the use of funds received under such paragraph;

(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

(f) REPORTING.—

(1) LOCAL REPORTING.—Each local educational agency receiving funds under subsection (a)(1)(D) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for—

(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

(2) STATE REPORTING.—Each State educational agency shall submit to the Secretary of Education, not later than December 31, 2002, a report on the use of funds received under subsection (a)(1)(D) by local educational agencies for—

(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

(3) ADDITIONAL REPORTS.—Each entity receiving funds allocated under subsection (a)(1)(A) or (B) shall submit to the Secretary, not later than December 31, 2002, a report on its uses of funds under this section, in such form and containing such information as the Secretary may require.

(g) APPLICABILITY OF PART B OF IDEÁ.—If a local educational agency uses funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), such part (including provisions respecting the participation of private school children), and any other provision of law that applies to such part, shall apply to such use.

(h) REALLOCATION.—If a State educational agency does not apply for an allocation of funds under subsection (a)(1)(D) for fiscal

year 2001, or does not use its entire allocation for such fiscal year, the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) to the remaining State educational agencies in accordance with subsection (a)(1)(D).

(i) PARTICIPATION OF PRIVATE SCHOOLS.—

(1) IN GENERAL.—Section 6402 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372) shall apply to subsection (b)(2) in the same manner as it applies to activities under title VI of such Act, except that—

(A) such section shall not apply with respect to the title to any real property renovated or repaired with assistance provided under this section;

(B) the term “services” as used in section 6402 of such Act with respect to funds under this section shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include for purposes of subsection (b)(2) only—

(i) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(ii) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(iii) asbestos abatement or removal from school facilities; and

(C) notwithstanding the requirements of section 6402(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372(b)), expenditures for services provided using funds made available under subsection (b)(2) shall be considered equal for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonprofit elementary and secondary schools that have child poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

(2) REMAINING FUNDS.—If the expenditure for services described in paragraph (1)(B) is less than the amount calculated under paragraph (1)(C) because of insufficient need for such services, the remainder shall be available to the local educational agency for renovation and repair of public school facilities.

(3) APPLICATION.—If any provision of this section, or the application thereof, to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

(j) DEFINITIONS.—For purposes of this section:

(1) CHARTER SCHOOL.—The term “charter school” has the meaning given such term in section 10310(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066(1)).

(2) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given such term in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)).

(3) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in subparagraphs (A) and (B) of section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(4) **OUTLYING AREA.**—The term “outlying area” has the meaning given such term in section 14101(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(21)).

(5) **POOR CHILDREN AND CHILD POVERTY.**—The terms “poor children” and “child poverty” refer to children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available.

(6) **RURAL LOCAL EDUCATIONAL AGENCY.**—The term “rural local educational agency” means a local educational agency that the State determines is located in a rural area using objective data and a commonly employed definition of the term “rural”.

(7) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given such term in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)).

(8) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 322. (a) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) is amended—

(1) by inserting after the part heading the following:

**“Subpart 1—Basic Charter School Grant
Program”;**

and

(2) by adding at the end the following:

**“Subpart 2—Credit Enhancement Initiatives To
Assist Charter School Facility Acquisition, Con-
struction, and Renovation**

“SEC. 10321. PURPOSE.

“The purpose of this subpart is to provide one-time grants to eligible entities to permit them to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

“SEC. 10322. GRANTS TO ELIGIBLE ENTITIES.

“(a) **IN GENERAL.**—The Secretary shall use 100 percent of the amount available to carry out this subpart to award not less than

three grants to eligible entities having applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

“(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted, and shall make a determination of which are sufficient to merit approval and which are not. The Secretary shall award at least one grant to an eligible entity described in section 10330(2)(A), at least one grant to an eligible entity described in section 10330(2)(B), and at least one grant to an eligible entity described in section 10330(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

“(c) GRANT CHARACTERISTICS.—Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

“(d) SPECIAL RULE.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and the second sentence of subsection (b) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

“SEC. 10323. APPLICATIONS.

“(a) IN GENERAL.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

“(b) CONTENTS.—An application under subsection (a) shall contain—

“(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

“(2) a description of the involvement of charter schools in the application’s development and the design of the proposed activities;

“(3) a description of the applicant’s expertise in capital market financing;

“(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

“(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

“(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding they need to have adequate facilities; and

“(7) such other information as the Secretary may reasonably require.

“SEC. 10324. CHARTER SCHOOL OBJECTIVES.

“An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established under section 10325(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

“(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

“(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

“SEC. 10325. RESERVE ACCOUNT.

“(a) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in section 10324, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 10326) in a reserve account established and maintained by the entity for this purpose. Amounts deposited in such account shall be used by the entity for one or more of the following purposes:

“(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 10324.

“(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 10324.

“(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

“(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

“(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

“(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

“SEC. 10326. LIMITATION ON ADMINISTRATIVE COSTS.

“An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

“SEC. 10327. AUDITS AND REPORTS.

“(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted

accounting principles and shall be subject to an annual audit by an independent public accountant.

“(b) REPORTS.—

“(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

“(2) CONTENTS.—Each such annual report shall include—

“(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

“(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

“(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

“(D) a listing and description of the charter schools served during the reporting period;

“(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 10324; and

“(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

“(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this subpart.

“SEC. 10328. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

“No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.

“SEC. 10329. RECOVERY OF FUNDS.

“(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

“(1) all of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in carrying out the purposes described in section 10325(a); or

“(2) all or a portion of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 10325(a).

“(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible

entity any funds that are being properly used to achieve one or more of the purposes described in section 10325(a).

“(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

“(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

“SEC. 10330. DEFINITIONS.

“In this subpart:

“(1) The term ‘charter school’ has the meaning given such term in section 10310.

“(2) The term ‘eligible entity’ means—

“(A) a public entity, such as a State or local governmental entity;

“(B) a private nonprofit entity; or

“(C) a consortium of entities described in subparagraphs (A) and (B).

“SEC. 10331. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this subpart, there are authorized to be appropriated \$100,000,000 for fiscal year 2001.”.

(b) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) is amended in each of the following provisions by striking “part” each place such term appears and inserting “subpart”:

(1) Sections 10301 through 10305.

(2) Section 10307.

(3) Sections 10309 through 10311.

SEC. 323. (a) Section 8003(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking “the Secretary shall use” and inserting “the Secretary—

“(i) shall use”;

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(ii) except as provided in subparagraph (C)(i)(I), shall include all of the children described in subparagraphs (F) and (G) of subsection (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3).”.

(b) Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

“(G) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—For the purpose of determining average tax rates for general fund purposes for local educational agencies in a State under this paragraph (except under subparagraph (C)(i)(II)(bb)), the Secretary shall use either—

“(i) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

“(ii) the average tax rate of all the local educational agencies in the State.”.

This title may be cited as the “Department of Education Appropriations Act, 2001”.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers’ and Airmen’s Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$69,832,000, of which \$9,832,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers’ and Airmen’s Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232-18 and 252.232-7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$303,850,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2003, \$365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, \$20,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$38,200,000, including \$1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$6,320,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, \$207,219,000: *Provided*, That of the amount provided, \$1,000,000 shall be awarded to the National Museum of Women in the Arts in Washington, D.C., \$700,000 shall be awarded to the University of Idaho Institute for the Historic Study of Jazz, \$2,600,000 shall be awarded to Southeast Missouri State University River Campus and Museum, \$900,000 shall be awarded to the Heritage Harbor Museum in Rhode Island, \$500,000 shall be awarded to the Alaska Native Heritage Center, \$576,000 shall be awarded to the Franklin Institute in Philadelphia, \$925,000 shall be awarded to the Please Touch Museum, \$250,000 shall be awarded to the Pittsburgh Children's Museum, \$510,000 shall be awarded to the Temple University Library, \$1,800,000 shall be awarded to Franklin Pierce College in New Hampshire, \$500,000 shall be awarded to the Louisville Zoo in Kentucky, \$150,000 shall be awarded to the Oregon Historical Society, \$1,200,000 shall be awarded to the Mississippi River Museum and Discovery Center in Dubuque, Iowa, \$650,000 shall be awarded to the Salisbury House Foundation in Des Moines, Iowa, \$150,000 shall be awarded to the History Center for the Linn County Historical Museum in Iowa, \$4,000,000 shall be awarded to the Newsline for the

Blind, of which \$100,000 shall be awarded to the Iowa Newslite for the Blind and \$100,000 shall be awarded to the West Virginia Newslite for the Blind, \$1,000,000 shall be awarded to the Clay Center for the Arts and Sciences, \$650,000 shall be awarded to Bishops Museum in Hawaii, \$500,000 shall be awarded to the Wisconsin Maritime Museum, \$250,000 shall be awarded to the Natural History Museum of Los Angeles, \$400,000 shall be awarded to the Perkins Geology Museum at the University of Vermont, \$400,000 shall be awarded to the Walt Whitman Cultural Arts Center in Camden, New Jersey, \$400,000 shall be awarded to the Plainfield Public Library in Plainfield, New Jersey, \$150,000 shall be awarded to the Ducktown Arts District in Atlantic City, New Jersey, \$400,000 shall be awarded to the Lake Champlain Science Center in Vermont, \$250,000 shall be awarded to the Foundation for the Arts, Music, and Entertainment of Shreveport-Bossier, Inc., \$100,000 shall be awarded to Bryant College in Rhode Island, \$120,000 shall be awarded to the Fenton Historical Museum of Jamestown, New York, \$921,000 shall be awarded to the Mariners' Museum in Newport News, Virginia, \$461,000 shall be awarded to DuPage County Children's Museum in Naperville, Illinois, \$369,000 shall be awarded to the National Baseball Hall of Fame Library in Cooperstown, New York, \$92,000 shall be awarded to the City of Corona, Riverside, California, \$6,000 shall be awarded to the City of Murrieta, California Public Library, \$1,382,000 shall be awarded to the Sierra Madre, California Public Library, \$23,000 shall be awarded to the Brooklyn Public Library in Brooklyn, New York, \$46,000 shall be awarded to the New York Public Library Staten Island branch, \$266,000 shall be awarded to the Edward H. Nabb Research Center at Salisbury State University in Salisbury, Maryland, \$461,000 shall be awarded to Texas Tech University, \$230,000 shall be awarded to the City of Ontario, California Public Library, \$461,000 shall be awarded to the Southern Oregon University in Ashland, Oregon, \$1,106,000 shall be awarded to Christopher Newport University in Newport News, Virginia, \$128,000 shall be awarded to the Nassau County Museum of Art in Roslyn Harbor, New York, \$850,000 shall be awarded to the Children's Museum of Los Angeles, \$43,000 shall be awarded to Sumter County Library in Sumter, South Carolina, \$298,000 shall be awarded to Columbia College Center for Black Music Research in Chicago, Illinois, \$723,000 shall be awarded to Old Sturbridge Village in Sturbridge, Massachusetts, \$723,000 shall be awarded to New Bedford Whaling Museum in Massachusetts, \$298,000 shall be awarded to Mystic Seaport Museum of America and the Sea in Connecticut, \$468,000 shall be awarded to the City of Houston Public Library, \$128,000 shall be awarded to the Roberson Museum and Science Center in Binghamton, New York, \$850,000 shall be awarded to Berman Museum of Art at Ursinus College in Collegeville, Pennsylvania, \$680,000 shall be awarded to AMISTAD Research Center at Tulane University, \$2,125,000 shall be awarded to Silas Bronson Library in Waterbury, Connecticut, \$213,000 shall be awarded to Fitchburg Art Museum in Fitchburg, Massachusetts, \$128,000 shall be awarded to North Carolina Museum of Life and Science, \$2,435,000 shall be awarded to New York Public Library, \$85,000 shall be awarded to the New York Botanical Garden in Bronx, New York, \$170,000 shall be awarded to George Eastman House in Rochester, New York, \$425,000 shall be awarded to The National Aviary in Pittsburgh,

Pennsylvania, \$723,000 shall be awarded to the George C. Page Museum in Los Angeles, California, \$461,000 shall be awarded to the Abraham Lincoln Bicentennial Commission, and \$410,000 shall be awarded to the AE Seaman Mineral Museum in Houghton, Michigan.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$2,615,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, \$1,500,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$216,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$10,400,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$8,720,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$160,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$95,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$5,700,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or

award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, \$365,748,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2002, \$114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$23,043,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, \$210,000,000, to remain available until September 30, 2002, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term “continuing disability reviews” means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2002, \$10,470,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$10,000 for official reception and representation expenses, not more than \$6,583,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$1,800,000 shall be for the Social

Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2001 not needed for fiscal year 2001 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 106-113 regarding unobligated balances at the end of fiscal year 2000 not needed for such fiscal year, an amount not to exceed \$50,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 2001, be available for necessary expenses.

From funds provided under the first paragraph, not less than \$200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$450,000,000, to remain available until September 30, 2002, for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term “continuing disability reviews” means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, \$91,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2001 exceed \$91,000,000, the amounts shall be available in fiscal year 2002 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2000 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

From funds provided under the first paragraph, up to \$6,000,000 shall be available for implementation, development, evaluation, and other costs associated with administration of section 302 of the Ticket to Work and Work Incentives Improvement Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of

1978, as amended, \$16,944,000, together with not to exceed \$52,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$15,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$20,000 and \$15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for “Salaries and expenses, Federal Mediation and Conciliation Service”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for “Salaries and expenses, National Mediation Board”.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term “health benefits coverage” means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering

abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. (a) Section 403(a)(5)(H)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(iii)) is amended by striking “2001” and inserting “2005”.

(b) Section 403(a)(5)(H) of such Act (42 U.S.C. 603(a)(5)(G)) is amended by adding at the end the following:

“(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress an interim report on the evaluations referred to in clause (i).”.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170) is amended by striking “2009” both places it appears and inserting “2001”.

SEC. 516. (a) HUMAN PAPILLOMAVIRUS.—Part B of title III of the Public Health Services Act (42 U.S.C. 243 et seq.) is amended by inserting before section 318 the following section:

“HUMAN PAPILLOMAVIRUS

“SEC. 317P. (a) SURVEILLANCE.—

“(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall—

“(A) enter into cooperative agreements with States and other entities to conduct sentinel surveillance or other special studies that would determine the prevalence in various age groups and populations of specific types of human papillomavirus (referred to in this section as ‘HPV’) in different sites in various regions of the United States, through collection of special specimens for HPV using a variety of laboratory-based testing and diagnostic tools; and

“(B) develop and analyze data from the HPV sentinel surveillance system described in subparagraph (A).

“(2) REPORT.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) no later than 1 year after the effective date of this section.

“(b) PREVENTION ACTIVITIES; EDUCATION PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall conduct prevention research on HPV, including—

“(A) behavioral and other research on the impact of HPV-related diagnosis on individuals;

“(B) formative research to assist with the development of educational messages and information for the public, for patients, and for their partners about HPV;

“(C) surveys of physician and public knowledge, attitudes, and practices about genital HPV infection; and

“(D) upon the completion of and based on the findings under subparagraphs (A) through (C), develop and disseminate educational materials for the public and health care providers regarding HPV and its impact and prevention.

“(2) REPORT; FINAL PROPOSAL.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than 1 year after the effective date of this section, and shall develop a final report not later than 3 years after such effective date, including a detailed summary of the significant findings and problems and the best strategies to prevent future infections, based on available science.

“(c) HPV EDUCATION AND PREVENTION.—

“(1) IN GENERAL.—The Secretary shall prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address—

“(A) modes of transmission;

“(B) consequences of infection, including the link between HPV and cervical cancer;

“(C) the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV; and

“(D) the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer purposes in preventing cervical cancer.

“(2) MEDICALLY ACCURATE INFORMATION.—Educational material under paragraph (1), and all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary (including materials prepared through the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration), or by contractors, grantees, or subgrantees thereof, that are specifically designed to address STDs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing the STD the materials are designed to address. Such requirement only applies to materials mass produced for the public and health care providers, and not to routine communications.”.

(b) LABELING OF CONDOMS.—The Secretary of Health and Human Services shall reexamine existing condom labels that are authorized pursuant to the Federal Food, Drug, and Cosmetic Act to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.

SEC. 517. Section 403(o) of the Food, Drug, and Cosmetic Act (21 U.S.C. 343(o)) is repealed. Subsections (c) and (d) of section 4 of the Saccharin Study and Labeling Act are repealed.

SEC. 518. (a) Title VIII of the Social Security Act is amended by inserting after section 810 (42 U.S.C. 1010) the following new section:

“SEC. 810A. OPTIONAL FEDERAL ADMINISTRATION OF STATE RECOGNITION PAYMENTS.

“(a) IN GENERAL.—The Commissioner of Social Security may enter into an agreement with any State (or political subdivision thereof) that provides cash payments on a regular basis to individuals entitled to benefits under this title under which the Commissioner of Social Security shall make such payments on behalf of such State (or subdivision).

“(b) AGREEMENT TERMS.—

“(1) IN GENERAL.—Such agreement shall include such terms as the Commissioner of Social Security finds necessary to achieve efficient and effective administration of both this title and the State program.

“(2) FINANCIAL TERMS.—Such agreement shall provide for the State to pay the Commissioner of Social Security, at such times and in such installments as the parties may specify—

“(A) an amount equal to the expenditures made by the Commissioner of Social Security pursuant to such agreement as payments to individuals on behalf of such State; and

“(B) an administration fee to reimburse the administrative expenses incurred by the Commissioner of Social Security in making payments to individuals on behalf of the State.

“(c) SPECIAL DISPOSITION OF ADMINISTRATION FEES.—Administration fees, upon collection, shall be credited to a special fund established in the Treasury of the United States for State recognition payments for certain World War II veterans. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title.”.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of title VIII of the Social Security Act is amended by inserting after

“Sec. 810. Other administrative provisions.”
the following:

“Sec. 810A. Optional Federal administration of State recognition payments.”.

(2) Section 1129A(e) of the Social Security Act (42 U.S.C. 1320a-8a(e)) is amended—

(A) by inserting “VIII or” after “benefits under”;

(B) by inserting “810A or” after “agreement under section”;

(C) by inserting “1010A or” before “1382(e)(a)”; and

(D) by inserting “, as the case may be” immediately before the period.

SEC. 519. Section 1612(a)(1) of the Social Security Act (42 U.S.C. 1382(a)) is amended—

(1) in subparagraph (A), by inserting “but without the application of section 210(j)(3)” immediately before the semicolon; and

(2) in subparagraph (B), by—

(A) striking “and the last” and inserting “the last”;
and

(B) inserting “, and section 210(j)(3)” after “subsection (a)”.

SEC. 520. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$25,000,000: *Provided*, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service.

TITLE VI—ASSETS FOR INDEPENDENCE

SEC. 601. SHORT TITLE.

This title may be cited as the “Assets for Independence Act Amendments of 2000”.

SEC. 602. MATCHING CONTRIBUTIONS UNAVAILABLE FOR EMERGENCY WITHDRAWALS.

Section 404(5)(A)(v) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “, or enabling the eligible individual to make an emergency withdrawal”.

SEC. 603. ADDITIONAL QUALIFIED ENTITIES.

Section 404(7)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended—

- (1) in clause (i), by striking “or” at the end thereof;
- (2) in clause (ii), by striking the period at the end and inserting “; or”; and
- (3) by adding at the end the following new clause:

“(iii) an entity that—

“(I) is—

“(aa) a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA); or

“(bb) an organization designated as a community development financial institution by the Secretary of the Treasury (or the Community Development Financial Institutions Fund); and

“(II) can demonstrate a collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability.”.

SEC. 604. HOME PURCHASE COSTS.

Section 404(8)(B)(i) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “100” and inserting “120”.

SEC. 605. INCREASED SET-ASIDE FOR ECONOMIC LITERACY TRAINING AND ADMINISTRATIVE COSTS.

Section 407(c)(3) of the Assets for Independence Act (42 U.S.C. 604 note) is amended—

- (1) by striking “9.5” and inserting “15”; and
- (2) by inserting after the first sentence the following: “Of the total amount specified in this paragraph, not more than 7.5 percent shall be used for administrative functions under paragraph (1)(C), including program management, reporting requirements, recruitment and enrollment of individuals, and monitoring. The remainder of the total amount specified in this paragraph (not including the amount specified for use for the purposes described in paragraph (1)(D)) shall be used for nonadministrative functions described in paragraph (1)(A), including case management, budgeting, economic literacy, and credit counseling. If the cost of nonadministrative functions described in paragraph (1)(A) is less than 5.5 percent of the total amount specified in this paragraph, such excess funds may be used for administrative functions.”.

SEC. 606. ALTERNATIVE ELIGIBILITY CRITERIA.

Section 408(a)(1) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “does not exceed” and inserting “is equal to or less than 200 percent of the poverty line (as determined by the Office of Management and Budget) or”.

SEC. 607. REVISED ANNUAL PROGRESS REPORT DEADLINE.

(a) IN GENERAL.—Section 412(c) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “calendar” and inserting “project”.

(b) **TRANSITIONAL DEADLINE.**—Notwithstanding the amendment made by subsection (a), the submission of the initial report of a qualified entity under section 412(c) shall not be required prior to the date that is 90 days after the date of enactment of this title.

SEC. 608. REVISED INTERIM EVALUATION REPORT DEADLINE.

(a) **IN GENERAL.**—Section 414(d)(1) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “calendar” and inserting “project”.

(b) **TRANSITIONAL DEADLINE.**—Notwithstanding the amendment made by subsection (a), the submission of the initial interim report of the Secretary under section 412(c) shall not be required prior to the date that is 90 days after the date of enactment of this title.

SEC. 609. INCREASED APPROPRIATIONS FOR EVALUATION EXPENSES.

Subsection (e) of section 414 of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“(e) **EVALUATION EXPENSES.**—Of the amount appropriated under section 416 for a fiscal year, the Secretary may expend not more than \$500,000 for such fiscal year to carry out the objectives of this section.”.

SEC. 610. NO REDUCTION IN BENEFITS.

Section 415 of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“SEC. 415. NO REDUCTION IN BENEFITS.

“Notwithstanding any other provision of Federal law (other than the Internal Revenue Code of 1986) that requires consideration of one or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in an individual development account under this Act shall be disregarded for such purpose with respect to any period during which such individual maintains or makes contributions into such an account.”.

TITLE VII—PHYSICAL EDUCATION FOR PROGRESS ACT

SEC. 701. PHYSICAL EDUCATION FOR PROGRESS. Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

“PART L—PHYSICAL EDUCATION FOR PROGRESS

“SEC. 10999A. SHORT TITLE.

“This part may be cited as the ‘Physical Education for Progress Act’.

“SEC. 10999B. PURPOSE.

“The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

“SEC. 10999C. FINDINGS.

“Congress makes the following findings:

“(1) Physical education is essential to the development of growing children.

“(2) Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

“(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

“(4) Children who participate in high quality daily physical education programs tend to be more healthy and physically fit.

“(5) The percentage of young people who are overweight has more than doubled in the 30 years preceding 1999.

“(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.

“(7) Obesity related diseases cost the United States economy more than \$100,000,000,000 every year.

“(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

“(9) Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

“(10) Children are not as active as they should be and fewer than one in four children get 20 minutes of vigorous activity every day of the week.

“(11) The Surgeon General’s 1996 Report on Physical Activity and Health, and the Centers for Disease Control and Prevention, recommend daily physical education for all students in kindergarten through grade 12.

“(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, agreed to December 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

“(13) Every student in our Nation’s schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

“SEC. 10999D. PROGRAM AUTHORIZED.

“The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies to pay the Federal share of the costs of initiating, expanding, and improving physical education programs for kindergarten through grade 12 students by—

“(1) providing equipment and support to enable students to actively participate in physical education activities; and

“(2) providing funds for staff and teacher training and education.

“SEC. 10999E. APPLICATIONS; PROGRAM ELEMENTS.

“(a) APPLICATIONS.—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting State standards for physical education.

“(b) PROGRAM ELEMENTS.—A physical education program described in any application submitted under subsection (a) may provide—

“(1) fitness education and assessment to help children understand, improve, or maintain their physical well-being;

“(2) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

“(3) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

“(4) opportunities to develop positive social and cooperative skills through physical activity participation;

“(5) instruction in healthy eating habits and good nutrition; and

“(6) teachers of physical education the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.

“(c) SPECIAL RULE.—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers’ Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

“SEC. 10999F. PROPORTIONALITY.

“The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small numbers of students.

“SEC. 10999G. PRIVATE SCHOOL STUDENTS AND HOME-SCHOOLED STUDENTS.

“An application for funds under this part may provide for the participation, in the activities funded under this part, of—

“(1) home-schooled children, and their parents and teachers; or

“(2) children enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers.

“SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUNDING.

“As a condition to continue to receive grant or contract funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward meeting State standards for physical education.

“SEC. 10999I. REPORT TO CONGRESS.

“The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under

this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

“SEC. 10999J. ADMINISTRATIVE COSTS.

“Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

“SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.

“(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

“(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

“(2) 75 percent of such cost for the second and each subsequent such year.

“(b) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

“SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$30,000,000 for fiscal year 2001, \$70,000,000 for fiscal year 2002, and \$100,000,000 for each of the fiscal years 2003 through 2005, to carry out this part. Such funds shall remain available until expended.”.

TITLE VIII—EARLY LEARNING OPPORTUNITIES

SEC. 801. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the “Early Learning Opportunities Act”.

(b) FINDINGS.—Congress finds that—

(1) medical research demonstrates that adequate stimulation of a young child’s brain between birth and age 5 is critical to the physical development of the young child’s brain;

(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

(3) parent education and parent involvement are critical to the success of any early learning program or activity;

(4) the more intensively parents are involved in their child’s early learning, the greater the cognitive and noncognitive benefits to their children;

(5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;

(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

(7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter two advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each \$1 invested in quality early learning programs, the Federal Government can save over \$5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, and these programs—

(A) serve far fewer than half of all eligible children;

(B) are not primarily designed to provide support for parents who care for their young children in the home; and

(C) lack a means of coordinating early learning opportunities in each community; and

(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.

SEC. 802. PURPOSES.

The purposes of this title are—

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

SEC. 803. DEFINITIONS.

In this title:

(1) **CAREGIVER.**—The term “caregiver” means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(2) **CHILD CARE PROVIDER.**—The term “child care provider” means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

(3) **EARLY LEARNING.**—The term “early learning”, used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

(4) **EARLY LEARNING PROGRAM.**—The term “early learning program” means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

(5) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) **LOCAL COUNCIL.**—The term “Local Council” means a Local Council established or designated under section 814(a) that serves one or more localities.

(7) **LOCALITY.**—The term “locality” means a city, county, borough, township, or area served by another general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

(8) **PARENT.**—The term “parent” means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

(9) **POVERTY LINE.**—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(10) **REGIONAL CORPORATION.**—The term “Regional Corporation” means an entity listed in section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)).

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(12) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(13) **TRAINING.**—The term “training” means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

(14) YOUNG CHILD.—The term “young child” means any child from birth to the age of mandatory school attendance in the State where the child resides.

SEC. 804. PROHIBITIONS.

(a) PARTICIPATION NOT REQUIRED.—No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this title.

(b) RIGHTS OF PARENTS.—Nothing in this title shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

(c) PARTICULAR METHODS OR SETTINGS.—No entity that receives funds under this title shall be required to provide services under this title through a particular instructional method or in a particular instructional setting to comply with this title.

(d) NONDUPLICATION.—No funds provided under this title shall be used to carry out an activity funded under another provision of law providing for Federal child care or early learning programs, unless an expansion of such activity is identified in the local needs assessment and performance goals under this title.

SEC. 805. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this title—

(1) \$750,000,000 for fiscal year 2001;

(2) \$1,000,000,000 for fiscal year 2002;

(3) \$1,500,000,000 for fiscal year 2003; and

(4) such sums as may be necessary for each of the fiscal years 2004 and 2005.

SEC. 806. COORDINATION OF FEDERAL PROGRAMS.

(a) COORDINATION.—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) USE OF EQUIPMENT AND SUPPLIES.—In the case of a collaborative activity funded under this title and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this title or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this title or such provision, during a period in which the activity is predominately funded under this title or such provision.

SEC. 807. PROGRAM AUTHORIZED.

(a) GRANTS.—From amounts appropriated under section 805 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of

the cost of carrying out early learning programs in the locality served by the Local Council.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsections (a) and (e) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost described in subsections (a) and (e) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term “facilities” includes the use of facilities, but the term “equipment” means donated equipment and not the use of equipment.

(c) MAINTENANCE OF EFFORT.—The Secretary shall not award a grant under this title to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) SUPPLEMENT NOT SUPPLANT.—Amounts received under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

(e) SPECIAL RULE.—If funds appropriated to carry out this title are less than \$150,000,000 for any fiscal year, the Secretary shall award grants for the fiscal year directly to Local Councils, on a competitive basis, to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council. In carrying out the preceding sentence—

(1) subsection (c), subsections (b) and (c) of section 810, and paragraphs (1), (2), and (3) of section 811(a) shall not apply;

(2) State responsibilities described in section 811(d) shall be carried out by the Local Council with regard to the locality;

(3) the Secretary shall provide such technical assistance and monitoring as necessary to ensure that the use of the funds by Local Councils and the distribution of the funds to Local Councils are consistent with this title; and

(4) subject to paragraph (1), the Secretary shall assume the responsibilities of the Lead State Agency under this title, as appropriate.

SEC. 808. USES OF FUNDS.

(a) IN GENERAL.—Subject to section 810, grant funds under this title shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) LIMITED USES.—Subject to section 810, Lead State Agencies and Local Councils shall ensure that funds made available under this title to the agencies and Local Councils are used for three or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language,

social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.
 (3) Enhancing early childhood literacy.
 (4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times.

(c) **REQUIREMENTS.**—Each Lead State Agency designated under section 810(c) and Local Councils receiving a grant under this title shall ensure—

(1) that Local Councils described in section 814 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to support children's readiness for school;

(2) that the programs, services, and activities assisted under this title will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this title collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) **SLIDING SCALE PAYMENTS.**—States and Local Councils receiving assistance under this title shall ensure that programs, services, and activities assisted under this title which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

SEC. 809. RESERVATIONS AND ALLOTMENTS.

(a) **RESERVATION FOR INDIAN TRIBES, ALASKA NATIVES, AND NATIVE HAWAIIANS.**—The Secretary shall reserve 1 percent of the total amount appropriated under section 805 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which—

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) **ALLOTMENTS.**—From the funds appropriated under this title for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of—

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) MINIMUM ALLOTMENT.—No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this title.

(d) AVAILABILITY OF FUNDS.—Any portion of the allotment to a State that is not expended for activities under this title in the fiscal year for which the allotment is made shall remain available to the State for two additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) DATA.—The Secretary shall make allotments under this title on the basis of the most recent data available to the Secretary.

SEC. 810. GRANT ADMINISTRATION.

(a) FEDERAL ADMINISTRATIVE COSTS.—The Secretary may use not more than 3 percent of the amount appropriated under section 805 for a fiscal year to pay for the administrative costs of carrying out this title, including the monitoring and evaluation of State and local efforts.

(b) STATE ADMINISTRATIVE COSTS.—A State that receives a grant under this title may use—

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) LEAD STATE AGENCY.—

(1) IN GENERAL.—To be eligible to receive an allotment under this title, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) LEAD STATE AGENCY.—

(A) ALLOCATION OF FUNDS.—The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 812.

(B) FUNCTIONS OF AGENCY.—In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

(i) advise and assist Local Councils in the performance of their duties under this title;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 813;

(iv) ensure collaboration with respect to assistance provided under this title between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this title, which shall include a statement describing how all funds received under this title are expended and documentation of the effects that resources under this title have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

SEC. 811. STATE REQUIREMENTS.

(a) ELIGIBILITY.—To be eligible for a grant under this title, a State shall—

(1) ensure that funds received by the State under this title shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 810(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this title are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this title comply with the requirements of this title.

(b) STATE PREFERENCE.—In awarding grants to Local Councils under this title, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this title are funded under this title, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 813, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this title with other resources available for early learning programs.

(c) LOCAL PREFERENCE.—In awarding grants under this title, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this title with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

(d) PERFORMANCE GOALS.—

(1) ASSESSMENTS.—Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) PERFORMANCE GOALS.—Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this title.

(3) REQUIREMENT.—The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) REPORT.—The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

(5) **IMPROVEMENT PLANS.**—If the Secretary determines, based on the State report submitted under paragraph (4), that the State is not making progress toward achieving the performance goals described in paragraph (2), then the State shall submit a performance improvement plan to the Secretary, and demonstrate reasonable progress in implementing such plan, in order to remain eligible for funding under this title.

SEC. 812. LOCAL ALLOCATIONS.

(a) **IN GENERAL.**—The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this title for a fiscal year.

(b) **LIMITATION.**—The Lead State Agency shall allocate funds provided under this title on the basis of the population of the locality served by the Local Council.

SEC. 813. LOCAL APPLICATIONS.

(a) **IN GENERAL.**—To be eligible to receive assistance under this title, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) **CONTENTS.**—Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 814, and the Local Council has developed a local plan for carrying out early learning programs under this title that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this title; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

SEC. 814. LOCAL ADMINISTRATION.

(a) **LOCAL COUNCIL.**—

(1) **IN GENERAL.**—To be eligible to receive funds under this title, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of—

(A) representatives of local agencies directly affected by early learning programs assisted under this title;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) **DESIGNATING EXISTING ENTITY.**—If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that

is comparable to the Local Council described in paragraph (1), the entity, tribe, or corporation may designate the council or entity as a Local Council under this title, and shall be considered to have established a Local Council in compliance with this subsection.

(3) FUNCTIONS.—The Local Council shall be responsible for preparing and submitting the application described in section 813.

(b) ADMINISTRATION.—

(1) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds received by a Local Council under this title shall be used to pay for the administrative costs of the Local Council in carrying out this title.

(2) FISCAL AGENT.—A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this title.

TITLE IX—RURAL EDUCATION ACHIEVEMENT PROGRAM

SEC. 901. RURAL EDUCATION INITIATIVE.

Subpart 2 of part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8291 et seq.) is amended to read as follows:

“Subpart 2—Rural Education Initiative

“SEC. 10971. SHORT TITLE.

“This subpart may be cited as the ‘Rural Education Achievement Program’.

“SEC. 10972. PURPOSE.

“It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

“(1) lack the personnel and resources needed to compete for Federal competitive grants; and

“(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

“SEC. 10973. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart \$62,500,000 for fiscal year 2001.

“SEC. 10974. FORMULA GRANT PROGRAM AUTHORIZED.

“(a) ALTERNATIVE USES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out local activities authorized in part A of title I, section 2210(b), section 3134, or section 4116.

“(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency’s intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

“(b) **ELIGIBILITY.**—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary of Education.

“(c) **APPLICABLE FUNDING.**—In this section, the term ‘applicable funding’ means funds provided under each of titles II, IV, and VI, except for funds made available under section 321 of the Department of Education Appropriations Act, 2001.

“(d) **DISBURSAL.**—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(e) **SUPPLEMENT NOT SUPPLANT.**—Funds made available under this section shall be used to supplement and not supplant any other State or local education funds.

“(f) **SPECIAL RULE.**—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

“(g) **CONSTRUCTION.**—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this subpart.

“SEC. 10975. COMPETITIVE GRANT PROGRAM AUTHORIZED.

“(a) **IN GENERAL.**—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out local activities authorized in part A of title I, section 2210(b), section 3134, or section 4116.

“(b) **ELIGIBILITY.**—A local educational agency shall be eligible to receive a grant under this section if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary of Education.

“(c) **AMOUNT.**—

“(1) **IN GENERAL.**—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10974(c) for the fiscal year.

“(2) **DETERMINATION.**—The amount referred to in paragraph (1) is equal to \$100 multiplied by the total number of students in excess of 50 students that are in average daily attendance

at the schools served by the local educational agency, plus \$20,000, except that the amount may not exceed \$60,000.

“(3) CENSUS DETERMINATION.—

“(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall determine for each year the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency during the period beginning or the first day of classes and ending on December 1.

“(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

“(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

“(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other State or local education funds.

“SEC. 10976. ACCOUNTABILITY.

“(a) ACADEMIC ACHIEVEMENT.—

“(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10974 or 10975 for a fiscal year shall—

“(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

“(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

“(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 10974 or 10975 shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under such section.

“(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 10974(c) shall—

“(1) after the third year that a local educational agency in the State participates in a program authorized under section 10974 or 10975 and on the basis of the results of the assessments or tests described in subsection (a), determine whether

the students served by the local educational agency participating in the program performed better on the assessments or tests after the third year of the participation than the students performed on the assessments or tests after the first year of the participation;

“(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

“(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 3 years from the date of the determination.

“SEC. 10977. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

“(a) IN GENERAL.—If the amount appropriated for any fiscal year and made available for grants under this subpart is insufficient to pay the full amount for which all agencies are eligible under this subpart, the Secretary shall ratably reduce each such amount.

“(b) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

“SEC. 10978. APPLICABILITY.

“Sections 10951 and 10952 shall not apply to this subpart.”.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001”.

APPENDIX B—H.R. 5657

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Nancy Nally Coverdell, widow of Paul D. Coverdell, late a Senator from Georgia, \$141,300.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$3,000 for each Chairman; in all, \$62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$92,321,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,785,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$453,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,742,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$1,722,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$6,917,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,152,000 for each such committee; in all, \$2,304,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY
AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,171,000 for each such committee; in all, \$2,342,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$288,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$14,738,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$34,811,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,292,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$22,337,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$4,046,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,069,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, \$73,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$2,077,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$71,511,000, of which \$2,500,000 shall remain available until September 30, 2003.

MISCELLANEOUS ITEMS

For miscellaneous items, \$8,655,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$253,203,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate \$300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. SEMIANNUAL REPORT. (a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a) is amended by adding at the end the following:

“(5)(A) Notwithstanding the requirements of paragraph (1) relating to the level of detail of statement and itemization, each report by the Secretary of the Senate required under such paragraph shall be compiled at a summary level for each office of the Senate authorized to obligate appropriated funds.

“(B) Subparagraph (A) shall not apply to the reporting of expenditures relating to personnel compensation, travel and transportation of persons, other contractual services, and acquisition of assets.

“(C) In carrying out this paragraph the Secretary of the Senate shall apply the Standard Federal Object Classification of Expenses as the Secretary determines appropriate.”.

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by this section shall take effect on the date of enactment of this Act.

(2) FIRST REPORT AFTER ENACTMENT.—The Secretary of the Senate may elect to compile and submit the report for the semiannual period during which the date of enactment of this section occurs, as if the amendment made by this section had not been enacted.

SEC. 2. SENATE EMPLOYEE PAY ADJUSTMENTS. Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a-1) is amended—

(1) in subsection (a)—

(A) by inserting “(or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)” after “employees under section 5303 of title 5, United States Code,”; and

(B) by inserting “(and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)” after “the President under such section 5303”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) Any percentage used in any statute specifically providing for an adjustment in rates of pay in lieu of an adjustment made under section 5303 of title 5, United States Code, and, as the case may be, section 5304 or 5304a of such title for any calendar year shall be treated as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a).”.

SEC. 3. (a) Section 6(c) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 121b-1(c)) is amended—

(1) by striking “and agency contributions” in paragraph (2)(A), and

(2) by adding at the end the following:

“(3) Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for ‘SALARIES, OFFICERS AND EMPLOYEES’.”.

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund to be known as the Senate Health and Fitness Facility Revolving Fund (“the revolving fund”).

(b) The Architect of the Capitol shall deposit in the revolving fund—

- (1) any amounts received as dues or other assessments for use of the Senate Health and Fitness Facility, and
- (2) any amounts received from the operation of the Senate waste recycling program.

(c) Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Health and Fitness Facility.

(d) The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Health and Fitness Facility.

(e) Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.

SEC. 5. For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for the Chairmen of the Majority and Minority Policy Committees which shall not exceed \$3,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under the Internal Revenue Code of 1986.

SEC. 6. (a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

(1) the head of the employing office—

(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

(2) there are sufficient funds to cover the lump sum payment.

(b)(1) A lump sum payment under this section shall not exceed the lesser of—

(A) twice the monthly rate of pay of the employee; or

(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1)(A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before

the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

(f) In this section, the term—

(1) “employee of the Senate” means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

(2) “head of the employing office” means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

SEC. 7. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account “JOINT ECONOMIC COMMITTEE” under the heading “JOINT ITEMS” shall be paid from the Senate appropriations account for “SALARIES, OFFICERS AND EMPLOYEES”.

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 8. Section 316 of Public Law 101-302 (40 U.S.C. 188b-6) is amended—

(1) in the first sentence of subsection (a) by striking “items of art, fine art, and historical items” and inserting “works of art, historical objects, documents, or material relating to historical matters for placement or exhibition”;

(2) in the second sentence of subsection (a)—

(A) by striking “such items” each place it appears and inserting “such works, objects, documents, or material” in each such place; and

(B) by striking “an item” and inserting “a work, object, document, or material”; and

(3) in subsection (b)—

(A) by striking “such items of art” and inserting “such works, objects, documents, or materials”; and

(B) by striking “shall” and inserting “may”.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$769,551,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$14,378,000, including: Office of the Speaker, \$1,759,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,726,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$2,096,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,466,000, including \$5,000 for official expenses of the Majority

Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,096,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$410,000; Republican Steering Committee, \$765,000; Republican Conference, \$1,255,000; Democratic Steering and Policy Committee, \$1,352,000; Democratic Caucus, \$668,000; nine minority employees, \$1,229,000; training and program development—majority, \$278,000; and training and program development—minority, \$278,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$410,182,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$92,196,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$20,628,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$90,403,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$3,500, of which not more than \$2,500 is for the Family Room, for official representation and reception expenses, \$14,590,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$750 for official representation and reception expenses, \$3,692,000; for salaries and expenses of the Office of the Chief Administrative Officer, \$58,550,000, of which \$1,054,000 shall remain available until expended, including \$26,605,000 for salaries, expenses and temporary personal services of House Information Resources, of which \$26,020,000 is provided herein: *Provided*, That of the amount provided for House Information Resources, \$6,497,000 shall be for net expenses of telecommunications: *Provided further*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such

reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, \$3,249,000; for salaries and expenses of the Office of General Counsel, \$806,000; for the Office of the Chaplain, \$140,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$1,201,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$5,085,000; for salaries and expenses of the Corrections Calendar Office, \$832,000; and for other authorized employees, \$213,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$141,764,000, including: supplies, materials, administrative costs and Federal tort claims, \$2,235,000; official mail for committees, leadership offices, and administrative offices of the House, \$410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$138,726,000; and miscellaneous items including purchase, exchange, maintenance, repair, and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$393,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. During fiscal year 2001 and any succeeding fiscal year, the Chief Administrative Officer of the House of Representatives may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multiyear contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

SEC. 102. (a) PERMITTING NEW HOUSE EMPLOYEES TO BE PLACED ABOVE MINIMUM STEP OF COMPENSATION LEVEL.—The House Employees Position Classification Act (2 U.S.C. 291 et seq.) is amended by striking section 10 (2 U.S.C. 299).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to employees appointed on or after October 1, 2000.

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2001. Any amount remaining after all payments are made under such allowances for fiscal year 2001 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, Congress.

SEC. 104. (a) There is hereby appropriated for payment to the Prince William County Public Schools \$215,000, to be used to pay for educational services for the son of Mrs. Evelyn Gibson, the widow of Detective John Michael Gibson of the United States Capitol Police.

(b) The payment under subsection (a) shall be made in accordance with terms and conditions established by the Committee on House Administration of the House of Representatives.

(c) The funds used for the payment made under subsection (a) shall be derived from the applicable accounts of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2001

For all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred Sixth Congress), \$1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: *Provided*, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

ADMINISTRATIVE PROVISION

SEC. 105. During fiscal year 2001 the Secretary of Defense shall provide protective services on a nonreimbursable basis to the United States Capitol Police with respect to the following events:

(1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89, One Hundred Sixth Congress, agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

(2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,315,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$6,430,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$500 per month to one assistant and \$400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$97,142,000, of which \$47,053,000

is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and \$50,089,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, \$6,772,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2001 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 106. Amounts appropriated for fiscal year 2001 for the Capitol Police Board for the Capitol Police may be transferred between the headings “SALARIES” and “GENERAL EXPENSES” upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading “SALARIES”;

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading “SALARIES”; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 107. (a) APPOINTMENT OF CERTIFYING OFFICERS OF THE CAPITOL POLICE.—The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer, the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) RESPONSIBILITY AND ACCOUNTABILITY OF CERTIFYING OFFICERS.—

(1) IN GENERAL.—Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there

is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) RELIEF BY COMPTROLLER GENERAL.—The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) ENFORCEMENT OF LIABILITY.—The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer:

(1) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and shall report to and serve at the pleasure of the Comptroller General.

(2) The Comptroller General shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(3) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.

(4) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(b) The Chief Administrative Officer shall have the following areas of responsibility:

(1) BUDGETING.—The Chief Administrative Officer shall—

(A) after consulting with the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems;

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) the Chief Administrative Officer shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions with respect to the Office of Administration:

(1) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(2) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) No later than 180 days after appointment, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) will cease to be an employee of the General Accounting Office and will become an employee of the Capitol Police, and the Capitol Police Board shall assume all responsibilities of the Comptroller General under this section.

SEC. 109. (a) Section 1(c) of Public Law 96-152 (40 U.S.C. 206-1) is amended by striking “the annual rate” and all that follows and inserting the following: “the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title).”.

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$2,371,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 43 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$1,820,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$28,493,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISION

SEC. 110. Beginning on the date of enactment of this Act and hereafter, the Congressional Budget Office may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and may enter into multi-year contracts for the acquisition of property and services, to the same extent as executive agencies under the authority of section 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed \$20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$43,689,000, of which \$3,843,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, such amount shall be available for the position of Project Manager for the Capitol Visitor Center, at a rate of compensation which does not exceed the rate of basic pay payable for level ES-2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title): *Provided further*, That effective on the date of the enactment of this Act, any amount made available under this heading under the Legislative Branch Appropriations Act, 2000, shall be available for such position at such rate of compensation.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$5,362,000, of which \$125,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to

be expended under the control and supervision of the Architect of the Capitol, \$63,974,000, of which \$21,669,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$32,750,000, of which \$123,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$39,415,000, of which \$523,000 shall remain available until expended: *Provided*, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2001.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$73,592,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary

for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$71,462,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

ADMINISTRATIVE PROVISION

SEC. 111. (a) CONGRESSIONAL PRINTING AND BINDING FOR THE HOUSE THROUGH CLERK OF HOUSE.—

(1) IN GENERAL.—Notwithstanding any provision of title 44, United States Code, or any other law, there are authorized to be appropriated to the Clerk of the House of Representatives such sums as may be necessary for congressional printing and binding services for the House of Representatives.

(2) PREPARATION OF ESTIMATES.—Estimated expenditures and proposed appropriations for congressional printing and binding services shall be prepared and submitted by the Clerk of the House of Representatives in accordance with title 31, United States Code, in the same manner as estimates and requests are prepared for other legislative branch services under such title, except that such requests shall be based upon the results of the study conducted under subsection (b) (with respect to any fiscal year covered by such study).

(3) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(b) STUDY.—

(1) IN GENERAL.—During fiscal year 2001, the Clerk of the House of Representatives shall conduct a comprehensive study of the needs of the House for congressional printing and binding services during fiscal year 2003 and succeeding fiscal years (including transitional issues during fiscal year 2002), and shall include in the study an analysis of the most cost-effective program or programs for providing printed or other media-based publications for House uses.

(2) SUBMISSION TO COMMITTEES.—The Clerk shall submit the study conducted under paragraph (1) to the Committee on House Administration of the House of Representatives, who shall review the study and prepare such regulations or other materials (including proposals for legislation) as it considers appropriate to enable the Clerk to carry out congressional printing and binding services for the House in accordance with this section.

(c) DEFINITION.—In this section, the term “congressional printing and binding services” means the following services:

(1) Authorized printing and binding for the Congress and the distribution of congressional information in any format.

(2) Preparing the semimonthly and session index to the Congressional Record.

(3) Printing and binding of Government publications authorized by law to be distributed to Members of Congress.

(4) Printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient.

This title may be cited as the “Congressional Operations Appropriations Act, 2001”.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$3,328,000, of which \$25,000 shall remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$282,838,000, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds

derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,850,000: *Provided further*, That of the total amount appropriated, \$10,459,575 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, \$2,506,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, \$10,000,000 is to remain available until expended for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.): *Provided further*, That of the total amount appropriated, \$5,957,800 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: *Provided further*, That of the total amount appropriated, \$404,000 is to remain available until expended for a collaborative digitization and telecommunications project with the United States Military Academy and any remaining balance is available for other Library purposes: *Provided further*, That of the total amount appropriated, \$4,300,000 is to remain available until expended for the purpose of developing a high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving western North Carolina, and any remaining balance is available for support of the Library's Digital Futures initiative.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$38,523,000, of which not more than \$23,500,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2001 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$5,783,000 shall be derived from collections during fiscal year 2001 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$29,283,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress,

in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$48,609,000, of which \$14,154,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, \$4,892,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than \$199,630, of which \$59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term “manager or supervisor” means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with

official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2001, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$92,845,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Section 1 of the Act entitled “An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes”, approved December 15, 1997 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

“(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of \$16,500,000.”.

SEC. 208. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act, 1996 for the Library of Congress under the heading, “Salaries and Expenses” (Public Law 104-53). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the non-competitive conversion of the incumbents in the “indefinite-not-to-exceed” positions to “permanent” positions.

SEC. 209. (a) In addition to any other transfer authority provided by law, during fiscal year 2001 and fiscal years thereafter, the Librarian of Congress may transfer to and among available accounts of the Library of Congress amounts appropriated to the Librarian from funds for the purchase, installation, maintenance, and repair of furniture, furnishings, and office and library equipment.

(b) Any amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purpose and for the same period as the appropriation or account to which such amounts are transferred.

(c) The Librarian may transfer amounts pursuant to subsection (a) only with the approval of the Committees on Appropriations of the House of Representatives and Senate.

SEC. 210. (a)(1) This subsection shall apply to any individual who—

(A) is employed by the Library of Congress Child Development Center (known as the “Little Scholars Child Development Center”, in this section referred to as the “Center”) established under section 205(g)(1) of the Legislative Branch Appropriations Act, 1991; and

(B) makes an election to be covered by this subsection with the Librarian of Congress, not later than the later of—

(i) 60 days after the date of enactment of this Act;

or

(ii) 60 days after the date the individual begins such employment.

(2)(A) Any individual described under paragraph (1) may be credited, under section 8411 of title 5, United States Code, for service as an employee of the Center before the date of enactment of this Act, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of section 8411(b)(3) of such title.

(B) An individual described under paragraph (1) shall be credited under section 8411 of title 5, United States Code, for any service as an employee of the Center on or after the date of enactment of this Act, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5, United States Code.

(3) Notwithstanding any other provision of this subsection, any service performed by an individual described under paragraph (1) as an employee of the Center is deemed to be civilian service creditable under section 8411 of title 5, United States Code, for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5, United States Code, for such period so credited, together with interest thereon.

(4) An individual described under paragraph (1) shall be deemed an employee for purposes of chapter 84 of title 5, United States Code, including subchapter III of such title, and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after the date such individual elects coverage under this section.

(5) The Office of Personnel Management shall accept the certification of the Librarian of Congress concerning creditable service for purposes of this subsection.

(b) Any individual who is employed by the Center on or after the date of enactment of this Act shall be deemed an employee under section 8901(1) of title 5, United States Code, for purposes of health insurance coverage under chapter 89 of such title. An individual who is an employee of the Center on the date of enactment of this Act may elect coverage under this subsection before the 60th day after the date of enactment of this Act, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) An individual who is employed by the Center shall be deemed an employee under section 8701(a) of title 5, United States Code, for purposes of life insurance coverage under chapter 87 of such title.

(d) Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, 8708,

and 8906 shall be made by the Librarian of Congress from any appropriations available to the Library of Congress.

(e) The Library of Congress, directly or by agreement with its designated representative, shall—

(1) process payroll for Center employees, including making deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, 8707, and 8905 of title 5, United States Code;

(2) maintain appropriate personnel and payroll records for Center employees, and transmit appropriate information and records to the Office of Personnel Management; and

(3) transmit funds for Government and employee contributions under this section to the Office of Personnel Management.

(f) The Center shall—

(1) pay to the Library of Congress funds sufficient to cover the gross salary and the employer's share of taxes under section 3111 of the Internal Revenue Code of 1986 for Center employees, in amounts computed by the Library of Congress;

(2) as required by the Library of Congress, reimburse the Library of Congress for reasonable administrative costs incurred under subsection (e)(1);

(3) comply with regulations and procedures prescribed by the Librarian of Congress for administration of this section;

(4) maintain appropriate records on all Center employees, as required by the Librarian of Congress; and

(5) consult with the Librarian of Congress on the administration and implementation of this section.

(g) The Librarian of Congress may prescribe regulations to carry out this section.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$15,970,000, of which \$5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$27,954,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$175,000: *Provided further*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for

producing and disseminating Congressional serial sets and other related publications for 1999 and 2000 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS” and “SALARIES AND EXPENSES” together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed \$75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$10,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section

3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$384,867,000: *Provided*, That not more than \$1,900,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2001: *Provided further*, That not more than \$1,100,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2001: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$252,000.

SEC. 308. No part of any appropriation contained in this Act under the heading “Architect of the Capitol” or “Botanic Garden” shall be obligated or expended for a construction contract in excess of \$100,000, unless such contract includes a provision that requires liquidated damages for contractor caused delay in an amount commensurate with the daily net usable square foot cost of leasing similar space in a first class office building within two miles of the United States Capitol multiplied by the square footage to be constructed under the contract.

SEC. 309. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking “2000” and inserting “2001”.

SEC. 310. RUSSIAN LEADERSHIP PROGRAM. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 93) is amended—

(1) by striking “fiscal years 1999 and 2000” in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting “fiscal years 2000 and 2001”; and

(2) by striking “2001” in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting “2002”.

SEC. 311. (a)(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display in Statuary Hall in the Capitol of the United States under section 1814 of the Revised Statutes (40 U.S.C. 187).

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State, and

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of a State.

(b) If the Joint Committee on the Library of Congress approves a request under subsection (a), the Architect of the Capitol shall enter into an agreement with the State to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 1814 of the Revised Statutes (40 U.S.C. 187), and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Nothing in this section shall be interpreted to permit a State to have more than two statues on display in the Capitol of the United States.

(d)(1) Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the State.

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received from the States under section 1814 of the Revised Statutes (40 U.S.C. 187) prior to the date of the enactment of this Act, and to provide for the reception, location, and relocation of the statues received hereafter from the States under such section.

SEC. 312. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking “\$10,000,000” each place it appears and inserting “\$14,500,000”.

(b) Section 201 of such Act is amended—

(1) by inserting “(a)” before “Pursuant”, and

(2) by adding at the end the following:

“(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the \$14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).”.

SEC. 313. CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT.
(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the legislative branch of the Government a center to be known as the “Center for Russian Leadership Development” (the “Center”).

(2) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of nine members as follows:

(A) Two members appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Majority Leader of the House of Representatives and one of whom shall be designated by the Minority Leader of the House of Representatives.

(B) Two members appointed by the President pro tempore of the Senate, one of whom shall be designated by the Majority Leader of the Senate and one of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) Four private individuals with interests in improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) PURPOSE AND AUTHORITY OF THE CENTER.—

(1) PURPOSE.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) GRANT PROGRAM.—Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) RESTRICTIONS.—

(A) DURATION.—The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) LIMITATION.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) USE OF FUNDS.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) APPLICATION.—

(A) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the “Russian Leadership Development Center Trust Fund” (the “Fund”) which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) DONATIONS.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) FUND MANAGEMENT.—

(A) IN GENERAL.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) EXPENDITURES.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) EXECUTIVE DIRECTOR.—The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(2) SUPPORT PROVIDED BY LIBRARY OF CONGRESS.—The Library of Congress may disburse funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect

from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TRANSFER OF FUNDS.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) TRANSFER.—Subsection (g) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

SEC. 314. REVIEW OF PROPOSED CHANGES TO EXPORT THRESHOLDS FOR COMPUTERS. Not more than 50 days after the date of the submission of the report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), the Comptroller General of the United States shall submit an assessment to Congress which contains an analysis of the new computer performance levels being proposed by the President under such section.

TITLE IV—EMERGENCY FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated out of any money in the Treasury not otherwise appropriated, to provide additional emergency supplemental appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, namely:

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

For an additional amount for the Capitol Police Board for costs associated with security enhancements, under the terms and conditions of chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), \$2,102,000, to remain available until expended, of which—

(1) \$228,000 shall be for the acquisition and installation of card readers for four additional access points which are not currently funded under the implementation of the security enhancement plan; and

(2) \$1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific

dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

For an additional amount for necessary expenses for urgent repairs to the underground garage in the Cannon House Office Building, \$9,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for FHA—General and special risk program account for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$40,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act: *Provided further*, That the funding under this heading shall only be made available upon the submission of a certification by the Secretary of Housing and Urban Development to the Committees on Appropriations that all funds committed, expended, or obligated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 2000 were committed, expended or obligated in compliance with the Antideficiency Act (31 U.S.C. 1341).

SEC. 401. Appropriations made by this title are available immediately upon enactment of this Act.

This Act may be cited as the “Legislative Branch Appropriations Act, 2001”.

APPENDIX C—H.R. 5658

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,900,000 for official travel expenses; not to exceed \$3,813,000, to remain available until expended for information technology modernization requirements; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$156,315,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than \$11,439,000: *Provided further*, That of these amounts \$2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$47,287,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$32,899,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$118,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$31,000,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, \$2,000,000, to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$37,576,000, of which not to exceed \$2,800,000 shall remain available until September 30, 2003; and of which \$2,275,000 shall remain available

until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, \$55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, \$94,483,000, of which up to \$17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement

training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$29,205,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, \$103,476,000, of which \$7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$206,851,000, of which not to exceed \$10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director;

for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed \$20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed \$50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, \$768,695,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to \$2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed \$40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any

Act enforced by the United States Customs Service, \$1,863,765,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed \$4,000,000 shall be available until expended for research; of which not less than \$100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than \$200,000 shall be available for Project Alert; not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed \$8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed \$5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, \$3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs “Salaries and Expenses” account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$133,228,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, \$258,400,000, to remain available until expended, of which \$5,400,000 shall be for the International Trade Data System, and not less than \$130,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a final plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the Committees on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$187,301,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than \$4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at \$182,901,000. In addition, \$23,600, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106-53.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs

to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,567,001,000, of which up to \$3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed \$25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing service to tax exempt customers, including employee plans, tax exempt organizations, and government entities; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,382,402,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105-33), \$145,000,000, of which not to exceed \$10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,545,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective

1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 844 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$25,000 for official reception and representation expenses; not to exceed \$100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, \$823,800,000, of which \$3,633,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$8,941,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 118. Hereafter, funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee

to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

SEC. 119. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 120. Under the heading of Treasury Franchise Fund in Public Law 104–208, delete the following: the phrases "pilot, as authorized by section 403 of Public Law 103–356,"; and "as provided in such section"; and the final proviso. After the phrase "to be available", insert "without fiscal year limitation,". After the phrase, "established in the Treasury a franchise fund", insert, "until October 1, 2002".

SEC. 121. Notwithstanding any other provision of law, no reorganization of the field operations of the United States Customs Service Office of Field Operations shall result in a reduction in service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

SEC. 122. Notwithstanding any other provision of law, the Bureau of Alcohol, Tobacco and Firearms shall reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93–3 from amounts appropriated for fiscal year 2001 or unobligated balances from prior fiscal years, and such reimbursement shall cover the cost of all professional services rendered, plus interest calculated in accordance with the Contract Dispute Act of 1978 (41 U.S.C. 601 et seq.).

This title may be cited as the "Treasury Department Appropriations Act, 2001".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$96,093,000, of which \$67,093,000 shall not be available for obligation until October 1, 2001: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate

or close small rural and other small post offices in fiscal year 2001.

This title may be cited as the “Postal Service Appropriations Act, 2001”.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$390,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$53,288,000: *Provided*, That \$9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$10,900,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal

to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$968,000, to remain available until expended, for projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventive maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$3,673,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$354,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$4,110,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$7,165,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$43,737,000, of which \$9,905,000 shall be available until September 30, 2002 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$68,786,000, of which not to exceed \$5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may

be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed \$8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$24,759,000, of which \$2,100,000 shall remain available until expended, consisting of \$1,100,000 for policy research and evaluation, and \$1,000,000 for the National Alliance for Model State Drug Laws, and up to \$600,000 for the evaluation of the Drug-Free Communities Act: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277), \$29,053,000, which shall remain available until expended, consisting of \$15,803,000 for counternarcotics research and development projects, and \$13,250,000 for the continued operation of the technology transfer program: *Provided*, That the \$15,803,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$206,500,000 for drug control activities consistent with the approved

strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2002, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, \$1,800,000 shall be used for auditing services: *Provided further*, That HIDTAs designated as of September 30, 2000, shall be funded at fiscal year 2000 levels unless the Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105-277, \$233,600,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, \$185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the funds provided, \$3,300,000 shall be made available to the United States Olympic Committee's anti-doping program no later than 30 days after the enactment of this Act: *Provided further*, That of the funds provided, \$40,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: *Provided further*, That of the funds provided, \$1,000,000 shall be available to the National Drug Court Institute.

This title may be cited as the "Executive Office Appropriations Act, 2001".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28, \$4,158,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$40,500,000, of which no less than \$4,689,500 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$25,058,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administration Act of 1949, as amended (40 U.S.C. 490(f)), \$464,154,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally-owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally-owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally-owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$5,971,509,000 of which: (1) \$472,176,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations: California, Los Angeles, United States Courthouse; District

of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters; Florida, Saint Petersburg, Combined Law Enforcement Facility; Maryland, Montgomery County, Food and Drug Administration Consolidation; Michigan, Sault St. Marie, Border Station; Mississippi, Biloxi-Gulfport, United States Courthouse; Montana, Eureka/Rossville, Border Station; Virginia, Richmond, United States Courthouse; Washington, Seattle, United States Courthouse: *Provided*, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$671,193,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:

Arizona:

Phoenix, Federal Building Courthouse, \$26,962,000

California:

Santa Ana, Federal Building, \$27,864,000

District of Columbia:

Internal Revenue Service Headquarters (Phase 1), \$31,780,000

Main State Building, (Phase 3), \$28,775,000

Maryland:

Woodlawn, SSA National Computer Center, \$4,285,000

Michigan:

Detroit, McNamara Federal Building, \$26,999,000

Missouri:

Kansas City, Richard Bolling Federal Building, \$25,882,000

Kansas City, Federal Building, 8930 Ward Parkway, \$8,964,000

Nebraska:

Omaha, Zorinsky Federal Building, \$45,960,000

New York:

New York City, 40 Foley Square, \$5,037,000

Ohio:

Cincinnati, Potter Stewart United States Courthouse, \$18,434,000

Pennsylvania:

Pittsburgh, United States Post Office-Courthouse, \$54,144,000

Utah:

Salt Lake City, Bennett Federal Building, \$21,199,000

Virginia:

Reston, J.W. Powell Federal Building (Phase 2), \$22,993,000

Nationwide:

Design Program, \$21,915,000

Energy Program, \$5,000,000

Glass Fragment Retention Program, \$5,000,000

Basic Repairs and Alterations, \$290,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; (3) \$185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$2,944,905,000 for rental of space which shall remain available until expended; and (5) \$1,624,771,000 for building operations which shall remain available until expended: *Provided further*, That in addition to amounts made available herein, \$276,400,000 shall be deposited to the Fund, to become available on October 1, 2001, and remain available until expended for the following construction projects (including funds for sites and expenses and associated design and construction services): District of Columbia, United States Courthouse Annex; Florida, Miami, United States Courthouse; Massachusetts, Springfield, United States Courthouse; New York, Buffalo, United States Courthouse: *Provided further*, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and

Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$5,971,509,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$5,000 for official reception and representation expenses, \$123,920,000, of which \$27,301,000 shall remain available until expended: *Provided*, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: *Provided further*, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$34,520,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, \$2,517,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended, \$7,100,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading “Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 411 of Public Law 106-58 is amended by striking “April 30, 2001” each place it appears and inserting “April 30, 2002”.

SEC. 409. DESIGNATION OF RONALD N. DAVIES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, shall be known and designated as the “Ronald N. Davies Federal Building and United States Courthouse”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and United States Courthouse.

SEC. 410. From the funds made available under the heading “Federal Buildings Fund Limitations on Revenue”, in addition to amounts provided in budget activities above, up to \$2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: *Provided*, That said property shall include a 125 foot wide right-of-way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 S. Range 8W., Section 14: *Provided further*, That construction of the road shall occur only after this property is deeded and conveyed to the United States by and through the General Services Administration without reimbursement or cost to the United States at the election of its current landholder: *Provided further*, That notwithstanding any other provision of law, and subject to the foregoing conditions, the Administrator of General Services shall construct a road to the Columbus, New Mexico Port of Entry Station on the property, connecting the port with a road to be built by the County of Luna, New Mexico to connect to State Highway 11: *Provided further*, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration: *Provided further*, That upon completion of the construction of the road by the General Services Administration, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Luna County, New Mexico, without reimbursement, all right, title, and interest of the United States to that portion of the property constituting the improved road and standard county road right-of-way which is not required for the operation of the port of entry: *Provided further*, That the General Services Administration on behalf of the United States upon conveyance of the property to the municipality of Luna, New Mexico, shall retain the balance of the property located adjacent to the port, consisting of approximately 12 acres, to be owned

or otherwise managed by the Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended: *Provided further*, That the General Services Administration is authorized to acquire such additional real property and rights in real property as may be necessary to construct said road and provide a contiguous site for the port of entry: *Provided further*, That the United States shall incur no liability for any environmental laws or conditions existing at the property at the time of conveyance to the United States or in connection with the construction of the road: *Provided further*, That Luna County and the Village of Columbus shall be responsible for providing adequate access and egress to existing properties east of the port of entry: *Provided further*, That the Bureau of Land Management, the International Boundary and Water Commission, the Federal Inspection Agencies and the Department of State shall take all actions necessary to facilitate the construction of the road and expansion of the port facilities.

SEC. 411. DESIGNATION OF J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURTHOUSE. (a) The United States bankruptcy courthouse at 1100 Laurel Street in Columbia, South Carolina, shall be known and designated as the “J. Bratton Davis United States Bankruptcy Courthouse”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States bankruptcy courthouse referred to in subsection (a) shall be deemed to be a reference to the “J. Bratton Davis United States Bankruptcy Courthouse”.

SEC. 412. (a) The United States Courthouse Annex located at 901 19th Street in Denver, Colorado is hereby designated as the “Alfred A. Arraj United States Courthouse Annex”.

(b) Any reference in a law, map, regulation, document, or paper or other record of the United States to the Courthouse Annex herein referred to in subsection (a) shall be deemed to be a reference to the “Alfred A. Arraj United States Courthouse Annex”.

SEC. 413. DESIGNATION OF THE PAUL COVERDELL DORMITORY. The dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynn, Georgia, shall be known and designated as the “Paul Coverdell Dormitory”.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$29,437,000 together with not to exceed \$2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND
EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102-252, \$2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$209,393,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$95,150,000, to remain available until expended of which \$88,000,000 is to complete renovation of the National Archives Building.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$6,450,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$9,684,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$94,095,000; and in addition \$101,986,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$10,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$1,360,000; and in addition, not to exceed \$9,745,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH
BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE
INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, \$11,147,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$37,305,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the “Independent Agencies Appropriations Act, 2001”.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. (a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Archivist of the United States shall transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Library in Ann Arbor, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows:

The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2, Converse Plat, and that part of Block 2 of J.W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence South along the centerline of vacated Front Avenue 109 feet more or less to the extended centerline of vacated Douglas Street; thence West along the centerline of vacated Douglas Street 237.5 feet more or less to the East line of Scribner Avenue; thence North along

the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence Easterly 200 feet more or less to the place of beginning, also described as:

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11-24, Block 2 of J.W. Converse Replatted Addition; also part of N $\frac{1}{2}$ of Section 25, T7N, R12W, commencing at SE corner Lot 24, Block 2 of J.W. Converse Replatted Addition, thence N to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J.W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, commencing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence 77 feet, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.

Parcel C—Part of Section 25, T7N, R12W, commencing at SE corner Bridge Street & Front Avenue, thence E 50 feet, thence S 107.85 feet to alley, thence W 50 feet to E line Front Avenue, thence N 106.81 feet to beginning.

Parcel D—Part of Government Lot 1, Section 25, T7N, R12W, commencing at a point on S line of Bridge Street (66' wide) 170 feet E of E line of Front Avenue (75' wide), thence S 230 feet parallel with Front Avenue, thence W 170 feet parallel with Bridge Street to E line of Front Avenue, thence N along said line to a point 106.81 feet S of intersection of said line with extension of N & S line of Bridge Street, thence E 127 feet, thence northerly to a point on S line of Bridge Street 130 feet E of E line of Front Avenue, thence E along S line of Bridge Street to beginning.

Parcel E—Lots 1 through 8 of Block 2 of Converse Plat, being the subdivision of Government Lots 1 and 2, Section 25, T7N, R12W.

Also part of N $\frac{1}{2}$ of Section 25, T7N, R12W, commencing at NW corner of Lot 9, Block 2 of J.W. Converse Replatted Addition; thence N 15 feet to SW corner of Lot 8; thence E 200 feet to SE corner Lot 1; thence S 15 feet to NE corner of Lot 10; thence W 200 feet to beginning.

Together with any portion of vacated streets and alleys that have become part of the above property.

(c) TERMS AND CONDITIONS.—

(1) COMPENSATION.—The land transferred pursuant to subsection (a) shall be transferred without compensation to the United States.

(2) APPOINTMENT OF SUCCESSOR TRUSTEE.—In the event that the Gerald R. Ford Foundation for any reason is unable or unwilling to continue to serve as trustee, the Archivist of the United States is authorized to appoint a successor trustee.

(3) REVERSIONARY INTEREST.—If the Archivist of the United States determines that the Gerald R. Ford Foundation (or a successor trustee appointed under paragraph (2)) has breached its fiduciary duty under the trust agreement entered into pursuant to this section, the land transferred pursuant to subsection (a) shall revert to the United States under the administrative jurisdiction of the Archivist.

SEC. 515. (a) IN GENERAL.—The Director of the Office of Management and Budget shall, by not later than September 30,

2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) CONTENT OF GUIDELINES.—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

SEC. 516. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 517. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 518. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that: (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation,

of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by each agency that issued such a major rule.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of

the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia;

services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States

Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations,

to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section

2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

- (A) in the aggregate;
- (B) by agency and agency program; and
- (C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

- (1) measures of costs and benefits; and
- (2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 625. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 626. Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 627. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 628. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 629. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 630. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) Care Choices;

(C) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 631. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. 632. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the “Policy and Operations” account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed \$17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 633. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) DEFINITION.—For purposes of this section, the term “Executive agency” has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 634. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 635. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for

the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 636. RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term “qualified MWAA police officer” means any individual who, as of the date of the enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereafter in this section referred to as an “MWAA police officer”); and

(2) is subject to the Civil Service Retirement System or the Federal Employees’ Retirement System by virtue of section 49107(b) of title 49, United States Code.

(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual’s election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (hereafter in this section referred to as an “FAA police officer”).

(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service, taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).

SEC. 637. (a) For purposes of this section—

(1) the term “comparability payment” refers to a locality-based comparability payment under section 5304 of title 5, United States Code;

(2) the term “President's pay agent” refers to the pay agent described in section 5302(4) of such title; and

(3) the term “pay locality” has the meaning given such term by section 5302(5) of such title.

(b) Notwithstanding any provision of section 5304 of title 5, United States Code, for purposes of determining appropriate pay localities and making comparability payment recommendations, the President's pay agent may, in accordance with succeeding provisions of this section, make comparisons of General Schedule pay and

non-Federal pay within any of the metropolitan statistical areas described in subsection (d)(3), using—

- (1) data from surveys of the Bureau of Labor Statistics;
- (2) salary data sets obtained under subsection (c); or
- (3) any combination thereof.

(c) To the extent necessary in order to carry out this section, the President's pay agent may obtain any salary data sets (referred to in subsection (b)) from any organization or entity that regularly compiles similar data for businesses in the private sector.

(d)(1)(A) This paragraph applies with respect to the five metropolitan statistical areas described in paragraph (3) which—

(i) have the highest levels of nonfarm employment (as determined based on data made available by the Bureau of Labor Statistics); and

(ii) as of the date of the enactment of this Act, have not previously been surveyed by the Bureau of Labor Statistics (as discrete pay localities) for purposes of section 5304 of title 5, United States Code.

(B) The President's pay agent, based on such comparisons under subsection (b) as the pay agent considers appropriate, shall: (i) determine whether any of the five areas under subparagraph (A) warrants designation as a discrete pay locality; and (ii) if so, make recommendations as to what level of comparability payments would be appropriate during 2002 for each area so determined.

(C)(i) Any recommendations under subparagraph (B)(ii) shall be included—

(I) in the pay agent's report under section 5304(d)(1) of title 5, United States Code, submitted for purposes of comparability payments scheduled to become payable in 2002; or

(II) if compliance with subclause (I) is impracticable, in a supplementary report which the pay agent shall submit to the President and the Congress no later than March 1, 2001.

(ii) In the event that the recommendations are completed in time to be included in the report described in clause (i)(I), a copy of those recommendations shall be transmitted by the pay agent to the Congress contemporaneous with their submission to the President.

(D) Each of the five areas under subparagraph (A) that so warrants, as determined by the President's pay agent, shall be designated as a discrete pay locality under section 5304 of title 5, United States Code, in time for it to be treated as such for purposes of comparability payments becoming payable in 2002.

(2) The President's pay agent may, at any time after the 180th day following the submission of the report under subsection (f), make any initial or further determinations or recommendations under this section, based on any pay comparisons under subsection (b), with respect to any area described in paragraph (3).

(3) An area described in this paragraph is any metropolitan statistical area within the continental United States that (as determined based on data made available by the Bureau of Labor Statistics and the Office of Personnel Management, respectively) has a high level of nonfarm employment and at least 2,500 General Schedule employees whose post of duty is within such area.

(e)(1) The authority under this section to make pay comparisons and to make any determinations or recommendations based on such comparisons shall be available to the President's pay agent only for purposes of comparability payments becoming payable on

or after January 1, 2002, and before January 1, 2007, and only with respect to areas described in subsection (d)(3).

(2) Any comparisons and recommendations so made shall, if included in the pay agent's report under section 5304(d)(1) of title 5, United States Code, for any year (or the pay agent's supplementary report, in accordance with subsection (d)(1)(C)(i)(II)), be considered and acted on as the pay agent's comparisons and recommendations under such section 5304(d)(1) for the area and the year involved.

(f)(1) No later than March 1, 2001, the President's pay agent shall submit to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, a report on the use of pay comparison data, as described in subsection (b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions reached based on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from their use). The report may include specific recommendations regarding the continued use of such data.

(g)(1) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a time line for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations as to how those ongoing efforts might be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities described in the preceding provisions of this subsection, and the reasons why those additional resources are needed.

SEC. 638. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 639. MANDATORY REMOVAL FROM EMPLOYMENT OF FEDERAL LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES.

(a) **IN GENERAL.**—Chapter 73 of title 5, United States Code, is amended by adding after subchapter VI the following:

“SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF CONVICTED LAW ENFORCEMENT OFFICERS

“§ 7371. **Mandatory removal from employment of law enforcement officers convicted of felonies**

“(a) In this section, the term—

“(1) ‘conviction notice date’ means the date on which an agency that employs a law enforcement officer has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

“(2) ‘law enforcement officer’ has the meaning given that term under section 8331(20) or 8401(17).

“(b) Any law enforcement officer who is convicted of a felony shall be removed from employment as a law enforcement officer on the last day of the first applicable pay period following the conviction notice date.

“(c)(1) This section does not prohibit the removal of an individual from employment as a law enforcement officer before a conviction notice date if the removal is properly effected other than under this section.

“(2) This section does not prohibit the employment of any individual in any position other than that of a law enforcement officer.

“(d) If the conviction is overturned on appeal, the removal shall be set aside retroactively to the date on which the removal occurred, with back pay under section 5596 for the period during which the removal was in effect, unless the removal was properly effected other than under this section.

“(e)(1) If removal is required under this section, the agency shall deliver written notice to the employee as soon as practicable, and not later than 5 calendar days after the conviction notice date. The notice shall include a description of the specific reasons for the removal, the date of removal, and the procedures made applicable under paragraph (2).

“(2) The procedures under section 7513(b)(2), (3), and (4), (c), (d), and (e) shall apply to any removal under this section. The employee may use the procedures to contest or appeal a removal, but only with respect to whether—

“(A) the employee is a law enforcement officer;

“(B) the employee was convicted of a felony; or

“(C) the conviction was overturned on appeal.

“(3) A removal required under this section shall occur on the date specified in subsection (b) regardless of whether the notice required under paragraph (1) of this subsection and the procedures made applicable under paragraph (2) of this subsection have been provided or completed by that date.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7363 the following:

“SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF CONVICTED LAW ENFORCEMENT OFFICERS

“7371. Mandatory removal from employment of law enforcement officers convicted of felonies.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act

and shall apply to any conviction of a felony entered by a Federal or State court on or after that date.

SEC. 640. Section 504 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–346) is repealed.

SEC. 641. (a) Section 5545b(d) of title 5, United States Code, is amended by inserting at the end the following new paragraph:

“(4) Notwithstanding section 8114(e)(1), overtime pay for a firefighter subject to this section for hours in a regular tour of duty shall be included in any computation of pay under section 8114.”.

(b) The amendment in subsection (a) shall be effective as if it had been enacted as part of the Federal Firefighters Overtime Pay Reform Act of 1998 (112 Stat. 2681–519).

SEC. 642. Section 6323(a) of title 5, United States Code, is amended by adding at the end the following:

“(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.”.

SEC. 643. Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

“(e)(1) All existing and newly hired workers in any child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

“(2) For purposes of this subsection, the term ‘executive facility’ means a facility that is owned or leased by an office or entity within the executive branch of the Government (including one that is owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government).

“(3) Nothing in this subsection shall be considered to apply with respect to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.”.

SEC. 644. Section 501 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–346) is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

SEC. 645. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

“§ 5372b. Administrative appeals judges

“(a) For the purpose of this section—

“(1) the term ‘administrative appeals judge position’ means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

“(2) the term ‘agency’ means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

“(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

“(c) A rate of basic pay fixed under this section shall be—

“(1) not less than the minimum rate of basic pay for level AL-3 under section 5372; and

“(2) not greater than the maximum rate of basic pay for level AL-3 under section 5372.”.

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking “or 5372a” and inserting “5372a, or 5372b”.

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

“5372b. Administrative appeals judges.”.

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of the enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

SEC. 646. Not later than 60 days after the date of enactment of this Act, the Inspector General of each department or agency shall submit to Congress a report that discloses any activity of the applicable department or agency relating to—

(1) the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the department or agency; and

(2) entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual’s access or viewing habits for governmental and nongovernmental Internet sites.

This Act may be cited as the “Treasury and General Government Appropriations Act, 2001”.

APPENDIX D—H.R. 5666

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

DIVISION A

CHAPTER 1

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended—

(1) In title III, under the heading “Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account”, after “per year” insert “; *Provided further*, That not more than \$100,000 shall be available for guarantees of private sector loans”.

(2) In title III, at the end of the first proviso under the “Rural Housing Assistance Grants” account, insert “in Mississippi and Alaska”.

(3) In section 724, by striking “to Hispanic-serving institutions” and all that follows through “maintained by such institutions” and inserting “to eligible grantees specified in subsection (d)(3) of that section”;

(4) In title VIII, under the heading “Rural Community Advancement Program”, by striking “January 1, 2001” and inserting “January 1, 2000”;

(5) In section 806, by inserting “: *Provided further*, That of the funds made available by this section, the Secretary shall transfer \$5,000,000 to the State of Alabama to be used in conjunction with the program administered by the Alabama Department of Agriculture and Industries: *Provided further*, That of the funds made available by this section, the Secretary shall transfer not more than \$300,000 to the State of Montana for transportation needs associated with emergency haying and feeding: *Provided further*, That of the funds made available by this section, the Secretary shall use not more than \$2,000,000 to carry out a program for income losses sustained before April 30, 2001, by individuals who raise poultry owned by other individuals as a result of Poultry Enteritis Mortality Syndrome control programs, as determined by the Secretary” after “American Indian Livestock Feed Program”;

(6) In section 815(d)(3), by inserting “affected” after “all”;

(7) In section 830, by striking “section 401” and inserting “title IV”.

(8) In section 843, by striking “were unable to market the crops” and all that follows through “in this section:” and inserting “suffered a loss because of the insolvency of an agriculture cooperative in the State of California: *Provided*, That the amount of a payment made to a producer under this section shall not exceed 50 percent of the loss referred to in this section.”;

(9) In section 844—

(A) in the section heading, by inserting “, FLUE-CURED, AND CIGAR BINDER TYPE 54-55” after “BURLEY”; and

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting “, without further cost to the association,” after “settle”; and

(II) by inserting “, Flue-cured, or Cigar Binder Type 54-55” after “Burley” each place it appears;

(ii) in paragraph (2)(B), by inserting “, Flue-cured, Cigar Binder Type 54-55,” after “Burley”; and

(iii) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) counted for the purpose of determining the Burley, Flue-cured, or Cigar Binder Type 54-55 tobacco quota or allotment for any year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.); or”;

(10) Notwithstanding any other provision of law, section 204(b)(10)(B) of Public Law 106-224 shall not be effective until July 1, 2001; and

(11) The effective date of this section is the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.

SEC. 102. The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by striking “1990 decennial census” and inserting “1990 or 2000 decennial census”, and by striking “year 2000” and inserting “year 2010”.

SEC. 103. The Secretary of Agriculture, in collaboration with the Secretaries of Energy and Interior, shall undertake a study of the feasibility of including ethanol, biodiesel, and other bio-based fuels as part of the Strategic Petroleum Reserve. This study shall include a review of legislative and regulatory changes needed to allow this inclusion, and those elements necessary to design and implement such a program, including cost. The Secretary shall provide this study to the House and Senate Appropriations Committees by February 15, 2001.

SEC. 104. Notwithstanding section 730 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Public Law 106-78), the City of Wilson, North Carolina, shall be eligible in fiscal year 2001 for the community facility loan guarantee program under section 306(a)(1) of the Consolidated Farm and Rural Development Act.

SEC. 105. Title VIII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by inserting at the end the following new section:

“SEC. 778. Notwithstanding section 723 of this Act or any other provision of law, there are hereby appropriated \$26,000,000, to remain available until expended, for the program authorized under section 334 of the Federal Agriculture Improvement and Reform Act of 1996: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$26,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.”.

SEC. 106. In carrying out the bovine tuberculosis eradication program covered by the Secretary of Agriculture’s emergency declaration effective as of October 11, 2000, the Secretary of Agriculture shall pay 100 percent of the amounts of approved claims for materials affected by or exposed to bovine tuberculosis, and of approved claims growing out of the destruction of animals: *Provided*, That in calculating the net present value of the future income portion of any claim, the Secretary shall use a discount rate of 7 percent: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 107. Section 820(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by striking “of 1996” and inserting the following: “of 1996, and for the Farmland Protection Program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996”.

SEC. 108. For an additional amount for the United States Department of Agriculture, Office of the General Counsel, \$500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 109. For an additional amount for Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses, \$200,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 110. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and

technical assistance to the Hamakua Ditch project in Hawaii from funds available for the Emergency Watershed Program, not to exceed \$3,000,000.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$500,000, to remain available until expended: *Provided*, That these funds are to be expended by the National Institute of Corrections (NIC) for a comprehensive assessment of medical care and incidents of inmate mortality in the Wisconsin State Prison System.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for “Justice Assistance”, \$300,000, to remain available until expended: *Provided*, That these funds are to be expended to expand the collection of data on prisoner deaths while in law enforcement custody.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for “Community Oriented Policing Services”, \$3,080,000, to remain available until expended, of which \$1,880,000 shall be for a grant to the Pasadena, California, Police Department for equipment; of which \$200,000 shall be for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which \$1,000,000 shall be for a grant to the State of Alabama Department of Forensic Sciences for equipment.

JUVENILE JUSTICE PROGRAMS

For an additional amount for “Juvenile Justice Programs”, \$1,000,000, to remain available until expended, for a grant to Mobile County, Alabama, for a juvenile court network program.

GENERAL PROVISIONS

SEC. 201. Chapter 2 of title II of division B of Public Law 106-246 (114 Stat. 542) is amended in the matter immediately under the first heading—

(1) by inserting, “(or the State, in the case of New Mexico)” before “only”; and

(2) by inserting, “detention costs,” after “court costs,”.

SEC. 202. For an additional amount under the heading “United States Attorneys, Salaries and Expenses” in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, \$10,000,000 for the State of Texas and \$2,000,000 for the State of Arizona, to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling

cases, such reimbursements being limited to court costs, detention costs, courtroom technology, the building of holding spaces, administrative staff, and indigent defense costs.

SEC. 203. In addition to amounts appropriated under the heading “State and Local Law Enforcement Assistance, Office of Justice Programs” in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, \$9,000,000 is for an award to the Alliance of Boys & Girls of South Carolina for the establishment of the Strom Thurmond Boys & Girls Club National Training Center.

SEC. 204. In addition to any amounts made available for “State and Local Law Enforcement Assistance” within the Department of Justice, \$500,000 shall be made available only for the New Hampshire Department of Safety to investigate and support the prosecution of violations of Federal trucking laws.

SEC. 205. In addition to other amounts made available for the COPS technology program of the Department of Justice, \$4,000,000 shall be available to the State of South Dakota to establish a regional radio system to facilitate communications between Federal, State, and local law enforcement agencies, fire-fighting agencies, and other emergency services agencies.

DEPARTMENT OF COMMERCE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$200,000, to remain available until expended, for the establishment of satellite accounts for the travel and tourism industry.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, \$750,000, to remain available until expended, for a study by the National Academy of Sciences pursuant to H.R. 2090, as passed by the House of Representatives on September 12, 2000.

GENERAL PROVISIONS

SEC. 206. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as enacted by section 1(a)(2) of the Act entitled “An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes” is amended by inserting before the period at the end of the paragraph under the heading “National Oceanic and Atmospheric Administration, Operations, Research, and Facilities” the following new proviso: “: *Provided further*, That, of the amounts made available for the National Marine Fisheries Service under this heading, \$10,000,000 shall be available only for research regarding litigation concerning the Alaska Steller sea lion and Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, of which \$6,000,000 shall be available only for the Office of Oceanic

and Atmospheric Research to study the impact of ocean climate shifts on the North Pacific and Bering Sea fish and marine mammal species composition, of which \$2,000,000 shall be available only for the National Ocean Service to study predator/prey relationships as they relate to the decline of the western population of Steller sea lions, and of which \$2,000,000 shall be available only for the North Pacific Fishery Management Council for an independent analysis of Steller sea lion science and other work related to such litigation”.

SEC. 207. (a) In addition to amounts appropriated or otherwise made available under the heading “Operations, Research, and Facilities, National Oceanic and Atmospheric Administration” in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, \$7,500,000 is appropriated for disaster assistance for communities affected by the 2000 western Alaska salmon disaster for which the Secretary of Commerce declared a fishery failure under section 312(a) of the Magnuson Stevens Fisheries Conservation and Management Act.

(b) Funds appropriated by this section shall be made available as direct lump sum payments no later than 30 days after the date of enactment of this Act, as follows: \$3,500,000 to the Tanana Chiefs Conference, \$3,500,000 to the Association of Village Council Presidents, and \$500,000 to Kawerak.

(c) Such funds shall be used to provide personal assistance with priority given to: (1) food; (2) energy needs; (3) housing assistance; (4) transportation fuel including for subsistence activities; and (5) other urgent community needs.

(d) Not more than 5 percent of such funds may be used for administrative expenses.

(e) The President of the Tanana Chiefs Conference, the President of the Association of Village Council Presidents, and the President of Kawerak shall disburse all funds no later than May 1, 2000 and shall submit a report to the Secretary of Commerce detailing the expenditure of funds, including the number of persons and households served and the amount of administrative costs, by the end of the fiscal year.

SEC. 208. In addition to amounts appropriated or otherwise made available by this or any other Act, \$3,000,000 is appropriated to enable the Secretary of Commerce to provide economic assistance to fishermen and fishing communities affected by Federal closures and fishing restrictions in the Hawaii long line fishery, to remain available until expended.

SEC. 209. IMPLEMENTATION OF STELLER SEA LION PROTECTIVE MEASURES.—

(a) FINDINGS.—The Congress finds that—

(1) the western population of Steller sea lions has substantially declined over the last 25 years.

(2) scientists should closely research and analyze all possible factors relating to such decline, including the possible interactions between commercial fishing and Steller sea lions and the localized depletion hypothesis;

(3) the authority to manage commercial fisheries in Federal waters lies with the regional councils and the Secretary of Commerce (hereafter in this section “Secretary”) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (hereafter in this section “Magnuson-Stevens Act”); and

(4) the Secretary of Commerce shall comply with the Magnuson-Stevens Act when using fishery management plans and regulations to implement the decisions made pursuant to findings under the Endangered Species Act, and shall utilize the processes and procedures of the regional fishery management councils as required by the Magnuson-Stevens Act.

(b) INDEPENDENT SCIENTIFIC REVIEW.—The North Pacific Fishery Management Council (hereafter in this section “North Pacific Council”) shall utilize the expertise of the National Academy of Sciences to conduct an independent scientific review of the November 30, 2000 Biological Opinion for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries (hereafter in this section “Biological Opinion”), its underlying hypothesis, and the Reasonable and Prudent Alternatives (hereafter in this section “Alternatives”) contained therein. The Secretary shall cooperate with the independent scientific review, and the National Academy of Sciences is requested to give its highest priority to this review.

(c) PREPARATION OF FISHERY MANAGEMENT PLANS AND REGULATIONS TO IMPLEMENT PROTECTIVE MEASURES IN THE NOVEMBER 30, 2000 BIOLOGICAL OPINION.—

(1) The Secretary of Commerce shall submit to the North Pacific Council proposed conservation and management measures to implement the Alternatives contained in the November 30, 2000 Biological Opinion for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries. The North Pacific Council shall prepare and transmit to the Secretary a fishery management plan amendment or amendments to implement such Alternatives that are consistent with the Magnuson-Stevens Act (including requirements in such Act relating to best available science, bycatch reduction, impacting on fishing communities, the safety of life at sea, and public comment and hearings.)

(2) The Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries shall be managed in a manner consistent with the Alternatives contained in the Biological Opinion, except as otherwise provided in this section. The Alternatives shall become fully effective no later than January 1, 2002, as revised if necessary and appropriate based on the independent scientific review referred to in subsection (b) and other new information, and shall be phased in in 2001 as described in paragraph (3).

(3) The 2001 Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries shall be managed in accordance with the fishery management plan and Federal regulations in effect for such fisheries prior to July 15, 2000, including—

- (A) conservative total allowable catch levels;
- (B) no entry zones within three miles of rookeries;
- (C) restricted harvest levels near rookeries and haul-outs;
- (D) federally-trained observers;
- (E) spatial and temporal harvest restrictions;
- (F) federally-mandated bycatch reduction programs;

and

(G) additional conservation benefits provided through cooperative fishing arrangements,
and said regulations are hereby restored to full force and effect.

(4) The Secretary shall amend these regulations by January 20, 2001, after consultation with the North Pacific Council and in a manner consistent with all law, including the Magnuson-Stevens Act, and consistent with the Alternatives to the maximum extent practicable, subject to the other provisions of this subsection.

(5) The harvest reduction requirement (“Global Control Rule”) shall take effect immediately in any 2001 groundfish fishery in which it applies, but shall not cause a reduction in the total allowable catch of any fishery of more than 10 percent.

(6) In enforcing regulations for the 2001 fisheries, the Secretary, upon recommendation of the North Pacific Council, may open critical habitat where needed, adjust seasonal catch levels, and take other measures as needed to ensure that harvest levels are sufficient to provide income from these fisheries for small boats and Alaskan on-shore processors that is no less than in 1999.

(7) The regulations that are promulgated pursuant to paragraph (4) shall not be modified in any way other than upon recommendation of the North Pacific Council, before March 15, 2001.

(d) SEA LION PROTECTION MEASURES.—\$20,000,000 is hereby appropriated to the Secretary of Commerce to remain available until expended to develop and implement a coordinated, comprehensive research and recovery program for the Steller sea lion, which shall be designed to study—

- (1) available prey species;
- (2) predator/prey relationships;
- (3) predation by other marine mammals;
- (4) interactions between fisheries and Steller sea lions, including the localized depletion theory;
- (5) regime shift, climate change, and other impacts associated with changing environmental conditions in the North Pacific and Bering Sea;
- (6) disease;
- (7) juvenile and pup survival rates;
- (8) population counts;
- (9) nutritional stress;
- (10) foreign commercial harvest of sealions outside the exclusive economic zone;
- (11) the residual impacts of former government-authorized Steller sea lion eradication bounty programs; and
- (12) the residual impacts of intentional lethal takes of Steller sea lions.

Within available funds the Secretary shall implement on a pilot basis innovative non-lethal measures to protect Steller sea lions from marine mammal predators including killer whales.

(e) ECONOMIC DISASTER RELIEF.—\$30,000,000 is hereby appropriated to the Secretary of Commerce to make available as a direct payment to the Southwest Alaska Municipal Conference to distribute to fishing communities, businesses, community development quota groups, individuals, and other entities to mitigate the economic losses caused by Steller sea lion protection measures heretofore incurred; provided that the President of such organization shall provide a written report to the Secretary and the House

and Senate Appropriations Committee within 6 months of receipt of these funds.

DEPARTMENT OF STATE AND RELATED AGENCY

GENERAL PROVISIONS

SEC. 210. In addition to any amounts made available for “Educational and Cultural Exchange Programs within the Department of State”, \$500,000 shall be made available only for the Irish Institute.

SEC. 211. In addition to amounts appropriated under the heading “International Broadcasting Operations, Broadcasting Board of Governors” in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, \$10,000,000 to remain available until expended, for increased broadcasting to Russia and surrounding areas, and to China, by Radio Free Europe/Radio Liberty, Radio Free Asia, and the Voice of America: *Provided*, That any amount of such funds may be transferred to the “Broadcasting Capital Improvements” account to carry out such purposes.

RELATED AGENCIES

COMMISSION ON ONLINE CHILD PROTECTION

For necessary expenses of the Commission on Online Child Protection, \$750,000, to remain available until expended.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,000,000 shall be available for a grant to the Electronic Commerce Resource Center in Scranton, Pennsylvania, to establish an electronic commerce technology distribution center.

GENERAL PROVISION

SEC. 212. For an additional amount for “Small Business Administration, Salaries and Expenses”, \$1,000,000 shall be made available only for a grant to the National Museum of Jazz in New York, New York.

GENERAL PROVISION—THIS CHAPTER

SEC. 213. (a) The provisions of H.R. 5548 (as enacted into law by H.R. 4942 of the 106th Congress) are amended as follows:

(1) In title I, under the heading “Salaries and Expenses, United States Marshals Service”, by striking “3,947” and inserting “4,034”.

(2) In title I, by redesignating sections 114 through 119 as sections 113 through 118, respectively.

(3) In title II, under the heading “National Oceanic and Atmospheric Administration—Operations, Research, and Facilities”, by striking “\$31,439,000” and inserting “\$32,054,000”.

(4) In title II, under the heading “National Oceanic and Atmospheric Administration—Coastal and Ocean Activities”—

(A) by striking “non-contiguous States except Hawaii” and inserting “Alaska”;

(B) by striking “Inc,” and inserting “Inc.”;

(C) by striking “scrub,” and inserting “scrub.”; and

(D) by striking “watershed for lower Rouge River restoration.” and inserting “watershed.”.

(5) In title IV, by striking section 406 and by redesignating sections 407 and 408 as sections 406 and 407, respectively.

(6) In title VI, by striking sections 635 and 636.

(7) In title IX, in the first proviso of section 901, by striking “, territory or an Indian Tribe” and inserting “or territory”.

(b) The amendments made by this section shall take effect as if included in H.R. 4942 of the 106th Congress on the date of its enactment.

CHAPTER 3

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. In the event that award of the full funding contract for low-rate initial production of the F-22 aircraft is delayed beyond December 31, 2000 because of inability to complete the requirements specified in section 8124 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the Secretary of the Air Force may obligate up to \$353,000,000 of the funds appropriated in title III of Public Law 106-259 to continue F-22 Lot 1 (10 aircraft) advance procurement to protect the supplier base and preserve program costs and schedule.

SEC. 302. (a) Consistent with Executive Order Number 1733, dated March 3, 1913, and notwithstanding section 303 of the Alaska National Interest Lands Conservation Act, Public Law 96-487, or any other law, the Department of the Air Force shall have primary jurisdiction, custody, and control over Shemya Island and its appurtenant waters (including submerged lands). In exercising such primary jurisdiction, custody, and control, the Secretary of the Air Force may utilize and apply such authorities as are generally applicable to a military installation, base, camp, post, or station. Shemya Island and its appurtenant waters (including submerged lands) shall continue to be included within the Alaska Maritime National Wildlife Refuge and the National Wildlife Refuge System and the Secretary of the Interior shall have jurisdiction secondary to that of the Department of the Air Force. Nothing in this section shall prohibit the transfer of jurisdiction, custody, and control over Shemya Island by the Department of the Air Force to another military department. In the event the military department exercising such primary jurisdiction, custody, and control no longer has a need to exercise such primary jurisdiction, custody, and control of Shemya Island and its appurtenant waters (including submerged lands), such jurisdiction, custody, and control shall terminate and the Secretary of the Interior shall then exercise sole jurisdiction, custody, and control over Shemya Island and its appurtenant waters (including submerged lands) as part of the Alaska Maritime National Wildlife Refuge.

(b) Any environmental contamination of Shemya Island caused by a military department shall be the responsibility of that military

department and not the responsibility of the Department of the Interior. Any money rentals received by a military department from outgrants on Shemya Island will be applied to the environmental restoration of the island in accordance with 10 U.S.C. 2667.

(c) This section shall not be construed as altering any existing property rights of the State of Alaska or any private person.

(d) The military department exercising primary jurisdiction, custody, and control over Shemya Island shall, consistent with the accomplishment of the military mission and subject to section 21 of the Internal Security Act of 1950, Public Law 81-831 (50 U.S.C. 797) (also known as the Subversive Activities Control Act of 1950)—

(1) work with the United States Fish and Wildlife Service to protect and conserve the wildlife and habitat on the island; and

(2) grant access to Shemya Island and its appurtenant waters to the United States Fish and Wildlife Service for the purpose of management of the Alaska Maritime National Wildlife Refuge.

SEC. 303. Within the funds appropriated for the Patriot PAC-3 program under title III of the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the Ballistic Missile Defense Organization shall procure no less than 40 PAC-3 missiles.

SEC. 304. Section 8133 of Public Law 106-259 (114 Stat. 703) is amended by striking “\$300,000,000” in the first proviso and inserting “\$550,000,000”.

(TRANSFER OF FUNDS)

SEC. 305. Of the total amount appropriated by title II of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) for operation and maintenance for the Armed Force or Armed Forces under the jurisdiction of the Secretary of a military department, the Secretary of that military department may transfer up to \$2,000,000 to the central fund established by the Secretary under section 2493(d) of title 10, United States Code, for funding Fisher Houses and Fisher Suites. Amounts so transferred shall be merged with other amounts in the central fund to which transferred and shall be available without fiscal year limitation for the purposes for which amounts in that fund are available.

SEC. 306. FUNDING FOR CERTAIN COSTS OF VESSEL TRANSFERS. There is hereby appropriated into the Defense Vessels Transfer Program Account such sums as may be necessary for the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by the National Defense Authorization Act, 2001. Funds in that account are available only for the purpose of covering those costs.

SEC. 307. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) under the heading “Research, Development, Test and Evaluation, Defense-Wide”, not less than \$5,000,000 shall be made available only for support of a Gulf War illness research program at the University of Texas Southwestern Medical Center.

(INCLUDING TRANSFER OF FUNDS)

SEC. 308. In addition to amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act,

2001 (Public Law 106-259), \$150,000,000 is hereby appropriated for “Operation and Maintenance, Navy” and shall remain available until expended, only for costs associated with the repair of the U.S.S. COLE: *Provided*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the welfare of the crew, and of the families of the crew, of the U.S.S. COLE shall be considered in the Navy’s selection of the process and location for the repair of the U.S.S. COLE: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 309. Notwithstanding any other provision of law, the Administrator of the General Services Administration may utilize funds available to the National Science and Technology Council (authorized by Executive Order No. 12881), or any successor entity to the council, under section 635 of the Treasury and General Government Appropriations Act, 2001, for payment of any expenses of, and shall ensure that administrative services, facilities, staff and other support are provided for, the Commission on the Future of the United States Aerospace Industry pursuant to section 1092(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by section 1 of the Act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes).

SEC. 310. In addition to funds provided elsewhere in this Act, or in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), \$2,000,000 is hereby appropriated to “Operation and Maintenance, Marine Corps”, only for planning and National Environmental Protection Act documentation for the proposed airfield and heliport at the Marine Corps Air Ground Task Force Training Command.

(TRANSFER OF FUNDS)

SEC. 311. Of the funds made available in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), the Secretary of the Air Force shall transfer \$5,000,000 of the funds provided for “Operation and Maintenance, Air Force” to the Secretary of the Interior for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106-115; 113 Stat. 1540): *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense for fiscal year 2001.

SEC. 312. (a) The Secretary of the Air Force is authorized to convey to the Roosevelt General Hospital, Portales, New Mexico, without consideration, and without regard to title II of the Federal Property and Administrative Services Act of 1949, all right, title,

and interest of the United States in any personal property of the Air Force that the Secretary determines—

- (1) is appropriate for use by the Roosevelt General Hospital in the operation of that hospital; and
- (2) is excess to the needs of the Air Force.

(b) The Secretary may require any additional terms and conditions in connection with any conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

(INCLUDING TRANSFER OF FUNDS)

SEC. 313. In addition to amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), \$100,000,000 is hereby appropriated for “Overseas Contingency Operations Transfer Fund” and shall remain available until expended: *Provided*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act: *Provided further*, That funds appropriated by this section, or made available by the transfer of funds in this section, for intelligence activities are deemed to be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 314. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) under the heading “Research, Development, Test and Evaluation, Navy”, up to \$3,000,000 shall be made available to the Marine Corps to pursue research in Nanotechnology for Consequence Management.

SEC. 315. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) under the heading “Research, Development, Test and Evaluation, Army”, not less than \$1,500,000 shall be made available only for installation of the Medical Area Network for Virtual Technologies at Fort Detrick and Walter Reed Army Hospital, and not less than \$1,000,000 shall be made available only to conduct a pilot study to determine the feasibility of establishing a Department of Defense Information Analysis Center for telemedicine.

SEC. 316. The Secretary of the Navy shall acquire 50 acres of real property located on Reed Island, along the south shore of the St. John’s River across from Blount Island Command, Jacksonville, Florida. The Secretary of the Navy shall pay not more than the fair market value of the property, to be determined pursuant to an appraisal acceptable to the Secretary of the Navy;

but in no case shall the price exceed \$4,200,000: *Provided*, That the exact acreage and legal description of the real property to be acquired pursuant to this section shall be determined by a survey satisfactory to the Secretary of the Navy: *Provided further*, That the Secretary of the Navy may require such additional terms and conditions in connection with the land acquisition pursuant to this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 317. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) under the heading “Research, Development, Test, and Evaluation, Navy” the Secretary of the Navy may establish Marine Fire Training Centers at the Marine and Environmental Research and Training Station and Barbers Point by grants or contracts.

SEC. 318. Notwithstanding any other provision of law, and notwithstanding the provisions in section 7306 of title 10, United States Code, of the funds provided in the Department of Defense Appropriations Act, 2001 (Public Law 106-259) for “Operation and Maintenance, Navy”, \$750,000 shall be available only for repair of ex-Turner Joy.

SEC. 319. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), \$2,000,000 is hereby appropriated under the heading “Operation and Maintenance, Defense-Wide”, to remain available for obligation until September 30, 2001, only for the Defense Imagery and Mapping Agency Program.

SEC. 320. None of the funds available in the Department of Defense Appropriations Act, 2001 (Public Law 106-259) shall be used to consolidate or incorporate Air Force radar operations maintenance and support programs or contracts into an Air Force SENSOR or a similar acquisition program.

SEC. 321. In addition to amounts appropriated elsewhere in this Act, or in the Department of Defense Appropriations Act, 2001 (Public Law 106-259), \$1,000,000 is hereby appropriated to “Research, Development, Test and Evaluation, Air Force”, only to develop rapid diagnostic and fingerprinting techniques along with molecular monitoring systems for the detection of nosocomial infections.

SEC. 322. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106-259) under the heading “Research, Development, Test and Evaluation, Navy”, \$1,500,000 shall be made available by grant or contract only to the California Central Coast Research Partnership (C3RP).

SEC. 323. FORT IRWIN NATIONAL TRAINING CENTER EXPANSION.
(a) FINDINGS.—Congress makes the following findings:

(1) The National Training Center at Fort Irwin, California, is the only instrumented training area in the world suitable for live fire training of heavy brigade-sized military forces and thus provides the Army with essential training opportunities necessary to maintain and improve military readiness and promote national security.

(2) The National Training Center must be expanded to meet the critical need of the Army for additional training lands suitable for the maneuver of large numbers of military personnel and equipment, which is necessitated by advances

in equipment, by doctrinal changes, and by Force XXI doctrinal experimentation requirements.

(3) The lands being considered for expansion of the National Training Center are home to the desert tortoise and other species that are protected under the Endangered Species Act of 1973, and the Secretary of Defense and the Secretary of the Interior, in developing a plan for expansion of the National Training Center, must provide for such expansion in a manner that complies with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(4) In order for the expansion of the National Training Center to be implemented on an expedited basis, the Secretaries should proceed without delay to define with specificity the key elements of the expansion plan, including obtaining early input regarding national security requirements, Endangered Species Act of 1973 compliance and mitigation, and National Environmental Policy Act of 1969 compliance.

(b) PURPOSE.—The purpose of this section is to expedite the expansion of the National Training Center at Fort Irwin, California, in a manner that is fully compliant with environmental laws.

(c) PREPARATION OF PROPOSED EXPANSION PLAN.—

(1) PREPARATION REQUIRED.—The Secretary of the Army and the Secretary of the Interior (in this section referred to as the “Secretaries”) shall jointly prepare a proposed plan for the expansion of the National Training Center at Fort Irwin, California.

(2) SUBMISSION AND AVAILABILITY.—The plan required by paragraph (1) (in this section referred to as the “proposed expansion plan”) shall be completed not later than 120 days after the date of the enactment of this Act. When completed, the Secretaries shall make the proposed expansion plan available to the public and shall publish in the Federal Register a “notice of availability” concerning the proposed expansion plan.

(d) KEY ELEMENTS OF PROPOSED EXPANSION PLAN.—

(1) JOINT REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretaries shall submit to Congress a joint report that identifies the key elements of the proposed expansion plan.

(2) LANDS WITHDRAWAL AND RESERVATION.—The proposed expansion plan shall include the withdrawal and reservation of an appropriate amount of public lands for—

(A) the conduct of combined arms military training at the National Training Center;

(B) the development and testing of military equipment at the National Training Center;

(C) other defense-related purposes; and

(D) conservation and research purposes.

(3) CONSERVATION MEASURES.—The proposed expansion plan shall also include a general description of conservation measures, anticipated to cost approximately \$75,000,000, that may be necessary and appropriate to protect and promote the conservation of the desert tortoise and other endangered or threatened species and their critical habitats in designated wildlife management areas in the West Mojave Desert. The conservation measures may include—

(A) the establishment of one or more research natural areas, which may include lands both within and outside the National Training Center;

(B) the acquisition of private and State lands within the wildlife management areas in the West Mojave Desert;

(C) the construction of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats;

(D) the funding of research studies; and

(E) other conservation measures.

(d) PRELIMINARY REVIEW OF EXPANSION PLAN.—

(1) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Fish and Wildlife Service shall submit to the Secretaries a preliminary review of the proposed expansion plan (as developed as of that date). In the preliminary review, the Director shall identify, with as much specificity as possible, an approach for implementing the proposed expansion plan consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) RELATION TO FORMAL REVIEW.—The preliminary review under paragraph (1) shall not constitute a formal consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), but shall be used to assist the Secretaries in more precisely defining the nature and scope of an expansion plan for the National Training Center that is likely to satisfy requirements of the Endangered Species Act of 1973 and to expedite the formal consultation process under section 7 of such Act.

(3) CONSIDERATION OF PRELIMINARY REVIEW.—In preparing the proposed expansion plan, the Secretaries shall take into account the content of the preliminary review by the Director of the United States Fish and Wildlife Service under paragraph (1).

(e) DRAFT LEGISLATION.—The Secretaries shall submit to Congress with the proposed expansion plan a draft of proposed legislation providing for the withdrawal and reservation of public lands for the expansion of the National Training Center. It is the sense of the Congress that the proposed legislation should contain a provision that, if enacted, would prohibit ground-disturbing military use of the land to be withdrawn and reserved by the legislation until the Secretaries have certified that there has been full compliance with the appropriate provisions of the legislation, the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(f) CONSULTATION UNDER ENDANGERED SPECIES ACT OF 1973.—The Secretaries shall initiate the formal consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to expansion of the National Training Center as soon as practicable and shall complete such consultation not later than 2 years after the date of the enactment of this Act.

(g) ENVIRONMENTAL REVIEW.—Not later than 6 months following completion of the formal consultation required under section 7 of the Endangered Species Act of 1973 with respect to expansion of the National Training Center, the Secretaries shall complete any analysis required under the National Environmental Policy Act of 1969 with respect to the proposed expansion of the National Training Center. The analysis shall be coordinated, to the extent

practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) FUNDING.—

(1) IMPLEMENTATION OF CONSERVATION MEASURES.—There are authorized to be appropriated \$75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the final expansion plan for the National Training Center to comply with the Endangered Species Act of 1973.

(2) IMPLEMENTATION OF SECTION.—The amounts of \$2,500,000 for “Operation and Maintenance, Army” and \$2,500,000 for “Management of Lands and Resources, Bureau of Land Management” are hereby appropriated to the Secretary of the Army and the Secretary of the Interior, respectively, only to undertake and complete on an expedited basis the activities specified in this section.

CHAPTER 4

DISTRICT OF COLUMBIA FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For an additional amount for the District of Columbia courts for capital repairs necessitated by the recent fire damage to the courthouse facilities, \$350,000, to remain available until September 30, 2002, and for an additional amount for such repairs for the Superior Court of the District of Columbia, \$50,000: *Provided*, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia courts may reallocate not more than \$1,000,000 of the funds provided under this heading under the District of Columbia Appropriations Act, 2001, among the items and entities funded under such heading for the costs of such repairs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 401. (a) Section 106(b) of the District of Columbia Public Works Act of 1954 (sec. 43-1552(b), D.C. Code), as amended by section 133 of the District of Columbia Appropriations Act, 1990, is amended—

(1) in the third sentence of paragraph (1), by striking “United States Treasury and” and all that follows through “by the”; and

(2) by adding at the end the following new paragraph:
“(5) Not later than the 15th day of the month following each quarter (beginning with the first quarter of fiscal year 2001), the inspector general of each Federal department, establishment, or agency receiving water services from the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency.”.

(b) Section 212(b) of the District of Columbia Public Works Act of 1954 (sec. 43-1612(b), D.C. Code), as amended by section 133 of the District of Columbia Appropriations Act, 1990, is amended—

(1) in the third sentence of paragraph (1), by striking “United States Treasury and” and all that follows through “by the”; and

(2) by adding at the end the following new paragraph:

“(5) Not later than the 15th day of the month following each quarter (beginning with the first quarter of fiscal year 2001), the inspector general of each Federal department, establishment, or agency receiving sanitary sewer services from the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency.”.

(c) The amendments made by this section shall take effect as if included in the enactment of section 133 of the District of Columbia Appropriations Act, 1990.

SEC. 402. (a) The Act entitled “An Act donating certain Lots in the City of Washington for Schools for Colored Children in the District of Columbia”, approved July 28, 1866 (14 Stat. 343), is amended by striking the second sentence.

(b) Section 319 of the Revised Statutes of the United States relating to the District of Columbia and Post Roads (sec. 31–206, D.C. Code) is repealed.

SEC. 403. RESTRICTIONS ON USE OF ANNUAL UNOBLIGATED BALANCE IN D.C. CRIME VICTIMS COMPENSATION FUND. (a) IN GENERAL.—Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 3–435(d), D.C. Code), as added by section 160(d) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

“(d) Any unobligated balance existing in the Fund in excess of \$250,000 as of the end of each fiscal year (beginning with fiscal year 2000) may be used only in accordance with a plan developed by the District of Columbia and approved by the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate, and not less than 80 percent of such balance shall be used for direct compensation payments to crime victims through the Fund under this section and in accordance with this Act.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect September 30, 2000.

SEC. 404. (a) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, the District of Columbia may fund the programs identified under the heading “Reserve” in H.R. 4942, One Hundred Sixth Congress, as introduced, subject to the conditions described under such heading and upon certification by the District of Columbia Financial Responsibility and Management Assistance Authority to the Committees on Appropriations of the Senate and House of Representatives that the Chief Financial Officer of the District of Columbia, the Mayor of the District of Columbia, and the Council of the District of Columbia have identified and implemented such spending reductions as may be necessary to ensure that the District of Columbia will not have a budget deficit for fiscal year 2001.

(b)(1) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, the use by the District of the funds described in paragraph (2) for Pay-As-You-Go Capital Funds shall be optional.

(2) The funds described in this paragraph are funds set aside for the reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by section 148 of the District of Columbia Appropriations Act, 2000) which are not used for purposes of any reserve funds established under the District of Columbia Appropriations Act, 2001, or any amendments made by such Act.

(c)(1) The Mayor of the District of Columbia shall deposit the annual interest savings resulting from debt reductions using the proceeds of the tobacco securitization program into the emergency reserve fund established under section 450A of the District of Columbia Home Rule Act (as added by section 159 of the District of Columbia Appropriations Act, 2001).

(2) This subsection shall apply with respect to fiscal year 2001 and each succeeding fiscal year until the requirements of section 450A of the District of Columbia Home Rule Act have been met.

SEC. 405. (a) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, quarterly disbursements shall be calculated and paid to District of Columbia public charter schools during fiscal year 2001 in accordance with section 107a(b) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 (sec. 31–2906.1(b), D.C. Code), as amended by the Enrollment Integrity Act.

SEC. 406. (a) The provisions of H.R. 5547 (as enacted into law by H.R. 4942 of the 106th Congress) are repealed and shall be deemed for all purposes (including section 1(b) of H.R. 4942) to have never been enacted.

(b) The repeal made by this section shall take effect as if included in H.R. 4942 of the 106th Congress on the date of its enactment.

CHAPTER 5

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for “General Investigations”, \$900,000, to remain available until expended: *Provided*, That \$100,000 shall be available for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina; \$100,000 shall be available for a reconnaissance study for the Passiac County, New Jersey, water infrastructure project; \$100,000 shall be available for a reconnaissance study of flooding, drainage and other related problems in the Cayuga Creek Watershed, New York; and \$600,000 shall be available for a cost-shared feasibility study of the restoration of the lower St. Anthony’s Falls natural rapids in Minnesota.

CONSTRUCTION, GENERAL

For an additional amount for “Construction, General”, \$2,750,000, to remain available until expended: *Provided*, That \$75,000 shall be available for planning and design of a project to provide for floodplain evacuation in the watershed of Pond Creek, Kentucky; \$100,000 shall be available for design of recreation and access features at the Louisville Waterfront Park in Kentucky; \$500,000 shall be available for a Limited Reevaluation Report for the Central Boca Raton segment of the Palm Beach County, Florida, shore protection project; and \$75,000 shall be available to conduct research on the eradication of Eurasian water milfoil at Houghton Lake, Michigan: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use \$2,000,000 of the funds appropriated herein to initiate design and construction of the Hawaii Water Management Project, including Waiahole Ditch on Oahu, Kau Ditch on Maui, Pioneer Mill Ditch on Hawaii, and the complex system on the west side of Kauai: *Provided further*, That the Secretary of the Army may use up to \$5,000,000 of previously appropriated funds to carry out the Abandoned and Inactive Noncoal Mine Restoration program authorized by section 560 of Public Law 106-53.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for “Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee”, \$3,500,000, to remain available until expended, for prosecuting work of repair, restoration or maintenance of the Mississippi River levees, and for the correction of deficiencies in the mainline Mississippi River levees.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$2,000,000, to remain available until expended, for construction of the Mid-Dakota Rural Water System, in addition to amounts made available under the Energy and Water Appropriations Development Act, 2001.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For an additional amount for “Energy Supply”, \$800,000, to remain available until expended, for the Prime, LLC, of central South Dakota, for final engineering and project development of the integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feed lot.

SCIENCE

For an additional amount for “Science”, \$1,000,000, to remain available until expended, for high temperature superconducting research and development at Boston College.

CHAPTER 6

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Of the funds appropriated under the heading Department of State, International Narcotics Control and Law Enforcement, in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, not less than \$1,350,000 shall be available only for the Protection Project to continue its study of international trafficking, prostitution, slavery, debt bondage, and other abuses of women and children.

SEC. 602. EMBASSY COMPENSATION AUTHORITY. Funds made available under the heading “Other Bilateral Economic Assistance, Economic Support Fund” included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106-429) may be made available, notwithstanding any other provision of law, to provide payment to the Government of the People’s Republic of China for property loss and damage arising out of the May 7, 1999 incident in Belgrade, Federal Republic of Yugoslavia.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

LAND ACQUISITION

For an additional amount for “Land Acquisition”, \$5,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, to carry out the provisions of title VI of the Steens Mountain Cooperative Management and Protection Act (Public Law 106-399): *Provided*, That sums necessary to complete the individual land exchanges identified under title VI shall be provided within 30 days of each land exchange.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for “Resource Management”, \$500,000 for a grant to the Center for Reproductive Biology at Washington State University.

MULTINATIONAL SPECIES CONSERVATION FUND

For an additional amount for the “Multinational Species Conservation Fund”, \$750,000, to remain available until expended, for Great Ape conservation activities authorized by law.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System”, \$100,000 for completion of studies related to the Arlington Boathouse in Virginia.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for “National Recreation and Preservation”, \$1,600,000, to remain available until expended, of which \$500,000 is for the National Constitution Center in Philadelphia, Pennsylvania and \$1,100,000 is for a grant to the Historic New Bridge Landing Park Commission.

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund”, \$100,000 for a grant to the Massillon Heritage Foundation, Inc. in Massillon, Ohio.

CONSTRUCTION

For an additional amount for “Construction”, \$3,500,000, to remain available until expended, of which \$1,500,000 is for the Stones River National Battlefield and \$2,000,000 is for the Millennium Cultural Cooperative Park.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For an additional amount for “Energy Conservation”, \$300,000, to remain available until expended, for a grant to the Oak Ridge National Laboratory/Nevada Test Site Development Corporation for the development of: (1) cooling, refrigeration, and thermal energy management equipment capable of using natural gas or hydrogen fuels; and (2) improvement of the reliability of heat-activated cooling, refrigeration, and thermal energy management equipment used in combined heating, cooling, and power applications.

RELATED AGENCY

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

PAYMENT TO ENDOWMENT FUND

For payment to the endowment fund of the Woodrow Wilson International Center for Scholars \$5,000,000: *Provided*, That such funds may be invested in investments approved by the Board of Trustees of the Woodrow Wilson International Center for Scholars and the income from such investments may be used to support the programs of the Center that the Board of Trustees and the Director of the Center determine appropriate.

GENERAL PROVISION—THIS CHAPTER

SEC. 701. In addition to amounts appropriated in Public Law 106-291 to the Indian Health Service under the heading “Indian

Health Services”, \$30,000,000, to remain available until expended, is appropriated as follows:

(1) \$15,000,000 shall be provided to the Alaska Federation of Natives as a direct lump sum payment within 30 days of enactment of this Act for its Alaska Native Sobriety and Alcohol Control Program: *Provided*, That the President of the Alaska Federation of Natives shall make grants to each Alaska Native regional non-profit corporation (as listed in section 103(a)(2) of Public Law 104-193 (110 Stat. 2159)) in which there are villages, including established villages and organized cities under State law, that have voted to ban the sale, importation, or possession of alcohol pursuant to local option State law: *Provided further*, That such grants shall be used to: (1) employ Village Public Safety Officers (hereinafter referred to as “VPSO’s”) under such terms and conditions that encourage retention of such VPSO’s and that are consistent with agreements with the State of Alaska for the provision of such VPSO services; (2) acquisition of law enforcement equipment or services; or (3) develop and implement restorative justice programs recognized under State sentencing law as a community-based complement or alternative to incarceration or other penalty: *Provided further*, That funds may also be used for activities and programs to further the sobriety movement including education and treatment. The President of the Alaska Federation of Natives shall submit a report on its activities and those of its grantees including administrative costs and persons served by December 31, 2001; and

(2) \$15,000,000 shall be provided to the Indian Health Service for drug and alcohol prevention and treatment services for non-Alaska tribes.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

SEC. 801. There are appropriated to the Health Resources and Services Administration in the Department of Health and Human Services, for the construction of the Biotechnology Science Center at the Marshall University in Huntington, West Virginia, \$25,000,000, to remain available until expended.

SEC. 802. There are appropriated to the Health Resources and Services Administration in the Department of Health and Human Services, for the construction of the Christian Nurses Hospice in Brentwood, New York, \$400,000.

SEC. 803. There are appropriated to the Institute of Museum and Library Services, for expansion of the marine biology program at the Long Island Maritime Museum, \$250,000.

CHAPTER 9

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECREASED MEMBERS OF
CONGRESS

For payment to Laura Y. Bateman, widow of Herbert H. Bateman, late a Representative from the State of Virginia, \$141,300.

For payment to Susan L. Vento, widow of Bruce F. Vento, late a Representative from the State of Minnesota, \$141,300.

For payment to Betty Lee Dixon, widow of Julian C. Dixon, late a Representative from the State of California, \$141,300.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For an additional amount for “CAPITOL BUILDINGS AND GROUNDS—CAPITOL BUILDINGS—SALARIES AND EXPENSES” for necessary expenses for construction of emergency egress from the fourth floor of the Capitol Building, \$1,033,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For the Library of Congress, \$25,000,000, to remain available until expended, for necessary salaries and expenses of the National Digital Information Infrastructure and Preservation Program; and an additional \$75,000,000, to remain available until expended, for such purposes: *Provided*, That the portion of such additional \$75,000,000, which may be expended shall not exceed an amount equal to the matching contributions (including contributions other than money) for such purposes that: (1) are received by the Librarian of Congress for the program from non-Federal sources; and (2) are received before March 31, 2003: *Provided further*, That such program shall be carried out in accordance with a plan or plans approved by the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate: *Provided further*, That of the total amount appropriated, \$5,000,000 may be expended before the approval of a plan to develop such a plan, and to collect or preserve essential digital information which otherwise would be uncollectible: *Provided further*, That the

balance in excess of such \$5,000,000 shall not be expended without approval in advance by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate: *Provided further*, That the plan under this heading shall be developed by the Librarian of Congress jointly with entities of the Federal Government with expertise in telecommunications technology and electronic commerce policy (including the Secretary of Commerce and the Director of the White House Office of Science and Technology Policy) and the National Archives and Records Administration, and with the participation of representatives of other Federal, research, and private libraries and institutions with expertise in the collection and maintenance of archives of digital materials (including the National Library of Medicine, the National Agricultural Library, the National Institute of Standards and Technology, the Research Libraries Group, the Online Computer Library Center, and the Council on Library and Information Resources) and representatives of private business organizations which are involved in efforts to preserve, collect, and disseminate information in digital formats (including the Open e-Book Forum): *Provided further*, That notwithstanding any other provision of law, effective with the One Hundred Seventh Congress and each succeeding Congress the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives shall serve as a member of the Joint Committee on the Library with respect to the Library's financial management, organization, budget development and implementation, and program development and administration, as well as any other element of the mission of the Library of Congress which is subject to the requirements of Federal law.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 901. RETIREMENT CREDIT FOR CERTAIN LEGISLATIVE BRANCH EMPLOYEES. (a) FORMER EMPLOYEES OF CONGRESSIONAL CAMPAIGN COMMITTEES.—

(1) CSRS.—Section 8332(m) of title 5, United States Code, as amended by section 312 of the Legislative Branch Appropriations Act, 2000, is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) Upon application to the Office of Personnel Management, any individual who was an employee on the date of enactment of this paragraph, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a congressional employee) for service before December 31, 1990, while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

“(A) such employee has at least 4 years and 6 months of service on such committees as of December 31, 1990; and

“(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under

section 8334(c) if such service were service as a congressional employee.”.

(2) FERS.—Section 8411 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) Upon application to the Office of Personnel Management, any individual who was an employee on the date of enactment of this paragraph, and who has on such date or thereafter acquired 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a congressional employee) for service before December 31, 1990, while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

“(A) such employee has at least 4 years and 6 months of service on such committees as of December 31, 1990; and

“(B) such employee deposits to the Fund an amount equal to 1.3 percent of the base pay for such service, with interest.

“(2) The Office shall accept the certification of the President of the Senate (or the President’s designee) or the Speaker of the House of Representatives (or the Speaker’s designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to whom credit is to be sought under this subsection.

“(3) An individual shall not be granted credit for such service under this subsection if eligible for credit under section 8332(m) for such service.”.

(b) FORMER EMPLOYEES OF LEGISLATIVE SERVICE ORGANIZATIONS.—

(1) SERVICE OF EMPLOYEES OF LEGISLATIVE SERVICE ORGANIZATIONS.—

(A) IN GENERAL.—Subject to succeeding provisions of this paragraph, upon application to the Office of Personnel Management in such form and manner as the Office shall prescribe, any individual who performed service as an employee of a legislative service organization of the House of Representatives (as defined and authorized in the One Hundred Third Congress) and whose pay was paid in whole or in part by a source other than the Clerk Hire account of a Member of the House of Representatives (other than an individual described in paragraph (6)) shall be entitled—

(i) to receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (whichever would be appropriate), as congressional employee service, for all such service; and

(ii) to have all pay for such service which was so paid by a source other than the Clerk Hire account of a Member included (in addition to any amounts otherwise included in basic pay) for purposes of computing an annuity payable out of the Civil Service Retirement and Disability Fund.

(B) DEPOSIT REQUIREMENT.—In order to be eligible for the benefits described in subparagraph (A), an individual shall be required to pay into the Civil Service Retirement

and Disability Fund an amount equal to the difference between—

(i) the employee contributions that were actually made to such Fund under applicable provisions of law with respect to the service described in subparagraph (A); and

(ii) the employee contributions that would have been required with respect to such service if the amounts described in subparagraph (A)(ii) had also been treated as basic pay.

The amount required under this subparagraph shall include interest, which shall be computed under section 8334(e) of title 5, United States Code.

(C) CERTAIN OFFSETS REQUIRED IN ORDER TO PREVENT DOUBLE CONTRIBUTIONS AND BENEFITS.—In the case of any period of service as an employee of a legislative service organization which constituted employment for purposes of title II of the Social Security Act—

(i) any pay for such service (as described in subparagraph (A)(ii)) with respect to which the deposit under subparagraph (B) would otherwise be computed by applying the first sentence of section 8334(a)(1) of title 5, United States Code, shall instead be computed in a manner based on section 8334(k) of such title; and

(ii) any retirement benefits under subchapter III of chapter 83 of title 5, United States Code, shall be subject to offset (to reflect that portion of benefits under title II of the Social Security Act attributable to pay referred to in subparagraph (A)) similar to that provided for under section 8349 of such title.

(2) SURVIVOR ANNUITANTS.—For purposes of survivor annuities, an application authorized by this section may, in the case of an individual under paragraph (1) who has died, be made by a survivor of such individual.

(3) RECOMPUTATION OF ANNUITIES.—Any annuity or survivor annuity payable as of when an individual makes the deposit required under paragraph (1) shall be recomputed to take into account the crediting of service under such paragraph for purposes of amounts accruing for any period beginning on or after the date on which the individual makes the deposit.

(4) CERTIFICATION OF SPEAKER.—The Office of Personnel Management shall accept the certification of the Speaker of the House of Representatives (or the Speaker's designee) concerning the service of, and the amount of compensation received by, an employee with respect to whom credit is to be sought under this subsection.

(5) NOTIFICATION AND OTHER DUTIES OF THE OFFICE OF PERSONNEL MANAGEMENT.—

(A) NOTICE.—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals of any rights they might have as a result of enactment of this subsection.

(B) ASSISTANCE.—The Office shall, on request, assist any individual in obtaining from any department, agency, or other instrumentality of the United States any information in the possession of such instrumentality which may

be necessary to verify the entitlement of such individual to have any service credited under this subsection or to have an annuity recomputed under paragraph (3).

(C) INFORMATION.—Any department, agency, or other instrumentality of the United States which possesses any information with respect to an individual's performance of any service described in paragraph (1) shall, at the request of the office, furnish such information to the Office.

(6) EXCLUSION OF CERTAIN EMPLOYEES.—An individual is not eligible for credit under this subsection if the individual served as an employee of the House of Representatives for an aggregate period of 5 years or longer after the individual's final period of service as an employee of a legislative service organization of the House of Representatives.

(7) MEMBER DEFINED.—In this subsection, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to Congress.

SEC. 902. (a) The Legislative Branch Appropriations Act, 2001 is amended under the subheading "MISCELLANEOUS ITEMS" under the heading "SENATE" under title I by striking "\$8,655,000" and inserting "\$25,155,000".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001.

SEC. 903. Beginning on the first day of the 107th Congress, the Presiding Officer of the Senate shall apply all of the precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103d Congress. Further that there is now in effect a Standing order of the Senate that the reading of conference reports is no longer required, if the said conference report is available in the Senate.

CHAPTER 10

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1001. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2001, \$43,500,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2005, as follows:

"Military Construction, Army", \$27,000,000;

"Military Construction, Air Force", \$12,000,000;

"Military Construction, Army National Guard", \$4,500,000:

Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design, military construction, and family housing projects not otherwise authorized by law.

SEC. 1002. TRANSFER OF JURISDICTION, MELROSE AIR FORCE RANGE, NEW MEXICO. (a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force the surface estate in the real property described in paragraph (2), which consists of 6,713.90 acres of public domain lands in Roosevelt County, New Mexico.

(2) The transfer of administrative jurisdiction under paragraph (1) encompasses the following sections (or portions thereof):

(A) In Township 1 North, Range 30 East, New Mexico Prime Meridian:

- (i) Sec. 2 ($S\frac{1}{2}$).
- (ii) Sec. 11. All.
- (iii) Sec. 20 ($S\frac{1}{2}SE\frac{1}{4}$).
- (iv) Sec. 28. All.

(B) In Township 1 South, Range 30 East, New Mexico Prime Meridian:

- (i) Sec. 2 (Lots 1-12, $S\frac{1}{2}$).
- (ii) Sec. 3 (Lots 1-12, $S\frac{1}{2}$).
- (iii) Sec. 4 (Lots 1-12, $S\frac{1}{2}$).
- (iv) Sec. 6 (Lots 1 and 2).
- (v) Sec. 9 ($N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$).
- (vi) Sec. 10 ($N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$).
- (vii) Sec. 11 ($N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$).

(C) In Township 2 North, Range 30 East, New Mexico Prime Meridian:

- (i) Sec. 20 ($E\frac{1}{2}S\frac{1}{4}$).
- (ii) Sec. 21 ($SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$).
- (iii) Sec. 28 ($W\frac{1}{2}E\frac{1}{2}$, $W\frac{1}{2}$).
- (iv) Sec. 29 ($E\frac{1}{2}E\frac{1}{2}$).
- (v) Sec. 32 ($E\frac{1}{2}E\frac{1}{2}$).
- (vi) Sec. 33 ($W\frac{1}{2}E\frac{1}{2}$, $NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$).

(b) STATUS OF SURFACE ESTATE.—Upon transfer under subsection (a), the surface estate is deemed to be real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in subsection (a) are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(d) USE OF MINERAL MATERIALS.—Notwithstanding subsection (c) or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in subsection (a), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Melrose Air Force Range, New Mexico.

SEC. 1003. TRANSFER OF JURISDICTION, YAKIMA TRAINING CENTER, WASHINGTON. (a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Army the surface estate in the real property described in paragraph (2), which consists of 6,640.02 acres of public domain lands in Kittitas County, Washington.

(2) The transfer of administrative jurisdiction under paragraph (1) encompasses the following sections (or portions thereof):

(A) In Township 17 North, Range 20 East, Willamette Meridian:

- (i) Sec. 22 ($S\frac{1}{2}$).
- (ii) Sec. 24 ($S\frac{1}{2}SW\frac{1}{4}$ and that portion of the $E\frac{1}{2}$ lying south of the Interstate Highway 90 right-of-way).
- (iii) Sec. 26. All.

(B) In Township 16 North, Range 21 East, Willamette Meridian:

(i) Sec. 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$).

(ii) Sec. 12 (SE $\frac{1}{4}$).

(iii) Sec. 18 (Lots 1, 2, 3, and 4, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$).

(C) In Township 17 North, Range 21 East, Willamette Meridian:

(i) Sec. 30 (Lots 3 and 4).

(ii) Sec. 32 (NE $\frac{1}{4}$ SE $\frac{1}{4}$).

(D) In Township 16 North, Range 22 East, Willamette Meridian:

(i) Sec. 2 (Lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$).

(ii) Sec. 4 (Lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$).

(iii) Sec. 10. All.

(iv) Sec. 14. All.

(v) Sec. 20 (SE $\frac{1}{4}$ SW $\frac{1}{4}$).

(vi) Sec. 22. All.

(vii) Sec. 26 (N $\frac{1}{2}$).

(viii) Sec. 28 (N $\frac{1}{2}$).

(E) In Township 16 North, Range 23 East, Willamette Meridian:

(i) Sec. 18 (Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying westerly of the westerly right-of-way line of Huntzinger Road).

(ii) Sec. 20 (That portion of the SW $\frac{1}{4}$ lying westerly of the easterly right-of-way line of the railroad).

(iii) Sec. 30 (Lots 1 and 2, NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$).

(b) STATUS OF SURFACE ESTATE.—Upon transfer under subsection (a), the surface estate is deemed to be real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) WITHDRAWAL OF MINERAL ESTATE.—(1) Subject to valid existing rights, the mineral estate of the lands described in subsection (a), as well as the additional lands described in paragraph (2), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601, et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) The additional lands referred to in paragraph (1) consist of 3,090.80 acres in the following sections (or portions thereof):

(A) In Township 16 North, Range 20 East, Willamette Meridian:

(i) Sec. 12. All.

(ii) Sec. 18 (Lot 4 and SE $\frac{1}{4}$).

(iii) Sec. 20 (S $\frac{1}{2}$).

(B) In Township 16 North, Range 21 East, Willamette Meridian:

(i) Sec. 4 (Lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$).

(ii) Sec. 8. All.

(C) In Township 16 North, Range 22 East, Willamette Meridian:

(i) Sec. 12. All.

(D) In Township 17 North, Range 21 East, Willamette Meridian:

(i) Sec. 32 (S $\frac{1}{2}$ SE $\frac{1}{4}$).

(ii) Sec. 34 (W $\frac{1}{2}$).

(d) USE OF MINERAL MATERIALS.—Notwithstanding subsection (c) or the Act of July 31, 1947, the Secretary of the Army may

use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in subsections (a) and (c), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Section 5309(g)(4)(D)(2) of title 49, United States Code, is amended by striking “light”.

SEC. 1102. Item number 630 of the table contained in section 1602 of the Transportation Act for the 21st Century (112 Stat. 280), relating to Buffalo, New York, is amended by striking “Design and construct Outer Harbor Bridge in Buffalo” and inserting “Transportation infrastructure improvements, Inner Harbor/Redevelopment project, Buffalo”.

SEC. 1103. If the State of Arkansas incorporates into the relocation of U.S. Route 71 through Fort Chaffee, Arkansas, land obtained by the State from the Federal Government as a result of the closure of a military installation, the Secretary of Transportation shall credit to the State share of the cost of the relocation the fair market value of such land.

SEC. 1104. For an additional amount to enable the Secretary of Transportation to make a grant to the Huntsville International Airport, \$2,500,000, to be derived from the airport and airway trust fund, to remain available until expended.

SEC. 1105. Notwithstanding any other provision of law, for necessary expenses for the Southeast Light Rail Extension Project in Dallas, Texas, \$1,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

SEC. 1106. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended by striking paragraph (38) and replacing it with the following—

“(38) The Ports-to-Plains Corridor from Laredo, Texas, via I–27 to Denver, Colorado, shall include:

“(A) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

“(i) I–35 from Laredo to United States Route 83 at Exit 18;

“(ii) United States Route 83 from Exit 18 to Carrizo Springs;

“(iii) United States Route 277 from Carrizo Springs to San Angelo;

“(iv) United States Route 87 from San Angelo to Sterling City;

“(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the Corridor shall also follow Texas Route 158 from Sterling City to I–20, then via I–20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

“(vi) United States Route 87 from Lamesa to Lubbock;

“(vii) I-27 from Lubbock to Amarillo; and

“(viii) United States Route 287 from Amarillo to Dumas.

“(B) The corridor designation contained in paragraph (A) shall take effect only if the Texas Transportation Commission has not designated the Ports-to-Plains Corridor in Texas by June 30, 2001.”.

SEC. 1107. For an additional amount to enable the Secretary of Transportation to make a grant for the Newark-Elizabeth rail link project, New Jersey, \$3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

SEC. 1108. Section 5309(m)(3)(C) of title 49 United States Code, shall not apply to the funds made available in the Department of Transportation and Related Agencies Appropriations Act, 2001: *Provided*, That notwithstanding any other provision of law, the 14th Street Bridge, Virginia; Chouteau Bridge, Jackson County, Missouri; Clement C. Clay Bridge replacement, Morgan/Madison counties, Alabama; Fairfield-Benton-Kennebec River Bridge, Maine; Florida Memorial Bridge, Florida; Historic Woodrow Wilson Bridge, Mississippi; Missisquoi Bay Bridge, Vermont; Oaklawn Bridge, South Pasadena, California; Pearl Harbor Memorial Bridge replacement, Connecticut; Powell County Bridge, Montana; Santa Clara Bridge, Oxnard, California; Star City Bridge, West Virginia; US 231 Bridge over Tennessee River, Alabama; US 54/US 69 Bridge, Kansas; Waimalu Bridge replacement on I-1, Hawaii; Washington Bridge, Rhode Island are eligible in fiscal year 2001 under section 144(g)(2) of title 23, United States Code: *Provided further*, That section 378 of Public Law 106-346 is amended by inserting after “US 101” the following: “and Interstate 5 Trade Corridor”.

SEC. 1109. Notwithstanding any other provision of law, in addition to funds otherwise appropriated in this or any other Act for fiscal year 2001, \$4,000,000 is hereby appropriated from the Highway Trust Fund for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105-178, as amended: *Provided*, That such funds are used to study the creation of a new highway right-of-way south of I-10 along the Mississippi Gulf Coast by relocating the existing railroad right-of-way out of downtown areas.

SEC. 1110. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

SEC. 1111. Of the funds made available in the “Alteration of bridges” account of the Department of Transportation and Related Agencies Appropriations Act, 2001 for the Fox River Bridge, \$575,000 shall be transferred by the Secretary of Transportation to the City of Oshkosh for removal of the bridge located at mile point 56.9 of the Fox River in Oshkosh, Wisconsin. The United States shall assume no responsibility for project management relating to removal of the bridge.

SEC. 1112. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) M/V WELLS GRAY (State of Alaska registration number AK 9452 N; former Canadian registration number 154661); and

(2) ANNANDALE (United States official number 519434).

SEC. 1113. CONVEYANCE OF COAST GUARD PROPERTY IN MIDDLETOWN, CALIFORNIA. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of General Services (in this section referred to as the “Administrator”) may promptly convey to Lake County, California (in this section referred to as the “County”), without consideration, all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section.

(b) PROPERTY DESCRIBED.—

(1) IN GENERAL.—The property referred to in subsection (a) is such portion of the Coast Guard LORAN Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A-101, A-102, A-104, A-105, A-106, A-107, A-108, and A-111.

(2) SURVEY.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) CONDITIONS.—

(1) IN GENERAL.—In making the conveyance under subsection (a), the Administrator shall—

(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the LORAN station;

(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and

(C) impose such other restrictions on use of the property conveyed as are necessary to protect the safety, security, and continued operation of the LORAN station.

(2) FIREBREAKS AND FENCE.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—

(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property to be conveyed; and

(ii) construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—

(i) the County shall pay all costs of establishment, construction, and maintenance of firebreaks under subparagraph (A)(i); and

(ii) the Commandant shall provide all materials needed to construct a fence under subparagraph (A)(ii), and the County shall pay all other costs of construction and maintenance of the fence.

(3) COVENANTS APPURTENANT.—The Administrator shall take actions necessary to render the requirement to establish, construct, and maintain firebreaks and a fence under paragraph (2) and other requirements and conditions under paragraph (1), under the deed conveying the property to the County, covenants that run with the land for the benefit of land retained by the United States.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the County sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(2) the County fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c);

(3) the County conducts any commercial activities at the property conveyed, or any part thereof, without approval of the Secretary; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property or any part thereof is needed for national security purposes.

SEC. 1114. CONVEYANCE OF COAST GUARD PROPERTY TO TOWN OF NANTUCKET, MASSACHUSETTS. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other law, the Administrator of the General Services Administration (Administrator) or the Commandant of the Coast Guard (Commandant), as appropriate, shall convey to the Town of Nantucket, Massachusetts (Town), without monetary consideration, all right, title, and interest of the United States of America (United States) in and to a certain parcel of land located in Nantucket, Massachusetts, and part of the United States Coast Guard LORAN Station Nantucket, together with any improvements thereon in their then current condition.

(2) IDENTIFICATION OF PROPERTY.—The Administrator or the Commandant, as appropriate, shall identify, describe, and determine the property to be conveyed under this section. The Town shall bear all monetary costs associated with any survey required to describe the property to be conveyed under this section and any easements reserved by the United States under subsection (b)(1).

(b) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) The conveyance of property under this section shall be made subject to any terms and conditions the Administrator or the Commandant, as appropriate, considers necessary, including the reservation of easements and other rights on behalf of the United States, to ensure that—

(A) there is reserved to the United States the right to remove, relocate, or replace any aid to navigation located upon, or install or construct any aid to navigation upon, property conveyed under this section as may be necessary for navigational purposes;

(B) the United States shall have the right to enter property conveyed under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purposes of exercising any of the rights set forth in paragraph (1)(A) of this subsection; and

(C) the Town shall not interfere or allow interference, in any manner, with any aid to navigation, whether located upon the property conveyed under this section or upon any portion of LORAN Station Nantucket retained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation without the Commandant's express written permission.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not conduct any commercial activities at or upon the property conveyed under this section, unless approved by the Administrator.

(4) The Town shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. 83.

(5) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna and associated equipment, as identified by the Commandant, at the Town's sole cost and expense, and subject to the Commandant's design specifications, project schedule, and final project approval.

(6) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town's construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation shall not be resumed until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to this section, the conveyance of property

under this section shall include a condition that the property conveyed, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the Town conveys, assigns, exchanges, or in any manner encumbers the property conveyed for consideration, unless otherwise approved by the Administrator;

(2) the Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, whether located upon the property conveyed under this section or upon any portion of LORAN Station Nantucket retained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation without the Commandant's express written permission; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the grantee that property conveyed under this section, or any portion thereof, is needed for national security purposes.

(d) REAL PROPERTY LICENSE.—Prior to the conveyance of any property under this section, the Commandant may grant a real property license to the Town for the purpose of allowing the Town to enter upon LORAN Station Nantucket and commence construction of a waste water treatment facility and for other site preparation activities.

(e) DEFINITIONS.—For purposes of this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment and signals, cameras, sensors, or other equipment operated or maintained by the United States.

(2) TOWN.—The term “Town” includes the successors and assigns of the Town of Nantucket, Massachusetts.

SEC. 1115. CONVEYANCE OF PLUM ISLAND LIGHTHOUSE, NEWBURYPORT, MASSACHUSETTS. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other law, the Administrator of the General Services Administration (Administrator) or the Commandant of the Coast Guard (Commandant), as appropriate, shall convey to the City of Newburyport, Massachusetts (City), without monetary consideration, all right, title, and interest of the United States of America (United States) in and to two certain parcels of land upon which the Plum Island Boat House and the Plum Island Lighthouse (also known as the Newburyport Harbor Light), are situated, respectively, located in Essex County, Massachusetts, together with any improvements thereon in their then current condition.

(2) IDENTIFICATION OF PROPERTY.—The Administrator or the Commandant, as appropriate, shall identify, describe, and determine the property to be conveyed under this section, including the right to retain all right, title, and interest of the United States to any portion of either parcel described in paragraph (a)(1) of this section. The Administrator or Commandant, as appropriate, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with and located at

the property conveyed under this section at the time of conveyance. Artifacts associated with, but not located at, the property conveyed under this section at the time of conveyance, shall remain the personal property of the United States under the administrative control of the Commandant. No submerged lands shall be conveyed under this section.

(b) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) The conveyance of property under this section shall be made subject to any terms and conditions the Administrator or the Commandant, as appropriate, considers necessary, including but not limited to, the reservation of easements and other rights on behalf of the United States, to ensure that—

(A) the aids to navigation located at property conveyed under this section shall remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, relocate, or replace any aid to navigation located upon, or install or construct any aid to navigation upon, property conveyed under this section as may be necessary for navigational purposes;

(C) the United States shall have the right to enter property conveyed under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation, for the purposes of exercising any of the rights set forth in paragraph (1)(B) of this subsection, and for the purposes of ingress and egress to any land retained by the United States; and

(D) the City shall not, without the Commandant's express written permission, interfere or allow interference, in any manner, with any aid to navigation, nor hinder activities required

(i) for the inspection, operation, and maintenance of any aid to navigation; or

(ii) for the exercise of any of the rights set forth in paragraph (1)(B) of this subsection.

(2) The City shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner.

(3) The City shall ensure that the property conveyed is available and accessible to the public, on a reasonable basis for educational, park, recreational, cultural, historic preservation or similar purposes.

(4) The City shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. 83.

(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

(6) The Administrator or the Commandant, as appropriate, may require such additional terms and conditions with respect to the conveyance of property under this section, as the Administrator or the Commandant considers appropriate to protect the interests of the United States.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to this section, any property conveyed under this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the property conveyed under this section, or any part thereof, ceases to be maintained in a manner that ensures its present or future use as a site for an aid to navigation as determined by the Commandant;

(2) the property conveyed under this section, or any part thereof, ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation or similar purposes; or

(3) at least 30 days before the reversion, the Administrator provides written notice to the grantee that property conveyed under this section, or any portion thereof, is needed for national security purposes.

(d) DEFINITIONS.—For purposes of this section:

(1) AID TO NAVIGATION.—The term “aid to navigation” means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment and signals, cameras, sensors, or other equipment operated or maintained by the United States.

(2) CITY.—The term “City” includes the successors and assigns of the City of Newburyport, Massachusetts.

SEC. 1116. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Administrator of the General Services Administration, in consultation with the Commandant, United States Coast Guard, may transfer without consideration administrative jurisdiction, custody, and control over the Federal property known as Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration (hereinafter referred to as “NOAA”).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this section.

(b) TERMS OF TRANSFER.—

(1) The transfer of the property shall be made subject to any conditions and reservations the Commandant considers necessary to ensure that—

(A) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(B) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(C) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation.

(2) The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) RELOCATION OF STATION SCITUATE.—The Coast Guard may—

(1) lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate; and

(2) improve the land leased under this subsection.

SEC. 1117. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL. (a) Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking “2002” and inserting “2004”.

(b) The Secretary shall conduct a study of the effectiveness of the United States 1997 Enforcement Policy for Cargo Residues on the Great Lakes (“Policy”) by September 30, 2002.

(c) The Secretary is authorized to promulgate regulations to implement and enforce a program to regulate incidental discharges from vessels of residues of non-hazardous and non-toxic dry bulk cargo into the waters of the Great Lakes, which takes into account the finding in the study required under subsection (b). This program shall be consistent with the Policy.

SEC. 1118. GREAT LAKES PILOTAGE ADVISORY COMMITTEE. Section 9307 of title 46, United States Code, is amended—

(1) by amending subparagraph (A) of subsection (b)(2) to read as follows:

“(A) The President of each of the 3 Great Lakes pilotage districts, or the President’s representative;”;

(2) by amending subparagraph (E) of subsection (b)(2) to read as follows:

“(E) a member with a background in finance or accounting, who—

“(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

“(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.”;

(3) in subsection (C)(2) by striking the second sentence;

(4) by adding at the end of subsection (d) the following new paragraph:

“(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee.”; and

(5) in subsection (f)(1) by striking “September 30, 2003” and inserting “September 30, 2005”.

SEC. 1119. VESSEL ESCORT OPERATIONS AND TOWING ASSISTANCE. (a) IN GENERAL.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2101 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

(1) Operations or assistance that commences or terminates at a port or place in the United States.

(2) Operations or assistance required by United States law or regulation.

(3) Operations provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than

facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) DEFINITIONS.—Unless otherwise defined by a provision of law or regulation requiring that towing assistance or escort be rendered to vessels transiting United States waters or navigation facilities, for purposes of this section—

(1) the term “towing assistance” means operations by an assisting vessel in direct contact with an assisted vessel (including hull-to-hull, by towline, including if only pre-tethered, or made fast to that vessel by one or more lines) for purposes of exerting force on the assisted vessel to control or to assist in controlling the movement of the assisted vessel; and

(2) the term “escort operations” means accompanying a vessel for the purpose of providing towing or towing assistance to the vessel.

SEC. 1120. Notwithstanding any other provision of law, the Commandant of the United States Coast Guard is hereby authorized to utilize \$100,000 of the amounts made available for fiscal year 2001 for environmental compliance and restoration of Coast Guard facilities to reimburse the owner of the former Coast Guard lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

SEC. 1121. Notwithstanding any other provision of law, \$2,400,000, to be derived from the Highway Trust Fund, shall be available for planning, development and construction of rural farm-to-market roads in Tulare County, California: *Provided*, That the non-Federal share of such improvements shall be 20 percent.

SEC. 1122. Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed \$200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as “Building 402” at former Coast Guard property located in Traverse City, Michigan, and associated site work. No such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

SEC. 1123. Notwithstanding any other provision of law, for necessary expenses for Alabama A&M University buses and bus facilities, \$500,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

SEC. 1124. Notwithstanding any other provision of law, prior to the fiscal year 2002 apportionment of “Fixed Guideway Modernization” funds authorized under section 5309(a)(1)(E) of title 49, United States Code, \$7,047,502 of funds made available in fiscal year 2002 by section 5338(b) of title 49, United States Code, for the “Fixed Guideway Modernization” program shall be distributed by the Federal Transit Administration to an urbanized area over 200,000 that did not receive amounts of fixed guideway modernization formula grants to which such area was lawfully entitled for fiscal years 1999–2001 in view of eligibility determinations made under chapter 53 of title 49, United States Code, during the 6 months prior to the effective date of this Act: *Provided*,

That such sums shall not reduce a grantee's fiscal year 2002 apportionment level of "Fixed Guideway Modernization" funds: *Provided further*, That such sum remain available until expended.

SEC. 1125. Notwithstanding any other provision of law, Airport Improvement Program Formula Changes provided in Public Law 106-181 and defined in section 104 of that Act shall be applied regardless of funding levels made available under section 48103 of title 49, United States Code.

SEC. 1126. Item number 473 contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 274), relating to Minnesota, is amended by striking "between I-35W and 24th Avenue to four lanes in Richfield" and inserting "reconstruction project from Penn Avenue to 24th Avenue, including the Penn Avenue Bridge over I-494".

SEC. 1127. The Secretary of Transportation shall not issue final regulations under section 20153 of title 49, United States Code, before July 1, 2001.

SEC. 1128. Notwithstanding any other provision of law, in addition to amounts made available in this Act or any other Act, the following sums shall be made available from the Highway Trust Fund (other than the Mass Transit Account):

\$1,700,000 for transportation and community preservation projects along the Main Street Corridor in Houston, Texas;

\$5,000,000 for rehabilitation, repair, and restoration of the historic Stillwater Lift Bridge between Stillwater, Minnesota and Houlton, Wisconsin;

\$1,000,000 for improvements to McClung Road, Boston Street, Larson Street and Whirlpool Drive in the City of LaPorte, Indiana; and

\$1,000,000 for design, environmental mitigation, engineering, and construction of, and improvements to, the US 36/Wadsworth interchange (Broomfield interchange) in Broomfield County, Colorado:

Provided, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this or any other Act.

CHAPTER 12

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in, and to be used for the purposes of, the Federal Buildings Fund of the General Services Administration, \$2,070,000: *Provided*, That this amount shall be available for the purpose of renovating and redeveloping portions of the historic Federal building located at 30 North Seventh Street in Terre Haute, Indiana, to accommodate the needs of Federal tenants: *Provided further*, That use of these funds is subject to authorization including the preparation and approval of a prospectus as required by the Public Buildings Act of 1959, as amended.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE
INTERDICTION PROGRAMS

For an additional amount of \$7,000,000, to remain available until expended, for necessary expenses associated with procurement of two aircraft and related equipment expenses associated with aviation standardization and training at the Customs National Aviation Center in Oklahoma City, Oklahoma: *Provided*, That none of the funds provided shall be available for obligation until an expenditure plan is submitted for approval to the Committees on Appropriations.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for “Construction, minor projects”, \$8,840,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For an additional amount for “Empowerment zones and enterprise communities”, \$110,000,000, to remain available until expended: *Provided*, That \$185,000,000 shall be available for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997, including \$12,333,333 for each empowerment zone.

COMMUNITY DEVELOPMENT FUND

For an additional amount for “Community development fund”, \$66,128,000 to remain available until September 30, 2003.

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106-377) is deemed to be amended by striking “West Dallas neighborhoods” in reference to improvement efforts by the Pleasant Wood/Pleasant Grove Community Development Corporation, and inserting “the Pleasant Grove area” in lieu thereof.

The unobligated amount appropriated in the third paragraph under the heading “Community development block grants” in chapter 8 of title II of the Emergency Supplemental Act, 2000 (Public Law 106-246) for a grant to the City of Hamlet, North Carolina, for demolition and removal of buildings and equipment destroyed by fire shall remain available until September 30, 2002, for a grant for such purpose to the County of Richmond, North Carolina.

PUBLIC LAW 106-554—APPENDIX D 114 STAT. 2763A-213

The seventh paragraph under this heading in title II of Public Law 106-377 is amended by striking “\$292,000,000” and inserting in lieu thereof “\$358,128,000”: *Provided*, That such funds shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

Under this heading in Public Law 106-377, strike “\$8,750,000 may be used for administrative expenses,” and insert “\$9,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit and Individual Development Accounts,”.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for “Science and technology”, \$1,000,000 for continuation of the South Bronx Air Pollution Study being conducted by New York University.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106-377) is deemed to be amended by inserting the word “Valley” after the words “San Bernardino” in reference to a project identified as number 104 in such statement of the managers.

STATE AND TRIBAL ASSISTANCE GRANTS

Grants appropriated under this heading in Public Law 106-74 and Public Law 106-377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in Public Law 106-377 is deemed to be amended by striking all after the words “City of Liberty” in reference to item number 78, and inserting the words “Town of Versailles, Indiana for wastewater infrastructure improvements”.

Under this heading in title III of Public Law 106-377, strike “\$335,740,000” and insert “\$356,370,000”: *Provided*, That such funds shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of managers accompanying Public Law 106-377 and this conference report.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for “Emergency management planning and assistance”, \$100,000,000, to remain available through September 30, 2001, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), as amended.

CHAPTER 14

GENERAL PROVISIONS—THIS DIVISION

SEC. 1401. H. Con. Res. 234 of the 106th Congress, as adopted by the House of Representatives on November 18, 1999, shall be considered to have been adopted by the Senate.

SEC. 1402. Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Sections 1105(a), 1106(a) and (b), and 1109(a) of title 31, United States Code, and any other law relating to the budget of the United States Government.

(2) The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(3) Sections 202(e)(1) and (3) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)(1) and (3)).

(4) Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)).

SEC. 1403. (a) GOVERNMENT-WIDE RESCISSIONS.—There is hereby rescinded an amount equal to 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government, except for those programs, projects, and activities which are specifically exempted elsewhere in this provision: *Provided*, That this exact reduction percentage shall be applied on a pro rata basis only to each program, project, and activity subject to the rescission.

(b) RESTRICTIONS.—This reduction shall not be applied to the amounts appropriated in title I of Public Law 106-259: *Provided*, That this reduction shall not be applied to the amounts appropriated in division B of Public Law 106-246: *Provided further*, That this reduction shall not be applied to the amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as contained in this Act, or in prior Acts.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President’s budget submitted for fiscal year 2002 a report specifying the reductions made to each account pursuant to this section.

DIVISION B

TITLE I

SEC. 101. ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER CHILD AND ADULT CARE FOOD PROGRAM. (a) Section 17(a)(2)(B) of the

Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking “children for which the” and inserting “children, if—

“(i) during the period beginning on the date of enactment of this clause and ending on September 30, 2001, at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; or

“(ii) the”.

(b) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 102. SUMMER FOOD PILOT PROJECTS. (a) Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

“(f) SUMMER FOOD PILOT PROJECTS.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State in which (based on data available in July 2000)—

“(A) the percentage obtained by dividing—

“(i) the sum of—

“(I) the average daily number of children attending the summer food service program in the State in July 1999; and

“(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in July 1999; by

“(ii) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in March 1999; is less than 50 percent of

“(B) the percentage obtained by dividing—

“(i) the sum of—

“(I) the average daily number of children attending the summer food service program in all States in July 1999; and

“(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in July 1999; by

“(ii) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 1999.

“(2) PILOT PROJECTS.—During the period of fiscal years 2001 through 2003, the Secretary shall carry out a summer food pilot project in each eligible State to increase the number

of children participating in the summer food service program in the State.

“(3) SUPPORT LEVELS FOR SERVICE INSTITUTIONS.—

“(A) FOOD SERVICE.—Under the pilot project, a service institution (other than a service institution described in section 13(a)(7)) in an eligible State shall receive the maximum amounts for food service under section 13(b)(1) without regard to the requirement under section 13(b)(1)(A) that payments shall equal the full cost of food service operations.

“(B) ADMINISTRATIVE COSTS.—Under the pilot project, a service institution (other than a service institution described in section 13(a)(7)) in an eligible State shall receive the maximum amounts for administrative costs determined by the Secretary under section 13(b)(4) without regard to the requirement under section 13(b)(3) that payments to service institutions shall equal the full amount of State-approved administrative costs incurred.

“(C) COMPLIANCE.—A service institution that receives assistance under this subsection shall comply with all provisions of section 13 other than subsections (b)(1)(A) and (b)(3) of section 13.

“(4) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for maintenance of a summer food service program shall not be diminished as a result of assistance from the Secretary received under this subsection.

“(5) EVALUATION OF PILOT PROJECTS.—

“(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot project.

“(B) CONTENT.—An evaluation under this paragraph shall describe—

“(i) any effect on participation by children and service institutions in the summer food service program in the eligible State in which the pilot project is carried out;

“(ii) any effect of the pilot project on the quality of the meals and supplements served in the eligible State in which the pilot project is carried out; and

“(iii) any effect of the pilot project on program integrity.

“(6) REPORTS.—

“(A) INTERIM REPORT.—Not later than December 1, 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the status of, and any progress made by, each pilot project being carried out under this subsection as of the date of submission of the report.

“(B) FINAL REPORT.—Not later than April 30, 2004, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report that includes—

“(i) the evaluations completed by the Secretary under paragraph (5); and

“(ii) any recommendations of the Secretary concerning the pilot projects.”.

(b) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 103. (a) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study for a Sacramento River, California, diversion project that is consistent with the Water Forum Agreement among the members of the Sacramento, California, Water Forum dated April 24, 2000, and that considers—

(1) consolidation of several of the Natomas Central Mutual Water Company’s diversions;

(2) upgrading fish screens at the consolidated diversion;

(3) the diversion of 35,000 acre feet of water by the Placer County Water Agency;

(4) the diversion of 29,000 acre feet of water for delivery to the Northridge Water District;

(5) the potential to accommodate other diversions of water from the Sacramento River, subject to additional negotiations and agreement among Water Forum signatories and potentially affected parties upstream on the Sacramento River; and

(6) an inter-tie between the diversions referred to in paragraphs (3), (4), and (5) with the Northridge Water District’s pipeline that delivers water from the American River.

(b) REQUIRED COMPONENTS.—The feasibility study shall include—

(1) the development of a range of reasonable options;

(2) an environmental evaluation; and

(3) consultation with Federal and State resource management agencies regarding potential impacts and mitigation measures.

(c) WATER SUPPLY IMPACT ALTERNATIVES.—The study authorized by this section shall include a range of alternatives, all of which would investigate options that could reduce to insignificance any water supply impact on water users in the Sacramento River watershed, including Central Valley Project contractors, from any delivery of water out of the Sacramento River as referenced in subsection (a). In evaluating the alternatives, the study shall consider water supply alternatives that would increase water supply for, or in, the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to investigate water supply increase alternatives. Where the alternatives evaluated are in addition to or different from the existing CALFED alternatives, such information should be clearly identified.

(d) HABITAT MANAGEMENT PLANNING GRANTS.—The Secretary of the Interior, subject to the availability of appropriations, is authorized and directed to provide grants to support local habitat management planning efforts undertaken as part of the consultation

described in subsection (b)(3) in the form of matching funds up to \$5,000,000.

(e) REPORT.—The Secretary of the Interior shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within 24 months from the date of enactment of this Act on the results of the study identified in subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$10,000,000, which may remain available until expended, of which—

(1) \$5,000,000 shall be for the feasibility study under subsection (a); and

(2) \$5,000,000 shall be for the habitat management planning grants under subsection (d).

(g) LIMITATION ON CONSTRUCTION.—This section does not and shall not be interpreted to authorize construction of any facilities.

SEC. 104. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS. The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 105. In accordance with section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to enter into an agreement to permit the City of Alton, Illinois to construct the authorized recreational facilities and to reimburse the City of Alton, Illinois for the Federal share of these cost-shared recreation facilities as usable segments are completed.

SEC. 106. TRUCKEE WATERSHED RECLAMATION PROJECT. (a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with Washoe County, Nevada, may participate in the design, planning, and construction of the Truckee watershed reclamation project, consisting of the North Valley reuse project and the Spanish Springs Valley septic conversion project, to reclaim and reuse wastewater (including degraded groundwater) within and without the service area of Washoe County, Nevada.

(b) COST SHARE.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the project described in subsection (a).

(d) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—

(1) DESIGN, PLANNING, AND CONSTRUCTION.—Design, planning, and construction of the project described in subsection (a) shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.).

(2) FUNDING.—Funds made available under section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13) may be used to pay the Federal share of the cost of the project.

SEC. 107. The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary of the Army to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of \$61,592,000, with an estimated Federal cost of \$39,621,000 and an estimated non-Federal cost of \$21,971,000.

SEC. 108. ENVIRONMENTAL INFRASTRUCTURE. (a) TECHNICAL, PLANNING, AND DESIGN ASSISTANCE.—Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

“(19) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

“(20) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

“(21) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

“(22) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

“(23) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

“(24) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

“(25) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

“(26) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

“(27) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

“(28) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

“(29) KEY BISCAIYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

“(30) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

“(31) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

“(32) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

“(33) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

“(34) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

“(35) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

“(36) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

“(37) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

“(38) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

“(39) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

“(40) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.”.

(b) AUTHORIZATION OF APPROPRIATIONS FOR TECHNICAL, PLANNING, AND DESIGN ASSISTANCE.—Section 219(d) of the Water Resources Development Act of 1992 (106 Stat. 4836) is amended by striking “\$5,000,000” and inserting “\$30,000,000”.

(c) MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended—

(1) in subsection (e)(6) by striking “\$20,000,000” and inserting “\$30,000,000”;

(2) in subsection (f)(4) by striking “\$15,000,000” and inserting “\$35,000,000”;

(3) in subsection (f)(21) by striking “\$10,000,000” and inserting “\$20,000,000”;

(4) in subsection (f)(25) by striking “\$5,000,000” and inserting “\$15,000,000”;

(5) in subsection (f)(30) by striking “\$10,000,000” and inserting “\$20,000,000”;

(6) in subsection (f)(43) by striking “\$15,000,000” and inserting “\$35,000,000”.

(d) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by adding at the end the following:

“(45) WASHINGTON, D.C., AND MARYLAND.—\$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.

“(46) DUCK RIVER, CULLMAN, ALABAMA.—\$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

“(47) UNION COUNTY, ARKANSAS.—\$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

“(48) CAMBRIA, CALIFORNIA.—\$10,300,000 for desalination infrastructure, Cambria, California.

“(49) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—\$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

“(50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—\$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

“(51) SAN DIEGO COUNTY, CALIFORNIA.—\$10,000,000 for water-related infrastructure, San Diego County, California.

“(52) SOUTH PERRIS, CALIFORNIA.—\$25,000,000 for water supply desalination infrastructure, South Perris, California.

“(53) AURORA, ILLINOIS.—\$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

“(54) COOK COUNTY, ILLINOIS.—\$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

“(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—\$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

“(56) IBERIA PARISH, LOUISIANA.—\$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

“(57) KENNER, LOUISIANA.—\$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

“(58) BENTON HARBOR, MICHIGAN.—\$1,500,000 for water-related infrastructure, City of Benton Harbor, Michigan.

“(59) GENESEE COUNTY, MICHIGAN.—\$6,700,000 for wastewater infrastructure assistance to reduce or eliminate sewer overflows, Genesee County, Michigan.

“(60) NEGAUNEE, MICHIGAN.—\$10,000,000 for wastewater infrastructure assistance, City of Negaunee, Michigan.

“(61) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—\$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

“(62) NEWTON, NEW JERSEY.—\$7,000,000 for water filtration infrastructure, Newton, New Jersey.

“(63) LIVERPOOL, NEW YORK.—\$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

“(64) STANLY COUNTY, NORTH CAROLINA.—\$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

“(65) YUKON, OKLAHOMA.—\$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

“(66) ALLEGHENY COUNTY, PENNSYLVANIA.—\$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

“(67) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—\$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

“(68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—\$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

“(69) TITUSVILLE, PENNSYLVANIA.—\$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

“(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—\$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.”.

SEC. 109. FLORIDA KEYS WATER QUALITY IMPROVEMENTS. (a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary of the Army may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and storm water plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000. Such sums shall remain available until expended.

SEC. 110. SAN GABRIEL BASIN, CALIFORNIA. (a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the “Restoration Fund”).

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary of the Army, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by clause (i). The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than \$10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the \$25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading “Construction, General” in title I of the Energy and Water Development Appropriations Act, 2001—

(1) \$2,000,000 shall be available only for studies and other investigative activities and planning and design of projects

determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) \$23,000,000 shall be deposited in the Restoration Fund, of which \$4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 111. PERCHLORATE. (a) IN GENERAL.—The Secretary of the Army, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon Rivers watersheds in Texas to assess the impact of the perchlorate associated with the former Naval “Weapons Industrial Reserve Plant” at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary \$25,000,000, of which not to exceed \$8,000,000 shall be available to carry out subsection (b)(1), not to exceed \$3,000,000 shall be available to carry out subsection (b)(2), and not to exceed \$7,000,000 shall be available to carry out subsection (b)(3).

SEC. 112. WET WEATHER WATER QUALITY. (a) COMBINED SEWER OVERFLOWS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(q) COMBINED SEWER OVERFLOWS.—

“(1) REQUIREMENT FOR PERMITS, ORDERS, AND DECREES.—Each permit, order, or decree issued pursuant to this Act after the date of enactment of this subsection for a discharge from a municipal combined storm and sanitary sewer shall conform to the Combined Sewer Overflow Control Policy signed by the Administrator on April 11, 1994 (in this subsection referred to as the ‘CSO control policy’).

“(2) WATER QUALITY AND DESIGNATED USE REVIEW GUIDANCE.—Not later than July 31, 2001, and after providing notice and opportunity for public comment, the Administrator shall issue guidance to facilitate the conduct of water quality and designated use reviews for municipal combined sewer overflow receiving waters.

“(3) REPORT.—Not later than September 1, 2001, the Administrator shall transmit to Congress a report on the

progress made by the Environmental Protection Agency, States, and municipalities in implementing and enforcing the CSO control policy.”.

(b) WET WEATHER PILOT PROGRAM.—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 121. WET WEATHER WATERSHED PILOT PROJECTS.

“(a) IN GENERAL.—The Administrator, in coordination with the States, may provide technical assistance and grants for treatment works to carry out pilot projects relating to the following areas of wet weather discharge control:

“(1) WATERSHED MANAGEMENT OF WET WEATHER DISCHARGES.—The management of municipal combined sewer overflows, sanitary sewer overflows, and stormwater discharges, on an integrated watershed or subwatershed basis for the purpose of demonstrating the effectiveness of a unified wet weather approach.

“(2) STORMWATER BEST MANAGEMENT PRACTICES.—The control of pollutants from municipal separate storm sewer systems for the purpose of demonstrating and determining controls that are cost-effective and that use innovative technologies in reducing such pollutants from stormwater discharges.

“(b) ADMINISTRATION.—The Administrator, in coordination with the States, shall provide municipalities participating in a pilot project under this section the ability to engage in innovative practices, including the ability to unify separate wet weather control efforts under a single permit.

“(c) FUNDING.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2002, \$15,000,000 for fiscal year 2003, and \$20,000,000 for fiscal year 2004. Such funds shall remain available until expended.

“(2) STORMWATER.—The Administrator shall make available not less than 20 percent of amounts appropriated for a fiscal year pursuant to this subsection to carry out the purposes of subsection (a)(2).

“(3) ADMINISTRATIVE EXPENSES.—The Administrator may retain not to exceed 4 percent of any amounts appropriated for a fiscal year pursuant to this subsection for the reasonable and necessary costs of administering this section.

“(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this section, the Administrator shall transmit to Congress a report on the results of the pilot projects conducted under this section and their possible application nationwide.”.

(c) SEWER OVERFLOW CONTROL GRANTS.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1342 et seq.) is amended by adding at the end the following:

“SEC. 221. SEWER OVERFLOW CONTROL GRANTS.

“(a) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation at least \$1,350,000,000 for the purposes of section 601—

“(1) the Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

“(2) subject to subsection (g), the Administrator may make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).

“(b) PRIORITIZATION.—In selecting from among municipalities applying for grants under subsection (a), a State or the Administrator shall give priority to an applicant that—

“(1) is a municipality that is a financially distressed community under subsection (c);

“(2) has implemented or is complying with an implementation schedule for the nine minimum controls specified in the CSO control policy referred to in section 402(q)(1) and has begun implementing a long-term municipal combined sewer overflow control plan or a separate sanitary sewer overflow control plan;

“(3) is requesting a grant for a project that is on a State’s intended use plan pursuant to section 606(c); or

“(4) is an Alaska Native Village.

“(c) FINANCIALLY DISTRESSED COMMUNITY.—

“(1) DEFINITION.—In subsection (b), the term ‘financially distressed community’ means a community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

“(2) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of subsection (b), the State shall consider, among other factors, the extent to which the rate of growth of a community’s tax base has been historically slow such that implementing a plan described in subsection (b)(2) would result in a significant increase in any water or sewer rate charged by the community’s publicly owned wastewater treatment facility.

“(3) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under paragraph (1).

“(d) COST-SHARING.—The Federal share of the cost of activities carried out using amounts from a grant made under subsection (a) shall be not less than 55 percent of the cost. The non-Federal share of the cost may include, in any amount, public and private funds and in-kind services, and may include, notwithstanding section 603(h), financial assistance, including loans, from a State water pollution control revolving fund.

“(e) ADMINISTRATIVE REPORTING REQUIREMENTS.—If a project receives grant assistance under subsection (a) and loan assistance from a State water pollution control revolving fund and the loan assistance is for 15 percent or more of the cost of the project, the project may be administered in accordance with State water pollution control revolving fund administrative reporting requirements for the purposes of streamlining such requirements.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$750,000,000 for each of fiscal years 2002 and 2003. Such sums shall remain available until expended.

“(g) ALLOCATION OF FUNDS.—

“(1) FISCAL YEAR 2002.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry

out this section for fiscal year 2002 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

“(2) FISCAL YEAR 2003.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2003 as follows:

“(A) Not to exceed \$250,000,000 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

“(B) All remaining amounts for making grants to States under subsection (a)(1), in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516(b)(1).

“(h) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section for each fiscal year—

“(1) the Administrator may retain an amount not to exceed 1 percent for the reasonable and necessary costs of administering this section; and

“(2) the Administrator, or a State, may retain an amount not to exceed 4 percent of any grant made to a municipality or municipal entity under subsection (a), for the reasonable and necessary costs of administering the grant.

“(i) REPORTS.—Not later than December 31, 2003, and periodically thereafter, the Administrator shall transmit to Congress a report containing recommended funding levels for grants under this section. The recommended funding levels shall be sufficient to ensure the continued expeditious implementation of municipal combined sewer overflow and sanitary sewer overflow controls nationwide.”.

(d) INFORMATION ON CSOS AND SSOS.—

(1) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report summarizing—

(A) the extent of the human health and environmental impacts caused by municipal combined sewer overflows and sanitary sewer overflows, including the location of discharges causing such impacts, the volume of pollutants discharged, and the constituents discharged;

(B) the resources spent by municipalities to address these impacts; and

(C) an evaluation of the technologies used by municipalities to address these impacts.

(2) TECHNOLOGY CLEARINGHOUSE.—After transmitting a report under paragraph (1), the Administrator shall maintain a clearinghouse of cost-effective and efficient technologies for addressing human health and environmental impacts due to municipal combined sewer overflows and sanitary sewer overflows.

SEC. 113. FISH PASSAGE DEVICES AT NEW SAVANNAH BLUFF LOCK AND DAM, SOUTH CAROLINA. Section 348(l)(2) of the Water Resources Development Act of 2000 is amended—

(1) in subparagraph (A), by striking “Dam, at Federal expense of an estimated \$5,300,000” and inserting “Dam and construct appropriate fish passage devices at the Dam, at Federal expense”; and

(2) in subparagraph (B), by striking “after repair and rehabilitation,” and inserting “after carrying out subparagraph (A),”.

SEC. 114. (a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the lands described in the deed described in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEED.—The deed referred to is the deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

SEC. 115. MURRIETA CREEK, CALIFORNIA. Section 101(b)(6) of the Water Resources Development Act of 2000 is repealed.

SEC. 116. PENN MINE, CALAVERAS COUNTY, CALIFORNIA. (a) IN GENERAL.—The Secretary of the Army shall reimburse East Bay Municipal Water District for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), \$4,100,000 for the Federal share of costs incurred by East Bay Municipal Utility District for work carried out by East Bay Municipal Utility District for the project. Such amounts shall be made available within 90 days of enactment of this provision.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 117. The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Rivers and Harbors Act of June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary of the Army to construct intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 118. The project for flood control, Chehalis River and Tributaries, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126), is modified to authorize the Secretary of the Army to provide the non-Federal interest credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 119. Within the funds appropriated to the National Park Service under the heading “Operation of the National Park System” in Public Law 106-291, the Secretary of the Interior shall provide a grant of \$75,000 to the City of Ocean Beach, New York, for repair of facilities at the Ocean Beach Pavilion at Fire Island National Seashore.

SEC. 120. The National Park Service is directed to work with Fort Sumter Tours, Inc., the concessionaire currently providing services at Fort Sumter National Monument in South Carolina, on an amicable solution of the current legal dispute between the two parties. The Director of the Service is directed to extend immediately the current contract through March 15, 2001, to facilitate further negotiations and for 180 days if final settlement of all disputes is agreed to by both parties.

SEC. 121. Title VIII—Land Conservation, Preservation, and Infrastructure Improvement of Public Law 106-291 is amended as follows: after the first dollar amount insert: “, to be derived from the Land and Water Conservation Fund”.

SEC. 122. GAS TO LIQUIDS. Section 301(2) of the Energy Policy Act of 1992 (Public Law 102-486; 42 U.S.C. 13211(2)) is amended by inserting “, including liquid fuels domestically produced from natural gas” after “natural gas”.

SEC. 124. APPALACHIAN NATIONAL SCENIC TRAIL. (a) ACQUISITIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall—

(A) negotiate agreements with landowners setting terms and conditions for the acquisition of parcels of land and interests in land totaling approximately 580 acres at Saddleback Mountain near Rangeley, Maine, for the benefit of the Appalachian National Scenic Trail;

(B) complete the pending environmental compliance process for the acquisitions; and

(C) acquire the parcels of land and interests in land for consideration in the amount of \$4,000,000 plus closing costs customarily paid by the United States.

(2) ACCEPTANCE OF DONATIONS.—The Secretary may accept as donations parcels of land and interests in land at Saddleback Mountain, in addition to those acquired by purchase under paragraph (1), for the benefit of the Appalachian National Scenic Trail.

(b) CONVEYANCE TO THE STATE.—The Secretary shall convey to the State of Maine a portion of the land and interests in land acquired under subsection (a) without consideration, subject to such terms and conditions as the Secretary and the State of Maine agree are necessary to ensure the protection of the Appalachian National Scenic Trail.

SEC. 125. The provisions of S. 2273, as passed in the United States Senate on October 5, 2000 and engrossed, are hereby enacted into law.

SEC. 126. Section 116(a)(1)(A) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (98 Stat. 1467) is amended by striking “\$250,000” and inserting “\$1,000,000”.

SEC. 127. The provisions of S. 2885, as passed in the United States Senate on October 5, 2000 and engrossed, are hereby enacted into law.

SEC. 128. None of the funds provided in this or any other Act may be used prior to July 31, 2001, to promulgate or enforce

a final rule to reduce during the 2000–2001 or 2001–2002 winter seasons the use of snowmobiles below current use patterns at a unit in the National Park System: *Provided*, That nothing in this section shall be interpreted as amending any requirement of the Clean Air Act: *Provided further*, That nothing in this section shall preclude the Secretary from taking emergency actions related to snowmobile use in any National Park based on authorities which existed to permit such emergency actions as of the date of enactment of this Act.

SEC. 129. The Secretary of the Interior shall extend until March 31, 2001, the “Extension of Standstill Agreement,” entered into on November 22, 1999, by the United States of America and the holders of interests in seven campsite leases in Biscayne Bay, Miami-Dade County, Florida collectively known as “Stiltsville”.

SEC. 130. The Secretary of the Interior is authorized to make a grant of \$1,300,000 to the State of Minnesota or its political subdivision from funds available to the National Park Service under the heading “Land Acquisition and State Assistance” in Public Law 106-291 to cover the cost of acquisition of land in Lower Phalen Creek near St. Paul, Minnesota in the Mississippi National River and Recreation Area.

SEC. 131. Notwithstanding any provision of law or regulation, funds appropriated in Public Law 106-291 for a cooperative agreement for management of George Washington’s Boyhood Home, Ferry Farm, shall be transferred to the George Washington’s Fredericksburg Foundation, Inc. (formerly known as Kenmore Association, Inc.) immediately upon signing of the cooperative agreement.

SEC. 132. During the period beginning on the date of the enactment of this Act and ending on June 1, 2001, funds made available to the Secretary of the Interior may not be used to pay salaries or expenses related to the issuance of a request for proposal related to a light rail system to service Grand Canyon National Park.

SEC. 133. None of the funds in this or any other Act may be used by the Secretary of the Interior to remove the five-foot-tall white cross located within the boundary of the Mojave National Preserve in southern California first erected in 1934 by the Veterans of Foreign Wars along Cima Road approximately 11 miles south of Interstate 15.

SEC. 134. Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking “thirty” and inserting “40”.

SEC. 135. Funds provided in Public Law 106-291 for Federal land acquisition by the National Park Service in Fiscal Year 2001 for Brandywine Battlefield, Ice Age National Scenic Trail, Mississippi National River and Recreation Area, Shenandoah National Heritage Area, Fallen Timbers Battlefield and Fort Miamis National Historic Site may be used for a grant to a State, local government, or to a land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Act of 1965.

SEC. 136. Notwithstanding any other provision of law, in accordance with title IV—Wildland Fire Emergency Appropriations, Public Law 106-291, from the \$35,000,000 provided for community and private land fire assistance, the Secretary of Agriculture, may use

up to \$9,000,000 for advance, direct lump sum payments for assistance to eligible individuals, businesses, or other entities, to accomplish the purposes of providing assistance to non-Federal entities most affected by fire. To expedite such financial assistance being provided to eligible recipients, the lump sum payments shall not be subject to 7 CFR 3015, 3019, and 3052 related to the administration of Federal financial assistance.

SEC. 137. (a) IN GENERAL.—The first section of Public Law 91-660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking “That, in” and inserting the following:

“SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

“(a) ESTABLISHMENT.—In”; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking “The seashore shall comprise” and inserting the following:

“(b) COMPOSITION.—

“(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

“(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS-GI-7100J.—The areas described in this paragraph are”: and

(C) by adding at the end the following:

“(3) CAT ISLAND.—Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled ‘Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi’, numbered 635/80085, and dated November 9, 1999 (referred to in this title as the ‘Cat Island Map’).

“(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91-660 (16 U.S.C. 459h-1) is amended—

(1) in the first sentence of subsection (a), by striking “lands,” and inserting “submerged land, land,”; and

(2) by adding at the end the following:

“(e) ACQUISITION AUTHORITY.—

“(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

“(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

“(B) an easement over the approximately 150-acre parcel depicted as the ‘Boddie Family Tract’ on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

“(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

“(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this title as the ‘buffer zone’),

except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

“(2) ADMINISTRATION.—

“(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

“(B) BUFFER ZONE.—Nothing in this title or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

“(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.”.

(c) REGULATION OF FISHING.—Section 3 of Public Law 91-660 (16 U.S.C. 459h-2) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this title or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).”.

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91-660 (16 U.S.C. 459h-4) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Except”; and

(2) by adding at the end the following:

“(b) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into agreements—

“(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

“(B) with the owners of the approximately 150-acre parcel depicted as the ‘Boddie Family Tract’ on the Cat Island Map concerning the development and use of the land.

“(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h-10) is amended—

(1) by inserting “(a) IN GENERAL.—” before “There”; and

(2) by adding at the end the following:

“(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.”.

SEC. 138. PERCENTAGE LIMITATIONS ON FEDERAL THRIFT SAVINGS PLAN CONTRIBUTIONS. (a) AMENDMENTS RELATING TO FERS.—

(1) IN GENERAL.—Subsection (a) of section 8432 of title 5, United States Code, is amended—

(A) by striking “(a)” and inserting “(a)(1)”;

(B) by striking “10 percent” and all that follows through “period.” and inserting “the maximum percentage of such employee’s or Member’s basic pay for such pay period allowable under paragraph (2).”; and

(C) by adding at the end the following:

“(2) The maximum percentage allowable under this paragraph shall be determined in accordance with the following table:

“In the case of a pay period beginning in fiscal year:	The maximum percentage allowable is:
2001	11
2002	12
2003	13
2004	14
2005	15
2006 or thereafter	100.”.

(2) JUSTICES AND JUDGES.—Paragraph (2) of section 8440a(b) of title 5, United States Code, is amended to read as follows:

“(2) The amount contributed by a justice or judge for any pay period shall not exceed the maximum percentage of such justice’s or judge’s basic pay for such pay period allowable under section 8440f.”.

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Paragraph (2) of section 8440b(b) of title 5, United States Code, is amended by striking “5 percent” and all that follows through “period.” and inserting “the maximum percentage of such bankruptcy judge’s or magistrate’s basic pay for such pay period allowable under section 8440f.”.

(4) COURT OF FEDERAL CLAIMS JUDGES.—Paragraph (2) of section 8440c(b) of title 5, United States Code, is amended by striking “5 percent” and all that follows through “period.” and inserting “the maximum percentage of such judge’s basic pay for such pay period allowable under section 8440f.”.

(5) JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—The first sentence of section 8440d(b)(2) of title 5, United States Code, is amended to read as follows: “The amount contributed by a judge of the United States Court of Appeals for Veterans Claims for any pay period may not exceed the maximum percentage of such judge’s basic pay for such pay period allowable under section 8440f.”.

(6) MEMBERS OF THE UNIFORMED SERVICES.—

(A) BASIC PAY.—Subparagraph (A) of section 8440e(d)(1) of title 5, United States Code, is amended by striking “5 percent” and all that follows through “period.” and inserting “the maximum percentage of such member’s basic pay for such pay period allowable under section 8440f.”.

(B) COMPENSATION.—Subparagraph (B) of section 8440e(d)(1) of title 5, United States Code, is amended by striking “5 percent” and all that follows through “period.” and inserting “the maximum percentage of such member’s

compensation for such pay period (received under such section 206) allowable under section 8440f.”.

(7) MAXIMUM PERCENTAGE ALLOWABLE.—

(A) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 8440e the following:

“§ 8440f. Maximum percentage allowable for certain participants

“The maximum percentage allowable under this section shall be determined in accordance with the following table:

“In the case of a pay period beginning in fiscal year:	The maximum percentage allowable is:
2001	6
2002	7
2003	8
2004	9
2005	10
2006 or thereafter	100.”.

(B) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8440e the following:

“8440f. Maximum percentage allowable for certain participants.”.

(b) AMENDMENTS RELATING TO CSRS.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended—

(1) by striking “(2)” and inserting “(2)(A)”;

(2) by striking “5 percent” and all that follows through “period.” and inserting “the maximum percentage of such employee’s or Member’s basic pay for such pay period allowable under subparagraph (B).”; and

(3) by adding at the end the following:

“(B) The maximum percentage allowable under this subparagraph shall be determined in accordance with the following table:

“In the case of a pay period beginning in fiscal year:	The maximum percentage allowable is:
2001	6
2002	7
2003	8
2004	9
2005	10
2006 or thereafter	100.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) COORDINATION WITH ELECTION PERIODS.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) DEFINITIONS.—For purposes of this section—

(A) the term “election period” means a period afforded under section 8432(b) of title 5, United States Code; and

(B) the term “Executive Director” has the meaning given such term by section 8401(13) of title 5, United States Code.

SEC. 139. EXCLUSION OF ELEMENTS OF UNITED STATES SECRET SERVICE FROM CERTAIN ACTIVITIES. Section 7103(a)(3) of title 5, United States Code, is amended—

- (1) in subparagraph (F), by striking “or” at the end;
- (2) in subparagraph (G), by striking the period and inserting “; or”; and
- (3) by adding at the end the following new subparagraph:
 “(H) the United States Secret Service and the United States Secret Service Uniformed Division.”

SEC. 140. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2001 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.7 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2001.

SEC. 141. REPEAL OF MANDATORY SEPARATION REQUIREMENT. (a) IN GENERAL.—Section 8335 of title 5, United States Code, is amended—

- (1) by striking subsection (c); and
- (2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8339(q) of title 5, United States Code, is amended by striking “8335(d)” and inserting “8335(c)”.

SEC. 142. Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14) as amended, is hereby amended by inserting after the phrase “twenty-four hours” the following new phrase: “(except in the case of Alaska where such time limit may be forty-eight hours in fiscal years 2000 through 2002)”.

SEC. 143. (a) Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

- (1) by redesignating subsection (h) as subsection (i); and
- (2) by inserting after subsection (g) the following:

“(h)(1) Within 60 days after receiving a request (made in such form and manner and containing such information as the Commission may require) under this subsection from a low-power television station to which this subsection applies, the Commission shall authorize the licensee or permittee of that station to provide digital data service subject to the requirements of this subsection as a pilot project to demonstrate the feasibility of using low-power television stations to provide high-speed wireless digital data service, including Internet access to unserved areas.

“(2) The low-power television stations to which this subsection applies are as follows:

- “(A) KHLM-LP, Houston, Texas.
- “(B) WTAM-LP, Tampa, Florida.
- “(C) WWRJ-LP, Jacksonville, Florida.
- “(D) WVBG-LP, Albany, New York.
- “(E) KHHI-LP, Honolulu, Hawaii.
- “(F) KPHE-LP (K19DD), Phoenix, Arizona.
- “(G) K34FI, Bozeman, Montana.
- “(H) K65GZ, Bozeman, Montana.
- “(I) WXOB-LP, Richmond, Virginia.
- “(J) WIIW-LP, Nashville, Tennessee.

“(K) A station and repeaters to be determined by the Federal Communications Commission for the sole purpose of providing service to communities in the Kenai Peninsula Borough and Matanuska Susitna Borough.

“(L) WSPY-LP, Plano, Illinois.

“(M) W24AJ, Aurora, Illinois.

“(3) Notwithstanding any requirement of section 553 of title 5, United States Code, the Commission shall promulgate regulations establishing the procedures, consistent with the requirements of paragraphs (4) and (5), governing the pilot projects for the provision of digital data services by certain low power television licensees within 120 days after the date of enactment of LPTV Digital Data Services Act. The regulations shall set forth—

“(A) requirements as to the form, manner, and information required for submitting requests to the Commission to provide digital data service as a pilot project;

“(B) procedures for testing interference to digital television receivers caused by any pilot project station or remote transmitter;

“(C) procedures for terminating any pilot project station or remote transmitter or both that causes interference to any analog or digital full-power television stations, class A television station, television translators or any other users of the core television band;

“(D) specifications for reports to be filed quarterly by each low power television licensee participating in a pilot project;

“(E) procedures by which a low power television licensee participating in a pilot project shall notify television broadcast stations in the same market upon commencement of digital data services and for ongoing coordination with local broadcasters during the test period; and

“(F) procedures for the receipt and review of interference complaints on an expedited basis consistent with paragraph (5)(D).

“(4) A low-power television station to which this subsection applies may not provide digital data service unless—

“(A) the provision of that service, including any remote return-path transmission in the case of 2-way digital data service, does not cause any interference in violation of the Commission’s existing rules, regarding interference caused by low power television stations to full-service analog or digital television stations, class A television stations, or television translator stations; and

“(B) the station complies with the Commission’s regulations governing safety, environmental, and sound engineering practices, and any other Commission regulation under paragraph (3) governing pilot program operations.

“(5)(A) The Commission may limit the provision of digital data service by a low-power television station to which this subsection applies if the Commission finds that—

“(i) the provision of 2-way digital data service by that station causes any interference that cannot otherwise be remedied; or

“(ii) the provision of 1-way digital data service by that station causes any interference.

“(B) The Commission shall grant any such station, upon application (made in such form and manner and containing such information as the Commission may require) by the licensee or permittee of that station, authority to move the station to another location, to modify its facilities to operate on a different channel, or to use booster or auxiliary transmitting locations, if the grant of authority will not cause interference to the allowable or protected service areas of full service digital television stations, National Television Standards Committee assignments, or television translator stations, and provided, however, no such authority shall be granted unless it is consistent with existing Commission regulations relating to the movement, modification, and use of non-class A low power television transmission facilities in order—

“(i) to operate within television channels 2 through 51, inclusive; or

“(ii) to demonstrate the utility of low-power television stations to provide high-speed 2-way wireless digital data service.

“(C) The Commission shall require quarterly reports from each station authorized to provide digital data services under this subsection that include—

“(i) information on the station’s experience with interference complaints and the resolution thereof;

“(ii) information on the station’s market success in providing digital data service; and

“(iii) such other information as the Commission may require in order to administer this subsection.

“(D) The Commission shall resolve any complaints of interference with television reception caused by any station providing digital data service authorized under this subsection within 60 days after the complaint is received by the Commission.

“(6) The Commission shall assess and collect from any low-power television station authorized to provide digital data service under this subsection an annual fee or other schedule or method of payment comparable to any fee imposed under the authority of this Act on providers of similar services. Amounts received by the Commission under this paragraph may be retained by the Commission as an offsetting collection to the extent necessary to cover the costs of developing and implementing the pilot program authorized by this subsection, and regulating and supervising the provision of digital data service by low-power television stations under this subsection. Amounts received by the Commission under this paragraph in excess of any amount retained under the preceding sentence shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

“(7) In this subsection, the term ‘digital data service’ includes—

“(A) digitally-based interactive broadcast service; and

“(B) wireless Internet access, without regard to—

“(i) whether such access is—

“(I) provided on a one-way or a two-way basis;

“(II) portable or fixed; or

“(III) connected to the Internet via a band allocated to Interactive Video and Data Service; and

“(ii) the technology employed in delivering such service, including the delivery of such service via multiple transmitters at multiple locations.

“(8) Nothing in this subsection limits the authority of the Commission under any other provision of law.”.

(b) The Federal Communications Commission shall submit a report to the Congress on June 30, 2001, and June 30, 2002, evaluating the utility of using low-power television stations to provide high-speed digital data service. The reports shall be based on the pilot projects authorized by section 336(h) of the Communications Act of 1934 (47 U.S.C. 336(h)).

SEC. 144. (a) The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.) is amended—

(1) in section 303(d)(1)(A) by striking “October 1, 2000,” and inserting “October 1, 2002,”;

(2) in section 303(d)(5) by striking “October 1, 2000,” and inserting “October 1, 2002,”;

(3) in section 407(b) by striking “October 1, 2000,” and inserting “October 1, 2002,”; and

(4) in section 407(c)(1) by striking “October 1, 2000,” and inserting “October 1, 2002,”.

(b) Notwithstanding sections 303(d)(1)(A) and 303(d)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by this section, the Pacific Fishery Management Council may recommend and the Secretary of Commerce may approve and implement any fishery management plan, plan amendment, or regulation, for fixed gear sablefish subject to the jurisdiction of such Council, that—

(1) allows the use of more than one groundfish fishing permit by each fishing vessel; and/or

(2) sets cumulative trip limit periods, up to 12 months in any calendar year, that allow fishing vessels a reasonable opportunity to harvest the full amount of the associated trip limits.

Notwithstanding subsection (a), the Gulf of Mexico Fishery Management Council may develop a biological, economic, and social profile of any fishery under its jurisdiction that may be considered for management under a quota management system, including the benefits and consequences of the quota management systems considered. The North Pacific Fishery Management Council shall examine the fisheries under its jurisdiction, particularly the Gulf of Alaska groundfish and Bering Sea crab fisheries, to determine whether rationalization is needed. In particular, the North Pacific Council shall analyze individual fishing quotas, processor quotas, cooperatives, and quotas held by communities. The analysis should include an economic analysis of the impact of all options on communities and processors as well as the fishing fleets. The North Pacific Council shall present its analysis to the appropriations and authorizing committees of the Senate and House of Representatives in a timely manner.

(c)(1) Public Law 101-380, as amended by section 2204 of chapter 2 of title II of Public Law 106-246, is amended further—

(A) by striking the second sentence of section 5008(c) and inserting in lieu thereof “The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Institute.”;

(B) by inserting the following sentence at the end of section 5008(e): “The administrative funds of the Institute and the administrative funds of the North Pacific Research Board created under Public Law 105-83 may be used to jointly administer such programs at the discretion of the North Pacific Research Board.”; and

(C) in section 5006(c), as amended by this Act or any other Act making appropriations for fiscal year 2001, by striking the colon immediately before the first proviso and inserting in lieu thereof, “of which up to \$3,000,000 may be used for the lease payment to the Alaska SeaLife Center under section 5008(b)(2):”.

(2) Section 401(e) of Public Law 105-83 is amended—

(A) in paragraph (2) by striking “and recommended for Secretarial approval”;

(B) in paragraph (3)(A) by striking “, who shall be a co-chair of the Board”;

(C) in paragraph (3)(F) by striking “, who shall be a co-chair of the Board”;

(D) in paragraph (4)(A) by striking “and administer”;

(E) in paragraph (4)(B) by striking the first sentence;

(F) by adding at the end the following new paragraph:

“(5) All decisions of the Board, including grant recommendations, shall be by majority vote of the members listed in paragraphs (3)(A), (3)(F), (3)(G), (3)(J), and (3)(N), in consultation with the other members. The five voting members may act on behalf of the Board in all matters of administration, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000.”; and

(G) in paragraph (3) by adding at the end the following:

“(N) one member who shall represent fishing interests and shall be nominated by the Board and appointed by the Secretary.”.

(3) Funds made available for the construction of the NOAA laboratory at Lena Point shall be considered incremental funding for the initial phase of construction at Lena Point for site work and related infrastructure and systems installation.

(4) Notwithstanding any other provision of law, funds made available by this Act or any other Act for the Alaska SeaLife Center shall be considered direct payments for all purposes of applicable law.

(5) Public Law 99-5 is amended—

(A) by inserting after section 3(e) the following:

“(f) The United States shall be represented on the Transboundary Panel by seven panel members, of whom—

“(1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;

“(2) one shall be an official of the State of Alaska, with salmon fishery management responsibility and expertise; and

“(3) five shall be individuals knowledgeable and experienced in the salmon fisheries for which the Transboundary Panel is responsible.”;

(B) by renumbering the remaining subsections;

(C) in section 3(g), as redesignated by this subsection, by striking “The appointing authorities” and inserting in lieu thereof “For the northern, southern, and Fraser River panels, the appointing authorities”; and

(D) in section 3(h)(3), as redesignated by this subsection, by striking “northern and southern” and inserting in lieu thereof “northern, southern, and transboundary”.

(6) The fishery research vessel for which funds were appropriated in Public Law 106-113 shall be homeported in Kodiak, Alaska, and is hereby named “OSCAR DYSON”.

(d)(1) The Secretary of Commerce (hereinafter “the Secretary”) shall, after notice and opportunity for public comment, adopt final regulations not later than May 1, 2001 to implement a fishing capacity reduction program for crab fisheries included in the Fishery Management Plan for Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands (hereinafter “BSAI crab fisheries”). In implementing the program the Secretary shall—

(A) reduce the fishing capacity in the BSAI crab fisheries by permanently reducing the number of license limitation program crab licenses;

(B) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges, for all fisheries subject to the jurisdiction of the United States, issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) for which a BSAI crab fisheries reduction permit is surrendered and revoked under section 6011(b) of title 50, Code of Federal Regulations;

(C) ensure that the Secretary of Transportation is notified of each vessel for which a reduction permit is surrendered and revoked under the program, with a request that such Secretary permanently revoke the fishery endorsement of each such vessel and refuse permission to transfer any such vessel to a foreign flag under paragraph (5);

(D) ensure that vessels removed from the BSAI crab fisheries under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels contractually agree that such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations;

(E) ensure that vessels removed from the BSAI crab fisheries, the owners of such vessels, and the holders of fishery permits for such vessels forever relinquish any claim associated with such vessel, permits, and any catch history associated with such vessel or permits that could qualify such vessel, vessel owner, or permit holder for any present or future limited access system fishing permits in the United States fisheries based on such vessel, permits, or catch history;

(F) not include the purchase of Norton Sound red king crab or Norton Sound blue king crab endorsements in the program, though any such endorsements associated with a reduction permit or vessel made ineligible or scrapped under the program shall also be surrendered and revoked as if surrendered and revoked pursuant to section 600.1011(b) of title 50, Code of Federal Regulations;

(G) seek to obtain the maximum sustained reduction in fishing capacity at the least cost by establishing bidding procedures that—

(i) assign a bid score to each bid by dividing the price bid for each reduction permit by the total value of the crab landed in the most recent 5-year period in each crab fishery from 1990 through 1999 under that permit, with the value for each year determined by multiplying the average price per pound published by the State of Alaska in each year for each crab fishery included in such reduction permit by the total pounds landed in each crab fishery under that permit in that year; and

(ii) use a reverse auction in which the lowest bid score ranks first, followed by each bid with the next lowest bid score, until the total bid amount of all bids equals a reduction cost that the next lowest bid would cause to exceed \$100,000,000;

(H) not waive or otherwise make inapplicable any requirements of the License Limitation Program applicable to such crab fisheries, in particular any requirements in sections 679.4(k) and (l) of title 50, Code of Federal Regulations;

(I) not waive or otherwise make inapplicable any catcher vessel sideboards implemented under the American Fisheries Act (AFA), except that the North Pacific Fishery Management Council shall recommend to the Secretary and to the State of Alaska, not later than February 16, 2001, and the Secretary and the State of Alaska shall implement as appropriate, modifications to such sideboards to the extent necessary to permit AFA catcher vessels that remain in the crab fisheries to share proportionately in any increase in crab harvest opportunities that accrue to all remaining AFA and non-AFA catcher vessels if the fishing capacity reduction program required by this section is implemented;

(J) establish sub-amounts and repayment fees for each BSAI crab fishery prosecuted under a separate endorsement for repayment of the reduction loan, such that—

(i) a reduction loan sub-amount is established for each separate BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) fish sellers who participate in the crab fishery under each endorsement repay the reduction loan sub-amount attributable to that fishery; and

(K) notwithstanding section 1111(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f(b)(4)), establish a repayment period for the reduction loan of not less than 30 years.

(2)(A) Only persons to whom a non-interim BSAI crab license and an area/species endorsement have been issued (other than persons to whom only a license and an area/species endorsement for Norton Sound red king crab or Norton Sound blue king crab have been issued) for vessels that—

(i) qualify under the License Limitation Program criteria set forth in section 679.4 of title 50, Code of Federal Regulations, and

(ii) have made at least one landing of BSAI crab in either 1996, 1997, or prior to February 7 in 1998, may submit a bid in the fishing capacity reduction program established by this section.

(B) After the date of enactment of this section—

(i) no vessel 60 feet or greater in length overall may participate in any BSAI crab fishery (other than for Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraphs (A)(i) and (A)(ii) of this paragraph; and

(ii) no vessel between 33 and 60 feet in length overall may participate in any BSAI crab fishery (other than for Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraph (A)(i) of this paragraph. Nothing in this paragraph shall be construed to affect the requirements for participation in the fisheries for Norton Sound red king crab or Norton Sound blue king crab. The Secretary may, on a case by case basis and after notice and opportunity for public comment, waive the application of subparagraph (A)(ii) of this paragraph if the Secretary determines such waiver is necessary to implement one of the specific exemptions to the recent participation requirement that were recommended by the North Pacific Fishery Management Council in the record of its October, 1998 meeting.

(3) The fishing capacity reduction program required under this subsection shall be implemented under this subsection and sections 312(b)–(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)–(e)). Section 312 and the regulations found in Subpart L of Part 600 of title 50, Code of Federal Regulations, shall apply only to the extent such section or regulations are not inconsistent with or made inapplicable by the specific provisions of this subsection. Sections 600.1001, 600.1002, 600.1003, 600.1005, 600.1010(b), 600.1010(d)(1), 600.1011(d), the last sentence of 600.1011(a), and the last sentence of 600.1014(f) of such Subpart shall not apply to the program implemented under this subsection. The program shall be deemed accepted under section 600.1004, and any time period specified in Subpart L that would prevent the Secretary from complying with the May 1, 2001 date required by this subsection shall be modified as appropriate to permit compliance with that date. The referendum required for the program under this subsection shall be a post-bidding referendum under section 600.1010 of title 50, Code of Federal Regulations.

(4)(A) The fishing capacity reduction program required under this subsection is authorized to be financed in equal parts through a reduction loan of \$50,000,000 under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and \$50,000,000 which is authorized to be appropriated for the purposes of such program.

(B) Of the \$1,000,000 appropriated in section 120 of division A of Public Law 105–277 for the cost of a direct loan in the Bering Sea and Aleutian Islands crab fisheries—

(i) \$500,000 shall be for the cost of guaranteeing the reduction loan required under subparagraph (A) of this paragraph in accordance with the requirements of the Federal Credit Reform Act; and

(ii) \$500,000 shall be available to the Secretary to pay for the cost of implementing the fishing capacity reduction program required by this subsection.

(C) The funds described in this subsection shall remain available, without fiscal year limitation, until expended. Any funds not used for the fishing capacity reduction program required by this subsection, whether due to a rejection by referendum or otherwise, shall be available on or after October 15, 2002, without fiscal year limitation, for assistance to fishermen or fishing communities.

(5)(A) The Secretary of Transportation shall, upon notification and request by the Secretary, for each vessel identified in such notification and request—

(i) permanently revoke any fishery endorsement issued to such vessel under section 12108 of title 46, United States Code; and

(ii) refuse to grant the approval required under section 9(c)(2) of the Shipping Act, 1916 (46 U.S.C. App. 808(c)(2)) for the placement of such vessel under foreign registry or the operation of such vessel under the authority of a foreign country.

(B) The Secretary shall, after notice and opportunity for public comment, adopt final regulations not later than May 1, 2001, to prohibit any vessel for which a reduction permit is surrendered and revoked under the fishing capacity reduction program required by this section from engaging in fishing activities on the high seas or under the jurisdiction of any foreign country while operating under the United States flag.

(6) The purpose of this subsection is to implement a fishing capacity reduction program for the BSAI crab fisheries that results in final action to permanently remove harvesting capacity from such fisheries prior to December 31, 2001. In implementing this subsection the Secretary is directed to use, to the extent practicable, information collected and maintained by the State of Alaska. Any requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, or any Executive order that would, in the opinion of the Secretary, prevent the Secretary from meeting the deadlines set forth in this subsection shall not apply to the fishing capacity reduction program or the promulgation of regulations to implement such program required by this subsection. Nothing in this subsection shall be construed to prohibit the North Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any Fishery Management Plan, License Limitation Program, or American Fisheries Act provisions affecting catcher vessel sideboards in accordance with applicable law: *Provided*, That except as specifically provided in this subsection, such Council may not recommend, and the Secretary may not approve, any action that would have the

effect of increasing the number of vessels eligible to participate in the BSAI crab fisheries after March 1, 2001.

(e)(1) This subsection may be referred to as the “Pribilof Islands Transition Act”.

(2) The purpose of this subsection is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

(3) Public Law 89-702 (16 U.S.C. 1151 et seq.), popularly known and referred to in this subsection as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

“SEC. 206. (a)(1) Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

“(2) Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

“(3) The Secretary may not use financial assistance authorized by this Act—

“(A) to settle any debt owed to the United States;

“(B) for administrative or overhead expenses; or

“(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

“(4) In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(5) In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

“(b)(1) Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

“(2) The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

“(3) In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the

tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

“(c) There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

“(1) for assistance under subsection (a) a total not to exceed—

“(A) \$9,000,000, for grants to the City of St. Paul;

“(B) \$6,300,000, for grants to the Tanadgusix Corporation;

“(C) \$1,500,000, for grants to the St. Paul Tribal Council;

“(D) \$6,000,000, for grants to the City of St. George;

“(E) \$4,200,000, for grants to the St. George Tanaq Corporation; and

“(F) \$1,000,000, for grants to the St. George Tribal Council; and

“(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

“(A) \$6,500,000 for the City of St. Paul; and

“(B) \$3,500,000 for the City of St. George.

“(d) None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

“(e) Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

“(1) having provided assistance to the State of Alaska under subsection (b); or

“(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

“(f) Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

“(g) Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.”.

(4) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(A) by amending subsection (c) to read as follows:

“(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

“(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

“(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

“(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.”; and

(B) by striking subsection (g).

(5)(A)(i) The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(ii) This subparagraph shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(I) that arose before the date of the enactment of this title; and

(II) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(iii) Nothing in this subsection shall be construed to imply that—

(I) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(II) any cause of action could or could not arise with respect to such an obligation.

(iv) Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(B)(i) Subject to paragraph (5)(B)(ii), there are terminated all obligations of the Secretary of Commerce and the United States to—

(I) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(II) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement

between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(ii) Paragraph (5)(B)(i) shall apply on and after the date on which the Secretary of Commerce certifies that—

(I) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(II) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(III) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(IV) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(iii)(I) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed pursuant to subparagraph (C), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B)(iii)(II).

(II) Subparagraph (B)(iii)(I) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(iv) For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(I) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(II) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(III) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(IV) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(V) The terms of the documents described in subparagraph (D)(ii).

(C) Effective on the date on which the Secretary of Commerce makes the certification described in subparagraph (b)(2), the following provisions are repealed:

(i) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(ii) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(D)(i) Nothing in this subsection shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in subparagraph (D)(ii) or with respect to any lands subject to such a document.

(ii) The documents referred to in subparagraph (D)(i) are the following:

(I) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(II) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(III) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(E)(i) Except as provided in subparagraph (E)(ii), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this paragraph.

(ii) For purposes of this paragraph, the term “Natives of the Pribilof Islands” includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

(6)(A) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(i) striking “(d)” and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting “SEC. 212.”; and

(ii) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(B) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking “on such Islands” and insert “on such property”.

(C) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

“SECTION 1. This Act may be cited as the ‘Fur Seal Act of 1966’.”

(7) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(A) by striking subsection (f) and inserting the following:

“(f)(1) There are authorized to be appropriated \$10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

“(2) None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.”; and

(B) by adding at the end the following:

“(g)(1) Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary

may provide to the State of Alaska up to \$2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

“(2) The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

“(3) The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ includes the Tanadgusix and Tanaq Corporations.

“(4) Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.”.

(f)(1) The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least one representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the

fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) to be reflected in the Budget of the United States Government.

(g) Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 1855 nt) is amended by striking the last sentence and inserting, “There are authorized to be appropriated to carry out this subsection \$500,000 for each fiscal year.”.

SEC. 145. (a) Section 4(b)(1) of the Department of State Special Agents Retirement Act of 1998 (22 U.S.C. 4044 note; Public Law 105-382; 112 Stat. 3409) is amended by inserting “or participant who was serving as of January 1, 1997” after “employed participant”.

(b) The amendment made by this section shall take effect on January 1, 2001.

SEC. 146. (a) Congress makes the following findings:

(1) Total steel imports in 2000 will be over 2½ times higher than in 1991, continuing the alarming trend of sharply increasing steel imports over the past decade.

(2) Unprecedented levels of steel imports flooded the United States market in 1998 and 1999, causing a crisis in which thousands of steelworkers were laid off and six steel companies went bankrupt.

(3) The domestic steel industry still has not had an opportunity to recover from the 1998–1999 steel import crisis, and steel imports are again causing serious injury to United States steel producers and workers.

(4) Total steel imports through August 2000 are 17 percent higher than over the same period in 1999 and greater even than imports over the same period in 1998, a record year.

(5) Steel prices continue to be depressed, with hot-rolled steel prices 12 percent lower in August 2000 than in the first quarter of 1998, and average import customs values for all steel products more than 15 percent lower over the same period.

(6) The United States Government must maintain and fully enforce all existing relief against foreign unfair trade.

(7) The United States steel industry is a clean, highly efficient industry having modernized itself at great human and financial cost, shedding over 330,000 jobs and investing more than \$50,000,000,000 over the last 20 years.

(8) Capacity utilization in the United States steel industry has fallen sharply since the beginning of the year and the market capitalization and debt ratings of the major United States steel firms are at precarious levels.

(9) The Department of Commerce recently documented the underlying market-distorting practices and longstanding structural problems that plague the global steel trade with excess capacity and cause diversion of unfairly traded foreign steel to the United States.

(10) The President recognized that unfair trade played a significant role in the devastating import surge of steel and recognized the need to vigorously enforce the trade laws.

(b) Congress calls upon the President—

(1) to take all appropriate action within his power to provide relief from injury caused by steel imports; and

(2) to immediately request the United States International Trade Commission to commence an expedited investigation for positive adjustment under section 201 of the Trade Act of 1974 of such steel imports.

SEC. 147. Section 5(b)(1) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1); popularly known as the “Johnson Act”) is amended by inserting “for a voyage or a segment of a voyage that begins and ends in the State of Hawaii, or” after “Except”.

SEC. 148. (a) Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting “, other than a non-commercial educational broadcast station,” after “use of a broadcasting station”.

(b) The Federal Communications Commission shall take no action against any non-commercial educational broadcast station which declines to carry a political advertisement.

SEC. 149. The Small Business Innovation Research program, otherwise expiring at the end of fiscal year 2000, is authorized to continue in effect during fiscal year 2001.

SEC. 150. There is hereby appropriated for payment to the Ricky Ray Hemophilia Relief Fund, as provided by Public Law 105–369, \$105,000,000, of which notwithstanding any other provision of law \$10,000,000 shall be for program management of the Health Resources and Services Administration, to remain available until expended.

SEC. 151. (a) There is hereby appropriated to a separate account to be established in the Department of Labor for expenses of administering the Energy Employees Occupational Illness Compensation Act, \$60,400,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, such sums as may be necessary in FY 2001 to carry out those authorities.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, amounts appropriated under subsection (a) shall be direct spending: *Provided*, That amounts appropriated annually thereafter for such administrative expenses shall be direct spending.

SEC. 152. TREATMENT OF CERTAIN CANCER HOSPITALS. (a) IN GENERAL.—Section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)) is amended—

(1) in subclause (I) by striking “or” at the end;

(2) in subclause (II) by striking the semicolon at the end and inserting “, or”; and

(3) by adding at the end the following:

“(III) a hospital that was recognized as a clinical cancer research center by the National Cancer Institute of the National Institutes of Health as of February 18, 1998, that has never been reimbursed for inpatient hospital services pursuant to a reimbursement system under a demonstration project under section 1814(b), that is a freestanding facility organized primarily for treatment of and research on cancer and is not a unit of another hospital, that as of the date of the enactment of this subclause, is licensed for 162 acute care beds, and that demonstrates for the 4-year period ending on June 30,

1999, that at least 50 percent of its total discharges have a principal finding of neoplastic disease, as defined in subparagraph (E);” and

(b) CONFORMING AMENDMENT.—Section 1886(d)(1)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(E)) is amended by striking “For purposes of subparagraph (B)(v)(II)” and inserting “For purposes of subclauses (II) and (III) of subparagraph (B)(v)”.

(c) PAYMENT.—

(1) APPLICATION TO COST REPORTING PERIODS.—Any classification by reason of section 1886(d)(1)(B)(v)(III) of the Social Security Act (as added by subsection (a)) shall apply to 12-month cost reporting periods beginning on or after July 1, 1999.

(2) BASE YEAR.—Notwithstanding the provisions of section 1886(b)(3)(E) of such Act (42 U.S.C. 1395ww(b)(3)(E)) or other provisions to the contrary, the base cost reporting period for purposes of determining the target amount for any hospital classified by reason of section 1886(d)(1)(B)(v)(III) of such Act (as added by subsection (a)) shall be the 12-month cost reporting period beginning on July 1, 1995.

(3) DEADLINE FOR PAYMENTS.—Any payments owed to a hospital by reason of this subsection shall be made expeditiously, but in no event later than 1 year after the date of the enactment of this Act.

SEC. 153. (a) Section 4(2) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100-460) is amended—

(1) by inserting “Alabama,” before “Arkansas”;

(2) in paragraph (G), by striking “and” at the end;

(3) in paragraph (H)—

(A) by striking “and” before “such”; and

(B) by inserting “and” after the semicolon at the end;

and

(4) by adding at the end the following:

“(I) the Alabama counties of Pickens, Greene, Sumter, Choctaw, Clarke, Washington, Marengo, Hale, Perry, Wilcox, Lowndes, Bullock, Macon, Barbour, Russell, and Dallas;”;

(b) At the end of section 382A of “The Delta Regional Authority Act of 2000” as incorporated in this Act, insert the following:

“(4) Notwithstanding any other provision of law, the State of Alabama shall be a full member of the Delta Regional Authority and shall be entitled to all rights and privileges that said membership affords to all other participating States in the Delta Regional Authority.”.

SEC. 154. NORTHERN WISCONSIN.

(a) DEFINITION OF NORTHERN WISCONSIN.—In this section, the term “northern Wisconsin” means the counties of Douglas, Ashland, Bayfield, and Iron, Wisconsin.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army may establish a pilot program to provide environmental assistance to non-Federal interests in northern Wisconsin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and reconstruction assistance or water-related environmental infrastructure and resource protection and development projects in northern Wisconsin, including projects for wastewater treatment and related facilities, water supply and

related facilities, environmental restoration, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or restructure protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the local construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this subsection, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and reductions toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of the total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000. Such sums shall remain available until expended.

TITLE II—VIETNAM EDUCATION FOUNDATION ACT OF 2000

SEC. 201. SHORT TITLE.

This title may be cited as the “Vietnam Education Foundation Act of 2000”.

SEC. 202. PURPOSES.

The purposes of this title are the following:

(1) To establish an international fellowship program under which—

(A) Vietnamese nationals can undertake graduate and post-graduate level studies in the sciences (natural, physical, and environmental), mathematics, medicine, and technology (including information technology); and

(B) United States citizens can teach in the fields specified in subparagraph (A) in appropriate Vietnamese institutions.

(2) To further the process of reconciliation between the United States and Vietnam and the building of a bilateral relationship serving the interests of both countries.

SEC. 203. DEFINITIONS.

In this title:

(1) BOARD.—The term “Board” means the Board of Directors of the Foundation.

(2) FOUNDATION.—The term “Foundation” means the Vietnam Education Foundation established in section 204.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) UNITED STATES-VIETNAM DEBT AGREEMENT.—The term “United States-Vietnam debt agreement” means the Agreement Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Regarding the Consolidation and Rescheduling of Certain Debts Owed to, Guaranteed by, or Insured by the United States Government and the Agency for International Development, dated April 7, 1997.

SEC. 204. ESTABLISHMENT.

There is established the Vietnam Education Foundation as an independent establishment of the executive branch under section 104 of title 5, United States Code.

SEC. 205. BOARD OF DIRECTORS.

(a) IN GENERAL.—The Foundation shall be subject to the supervision and direction of the Board of Directors, which shall consist of 13 members, as follows:

(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(2) Two members of the Senate, appointed by the President pro tempore, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(3) Secretary of State.

(4) Secretary of Education.

(5) Secretary of Treasury.

(6) Six members to be appointed by the President from among individuals in the nongovernmental sector who have academic excellence or experience in the fields of concentration specified in section 202(1)(A) or a general knowledge of Vietnam, not less than three of whom shall be drawn from academic life.

(b) ROTATION OF MEMBERSHIP.—(1) The term of office of each member appointed under subsection (a)(6) shall be 3 years, except that of the members initially appointed under that subsection, two shall serve for terms of 1 year, two shall serve for terms of 2 years, and two shall serve for terms of 3 years.

(2) A member of Congress appointed under subsection (a)(1) or (2) shall not serve as a member of the Board for more than a total of 6 years.

(c) CHAIR.—The Board shall elect one of the members appointed under subsection (a)(6) to serve as Chair.

(d) MEETINGS.—The Board shall meet upon the call of the Chair but not less frequently than twice each year. A majority of the voting members of the Board shall constitute a quorum.

(e) DUTIES.—The Board shall—

(1) select the individuals who will be eligible to serve as Fellows; and

(2) provide overall supervision and direction of the Foundation.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Board shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 206. FELLOWSHIP PROGRAM.

(a) AWARD OF FELLOWSHIPS.—

(1) IN GENERAL.—To carry out the purposes of this title, the Foundation shall award fellowships to—

(A) Vietnamese nationals to study at institutions of higher education in the United States at graduate and

post-graduate levels in the following fields: physical sciences, natural sciences, mathematics, environmental sciences, medicine, technology, and computer sciences; and

(B) United States citizens to teach in Vietnam in appropriate Vietnamese institutions in the fields of study described in subparagraph (A).

(2) SPECIAL EMPHASIS ON SCIENTIFIC AND TECHNICAL VOCABULARY IN ENGLISH.—Fellowships awarded under paragraph (1) may include funding for the study of scientific and technical vocabulary in English.

(b) CRITERIA FOR SELECTION.—Fellowships under this title shall be awarded to persons who meet the minimum criteria established by the Foundation, including the following:

(1) VIETNAMESE NATIONALS.—Vietnamese candidates for fellowships shall have basic English proficiency and must have the ability to meet the criteria for admission into graduate or post-graduate programs in United States institutions of higher learning.

(2) UNITED STATES CITIZEN TEACHERS.—American teaching candidates shall be highly competent in their fields and be experienced and proficient teachers.

(c) IMPLEMENTATION.—The Foundation may provide, directly or by contract, for the conduct of nationwide competition for the purpose of selecting recipients of fellowships awarded under this section.

(d) AUTHORITY TO AWARD FELLOWSHIPS ON A MATCHING BASIS.—The Foundation may require, as a condition of the availability of funds for the award of a fellowship under this title, that an institution of higher education make available funds for such fellowship on a matching basis.

(e) FELLOWSHIP CONDITIONS.—A person awarded a fellowship under this title may receive payments authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or teaching, as appropriate, and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(f) FUNDING.—

(1) FISCAL YEAR 2001.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Foundation \$5,000,000 for fiscal year 2001 to carry out the activities of the Foundation.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(2) FISCAL YEAR 2002 AND SUBSEQUENT FISCAL YEARS.—Effective October 1, 2001, the Foundation shall utilize funds transferred to the Foundation under section 207.

SEC. 207. VIETNAM DEBT REPAYMENT FUND.

(a) ESTABLISHMENT.—Notwithstanding any other provision of law, there is established in the Treasury a separate account which shall be known as the Vietnam Debt Repayment Fund (in this subsection referred to as the “Fund”).

(b) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all payments (including interest payments) made

by the Socialist Republic of Vietnam under the United States-Vietnam debt agreement.

(c) AVAILABILITY OF THE FUNDS.—

(1) FISCAL YEAR LIMITATION.—Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, \$5,000,000 of the amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(2) DISBURSEMENT OF FUNDS.—The Secretary of the Treasury, at least on a quarterly basis, shall transfer to the Foundation amounts allotted to the Foundation under paragraph (1) for the purpose of carrying out its activities.

(3) TRANSFER OF EXCESS FUNDS TO MISCELLANEOUS RECEIPTS.—Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, the Secretary of the Treasury shall withdraw from the Fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the Fund in excess of amounts made available to the Foundation under paragraph (1).

(d) ANNUAL REPORT.—The Board shall prepare and submit annually to Congress statements of financial condition of the Fund, including the beginning balance, receipts, refunds to appropriations, transfers to the general fund, and the ending balance.

SEC. 208. FOUNDATION PERSONNEL MATTERS.

(a) APPOINTMENT BY BOARD.—There shall be an Executive Secretary of the Foundation who shall be appointed by the Board without regard to the provisions of title 5, United States Code, or any regulation thereunder, governing appointment in the competitive service. The Executive Director shall be the Chief Executive Officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine voting members of the Board.

(b) PROFESSIONAL STAFF.—The Executive Director shall hire Foundation staff on the basis of professional and nonpartisan qualifications.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code to carry out the purposes of the Foundation.

(d) COMPENSATION.—The Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title V, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 209. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—In order to carry out this title, the Foundation may—

(1) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) accept and use the services of voluntary and noncompensated personnel;

(4) enter into contracts or other arrangements, or make grants, to carry out the provisions of this title, and enter into such contracts or other arrangements, or make such grants, with the concurrence of a majority of the members of the Board, without performance or other bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) rent office space in the District of Columbia; and

(6) make other necessary expenditures.

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report of its operations under this title.

SEC. 210. TERMINATION.

(a) IN GENERAL.—The Foundation may not award any new fellowship, or extend any existing fellowship, after September 30, 2016.

(b) ABOLISHMENT.—Effective 120 days after the expiration of the last fellowship in effect under this title, the Foundation is abolished.

TITLE III—COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

SEC. 301. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the “Colorado Ute Settlement Act Amendments of 2000”.

(b) FINDINGS.—Congress makes the following findings:

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water

and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this title are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this title, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT-FES-80-18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT-DES-92-41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96-23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(E) The Final Supplemental EIS, dated July 2000.

(F) The Record of Decision for the Settlement of the Colorado Ute Indian Waters, September 25, 2000.

(9) In the Record of Decision referred to in paragraph (8)(F), the Secretary determined that the preferred alternative could only proceed if Congress amended the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973) so as to satisfy the Tribal water rights claim through the construction of the features authorized by this title. The amendments to the Colorado Ute Indian Water Rights Settlement Act of 1988 set forth in this title will provide the Ute Tribes with substitute benefits equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988, in a manner consistent with paragraph (8) and the Federal Government's trust obligation.

(10) Based upon paragraph (8), it is the intent of Congress to enact legislation that implements the Record of Decision referred to in paragraph (8)(F).

(c) DEFINITIONS.—In this title:

(1) AGREEMENT.—The term “Agreement” has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term “Animas-La Plata Project” has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term “Dolores Project” has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term “Tribe” or “Tribes” has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2974).

SEC. 302. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2975) is amended to read as follows:

“(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

“(1) FACILITIES.—

“(A) IN GENERAL.—After the date of enactment of this subsection, but prior to January 1, 2005, or the date established in the Amended Final Decree described in section 18(c), the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

“(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

“(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

“(II) be operated in accordance with the Animas-La Plata Project Compact as approved by Congress in Public Law 90-537;

“(III) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

“(IV) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

“(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

“(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

“(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

“(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

“(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan Water Commission for its present and future needs;

“(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

“(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

“(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

“(B) APPLICABILITY OF OTHER FEDERAL LAW.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

“(C) LIMITATION.—

“(i) IN GENERAL.—If constructed, the facilities described in subparagraph (A) shall constitute the Animas-La Plata Project. Construction of any other project features authorized by Public Law 90-537 shall not be commenced without further express authorization from Congress.

“(ii) CONTINGENCY IN APPLICATION.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

“(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

“(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—

“(A) IN GENERAL.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity’s municipal water storage. Such repayment shall be consistent with Federal reclamation law, including the Colorado River Storage Project Act of 1956 (43 U.S.C. 620 et seq.). Such agreement shall take into account the fact that the construction of certain project facilities, including those facilities required to provide irrigation water supplies from the Animas-La Plata Project, is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

“(B) NONTRIBAL REPAYMENT OBLIGATION SUBJECT TO FINAL COST ALLOCATION.—The nontribal repayment obligation set forth in subparagraph (A) shall be subject to a final cost allocation by the Secretary upon project completion. In the event that the final cost allocation indicates that additional repayment is warranted based on the applicable entity’s share of project water storage and determination of overall reimbursable cost, that entity may elect to enter into a new agreement to make the additional payment necessary to secure the full water supply identified in paragraph (1)(A)(ii). If the repayment entity elects not to enter into a new agreement, the portion of project storage relinquished by such election shall be available to the Secretary for allocation to other project purposes. Additional repayment shall only be warranted for reasonable and unforeseen costs associated with project construction as determined by the Secretary in consultation with the relevant repayment entities.

“(C) REPORT.—Not later than April 1, 2001, the Secretary shall report to Congress on the status of the cost-share agreements contemplated in subparagraph (A). In the event that no agreement is reached with either the Animas-La Plata Conservancy District or the State of Colorado for the water allocations set forth in subclauses (V) and (VI) of paragraph (1)(A)(ii), those allocations shall be reallocated equally to the Colorado Ute Tribes.

“(4) TRIBAL WATER ALLOCATIONS.—

“(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable

to that municipal and industrial water allocation of the Tribe.

“(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

“(5) REPAYMENT OF PRO RATA SHARE.—Upon a Tribe’s first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe’s first use of such water pursuant to the terms of a water use contract—

“(A) repayment of that increment’s pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

“(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).”.

SEC. 303. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973) is amended by adding at the end the following:

“SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

“(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or to the New Mexico Interstate Stream Commission in accordance with the request of the State Engineer, the Department of the Interior’s interest in New Mexico State Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico non-Navajo purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

“(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary is specifically authorized to construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, to the Navajo Indian Reservation at or near Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

“(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act, including the permit assignment authorized by subsection (a), shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

“SEC. 16. RESOURCE FUNDS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$8,000,000 for each of fiscal years 2002 through 2006. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under subsection (b). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

“(b) FUNDS.—The Secretary shall establish a—

“(1) Southern Ute Tribal Resource Fund; and

“(2) Ute Mountain Ute Tribal Resource Fund.

“(c) TRIBAL DEVELOPMENT.—

“(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund established under subsection (b) in accordance with the Act entitled, ‘An Act to authorize the deposit and investment of Indian funds’ approved June 24, 1938 (25 U.S.C. 162a). With the exception of the funds referred to in paragraph (3)(B)(i), the Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

“(2) INVESTMENT PLAN.—

“(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe’s Tribal Resource Fund, except with respect to the funds referred to in paragraph (3)(B)(i).

“(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan, subject to subsection (d).

“(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

“(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3)(B).

“(3) ECONOMIC DEVELOPMENT PLAN.—

“(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

“(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such plan if it is consistent with the following requirements:

“(i) With respect to at least three-fourths of the funds appropriated pursuant to this section and consistent with the long-standing practice of the Tribes

and other local entities and communities to work together to use their respective water rights and resources for mutual benefit, at least three-fourths of the funds appropriated pursuant to this section shall be utilized to enhance, restore, and utilize the Tribes' natural resources in partnership with adjacent non-Indian communities or entities in the area.

“(ii) The plan must be reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members.

“(iii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 301(b)(8)(F) of the Colorado Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than one-third of the funds referred to in clause (i) for municipal or rural water development and not less than two-thirds of the funds referred to such clause for resource acquisition and enhancement.

“(C) MODIFICATION.—Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

“(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

“(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

“(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

“(f) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Southern Ute Tribal Resource Fund and the Ute Mountain Ute Tribal Resource Fund in the Treasury of the United States but shall not be available for disbursement under this section until the final settlement of the tribal claims as provided in section 18. The Secretary of the Interior may, in the Secretary's sole discretion, authorize the disbursement of funds prior to the final settlement in the event that the Secretary determines that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

“SEC. 17. COLORADO UTE SETTLEMENT FUND.

“(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the ‘Colorado Ute Settlement Fund’.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

“SEC. 18. FINAL SETTLEMENT.

“(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amended final consent decree as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

“(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

“(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the current January 1, 2005, deadline for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

“SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

“(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

“(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.”.

TITLE IV**SEC. 401. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.**

(a) IN GENERAL.—The Museum—

(1) is designated as the “American Museum of Science and Energy”; and

(2) shall be the official museum of science and energy of the United States.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the “American Museum of Science and Energy”.

(c) PROPERTY OF THE UNITED STATES.—

(1) IN GENERAL.—The name “American Museum of Science and Energy” is declared the property of the United States.

(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name “American Museum of Science and Energy”.

(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

SEC. 402. AUTHORITY.

To carry out the activities of the Museum, the Secretary may—

(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

(A) relevant to the contents of the Museum; and

(B) informative, educational, and tasteful;

(3) collect reasonable fees where feasible and appropriate;

(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

SEC. 403. MUSEUM VOLUNTEERS.

(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

(b) STATUS OF VOLUNTEERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

(2) EXCEPTIONS.—

(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the Government (as defined in section 2671 of that title).

(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States

Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

SEC. 404. DEFINITIONS.

For purposes of this Act:

(1) MUSEUM.—The term “Museum” means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

(2) SECRETARY.—The term “Secretary” means the Secretary of Energy or a designated representative of the Secretary.

TITLE V—LOWER MISSISSIPPI RIVER REGION

SEC. 501. SHORT TITLE.

This title may be cited as the “Delta Regional Authority Act of 2000”.

SEC. 502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the lower Mississippi River region (referred to in this title as the “region”), though rich in natural and human resources, lags behind the rest of the United States in economic growth and prosperity;

(2) the region suffers from a greater proportion of measurable poverty and unemployment than any other region of the United States;

(3) the greatest hope for economic growth and revitalization in the region lies in the development of transportation infrastructure, creation of jobs, expansion of businesses, and development of entrepreneurial local economies;

(4) the economic progress of the region requires an adequate transportation and physical infrastructure, a skilled and trained workforce, and greater opportunities for enterprise development and entrepreneurship;

(5) a concerted and coordinated effort among Federal, State, and local agencies, the private sector, and nonprofit groups is needed if the region is to achieve its full potential for economic development;

(6) economic development planning on a regional or multi-county basis offers the best prospect for achieving the maximum benefit from public and private investments; and

(7) improving the economy of the region requires a special emphasis on areas of the region that are most economically distressed.

(b) PURPOSES.—The purposes of this title are—

(1) to promote and encourage the economic development of the region—

(A) to ensure that the communities and people in the region have the opportunity for economic development; and

(B) to ensure that the economy of the region reaches economic parity with that of the rest of the United States;

(2) to establish a formal framework for joint Federal-State collaboration in meeting and focusing national attention on the economic development needs of the region;

(3) to assist the region in obtaining the transportation and basic infrastructure, skills training, and opportunities for economic development that are essential for strong local economies;

(4) to foster coordination among all levels of government, the private sector, and nonprofit groups in crafting common regional strategies that will lead to broader economic growth;

(5) to strengthen efforts that emphasize regional approaches to economic development and planning;

(6) to encourage the participation of interested citizens, public officials, agencies, and others in developing and implementing local and regional plans for broad-based economic and community development; and

(7) to focus special attention on areas of the region that suffer from the greatest economic distress.

SEC. 503. DELTA REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

“Subtitle F—Delta Regional Authority

“SEC. 382A. DEFINITIONS.

“In this subtitle:

“(1) **AUTHORITY.**—The term ‘Authority’ means the Delta Regional Authority established by section 382B.

“(2) **REGION.**—The term ‘region’ means the Lower Mississippi (as defined in section 4 of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460)).

“(3) **FEDERAL GRANT PROGRAM.**—The term ‘Federal grant program’ means a Federal grant program to provide assistance in—

“(A) acquiring or developing land;

“(B) constructing or equipping a highway, road, bridge, or facility; or

“(C) carrying out other economic development activities.

“SEC. 382B. DELTA REGIONAL AUTHORITY.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There is established the Delta Regional Authority.

“(2) **COMPOSITION.**—The Authority shall be composed of—

“(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

“(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

“(3) **COCHAIRPERSONS.**—The Authority shall be headed by—

“(A) the Federal member, who shall serve—

“(i) as the Federal cochairperson; and

“(ii) as a liaison between the Federal Government and the Authority; and

- “(B) a State cochairperson, who—
 - “(i) shall be a Governor of a participating State in the region; and
 - “(ii) shall be elected by the State members for a term of not less than 1 year.
- “(b) ALTERNATE MEMBERS.—
 - “(1) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be—
 - “(A) a resident of that State; and
 - “(B) appointed by the Governor of the State.
 - “(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.
 - “(3) QUORUM.—A State alternate shall not be counted toward the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.
 - “(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any Authority member, shall be delegated to any person—
 - “(A) who is not an Authority member; or
 - “(B) who is not entitled to vote in Authority meetings.
- “(c) VOTING.—
 - “(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.
 - “(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—
 - “(A) a modification or revision of an Authority policy decision;
 - “(B) approval of a State or regional development plan; and
 - “(C) any allocation of funds among the States.
 - “(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—
 - “(A) a responsibility of the Authority; and
 - “(B) conducted in accordance with section 382I.
 - “(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate member is an alternate.
- “(d) DUTIES.—The Authority shall—
 - “(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;
 - “(2) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);
 - “(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;

“(5) work with State and local agencies in developing appropriate model legislation;

“(6)(A) enhance the capacity of, and provide support for, local development districts in the region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(7) encourage private investment in industrial, commercial, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal or State cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Authority in carrying out duties of the Authority;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of Authority business and the performance of Authority duties;

“(5) request the head of any Federal department or agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State department or agency or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State); or

“(C) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Administrative expenses of the Authority (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

“(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

“(B) by the States in the region participating in the Authority, in an amount equal to 50 percent of the administrative expenses.

“(2) STATE SHARE.—

“(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

“(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

“(C) DELINQUENT STATES.—If a State is delinquent in payment of the State’s share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

“(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source

other than the State for services provided by the member or alternate to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, local, or inter-governmental department or agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than \$5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment; has a financial interest.

“(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

“(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

“(B) makes full disclosure of the financial interest; and

“(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

“(3) VIOLATION.—Any person that violates this subsection shall be fined not more than \$10,000, imprisoned not more than 2 years, or both.

“(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

“SEC. 382C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

“(a) IN GENERAL.—The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 382I—

“(1) to develop the transportation infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

“(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

“(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

“(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

“(5) to otherwise achieve the purposes of this subtitle.

“(b) FUNDING.—

“(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

“(A) entirely from appropriations to carry out this section;

“(B) in combination with funds available under another Federal or Federal grant program; or

“(C) from any other source.

“(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal and State resources in the region, Federal funds available under this subtitle shall be focused on the activities in the following order or priority:

“(A) Basic public infrastructure in distressed counties and isolated areas of distress.

“(B) Transportation infrastructure for the purpose of facilitating economic development in the region.

“(C) Business development, with emphasis on entrepreneurship.

“(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

“(3) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.

“SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

“(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

“(1) they lack the economic resources to meet the required matching share; or

“(2) there are insufficient funds available under the applicable Federal grant law authorizing the program to meet pressing needs of the region.

“(b) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (c), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 90 percent of the costs of the project (except as provided in section 382F(b)).

“(c) CERTIFICATION.—

“(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

“(A) meets the applicable requirements of the applicable Federal grant law; and

“(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

“(2) CERTIFICATION BY AUTHORITY.—

“(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this subtitle in accordance with section 382I—

“(i) shall be controlling; and

“(ii) shall be accepted by the Federal agencies.

“(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

“SEC. 382E. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

“(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ‘local development district’ means an entity that—

“(1) is—

“(A) a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

“(B) where an entity described in subparagraph (A) does not exist—

“(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

“(ii) governed by a policy board with at least a simple majority of members consisting of elected officials or employees of a general purpose unit of local government who have been appointed to represent the government;

“(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

“(I) by the Governor of each State in which the entity is located; or

“(II) by the State officer designated by the appropriate State law to make the certification; and

“(iv)(I) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

“(II) a nonprofit agency or instrumentality of a State or local government;

“(III) a public organization established before the date of enactment of this subtitle under State law for creation of multi-jurisdictional, area-wide planning organizations; or

“(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

“(2) has not, as certified by the Federal cochairperson—
 “(A) inappropriately used Federal grant funds from any Federal source; or

“(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

“(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

“(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section.

“(2) CONDITIONS FOR GRANTS.—

“(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

“(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

“(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

“(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

“(1) operate as a lead organization serving multicounty areas in the region at the local level; and

“(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

“(A) are involved in multijurisdictional planning;

“(B) provide technical assistance to local jurisdictions and potential grantees; and

“(C) provide leadership and civic development assistance.

“SEC. 382F. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

“(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

“(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty or unemployment;

“(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

“(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty or unemployment.

“(b) DISTRESSED COUNTIES.—

“(1) IN GENERAL.—The Authority shall allocate at least 75 percent of the appropriations made available under section 382M for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

“(2) FUNDING LIMITATIONS.—The funding limitations under section 382D(b) shall not apply to a project providing transportation or basic public services to residents of one or more distressed counties or isolated areas of distress in the region.

“(c) NONDISTRESSED COUNTIES.—

“(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as a nondistressed county under subsection (a)(2).

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 382E(b).

“(B) MULTICOUNTY PROJECTS.—The Authority may waive the application of the funding prohibition under paragraph (1) to—

“(i) a multicounty project that includes participation by a nondistressed county; or

“(ii) any other type of project; if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

“(C) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

“(i) by the most recent Federal data available; or

“(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

“(d) TRANSPORTATION AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 382M for transportation and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 382C(a).

“SEC. 382G. DEVELOPMENT PLANNING PROCESS.

“(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

“(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 382B(d)(2).

“(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

“(1) consult with—

“(A) local development districts; and

“(B) local units of government; and

“(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

“(d) PUBLIC PARTICIPATION.—

“(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

“(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

“SEC. 382H. PROGRAM DEVELOPMENT CRITERIA.

“(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided by the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

“(1) the relationship of the project or class of projects to overall regional development;

“(2) the per capita income and poverty and unemployment rates in an area;

“(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

“(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

“(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project; and

“(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

“(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from one area to another, except that financial assistance may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

“(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

“SEC. 382I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

“(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Authority.

“(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be

made through and evaluated for approval by the State member of the Authority representing the applicant.

“(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

“(1) describes ways in which the project complies with any applicable State development plan;

“(2) meets applicable criteria under section 382H;

“(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

“(4) otherwise meets the requirements of this subtitle.

“(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 382B(c) shall be required for approval of the application.

“SEC. 382J. CONSENT OF STATES.

“Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

“SEC. 382K. RECORDS.

“(a) RECORDS OF THE AUTHORITY.—

“(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

“(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

“(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

“(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Authority.

“(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

“(c) ANNUAL AUDIT.—The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

“SEC. 382L. ANNUAL REPORT.

“Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

“SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle \$30,000,000 for each of fiscal years 2001 through 2002, to remain available until expended.

“(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

“SEC. 382N. TERMINATION OF AUTHORITY.

“This subtitle and the authority provided under this subtitle expire on October 1, 2002.”.

SEC. 504. AREA COVERED BY LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION.

(a) IN GENERAL.—Section 4(2)(D) of the Delta Development Act (42 U.S.C. 3121 note; 102 Stat. 2246) is amended by inserting “Natchitoches,” after “Winn,”.

(b) CONFORMING AMENDMENT.—The matter under the heading “SALARIES AND EXPENSES” under the heading “FARMERS HOME ADMINISTRATION” in title II of Public Law 100–460 (102 Stat. 2246) is amended in the fourth proviso by striking “carry out” and all that follows through “bills are hereby” and inserting “carry out S. 2836, the Delta Development Act, as introduced in the Senate on September 27, 1988, and that bill is”.

TITLE VI—DAKOTA WATER RESOURCES ACT OF 2000

SEC. 601. SHORT TITLE.

This title may be cited as the “Dakota Water Resources Act of 2000”.

SEC. 602. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “of” and inserting “within”;

(B) in paragraph (5), by striking “more timely” and inserting “appropriate”; and

(C) in paragraph (7), by striking “federally-assisted water resource development project providing irrigation for 130,940 acres of land” and inserting “multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows”;

(2) in subsection (b)—

(A) by inserting “, jointly with the State of North Dakota,” after “construct”;

(B) by striking “the irrigation of 130,940 acres” and inserting “irrigation”;

(C) by striking “fish and wildlife conservation” and inserting “fish, wildlife, and other natural resource conservation”;

(D) by inserting “augmented stream flows, ground water recharge,” after “flood control,”; and

(E) by inserting “(as modified by the Dakota Water Resources Act of 2000)” before the period at the end;

(3) in subsection (e), by striking “terminated” and all that follows and inserting “terminated.”; and

(4) by striking subsections (f) and (g) and inserting the following:

“(f) COSTS.—

“(1) ESTIMATE.—The Secretary shall estimate—

“(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 2000; and

“(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

“(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

“(3) OPERATION AND MAINTENANCE COSTS.—Except as otherwise provided in this Act or Reclamation Law—

“(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

“(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 2000; and

“(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

“(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into one or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

“(h) BOUNDARY WATERS TREATY OF 1909.—

“(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Prior to construction of any water systems authorized under this Act to deliver Missouri River water into the Hudson Bay basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to meet the requirements of the Treaty between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

“(2) COSTS.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be non-reimbursable.”.

SEC. 603. FISH AND WILDLIFE.

Section 2 of Public Law 89-108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

“(b) **FISH AND WILDLIFE COSTS.**—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

“(c) **RECREATION AREAS.**—

“(1) **COSTS.**—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

“(2) **APPROVAL.**—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

“(d) **NON-FEDERAL SHARE.**—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

“(1) Services in kind.

“(2) Payment, or provision of lands, interests therein, or facilities for the unit.

“(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.”;

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting “(1)” after “(e)”;

(C) in paragraph (2) (as redesignated by subparagraph

(A))—

(i) in the first sentence—

(I) by striking “within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement” and inserting “to administer for recreation”; and

(II) by striking “which are not included within Federal waterfowl refuges and waterfowl production areas”; and

(ii) in the second sentence, by striking “or fish and wildlife enhancement”; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking “, within ten years after initial operation of the unit,”; and

(ii) by striking “paragraph (1) of this subsection” and inserting “paragraph (2)”;

(3) in subsection (f), by striking “and fish and wildlife enhancement”; and

(4) in subsection (j)—

(A) in paragraph (1), by striking “prior to the completion of construction of Lonetree Dam and Reservoir”; and

(B) by adding at the end the following:

“(4) TAAZER RESERVOIR.—Taazer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

“(5) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary.”.

SEC. 604. INTEREST CALCULATION.

Section 4 of Public Law 89-108 (100 Stat. 435) is amended by adding at the end the following: “Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.”.

SEC. 605. IRRIGATION FACILITIES.

Section 5 of Public Law 89-108 (100 Stat. 419) is amended—

(1) by striking “SEC. 5. (a)(1)” and all that follows through subsection (c) and inserting the following:

“SEC. 5. IRRIGATION FACILITIES.

“(a) IN GENERAL.—

“(1) AUTHORIZED DEVELOPMENT.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 2000, the Secretary may develop irrigation in—

“(A) the Turtle Lake service area (13,700 acres);

“(B) the McClusky Canal service area (10,000 acres);

and

“(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

“(2) DEVELOPMENT NOT AUTHORIZED.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

“(3) NO EXCESS DEVELOPMENT.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer

areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

“(4) PUMPING POWER.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

“(5) PRINCIPAL SUPPLY WORKS.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McClusky Canal features of the principal supply works. Subject to the provisions of section (8) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000. In making this selection, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.”;

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking “(a)(1)” and inserting “(a)”;

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking “Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)” and inserting “Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,”; and

(5) by adding at the end the following:

“(e) IRRIGATION REPORT TO CONGRESS.—

“(1) IN GENERAL.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

“(2) FINDING.—The report shall include a finding on the economic, financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

“(3) AUTHORIZATION.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

“(4) DOCUMENTATION.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.”.

SEC. 606. POWER.

Section 6 of Public Law 89-108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking “Notwithstanding the provisions of” and inserting “Pursuant to the provisions of”; and

(B) by striking “revenues,” and all that follows and inserting “revenues.”; and

(2) by striking subsection (c) and inserting the following:

“(c) NO INCREASE IN RATES OR EFFECT ON REPAYMENT METHODOLOGY.—In accordance with the last sentence of section 302(a)(3)

of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 2000 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.”.

SEC. 607. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking “The non-Federal share” and inserting “Unless otherwise provided in this Act, the non-Federal share”;

(ii) by striking “each water system” and inserting “water systems”;

(iii) by inserting after the second sentence the following: “The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. Proceeds from loan repayments and any interest thereon shall be treated as Federal funds.”; and

(iv) by striking the last sentence and inserting the following: “The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section.”; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

“(b) **WATER CONSERVATION PROGRAM.**—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

“(c) **NONREIMBURSABILITY OF COSTS.**—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 2000 shall be nonreimbursable.

“(d) INDIAN MUNICIPAL RURAL AND INDUSTRIAL WATER SUPPLY.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.”.

SEC. 608. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89-108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

“SEC. 8. SPECIFIC FEATURES.

“(a) RED RIVER VALLEY WATER SUPPLY PROJECT.—

“(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

“(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: Municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

“(3) COMMENCEMENT OF CONSTRUCTION.—(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

“(i) a detailed description of the proposed project feature;

“(ii) a summary of major issues addressed in the environmental impact statement;

“(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

“(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

“(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary’s transmittal of the report required in subparagraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further

Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

“(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

“(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

“(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

“(2) NEEDS.—The needs addressed in the report shall include such needs as—

“(A) municipal, rural, and industrial water supplies;

“(B) water quality;

“(C) aquatic environment;

“(D) recreation; and

“(E) water conservation measures.

“(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from States that may be affected by possible options to meet such needs as well as designees from other Federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other States that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such States and Federal agencies. Such States and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such States or on resources subject to such Federal agencies’ jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

“(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

“(c) ENVIRONMENTAL IMPACT STATEMENT.—

“(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

“(2) DRAFT.—

“(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including

the delivery of Missouri River water to the Red River Valley.

“(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

“(3) FINAL.—

“(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

“(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

“(d) PROCESS FOR SELECTION.—

“(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in coordination with affected local communities, shall select one or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary’s selection of an alternative shall be subject to judicial review.

“(2) AGREEMENTS.—If the Secretary selects an option under paragraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under paragraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

“(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

“(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility

or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.”.

SEC. 609. OAKES TEST AREA TITLE TRANSFER.

Public Law 89-108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

“SEC. 9. OAKES TEST AREA TITLE TRANSFER.

“(a) **IN GENERAL.**—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99-294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

“(b) **TERMS AND CONDITIONS.**—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

“(c) **COMPLIANCE.**—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

“(d) **FAILURE TO AGREE.**—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).”.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89-108 (100 Stat. 424; 106 Stat. 4669, 4739) is amended—

(1) in subsection (a)—

(A) by striking “(a)(1) There are authorized” and inserting the following:

“(a) **WATER DISTRIBUTION FEATURES.**—

“(1) **IN GENERAL.**—

“(A) **MAIN STEM SUPPLY WORKS.**—There is authorized”;

(B) in paragraph (1)—

(i) in the first sentence, by striking “\$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act” and inserting “\$164,000,000 to carry out section 5(a)”;

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

“(B) **RED RIVER VALLEY WATER SUPPLY PROJECT.**—There is authorized to be appropriated to carry out section 8(a)(1) \$200,000,000.”; and

(iii) by striking “Such sums” and inserting the following:

“(C) **AVAILABILITY.**—Such sums”; and

(C) in paragraph (2)—

(i) by striking “(2) There is” and inserting the following:

“(2) **INDIAN IRRIGATION.**—

- “(A) IN GENERAL.—There is”;
- (ii) by striking “for carrying out section 5(e) of this Act” and inserting “to carry out section 5(c)”; and
- (iii) by striking “Such sums” and inserting the following:
 - “(B) AVAILABILITY.—Such sums”;
- (2) in subsection (b)—
 - (A) by striking “(b)(1) There is” and inserting the following:
 - “(1) STATEWIDE.—
 - “(A) INITIAL AMOUNT.—There is”;
 - (B) in paragraph (1)—
 - (i) by inserting before “Such sums” the following:
 - “(B) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) \$200,000,000.”; and
 - (ii) by striking “Such sums” and inserting the following:
 - “(C) AVAILABILITY.—Such sums”; and
 - (C) in paragraph (2)—
 - (i) by striking “(2) There are authorized to be appropriated \$61,000,000” and all that follows through “Act.” and inserting the following:
 - “(2) INDIAN MUNICIPAL, RURAL, AND INDUSTRIAL AND OTHER DELIVERY FEATURES.—
 - “(A) INITIAL AMOUNT.—There is authorized to be appropriated—
 - “(i) to carry out section 8(a)(1), \$40,500,000; and
 - “(ii) to carry out section 7(d), \$20,500,000.”;
 - (ii) by inserting before “Such sums” the following:
 - “(B) ADDITIONAL AMOUNT.—
 - “(i) IN GENERAL.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) \$200,000,000.
 - “(ii) ALLOCATION.—The amount under clause (i) shall be allocated as follows:
 - “(I) \$30,000,000 to the Fort Totten Indian Reservation.
 - “(II) \$70,000,000 to the Fort Berthold Indian Reservation.
 - “(IV) \$80,000,000 to the Standing Rock Indian Reservation.
 - “(V) \$20,000,000 to the Turtle Mountain Indian Reservation.”; and
 - (iii) by striking “Such sums” and inserting the following:
 - “(C) AVAILABILITY.—Such sums”;
 - (3) in subsection (c)—
 - (A) by striking “(c) There is” and inserting the following:
 - “(c) RESOURCES TRUST AND OTHER PROVISIONS.—
 - “(1) INITIAL AMOUNT.—There is”; and
 - (B) by striking the second and third sentences and inserting the following:
 - “(2) ADDITIONAL AMOUNT.—In addition to amount under paragraph (1), there are authorized to be appropriated—

“(A) \$6,500,000 to carry out recreational projects; and

“(B) an additional \$25,000,000 to carry out section 11; to remain available until expended.

“(3) RECREATIONAL PROJECTS.—Of the funds authorized under paragraph (2) for recreational projects, up to \$1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

“(4) OPERATION AND MAINTENANCE.—

“(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

“(B) AUTHORIZATION LIMITS.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 2000, including funds expended for such purposes since the date of enactment of Public Law 99-294, shall not be counted against the authorization limits in this section.

“(5) MITIGATION AND ENHANCEMENT LAND.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit.”; and

(4) by striking subsection (e) and inserting the following:

“(e) INDEXING.—The \$200,000,000 amount under subsection (b)(1)(B), the \$200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 2000 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.”.

SEC. 611. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89-108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) CONTRIBUTION.—

“(1) INITIAL AUTHORIZATION.—

“(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

“(B) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed \$12,000,000.

“(2) ADDITIONAL AUTHORIZATION.—

“(A) IN GENERAL.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

“(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the

amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.”.

(2) in subsection (b), by striking “Wetlands Trust” and inserting “Natural Resources Trust”; and

(3) in subsection (c)—

(A) by striking “Wetland Trust” and inserting “Natural Resources Trust”;

(B) by striking “are met” and inserting “is met”;

(C) in paragraph (1), by inserting “, grassland conservation and riparian areas” after “habitat”; and

(D) in paragraph (2), by adding at the end the following:

“(C) The power to fund incentives for conservation practices by landowners.”.

TITLE VII

SEC. 701. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs;

(6) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships within Indian communities and between Indian and non-Indian communities and individuals; and

(7) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 702. DEFINITIONS.

In this title:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **SIOUX NATION.**—The term “Sioux Nation” means the Indian tribes comprising the Sioux Nation.

SEC. 703. RECONCILIATION CENTER.

(a) **ESTABLISHMENT.**—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as “Reconciliation Place”.

(b) **LOCATION.**—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as “The Reconciliation Place Addition” that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the purpose of establishing and operating The Reconciliation Place.

(c) **PURPOSES.**—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) **GRANT.**—

(1) **IN GENERAL.**—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) **GRANT AGREEMENT.**—

(A) **IN GENERAL.**—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) **CONSULTATION.**—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) **DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.**—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this

section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development \$18,258,441, to be used for the grant under this section.

SEC. 704. SIOUX NATION SUPREME COURT AND NATIONAL NATIVE AMERICAN MEDIATION TRAINING CENTER.

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and the National Native American Mediation Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE VIII—ERIE CANALWAY NATIONAL HERITAGE CORRIDOR

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the “Erie Canalway National Heritage Corridor Act”.

(b) DEFINITIONS.—For the purposes of this title, the following definitions shall apply:

(1) ERIE CANALWAY.—The term “Erie Canalway” means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term “Canalway Plan” means the comprehensive preservation and management plan for the Corridor required under section 806.

(3) COMMISSION.—The term “Commission” means the Erie Canalway National Heritage Corridor Commission established under section 804.

(4) CORRIDOR.—The term “Corridor” means the Erie Canalway National Heritage Corridor established under section 803.

(5) GOVERNOR.—The term “Governor” means the Governor of the State of New York.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the year 2000 marks the 175th Anniversary of New York State’s creation and stewardship of the Erie Canalway for commerce, transportation, and recreational purposes, establishing the network which made New York the “Empire State” and the Nation’s premier commercial and financial center;

(2) the canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance;

(3) the Erie Canalway was instrumental in the establishment of strong political and cultural ties between New England, upstate New York, and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country;

(4) the construction of the Erie Canalway was considered a supreme engineering feat, and most American canals were modeled after New York State's canal;

(5) at the time of construction, the Erie Canalway was the largest public works project ever undertaken by a State, resulting in the creation of critical transportation and commercial routes to transport passengers and goods;

(6) the Erie Canalway played a key role in turning New York City into a major port and New York State into the preeminent center for commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between the two countries;

(7) the Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art;

(8) there is national interest in the preservation and interpretation of the Erie Canalway's important historical, natural, cultural, and scenic resources; and

(9) partnerships among Federal, State, and local governments and their regional entities, nonprofit organizations, and the private sector offer the most effective opportunities for the preservation and interpretation of the Erie Canalway.

(b) **PURPOSES.**—The purposes of this title are—

(1) to designate the Erie Canalway National Heritage Corridor;

(2) to provide for and assist in the identification, preservation, promotion, maintenance, and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations;

(3) to promote and provide access to the Erie Canalway's historical, natural, cultural, scenic, and recreational resources;

(4) to provide a framework to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Erie Canalway; and

(5) to authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York and the Nation.

SEC. 803. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) **ESTABLISHMENT.**—To carry out the purposes of this title there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) **BOUNDARIES.**—The boundaries of the Corridor shall include those lands generally depicted on a map entitled "Erie Canalway National Heritage Area" numbered ERIE/80,000 and dated October

2000. This map shall be on file and available for public inspection in the appropriate office of the National Park Service, the office of the Commission, and the office of the New York State Canal Corporation in Albany, New York.

(c) OWNERSHIP AND OPERATION OF THE NEW YORK STATE CANAL SYSTEM.—The New York State Canal System shall continue to be owned, operated, and managed by the State of New York.

SEC. 804. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is established the Erie Canalway National Heritage Corridor Commission. The purpose of the Commission shall be—

(1) to work with Federal, State, and local authorities to develop and implement the Canalway Plan; and

(2) to foster the integration of canal-related historical, cultural, recreational, scenic, economic, and community development initiatives within the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 27 members as follows:

(1) The Secretary of the Interior, ex officio or the Secretary's designee.

(2) Seven members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience of the following agencies or those agencies' successors: The New York State Secretary of State, the New York State Department of Environment Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Agriculture and Markets, the New York State Department of Transportation, and the New York State Canal Corporation, and the Empire State Development Corporation.

(3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Secretary as follows:

(A) Eleven members based on a recommendation from each member of the United States House of Representatives whose district shall encompass the Corridor. Each shall be a resident of the district from which they shall be recommended.

(B) Two members based on a recommendation from each United States Senator from New York State.

(C) Six members who shall be residents of any county constituting the Corridor. One such member shall have knowledge and experience of the Canal Recreationway Commission.

(c) APPOINTMENTS AND VACANCIES.—Members of the Commission other than ex officio members shall be appointed for terms of 3 years. Of the original appointments, six shall be for a term of 1 year, six shall be for a term of 2 years, and seven shall be for a term of 3 years. Any member of the Commission appointed

for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICES.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) QUORUM AND VOTING.—Fourteen members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meeting shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated, the Commission is authorized—

(1) to procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission;

(2) to request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services;

(3) to request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services;

(4) to appoint and fix the compensation of staff to carry out its duties;

(5) to enter into cooperative agreements with the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission;

(6) to make grants to assist in the preparation and implementation of the Canalway Plan;

(7) to seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received

from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States;

(8) to assist others in developing educational, informational, and interpretive programs and facilities, and other such activities that may promote the implementation of the Canalway Plan;

(9) to hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; the Commission may not issue subpoenas or exercise any subpoena authority;

(10) to use the United States mails in the same manner as other departments or agencies of the United States;

(11) to request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request; and

(12) to establish such advisory groups as the Commission deems necessary.

(i) ACQUISITION OF PROPERTY.—Except as provided for leasing administrative facilities under section 804(h)(1), the Commission may not acquire any real property or interest in real property.

(j) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the date of enactment of this title.

SEC. 805. DUTIES OF THE COMMISSION.

(a) PREPARATION OF CANALWAY PLAN.—Not later than 3 years after the Commission receives Federal funding for this purpose, the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Secretary and the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan in section 806, the Canalway Plan shall incorporate and integrate existing Federal, State, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purpose of this title. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) IMPLEMENTATION OF CANALWAY PLAN.—After the Commission receives Federal funding for this purpose, and after review and upon approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake action to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and

(2) support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.

(c) PRIORITY ACTIONS.—Priority actions which may be carried out by the Commission under section 805(b), include—

(1) assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal;

(2) assisting State, local governments, and nonprofit organizations in designing, establishing, and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor;

(3) assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor;

(4) assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor;

(5) encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this title; and

(6) ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) ANNUAL REPORTS AND AUDITS.—For any year in which Federal funds have been received under this title, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 806. CANALWAY PLAN.

(a) CANALWAY PLAN REQUIREMENTS.—The Canalway Plan shall—

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate them to the extent feasible to ensure consistence with local, regional, and State planning efforts;

(2) provide a thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private-sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation of and methods to support the perpetuation of music, art, poetry, literature and folkways associated with the canals; and

(C) educational and interpretative programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and nonprofit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;

(6) propose programs to protect, interpret, and promote the Corridor's historical, cultural, recreational, educational, scenic, and natural resources;

(7) include an inventory of canal-related natural, cultural and historic sites and resources located in the Area;

(8) recommend Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;

(9) develop criteria and priorities for financial preservation assistance;

(10) identify and foster strong cooperative relationships between the National Park Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;

(11) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(12) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) APPROVAL OF THE CANALWAY PLAN.—The Secretary and the Governor shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) CRITERIA.—The Secretary may not approve the plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and consistent with such protection provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor. In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure effective implementation of State and local aspects of the Canalway Plan.

(d) DISAPPROVAL OF CANALWAY PLAN.—If the Secretary or the Governor do not approve the Canalway Plan, the Secretary or the Governor shall advise the Commission in writing within 90 days the reasons therefore and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove of the revised Canalway Plan.

(e) AMENDMENTS TO CANALWAY PLAN.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated pursuant to this title may not be expended to implement the changes made by such amendments until the Secretary and the Governor approve the amendments.

SEC. 807. DUTIES OF THE SECRETARY.

(a) **IN GENERAL.**—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan.

(b) **TECHNICAL ASSISTANCE.**—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to and award grants to the Commission to provide for the preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) **EARLY ACTIONS.**—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical and planning assistance for early actions that are important to the purposes of this title and that protect and preserve resources.

(d) **CANALWAY PLAN IMPLEMENTATION.**—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified that are the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) **DETAIL.**—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, two employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

SEC. 808. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of Government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 809. SAVINGS PROVISIONS.

(a) **AUTHORITY OF GOVERNMENTS.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) **ZONING OR LAND.**—Nothing in this title shall be construed to grant powers of zoning or land use to the Commission.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY.**—Nothing in this title shall be construed to affect or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property;

(2) any local zoning ordinance or land use plan of the State of New York or political subdivision thereof; or

(3) any State or local canal-related development plans including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) FISH AND WILDLIFE.—The designation of the Corridor shall not be diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—There is authorized to be appropriated for the Corridor not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title.

(2) MATCHING REQUIREMENT.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(b) OTHER FUNDING.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary for planning and technical assistance.

TITLE IX—LAW ENFORCEMENT PAY EQUITY

SEC. 901. SHORT TITLE.

This title may be cited as the “Law Enforcement Pay Equity Act of 2000”.

SEC. 902. ESTABLISHMENT OF UNIFORM SALARY SCHEDULE FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION AND UNITED STATES PARK POLICE.

(a) IN GENERAL.—Section 501(c)(1) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 4–416(c)(1), D.C. Code) is amended to read as follows:

“(c)(1) The annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division and the United States Park Police, serving in classes corresponding or similar to those in the salary schedule in section 101, shall be fixed in accordance with the following schedule of rates:

“Salary class and title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Time between steps	52 weeks			104 weeks			
Years in service		1	2	3	5	7	9
1: Private ...	32,623	34,587	36,626	38,306	41,001	43,728	45,407
3: Detective			42,378	44,502	46,620	48,746	50,837
4: Sergeant				46,151	48,446	50,746	53,056
5: Lieutenant ¹					50,910	53,462	56,545
7: Captain ¹						59,802	62,799
8: Inspector/ Major ¹						69,163	72,760
9: Deputy Chief ¹						79,768	85,158

"Salary class and title"	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
10: Assistant Chief ² 11: Chief, United States Secret Service Uniformed Division, United States Park Police ³							

¹ The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

² The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

³ The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

"Salary class and title"	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
Time between steps	104 weeks		156 weeks	208 weeks			
Years in service	11	13	15	18	22	26	30
1: Private ...	47,107	48,801	50,498	53,448	55,394	57,036	58,746
3: Detective	52,972	55,086	57,204	61,212	63,337	65,462	67,426
4: Sergeant	55,372	57,691	59,999	63,558	65,867	68,176	70,221
5: Lieutenant ¹	59,120	61,688	64,258	68,197	70,744	73,290	75,489
7: Captain ¹	65,797	68,757	71,747	76,292	79,309	82,325	84,796
8: Inspector/Major ¹	76,542	80,524	83,983	87,645	91,827	95,464	99,075
9: Deputy Chief ¹	90,578	95,980	99,968	103,957	107,945	111,933	115,291
10: Assistant Chief ² 11: Chief, United States Secret Service Uniformed Division, United States Park Police ³							

¹ The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

² The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

³ The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

(b) FREEZE OF CURRENT RATE FOR LOCALITY-BASED COMPARABILITY ADJUSTMENTS.—Notwithstanding any other provision of law, including this title or any provision of law amended by this title, no officer or member of the United States Secret Service Uniformed Division or the United States Park Police may be paid locality pay under section 5304 or section 5304a of title 5, United States Code, at a percentage rate for the applicable locality in

excess of the rate in effect for pay periods during calendar year 2000.

(c) CONFORMING AMENDMENTS.—

(1) APPLICATION OF PROVISIONS TO PARK POLICE.—Section 501(c) of such Act (sec. 4-416(c), D.C. Code) is amended—

(A) in paragraph (2), by striking “Treasury” and inserting the following: “Treasury, and the annual rates of basic compensation of officers and members of the United States Park Police shall be adjusted by the Secretary of the Interior,”;

(B) in paragraph (5), by inserting after “Uniformed Division” the following: “or officers and members of the United States Park Police”;

(C) in paragraph (6)(A), by inserting after “Uniformed Division” the following: “or the United States Park Police”; and

(D) in paragraph (7)(A), by inserting after “Uniformed Division” the following: “or the United States Park Police”.

(2) TERMINATION OF CURRENT ADJUSTMENT AUTHORITY.—Section 501(b) of such Act (sec. 4-416(b), D.C. Code) is amended by adding at the end the following new paragraph:

“(4) This subsection shall not apply with respect to any pay period for which the salary schedule under subsection (c) applies to the United States Park Police.”.

SEC. 903. REVISION OF CAPS ON MAXIMUM COMPENSATION.

(a) ANNUAL SALARY UNDER SCHEDULE.—Section 501(c)(2) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 4-416(c)(2), D.C. Code) is amended by striking the period at the end and inserting the following: “, except that in no case may the annual rate of basic compensation for any such officer or member exceed the rate of basic pay payable for level IV of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.”.

(b) REPEAL OF CAP ON COMBINED BASIC PAY AND LONGEVITY PAY.—Section 501(c) of such Act (sec. 4-416(c), D.C. Code) is amended by striking paragraph (4).

(c) LIMITATION ON PAY PERIOD EARNINGS FOR COMP TIME.—Section 1(h) of the Act entitled “An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes”, approved August 15, 1950 (sec. 4-1104(h), D.C. Code), is amended—

(1) in paragraphs (1) and (2), by striking “Metropolitan Police force; or of the Fire Department of the District of Columbia; or of the United States Park Police” each place it appears and inserting “Metropolitan Police force or of the Fire Department of the District of Columbia”; and

(2) in paragraph (3), by inserting after “United States Secret Service Uniformed Division” each place it appears the following: “or of the United States Park Police”.

SEC. 904. DETERMINATION OF SERVICE STEP ADJUSTMENTS.

(a) METHOD FOR DETERMINATION OF ADJUSTMENTS.—Section 303(a) of the District of Columbia Police and Firemen’s Salary Act of 1958 (sec. 4-412(a), D.C. Code) is amended—

(1) in the matter preceding paragraph (1), by “Each” and inserting “Except as provided in paragraph (5), each”; and

(2) by adding at the end the following new paragraph:

“(5) Each officer and member of the United States Secret Service Uniformed Division and the United States Park Police with a current performance rating of ‘satisfactory’ or better, shall have a service step adjustment in the following manner:

“(A) Each officer and member in service step 1, 2, or 3 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 52 calendar weeks of active service in the officer’s or member’s service step.

“(B) Each officer and member in service step 4, 5, 6, 7, 8, or 9 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 104 calendar weeks of active service in the officer’s or member’s service step.

“(C) Each officer and member in service step 10 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 156 calendar weeks of active service in the officer’s or member’s service step.

“(D) Each officer and member in service steps 11, 12, or 13 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 208 calendar weeks of active service in the officer’s or member’s service step.”.

(b) **USE OF TOTAL CREDITABLE SERVICE TO DETERMINE STEP PLACEMENT.**—Section 304 of such Act (sec. 4-413, D.C. Code) is amended—

(1) in subsection (a), by striking “(b)” and inserting “(b) or (c)”; and

(2) by adding at the end the following new subsection:

“(c)(1) Each officer and member of the United States Secret Service Uniformed Division or the United States Park Police who is promoted or transferred to a higher salary shall receive basic compensation in accordance with the officer’s or member’s total creditable service.

“(2) For purposes of this subsection, an officer’s or member’s creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.”.

(c) **CONFORMING AMENDMENT.**—Section 401(a) of such Act (sec. 4-415(a), D.C. Code) is amended by adding at the end the following new paragraph:

“(4) This subsection shall not apply to officers and members of the United States Secret Service Uniformed Division or the United States Park Police.”.

SEC. 905. CONVERSION TO NEW SALARY SCHEDULE.

(a) **IN GENERAL.**—

(1) **DETERMINATION OF RATES OF BASIC PAY.**—Effective on the first day of the 1st pay period beginning 6 months after the date of enactment of this Act, the Secretary of the Treasury shall fix the rates of basic pay for officers and members of

the United States Secret Service Uniformed Division, and the Secretary of the Interior shall fix the rates of basic pay for officers and members of the United States Park Police, in accordance with this subsection.

(2) PLACEMENT ON REVISED SALARY SCHEDULE.—

(A) IN GENERAL.—Each officer and member shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) in accordance with the member's total years of creditable service, receiving credit for all service step adjustments. If the scheduled rate of pay for the step to which the officer or member would be assigned in accordance with this paragraph is lower than the officer's or member's salary immediately prior to the enactment of this paragraph, the officer or member will be placed in and receive compensation at the next higher service step.

(B) CREDIT FOR INCREASES DURING TRANSITION.—Each member whose position is to be converted to the salary schedule under section 501(b) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by subsection (a)) and who, prior to the effective date of this section has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under section 501(b).

(C) CREDITABLE SERVICE DESCRIBED.—For purposes of this paragraph, an officer's or member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.

(b) HOLD HARMLESS FOR CURRENT TOTAL COMPENSATION.—Notwithstanding any other provision of law, if the total rate of compensation for an officer or employee for any pay period occurring after conversion to the salary schedule pursuant to subsection (a) (determined by taking into account any locality-based comparability adjustments, longevity pay, and other adjustments paid in addition to the rate of basic compensation) is less than the officer's or employee's total rate of compensation (as so determined) on the date of enactment, the rate of compensation for the officer or employee for the pay period shall be equal to—

(1) the rate of compensation on the date of enactment (as so determined); increased by

(2) a percentage equal to 50 percent of sum of the percentage adjustments made in the rate of basic compensation under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by subsection (a)) for pay periods occurring after the date of enactment and prior to the pay period involved.

(c) CONVERSION NOT TREATED AS TRANSFER OR PROMOTION.—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be considered to be transfers or promotions within the meaning

of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4-413, D.C. Code).

(d) **TRANSFER OF CREDIT FOR SATISFACTORY SERVICE.**—Each individual whose position is converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) in accordance with subsection (a) shall be granted credit for purposes of such individual's first service step adjustment under the salary schedule in such section 501(c) for all satisfactory service performed by the individual since the individual's last increase in basic pay prior to the adjustment under that section.

(e) **ADJUSTMENT TO TAKE INTO ACCOUNT GENERAL SCHEDULE ADJUSTMENTS DURING TRANSITION.**—The rates provided under the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, which takes effect during the period which begins on the date of the enactment of this Act and ends on the first day of the first pay period beginning 6 months after the date of enactment of this Act.

(f) **CONVERSION NOT TREATED AS SALARY INCREASE FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.**—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 2(a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be treated as an increase in salary for purposes of section 3 of the Act entitled "An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia", approved August 4, 1949 (sec. 4-604, D.C. Code), or section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (sec. 4-605, D.C. Code).

SEC. 906. PAY ADJUSTMENTS FOR CERTAIN POSITIONS.

(a) **TECHNICIAN DUTY.**—Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4-411, D.C. Code) is amended—

(1) in subsection (b), by striking "\$810 per annum" and inserting the following: "\$810 per annum, except in the case of an officer or member of the United States Secret Service Uniformed Division or the United States Park Police, who shall receive a per annum amount equal to 6 percent of the sum of such officer's or member's rate of basic compensation plus locality pay adjustments";

(2) in subsection (c), by striking "\$595 per annum" each place it appears and inserting the following: "\$595 per annum, except in the case of an officer or member of the United States Park Police, who shall receive a per annum amount equal to 6 percent of the sum of such officer's or member's rate of basic compensation plus locality pay adjustments"; and

(3) in subsection (e), by inserting after "Whenever any officer or member" the following: "(other than an officer or member of the United States Secret Service Uniformed Division or the United States Park Police)".

(b) HELICOPTER PILOT, BOMB DISPOSAL, OR SCUBA DIVING DUTY.—Section 202 of such Act (sec. 4-408, D.C. Code) is amended by striking “\$2,270 per annum” and inserting the following: “\$2,270 per annum, except in the case of an officer or member of the United States Park Police, who shall receive a per annum amount equal to 7 percent of the sum of such officer’s or member’s rate of basic compensation plus locality pay adjustments”.

SEC. 907. CONFORMING PROVISIONS RELATING TO FEDERAL LAW ENFORCEMENT PAY REFORM ACT.

(a) TERMINATION OF EXISTING SPECIAL SALARY RATES AND ADJUSTMENTS.—Beginning on the effective date of this Act—

(1) no existing special salary rates shall be authorized for members of the United States Park Police under section 5305 of title 5, United States Code (or any previous similar provision of law); and

(2) no special rates of pay or special pay adjustments shall be applicable to members of the United States Park Police pursuant to section 405 of the Federal Law Enforcement Pay Reform Act of 1990.

(b) CONFORMING AMENDMENTS.—(1) Section 405(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5303 note) is amended to read as follows:

“(b) This subsection applies with respect to any—

“(1) special agent within the Diplomatic Security Service;

“(2) probation officer (referred to in section 3672 of title 18, United States Code); or

“(3) pretrial services officer (referred to in section 3153 of title 18, United States Code).”.

(2) Section 405(c) of such Act (5 U.S.C. 5303 note) is amended to read as follows:

“(c) For purposes of this section, the term ‘appropriate agency head’ means—

“(1) with respect to any individual under subsection (b)(1), the Secretary of State; or

“(2) with respect to any individual under subsection (b)(2) or (b)(3), the Director of the Administrative Office of the United States Courts.”.

SEC. 908. SERVICE LONGEVITY PAYMENTS FOR METROPOLITAN POLICE DEPARTMENT.

(a) INCLUSION OF SERVICE LONGEVITY PAYMENTS IN AMOUNT OF FEDERAL BENEFIT PAYMENTS MADE TO METROPOLITAN POLICE DEPARTMENT OFFICERS AND MEMBERS.—Section 11012 of the District of Columbia Retirement Protection Act of 1997 (Public Law 105-33; 111 Stat. 718; D.C. Code, sec. 1-762.2) is amended by adding at the end the following new subsection:

“(e) TREATMENT OF INCREASES IN CERTAIN POLICE SERVICE LONGEVITY PAYMENTS.—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member of the Metropolitan Police Department, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the Police Recruiting and Retention Enhancement Amendment Act of 1999 had taken effect prior to the freeze date.”.

(b) CONFORMING AMENDMENT.—Section 11003(5) of such Act (Public Law 105-33; 111 Stat. 717; D.C. Code, sec. 1-761.2(5)) is amended by inserting after “except as” the following: “provided under section 11012(e) and as”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

SEC. 909. EFFECTIVE DATE.

Except as provided in section 908(c), this title and the amendments made by this title shall become effective on the first day of the first pay period beginning 6 months after the date of enactment.

TITLE X

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

SEC. 1001. Section 206(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (42 U.S.C. 12701 note) is amended—

(1) in paragraph (1), by striking “V” and inserting “III”; and

(2) in paragraph (4), by striking “reimbursable” and inserting “non-reimbursable”.

SEC. 1002. For purposes of part 2, subpart B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Public Law 102-550), notwithstanding any other provision of law or regulation, for purposes of measuring the extent of compliance with the housing goals for the years 2001, 2002, and 2003, the Secretary of Housing and Urban Development shall assign, in the case of the Federal Home Loan Mortgage Corporation, 1.35 units of credit toward achievement of each housing goal for each unit of multifamily housing (excepting units located in properties having between 5 and 50 units) qualifying as affordable under such housing goal.

SEC. 1003. Notwithstanding any other provision of law, neither the City of Toledo, Ohio, nor the Secretary of Housing and Urban Development (HUD) is required to enforce any requirements associated with Housing Development Grant number 00H006H6402 provided to the City of Toledo, Ohio, that prohibit or restrict the conversion of the rental units in the Beacon Place project to condominium ownership: *Provided*, That the City of Toledo and the Secretary of HUD are authorized to take any actions necessary to cause any such prohibition or restriction to be removed from the appropriate land records and otherwise terminated: *Provided further*, That converted units shall remain available as rental housing to those persons, including low- and very-low-income persons who presently reside in the units: *Provided further*, That the conversion proposal for Beacon Place apartments shall not reduce the number of affordable housing units in Toledo: *Provided further*, That any and all proceeds from such conversion are used to retire debt associated with the Beacon Place project or to rehabilitate the properties known as the Cubbon Properties.

SEC. 1004. The Comptroller General of the United States shall conduct a study on the following topics—

(a)(1) The adequacy of the capital structure of the Federal Home Loan Bank (FHLB) System as it relates to the risks posed by: (A) the traditional advances business of the FHLB System; (B) the expanded collateral provisions and permissible uses of advances under the Gramm-Leach-Bliley Act of 1999; and (C) the MPF, and other programs providing for the direct acquisition of mortgages. The analysis should examine the credit risk, interest rate risk, and operations risk associated with each structure;

(2) The risks associated with further growth in the direct acquisition of mortgages by the Federal Home Loan Bank System; and

(3) A comparison of the risk-based capital standard proposed by the Federal Housing Finance Board for the Federal Home Loan Bank System to the standard proposed by the Office of Federal Housing Enterprise Oversight for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the study required under subsection (a).

TITLE XI

DEPARTMENT OF THE TREASURY

ADMINISTRATIVE PROVISION

SEC. 1101. HONORING THE NAVAJO CODE TALKERS.

(a) Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress the following day;

(2) the military code, developed by the United States for transmitting messages, had been deciphered by the Japanese, and a search by United States intelligence was made to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the “Navajo Code Talkers”, were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy’s frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed over 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b)(1) To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(A) to award to each of the original 29 Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(B) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(2) For purposes of the awards authorized by paragraph (1), the Secretary of the Treasury (in this section referred to as the “Secretary”) shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(d) The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(e)(1) There is authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the costs of the medals authorized by this section.

(2) Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

TITLE XII

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

SEC. 1201. ABOVEGROUND STORAGE TANK GRANT PROGRAM.

(a) DEFINITIONS.—In this provision:

(1) ABOVEGROUND STORAGE TANK.—The term “aboveground storage tank” means any tank or combination of tanks (including any connected pipe)—

(A) that is used to contain an accumulation of regulated substances; and

(B) the volume of which (including the volume of any connected pipe) is located wholly above the surface of the ground.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) DENALI COMMISSION.—The term “Denali Commission” means the commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note).

(4) FEDERAL ENVIRONMENTAL LAW.—The term “Federal environmental law” means—

(A) the Oil Pollution Control Act of 1990 (33 U.S.C. 2701 et seq.);

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(E) any other Federal law that is applicable to the release into the environment of a regulated substance, as determined by the Administrator.

(5) NATIVE VILLAGE.—The term “Native village” has the meaning given the term in section 11(b) in Public Law 92-203 (85 Stat. 688).

(6) PROGRAM.—The term “program” means the Aboveground Storage Tank Grant Program established by subsection (b)(1).

(7) REGULATED SUBSTANCE.—The term “regulated substance” has the meaning given the term in section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991).

(8) STATE.—The term “State” means the State of Alaska.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a grant program to be known as the “Aboveground Storage Tank Grant Program”.

(2) GRANTS.—Under the program, the Administrator shall award a grant to—

(A) the State, on behalf of a Native village; or

(B) the Denali Commission.

(c) USE OF GRANTS.—The State or the Denali Commission shall use the funds of a grant under subsection (b) to repair, upgrade, or replace one or more aboveground storage tanks that—

- (1) leaks or poses an imminent threat of leaking, as certified by the Administrator, the Commandant of the Coast Guard, or any other appropriate Federal or State agency (as determined by the Administrator); and
- (2) is located in a Native village—
 - (A) the median household income of which is less than 80 percent of the median household income in the State;
 - (B) that is located—
 - (i) within the boundaries of—
 - (I) a unit of the National Park System;
 - (II) a unit of the National Wildlife Refuge System; or
 - (III) a National Forest; or
 - (ii) on public land under the administrative jurisdiction of the Bureau of Land Management; or
 - (C) that receives payments from the Federal Government under chapter 69 of title 31, United States Code (commonly known as “payments in lieu of taxes”).
- (d) REPORTS.—Not later than 1 year after the date on which the State or the Denali Commission receives a grant under subsection (c), and annually thereafter, the State or the Denali Commission, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to—
 - (1) the Administrator;
 - (2) the Committee on Resources of the House of Representatives;
 - (3) the Committee on Environment and Public Works of the Senate;
 - (4) the Committee on Appropriations of the House of Representatives; and
 - (5) the Committee on Appropriations of the Senate.
- (e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act, to remain available until expended—
 - (1) \$20,000,000 for fiscal year 2001; and
 - (2) such sums as are necessary for each fiscal year thereafter.

TITLE XIII

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ADMINISTRATIVE PROVISION

SEC. 1301. Of the proceeds in any fiscal year from the sale of timber on Federal property at the John C. Stennis Space Center, or on additional real property within the restricted easement area adjacent to the Center, any funds that are in excess of the amount necessary for the expenses of commonly accepted forest management practices on such properties may be retained and used by the National Aeronautics and Space Administration for the acquisition from willing sellers of up to a total of 500 acres of real property to establish education and visitor programs and facilities that promote and preserve the regional and national history of the area, including the contributions of Stennis Space Center, and, as necessary, for wetlands mitigation.

TITLE XIV—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SEC. 1401. PURPOSE.

The purpose of this title is to:

(1) Ensure that cruise vessels operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve comply with all applicable environmental laws, including, but not limited to, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901 et seq.), and the protections contained within this title.

(2) Ensure that cruise vessels do not discharge untreated sewage within the waters of the Alexander Archipelago, the navigable waters of the United States in the State of Alaska, or within the Kachemak Bay National Estuarine Research Reserve.

(3) Prevent the unregulated discharge of treated sewage and graywater while in ports in the State of Alaska or traveling near the shore in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

(4) Ensure that discharges of sewage and graywater from cruise vessels operating in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve can be monitored for compliance with the requirements contained in this title.

SEC. 1402. APPLICABILITY.

This title applies to all cruise vessels authorized to carry 500 or more passengers for hire.

SEC. 1403. PROHIBITION ON DISCHARGE OF UNTREATED SEWAGE.

No person shall discharge any untreated sewage from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER.

(a) No person shall discharge any treated sewage or graywater from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless—

(1) the cruise vessel is underway and proceeding at a speed of not less than six knots;

(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State of Alaska;

(3) the discharge complies with all applicable cruise vessel effluent standards established pursuant to this title and any other applicable law; and

(4) the cruise vessel is not in an area where the discharge of treated sewage or graywater is prohibited.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information on the environmental effects of the regulated discharges. The effluent discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State of Alaska water quality standards in force at the time of the enactment of this title.

(c) Until such time as the Administrator promulgates regulations under paragraph (b) of this section, treated sewage and graywater may be discharged from vessels subject to this title in circumstances otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, provided that—

(1) the discharge satisfies the minimum level of effluent quality specified in 40 CFR 133.102, as in effect on the date of enactment of this section;

(2) the geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 ml and not more than 10 percent of the samples exceed 40 fecal coliform/100 ml;

(3) concentrations of total residual chlorine may not exceed 10.0 µg/l; and

(4) prior to any such discharge occurring, the owner, operator or master, or other person in charge of a cruise vessel, can demonstrate test results from at least five samples taken from the vessel representative of the effluent to be discharged, on different days over a 30-day period, conducted in accordance with the guidelines promulgated by the Administrator in 40 CFR Part 136, which confirm that the water quality of the effluents proposed for discharge is in compliance with paragraphs (1), (2), and (3) of this subsection. To the extent not otherwise being done by the owner, operator, master or other person in charge of a cruise vessel pursuant to section 1406, the owner, operator, master or other person in charge of a cruise vessel shall demonstrate continued compliance through periodic sampling. Such sampling and test results shall be considered environmental compliance records that must be made available for inspection pursuant to section 1406(d) of this title.

SEC. 1405. SAFETY EXCEPTION.

Sections 1403 and 1404 of this title shall not apply to discharges made for the purpose of securing the safety of the cruise vessel or saving life at sea, provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge.

SEC. 1406. INSPECTION AND SAMPLING REGIME.

(a) The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels visiting ports in the State of Alaska or operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve are in full

compliance with this title, the Federal Water Pollution Control Act, as amended, and any regulations issued thereunder, other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) The inspection regime shall, at a minimum, include—

(1) examination of environmental compliance records and procedures; and

(2) inspection of the functionality and proper operation of installed equipment for abatement and control of any discharge.

(c) The inspection regime may—

(1) include unannounced inspections of any aspect of cruise vessel operations, equipment or discharges pertinent to the verification under subsection (a) of this section; and

(2) require the owner, operator or master, or other person in charge of a cruise vessel subject to this title to maintain and produce a logbook detailing the times, types, volumes or flow rates and locations of any discharges of sewage or graywater under this title.

(d) The inspection regime shall incorporate a plan for sampling and testing cruise vessel discharges to ensure that any discharges of sewage or graywater are in compliance with this title, the Federal Water Pollution Control Act, as amended, and any other applicable laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this title to conduct such samples or tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

SEC. 1407. CRUISE VESSEL EFFLUENT STANDARDS.

Pursuant to this title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates such effluent standards, treated sewage effluent discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

SEC. 1408. REPORTS.

(a) Any owner, operator or master, or other person in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of section 1403 or 1404 or pursuant to section 1405 of this title, or any regulations promulgated thereunder, shall immediately report that discharge to the Secretary, who shall provide a copy to the Administrator upon request.

(b) The Secretary may prescribe the form of reports required under this section.

SEC. 1409. ENFORCEMENT.

(a) ADMINISTRATIVE PENALTIES.—

(1) VIOLATIONS.—Any person who violates section 1403, 1404, 1408, or 1413 of this title, or any regulations promulgated pursuant to this title may be assessed a class I or class II civil penalty by the Secretary or Administrator.

(2) CLASSES OF PENALTIES.—

(A) CLASS I.—The amount of a class I civil penalty under this section may not exceed \$10,000 per violation, except that the maximum amount of any class I civil penalty under this section shall not exceed \$25,000. Before assessing a civil penalty under this clause, the Secretary or Administrator, as the case may be, shall give to the person to be assessed such penalty written notice of the Secretary's or Administrator's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to section 554 or 556 of title 5, but shall provide a reasonable opportunity to be heard and to present evidence.

(B) CLASS II.—The amount of a class II civil penalty under this section may not exceed \$10,000 per day for each day during which the violation continues, except that the maximum amount of any class II civil penalty under this section shall not exceed \$125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this paragraph.

(3) RIGHTS OF INTERESTED PERSONS.—

(A) PUBLIC NOTICE.—Before issuing an order assessing a class II civil penalty under this section, the Secretary or Administrator, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of each order.

(B) PRESENTATION OF EVIDENCE.—Any person who comments on a proposed assessment of a class II civil penalty under this section shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph, such person shall have a reasonable opportunity to be heard and present evidence.

(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.—If no hearing is held under subsection (2) before issuance of an order assessing a class II civil penalty under this section, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with subsection (2)(B). If the Administrator or Secretary denies a hearing under

this clause, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

(4) FINALITY OF ORDER.—An order assessing a class II civil penalty under this paragraph shall become final 30 days after its issuance unless a petition for judicial review is filed under subparagraph (6) or a hearing is requested under subsection (3)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

(5) EFFECT OF ACTION ON COMPLIANCE.—No action by the Administrator or Secretary under this paragraph shall affect any person's obligation to comply with any section of this title.

(6) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under this paragraph or who commented on the proposed assessment of such penalty in accordance with subsection (3) may obtain review of such assessment—

(A) in the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the District of Alaska; or

(B) in the case of assessment of a class II civil penalty, in the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The Administrator or Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

(7) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

(A) after the assessment has become final, or

(B) after a court in an action brought under subsection (6) has entered a final judgment in favor of the Administrator or Secretary, as the case may be, the Administrator or Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this subparagraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such

nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(8) SUBPOENAS.—The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this subsection and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator or Secretary or to appear and produce documents before the Administrator or Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who violates section 1403, 1404, 1408, or 1413 of this title, or any regulations promulgated pursuant to this title shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) JURISDICTION.—An action to impose a civil penalty under this section may be brought in the district court of the United States for the district in which the defendant is located, resides, or transacts business, and such court shall have jurisdiction to assess such penalty.

(3) LIMITATION.—A person is not liable for a civil judicial penalty under this paragraph for a violation if the person has been assessed a civil administrative penalty under paragraph (a) for the violation.

(c) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court, the Secretary or the Administrator, as the case may be, shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and other such matters as justice may require.

(d) CRIMINAL PENALTIES.—

(1) NEGLIGENT VIOLATIONS.—Any person who negligently violates section 1403, 1404, 1408, or 1413 of this title, or any regulations promulgated pursuant to this title commits a Class A misdemeanor.

(2) KNOWING VIOLATIONS.—Any person who knowingly violates section 1403, 1404, 1408, or 1413 of this title, or any regulations promulgated pursuant to this title commits a Class D felony.

(3) FALSE STATEMENTS.—Any person who knowingly makes any false statement, representation, or certification in any record, report or other document filed or required to be maintained under this title or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be

maintained under this title, or the regulations issued thereunder, commits a Class D felony.

(e) AWARDS.—

(1) The Secretary, the Administrator, or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines or civil penalties collected under this section an amount not to exceed one-half of the penalty or fine collected, to any individual who furnishes information which leads to the payment of the penalty or fine. If several individuals provide such information, the amount shall be divided equitably among such individuals. No officer or employee of the United States, the State of Alaska or any federally recognized Tribe who furnishes information or renders service in the performance of his or her official duties shall be eligible for payment under this subsection.

(2) The Secretary, Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay, from any fines or civil penalties collected under this section, to the State of Alaska or to any federally recognized Tribe providing information or investigative assistance which leads to payment of the penalty or fine, an amount which reflects the level of information or investigative assistance provided. Should the State of Alaska or a federally recognized Tribe and an individual under paragraph (1) of this section be eligible for an award, the Secretary, the Administrator, or the court, as the case may be, shall divide the amount equitably.

(f) LIABILITY IN REM.—A cruise vessel operated in violation of this title or the regulations issued thereunder is liable in rem for any fine imposed under subsection (d) of this section or for any civil penalty imposed under subsections (a) or (b) of this section, and may be proceeded against in the United States district court of any district in which the cruise vessel may be found.

(g) COMPLIANCE ORDERS.—

(1) IN GENERAL.—Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 1403, 1404, 1408, or 1413 of this title, or any regulations promulgated pursuant to this title, the Administrator shall issue an order requiring such person to comply with such section or requirement, or shall bring a civil action in accordance with subsection (b).

(2) COPIES OF ORDERS, SERVICE.—A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State of Alaska. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be served on any appropriate corporate officer. Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed 30 days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and not to exceed a time the Administrator determines to be reasonable in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(h) CIVIL ACTIONS.—The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized

to issue a compliance order under this subsection. Any action under subsection (h) may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the State of Alaska.

SEC. 1410. DESIGNATION OF CRUISE VESSEL NO-DISCHARGE ZONES.

If the State of Alaska determines that the protection and enhancement of the quality of some or all of the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve require greater environmental protection, the State of Alaska may petition the Administrator to prohibit the discharge of graywater and sewage from cruise vessels operating in such waters. The establishment of such a prohibition shall be achieved in the same manner as the petitioning process and prohibition of the discharge of sewage pursuant to section 312(f) of the Federal Water Pollution Control Act, as amended, and the regulations promulgated thereunder.

SEC. 1411. SAVINGS CLAUSE.

(a) Nothing in this title shall be construed as restricting, affecting, or amending any other law or the authority of any department, instrumentality, or agency of the United States.

(b) Nothing in this title shall in any way affect or restrict, or be construed to affect or restrict, the authority of the State of Alaska or any political subdivision thereof—

(1) to impose additional liability or additional requirements;

or

(2) to impose, or determine the amount of a fine or penalty (whether criminal or civil in nature) for any violation of law; relating to the discharge of sewage (whether treated or untreated) or graywater in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1412. REGULATIONS.

The Secretary and the Administrator each may prescribe any regulations necessary to carry out the provisions of this title.

SEC. 1413. INFORMATION GATHERING AUTHORITY.

The authority of sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, shall be available to the Administrator to carry out the provisions of this title. The Administrator and the Secretary shall minimize, to the extent practicable, duplication of or inconsistency with the inspection, sampling, testing, recordkeeping, and reporting requirements established by the Secretary under section 1406 of this title.

SEC. 1414. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Environmental Protection Agency.

(2) CRUISE VESSEL.—The term “cruise vessel” means a passenger vessel as defined in section 2101(22) of title 46, United States Code. The term “cruise vessel” does not include a vessel of the United States operated by the Federal Government or a vessel owned and operated by the government of a State.

(3) DISCHARGE.—The term “discharge” means any release however caused from a cruise vessel, and includes any escape, disposal, spilling, leaking, pumping, emitting, or emptying.

(4) GRAYWATER.—The term “graywater” means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.

(5) NAVIGABLE WATERS.—The term “navigable waters” has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.

(6) PERSON.—The term “person” means an individual, corporation, partnership, limited liability company, association, State, municipality, commission, or political subdivision of a State, or any federally recognized tribe.

(7) SECRETARY.—The term “Secretary” means the Secretary of the department in which the United States Coast Guard is operating.

(8) SEWAGE.—The term “sewage” means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(9) TREATED SEWAGE.—The term “treated sewage” means sewage meeting all applicable effluent limitation standards and processing requirements of the Federal Water Pollution Control Act, as amended and of this title, and regulations promulgated under either.

(10) UNTREATED SEWAGE.—The term “untreated sewage” means sewage that is not treated sewage.

(11) WATERS OF THE ALEXANDER ARCHIPELAGO.—The term “waters of the Alexander Archipelago” means all waters under the sovereignty of the United States within or near Southeast Alaska, beginning at a point 58°11'41"N, 136°39'25"W [near Cape Spencer Light], thence southeasterly along a line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics connecting the following five pairs of points:

(1) 58°05'17"N, 136°33'49"W and 58°11'41"N, 136°39'25"W [Cross Sound].

(2) 56°09'40"N, 134°40'00"W and 55°49'15"N, 134°17'40"W [Chatham Strait].

(3) 55°49'15"N, 134°17'40"W and 55°50'30"N, 133°54'15"W [Sumner Strait].

(4) 54°41'30"N, 132°01'00"W and 54°51'30"N, 131°20'45"W [Clarence Strait].

(5) 54°51'30"N, 131°20'45"W and 54°46'15"N, 130°52'00"W [Revillagiedo Channel].

The portion of each such geodesic situated beyond three nautical miles from the baseline from which the breadth of the territorial sea is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

TITLE XV—LIFE ACT AMENDMENTS

SEC. 1501. SHORT TITLE.

This title may be cited as the “LIFE Act Amendments of 2000”.

SEC. 1502. SUBSTITUTION OF ALTERNATIVE ADJUSTMENT PROVISION.

(a) EXTENDED APPLICATION OF SECTION 245(i).—

(1) IN GENERAL.—Paragraph (1) of section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B)(i), by striking “January 14, 1998” and inserting “April 30, 2001”;

(C) in subparagraph (B), by adding “and” at the end; and

(D) by inserting after subparagraph (B) the following new subparagraph:

“(C) who, in the case of a beneficiary of a petition for classification, or an application for labor certification, described in subparagraph (B) that was filed after January 14, 1998, is physically present in the United States on the date of the enactment of the LIFE Act Amendments of 2000;”.

(2) MODIFICATION IN USE OF FUNDS.—Paragraph (3)(B) of such section is amended by inserting before the period the following: “, except that in the case of fees attributable to applications for a beneficiary with respect to whom a petition for classification, or an application for labor certification, described in paragraph (1)(B) was filed after January 14, 1998, one-half of such remaining portion shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m)”.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (m) of section 245 of the Immigration and Nationality Act, as added by section 1102(c) of the Legal Immigration Family Equity Act, is repealed.

(2) Section 245 of the Immigration and Nationality Act, as amended by section 1102(d)(2) of the Legal Immigration Family Equity Act, is amended by striking “or (m)” each place it appears.

SEC. 1503. MODIFICATION OF SECTION 1104 ADJUSTMENT PROVISIONS.

(a) INCLUSION OF ADDITIONAL CLASS.—Section 1104(b) of the Legal Immigration Family Equity Act is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).”.

(b) CONFORMING APPLICATION OF CONSENT PROVISION.—Section 1104(c) of the Legal Immigration Family Equity Act is amended by adding at the end the following new paragraph:

“(10) CONFORMING APPLICATION OF CONSENT PROVISION.—

In addition to the waivers provided in subsection (d)(2) of such section 245A of the Immigration and Nationality Act, the Attorney General may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C)

of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)). In granting such waivers, the Attorney General shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section.”.

(c) INAPPLICABILITY OF REMOVAL ORDER REINSTATEMENT.—Section 1104 of such Act is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

“(g) INAPPLICABILITY OF REMOVAL ORDER REINSTATEMENT.—Section 241(a)(5) of the Immigration and Nationality Act shall not apply with respect to an alien who is applying for adjustment of status under this section.”.

SEC. 1504. APPLICATION OF FAMILY UNITY PROVISIONS TO SPOUSES AND UNMARRIED CHILDREN OF CERTAIN LIFE ACT BENEFICIARIES.

(a) IMMIGRATION BENEFITS.—Except as provided in subsection (d), in the case of an eligible spouse or child (as described in subsection (b)), the Attorney General—

(1) shall not remove the alien on a ground specified in paragraph (1)(A), (1)(B), (1)(C), or (3)(A) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), other than so much of paragraph (1)(A) of such section as relates to a ground of inadmissibility described in paragraph (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)); and

(2) shall authorize the alien to engage in employment in the United States during the period of time in which protection is provided under paragraph (1) and shall provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment.

(b) ELIGIBLE SPOUSES AND CHILDREN.—For purposes of this section, the term “eligible spouse or child” means an alien who is the spouse or unmarried child of an alien described in section 1104(b) of the Legal Immigration Family Equity Act if the spouse or child—

(1) entered the United States before December 1, 1988; and

(2) resided in the United States on such date.

(c) PROCESS FOR RELIEF FOR ELIGIBLE SPOUSES AND CHILDREN OUTSIDE THE UNITED STATES.—If an alien has obtained lawful permanent resident status under section 1104 of the Legal Immigration Family Equity Act and the alien has an eligible spouse or child who is no longer physically present in the United States, the Attorney General shall establish a process under which the eligible spouse or child may be paroled into the United States in order to obtain the benefits of subsection (a) unless the Attorney General finds that the spouse or child would be inadmissible or deportable on any ground, other than a ground for which the alien would not be subject to removal under subsection (a)(1). An alien so paroled shall not be treated as paroled into the United States for purposes of section 201(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(4)).

(d) EXCEPTION.—An alien is not eligible for the benefits of this section if the Attorney General finds that—

(1) the alien has been convicted of a felony or three or more misdemeanors in the United States; or

(2) the alien is described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(e) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section.

SEC. 1505. MISCELLANEOUS AMENDMENTS TO VARIOUS ADJUSTMENT AND RELIEF ACTS.

(a) NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.—

(1) IN GENERAL.—Section 202(a) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(A) by redesignating paragraph (2) as paragraph (3);

and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) RULES IN APPLYING CERTAIN PROVISIONS.—In the case of an alien described in subsection (b) or (d) who is applying for adjustment of status under this section—

“(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply; and

“(B) the Attorney General may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act.

In granting waivers under subparagraph (B), the Attorney General shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).”

(2) PERMITTING MOTION TO REOPEN.—Notwithstanding any time and number limitations imposed by law on motions to reopen exclusion, removal, or deportation proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act)), a national of Cuba or Nicaragua who has become eligible for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act as a result of the amendments made by paragraph (1), may file one motion to reopen exclusion, deportation, or removal proceedings to apply for such adjustment under that Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien’s eligibility for adjustment of status under that Act. All such motions shall be filed within 180 days of the date of the enactment of this Act.

(b) HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.—

(1) INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 902(a) of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(A) by redesignating paragraph (2) as paragraph (3);

and

(B) by inserting after paragraph (1) the following new paragraph:

“(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In the case of an alien described in subsection (b) or (d) who is applying for adjustment of status under this section—

“(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply; and

“(B) the Attorney General may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act.

In granting waivers under subparagraph (B), the Attorney General shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).”.

(2) PERMITTING MOTION TO REOPEN.—Notwithstanding any time and number limitations imposed by law on motions to reopen exclusion, removal, or deportation proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act)), a national of Haiti who has become eligible for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 as a result of the amendments made by paragraph (1), may file one motion to reopen exclusion, deportation, or removal proceedings to apply for such adjustment under that Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien’s eligibility for adjustment of status under that Act. All such motions shall be filed within 180 days of the date of the enactment of this Act.

(c) SECTION 309 OF IIRIRA.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by adding at the end the following new subsection:

“(h) RELIEF AND MOTIONS TO REOPEN.—

“(1) RELIEF.—An alien described in subsection (c)(5)(C)(i) who is otherwise eligible for—

“(A) suspension of deportation pursuant to section 244(a) of the Immigration and Nationality Act, as in effect before the title III–A effective date; or

“(B) cancellation of removal, pursuant to section 240A(b) of the Immigration and Nationality Act and subsection (f) of this section;

shall not be barred from applying for such relief by operation of section 241(a)(5) of the Immigration and Nationality Act, as in effect after the title III–A effective date.

“(2) ADDITIONAL MOTION TO REOPEN PERMITTED.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien’s conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act)), any alien who is described in subsection (c)(5)(C)(i) and who has become eligible for cancellation of removal or suspension of deportation as a result of the enactment of paragraph (1) may file one motion to reopen removal or deportation proceedings in order to apply for cancellation of removal or suspension of deportation. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien’s eligibility for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this subsection and shall extend for a period not to exceed 240 days.

“(3) CONSTRUCTION.—Nothing in this subsection shall preclude an alien from filing a motion to reopen pursuant to section 240(b)(5)(C)(ii) of the Immigration and Nationality Act,

or section 242B(c)(3)(B) of such Act (as in effect before the title III-A effective date).”.

SEC. 1506. EFFECTIVE DATE.

This title shall take effect as if included in the enactment of the Legal Immigration Family Equity Act.

TITLE XVI—IMPROVING LITERACY THROUGH FAMILY LITERACY PROJECTS

SEC. 1601. SHORT TITLE.

This title may be cited as the “Literacy Involves Families Together Act”.

SEC. 1602. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(b)) is amended by striking “\$118,000,000 for fiscal year 1995” and inserting “\$250,000,000 for fiscal year 2001”.

SEC. 1603. IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1111(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)) is amended—

- (1) in paragraph (5), by striking “and” at the end;
- (2) in paragraph (6), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
 “(7) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.”.

SEC. 1604. EVEN START FAMILY LITERACY PROGRAMS.

(a) **PART HEADING.**—The part heading for part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended to read as follows:

“PART B—WILLIAM F. GOODLING EVEN START FAMILY LITERACY PROGRAMS”.

(b) **STATEMENT OF PURPOSE.**—Section 1201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361) is amended—

- (1) in paragraph (1), by inserting “high quality” after “build on”; and
- (2) by amending paragraph (2) to read as follows:
 “(2) promote the academic achievement of children and adults;”;
- (3) by striking the period at the end of paragraph (3) and inserting “; and”; and
- (4) by adding at the end the following:
 “(4) use instructional programs based on scientifically based reading research (as defined in section 2252) and the prevention

of reading difficulties for children and adults, to the extent such research is available.”.

(c) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(or, if such appropriated amount exceeds \$200,000,000, 6 percent of such amount)” after “1002(b)”;

(B) in paragraph (2), by striking “If the amount of funds made available under this subsection exceeds \$4,600,000,” and inserting “After the date of the enactment of the Literacy Involves Families Together Act,”; and

(C) by adding at the end the following:

“(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—

The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians.”.

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

“(b) RESERVATION FOR FEDERAL ACTIVITIES.—

“(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

“(A) carrying out the evaluation required by section 1209; and

“(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

“(2) RESEARCH.—In the case of fiscal years 2001 through 2004, if the amount appropriated under section 1002(b) for any of such years—

“(A) is equal to or less than the amounts appropriated for the preceding fiscal year, the Secretary may reserve from such amount only the amount necessary to continue multiyear activities carried out pursuant to section 1211(b) that began during or prior to the preceding fiscal year; or

“(B) exceeds the amount appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 1211(b).”.

(d) RESERVATION FOR GRANTS.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended—

(1) by striking “From funds reserved under section 2260(b)(3), the Secretary shall award grants,” and inserting “For any fiscal year for which at least one State applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such

section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection (b)(2), the amount of such remainder or \$1,000,000, whichever is less, to award grants,”; and

(2) by adding at the end “No State may receive more than one grant under this subsection.”.

(e) ALLOCATIONS.—Section 1202(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(d)(2)) is amended by striking “that section” and inserting “that part”.

(f) STATE LEVEL ACTIVITIES.—Section 1203(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(a)) is amended—

(1) by striking “5 percent” and inserting “a total of 6 percent”; and

(2) in paragraph (1), by inserting before the semicolon the following: “, not to exceed half of such total”.

(g) SUBGRANTS FOR LOCAL PROGRAMS.—Section 1203(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(b)(2)) is amended to read as follows:

“(2) MINIMUM SUBGRANT AMOUNTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than \$75,000.

“(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

“(C) EXCEPTION FOR SINGLE SUBGRANT.—A State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State to award such subgrants.”.

(h) USES OF FUNDS.—Section 1204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364) is amended—

(1) in subsection (a), by striking “family-centered education programs” and inserting “family literacy services”; and

(2) by adding at the end the following:

“(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

“(1) IN GENERAL.—From funds reserved under section 1203(a), a State may use a portion of such funds to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State’s use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

“(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

“(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State may use the funds referred to in such paragraph to provide

technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

“(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.”.

(i) PROGRAM ELEMENTS.—Section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively;

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following:

“(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, ensure that—

“(A) not later than 4 years after the date of the enactment of the Literacy Involves Families Together Act—

“(i) a majority of the individuals providing academic instruction—

“(I) shall have obtained an associate’s, bachelor’s, or graduate degree in a field related to early childhood education, elementary or secondary school education, or adult education; and

“(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

“(ii) the individual responsible for administration of family literacy services under this part has received training in the operation of a family literacy program; and

“(iii) paraprofessionals who provide support for academic instruction have a high school diploma or its recognized equivalent; and

“(B) beginning on the date of the enactment of the Literacy Involves Families Together Act, all new personnel hired to provide academic instruction—

“(i) have obtained an associate’s, bachelor’s, or graduate degree in a field related to early childhood education, elementary or secondary school education, or adult education; and

“(ii) if applicable, meet qualifications established by the State for early childhood education, elementary or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;”;

(4) in paragraph (8) (as so redesignated by paragraph (2)), by striking “or enrichment” and inserting “and enrichment”.

(5) by inserting after paragraph (9) (as so redesignated by paragraph (2)) the following:

“(10) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and adults, to the extent such research is available;

“(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

“(12) include reading readiness activities for preschool children based on scientifically based reading research (as defined in section 2252), to the extent available, to ensure children enter school ready to learn to read;

“(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes”; and

(5) in paragraph (14) (as so redesignated), by striking “program,” and inserting “program to be used for program improvement.”.

(j) ELIGIBLE PARTICIPANTS.—Section 1206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)(B) by striking “part,” and inserting “part, or who are attending secondary school,”; and

(2) in subsection (b), by adding at the end the following:

“(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.”.

(k) PLAN.—Section 1207(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “and continuous improvement” after “plan of operation”;

(B) in subparagraph (A), by striking “goals,” and inserting “objectives, strategies to meet such objectives, and how they are consistent with the program indicators established by the State,”;

(C) in subparagraph (E), by striking “and” at the end;

(D) in subparagraph (F)—

(i) by striking “Act, the Goals 2000: Educate America Act,” and inserting “Act”; and

(ii) by striking the period at the end and inserting “; and”;

(E) by adding at the end the following:

“(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.”; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “(1)(A)” and inserting “(1)”.

(l) AWARD OF SUBGRANTS.—Section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) by striking “including a high” and inserting “such as a high”; and

(ii) by striking “part A,” and inserting “part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);”;

(B) in paragraph (1)(F), by striking “Federal” and inserting “non-Federal”;

(C) in paragraph (1)(H), by inserting “family literacy projects and other” before “local educational agencies”; and

(D) in paragraph (3), in the matter preceding subparagraph (A), by striking “one or more of the following individuals:” and inserting “one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:”; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

“(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.”; and

(B) by amending paragraph (5)(B) to read as follows:

“(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).”.

(m) RESEARCH.—Section 1211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369b) is amended—

(1) in subsection (b), by striking “subsection (a)” and inserting “subsections (a) and (b)”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

“(1) IN GENERAL.—From amounts reserved under section 1202(b)(2), the National Institute for Literacy, in consultation with the Secretary, shall carry out research that—

“(A) is scientifically based reading research (as defined in section 2252); and

“(B) determines—

“(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

“(ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children’s literacy development.

“(2) USE OF EXPERT ENTITY.—The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.”.

(n) **INDICATORS OF PROGRAM QUALITY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall notify each State that receives funds under part B of title I of the Elementary and Secondary Education Act of 1965 that to be eligible to receive fiscal year 2001 funds under part B, such State shall submit to the Secretary, not later than June 30, 2001, its indicators of program quality as described in section 1210 of the Elementary and Secondary Education Act of 1965. A State that fails to comply with this subsection shall be ineligible to receive funds under such part in subsequent years unless such State submits to the Secretary, not later than June 30 of the year in which funds are requested, its indicators of program quality as described in section 1210 of the Elementary and Secondary Education Act of 1965.

SEC. 1605. EDUCATION OF MIGRATORY CHILDREN.

Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

- (1) in paragraph (5), by striking “and” at the end;
- (2) in paragraph (6), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
 “(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.”.

SEC. 1606. DEFINITIONS.

(a) **IN GENERAL.**—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended—

- (1) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and
- (2) by inserting after paragraph (14) the following:
 “(15) **FAMILY LITERACY SERVICES.**—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EVEN START FAMILY LITERACY PROGRAMS.**—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) **READING AND LITERACY GRANTS.**—(A) Section 2252 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661a) is amended—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(B) Section 2260 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661i) is amended—

(i) in subsection (a), by striking “and section 1202(c)” each place it appears, and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting “and” after the semicolon;

(II) in paragraph (2), by striking “; and ” and inserting a period; and

(III) by striking paragraph (3).

SEC. 1607. INDIAN EDUCATION.

(a) **EARLY CHILDHOOD DEVELOPMENT PROGRAM.**—Section 1143 of the Education Amendments of 1978 (25 U.S.C. 2023) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking “(f)” and inserting “(g)”; and

(B) by striking “(e)” and inserting “(f)”; and

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following: “(D) family literacy services.”;

(3) in subsection (e), by striking “(f),” and inserting “(g),”;

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following:

“(e) Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.”.

(b) **DEFINITIONS.**—Section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) the term ‘family literacy services’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);”.

TITLE XVII—CHILDREN’S INTERNET PROTECTION

SEC. 1701. SHORT TITLE.

This title may be cited as the “Children’s Internet Protection Act”.

SEC. 1702. DISCLAIMERS.

(a) **DISCLAIMER REGARDING CONTENT.**—Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, elementary or secondary school, or library from blocking access on the Internet on computers owned or operated by that agency, school, or library to any content other than content covered by this title or the amendments made by this title.

(b) **DISCLAIMER REGARDING PRIVACY.**—Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user.

SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES.

(a) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of measures that meet such needs; and

(3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

(b) **DEFINITIONS.**—In this section:

(1) **TECHNOLOGY PROTECTION MEASURE.**—The term “technology protection measure” means a specific technology that blocks or filters Internet access to visual depictions that are—

(A) obscene, as that term is defined in section 1460 of title 18, United States Code;

(B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or

(C) harmful to minors.

(2) **HARMFUL TO MINORS.**—The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(3) **SEXUAL ACT; SEXUAL CONTACT.**—The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18, United States Code.

Subtitle A—Federal Funding for Educational Institution Computers

SEC. 1711. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

“PART F—LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS

“SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

“(a) INTERNET SAFETY.—

“(1) IN GENERAL.—No funds made available under this title to a local educational agency for an elementary or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934, as added by section 1721 of Children’s Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

“(A)(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

“(B)(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(2) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

“(A) IN GENERAL.—The local educational agency with responsibility for a school covered by paragraph (1) shall certify the compliance of such school with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this section, and for each subsequent program funding year thereafter.

“(B) PROCESS.—

“(i) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

“(ii) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

“(I) for the first program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

“(II) for the second program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

Any school covered by paragraph (1) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this title for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

“(iii) WAIVERS.—Any school subject to a certification under clause (ii)(II) for which the local educational agency concerned cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The local educational agency concerned shall notify the Secretary of the applicability of that clause to the school. Such notice shall certify that the school will be brought into compliance with the requirements in paragraph (1) before the start of the third program year after the effective date of this section in which the school is applying for funds under this title.

“(3) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under paragraph (1) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

“(4) NONCOMPLIANCE.—

“(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that

any recipient of funds under this title is failing to comply substantially with the requirements of this subsection, the Secretary may—

“(i) withhold further payments to the recipient under this title,

“(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

“(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act (20 U.S.C. 1234d).

“(B) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this subsection, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

“(C) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that subparagraph.

“(5) DEFINITIONS.—In this section:

“(A) COMPUTER.—The term ‘computer’ includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

“(B) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.

“(C) ACQUISITION OR OPERATION.—A elementary or secondary school shall be considered to have received funds under this title for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

“(i) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

“(ii) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

“(D) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

“(E) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

“(F) HARMFUL TO MINORS.—The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that—

“(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(G) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

“(H) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

“(b) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of the Children’s Internet Protection Act.

“(c) SEPARABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.”.

SEC. 1712. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR LIBRARIES.

(a) AMENDMENT.—Section 224 of the Museum and Library Services Act (20 U.S.C. 9134(b)) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

“(6) provide assurances that the State will comply with subsection (f); and”; and

(2) by adding at the end the following new subsection:

“(f) INTERNET SAFETY.—

“(1) IN GENERAL.—No funds made available under this Act for a library described in section 213(2)(A) or (B) that does not receive services at discount rates under section 254(h)(6) of the Communications Act of 1934, as added by section 1721 of this Children’s Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

“(A) such library—

“(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

“(B) such library—

“(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet

access that protects against access through such computers to visual depictions that are—

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(2) ACCESS TO OTHER MATERIALS.—Nothing in this subsection shall be construed to prohibit a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (II), and (III) of paragraph (1)(A)(i).

“(3) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research or other lawful purposes.

“(4) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

“(A) IN GENERAL.—A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this subsection, and for each subsequent program funding year thereafter.

“(B) PROCESS.—

“(i) LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

“(ii) LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

“(I) for the first program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

“(II) for the second program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this Act for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

“(iii) WAIVERS.—Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement

rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this Act.

“(5) NONCOMPLIANCE.—

“(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this Act is failing to comply substantially with the requirements of this subsection, the Director may—

“(i) withhold further payments to the recipient under this Act,

“(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

“(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

“(B) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

“(C) RECOMMENCEMENT OF PAYMENTS.—Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

“(6) SEPARABILITY.—If any provision of this subsection is held invalid, the remainder of this subsection shall not be affected thereby.

“(7) DEFINITIONS.—In this section:

“(A) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

“(B) HARMFUL TO MINORS.—The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that—

“(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(C) MINOR.—The term ‘minor’ means an individual who has not attained the age of 17.

“(D) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

“(E) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle B—Universal Service Discounts

SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO ENFORCE INTERNET SAFETY POLICIES WITH TECHNOLOGY PROTECTION MEASURES FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) SCHOOLS.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS.—

“(A) INTERNET SAFETY.—

“(i) IN GENERAL.—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school—

“(I) submits to the Commission the certifications described in subparagraphs (B) and (C);

“(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the school under subsection (l); and

“(III) ensures the use of such computers in accordance with the certifications.

“(ii) APPLICABILITY.—The prohibition in clause (i) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

“(iii) PUBLIC NOTICE; HEARING.—An elementary or secondary school described in clause (i), or the school board, local educational agency, or other authority with responsibility for administration of the school, shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy. In the case of an elementary

or secondary school other than an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), the notice and hearing required by this clause may be limited to those members of the public with a relationship to the school.

“(B) CERTIFICATION WITH RESPECT TO MINORS.—A certification under this subparagraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school—

“(i) is enforcing a policy of Internet safety for minors that includes monitoring the online activities of minors and the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

“(C) CERTIFICATION WITH RESPECT TO ADULTS.—A certification under this paragraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school—

“(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(D) DISABLING DURING ADULT USE.—An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

“(E) TIMING OF IMPLEMENTATION.—

“(i) IN GENERAL.—Subject to clause (ii) in the case of any school covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children’s Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

“(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

“(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

“(ii) PROCESS.—

“(I) SCHOOLS WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children’s Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

“(II) SCHOOLS WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)—

“(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

“(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any school that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such school comes into compliance with this paragraph.

“(III) WAIVERS.—Any school subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year program may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A school, school board, local educational agency, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of such subclause to the school. Such notice shall certify that

the school in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the school is applying for funds under this subsection.

“(F) NONCOMPLIANCE.—

“(i) FAILURE TO SUBMIT CERTIFICATION.—Any school that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

“(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse any funds and discounts received under this subsection for the period covered by such certification.

“(iii) REMEDY OF NONCOMPLIANCE.—

“(I) FAILURE TO SUBMIT.—A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the school shall be eligible for services at discount rates under this subsection.

“(II) FAILURE TO COMPLY.—A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the school shall be eligible for services at discount rates under this subsection.”.

(b) LIBRARIES.—Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

“(6) REQUIREMENTS FOR CERTAIN LIBRARIES WITH COMPUTERS HAVING INTERNET ACCESS.—

“(A) INTERNET SAFETY.—

“(i) IN GENERAL.—Except as provided in clause (ii), a library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library—

“(I) submits to the Commission the certifications described in subparagraphs (B) and (C); and

“(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the library under subsection (1); and

“(III) ensures the use of such computers in accordance with the certifications.

“(ii) APPLICABILITY.—The prohibition in clause (i) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

“(iii) PUBLIC NOTICE; HEARING.—A library described in clause (i) shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy.

“(B) CERTIFICATION WITH RESPECT TO MINORS.—A certification under this subparagraph is a certification that the library—

“(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene;

“(II) child pornography; or

“(III) harmful to minors; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

“(C) CERTIFICATION WITH RESPECT TO ADULTS.—A certification under this paragraph is a certification that the library—

“(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

“(I) obscene; or

“(II) child pornography; and

“(ii) is enforcing the operation of such technology protection measure during any use of such computers.

“(D) DISABLING DURING ADULT USE.—An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

“(E) TIMING OF IMPLEMENTATION.—

“(i) IN GENERAL.—Subject to clause (ii) in the case of any library covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children’s Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

“(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

“(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

“(ii) PROCESS.—

“(I) LIBRARIES WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B)

and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

“(II) LIBRARIES WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)—

“(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

“(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

“(III) WAIVERS.—Any library subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A library, library board, or other authority with responsibility for administration of the library shall notify the Commission of the applicability of such subclause to the library. Such notice shall certify that the library in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the library is applying for funds under this subsection.

“(F) NONCOMPLIANCE.—

“(i) FAILURE TO SUBMIT CERTIFICATION.—Any library that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

“(ii) FAILURE TO COMPLY WITH CERTIFICATION.—Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse all funds and discounts received under this subsection for the period covered by such certification.

“(iii) REMEDY OF NONCOMPLIANCE.—

“(I) FAILURE TO SUBMIT.—A library that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the library shall be eligible for services at discount rates under this subsection.

“(II) FAILURE TO COMPLY.—A library that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the library shall be eligible for services at discount rates under this subsection.”.

(c) DEFINITIONS.—Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

“(D) MINOR.—The term ‘minor’ means any individual who has not attained the age of 17 years.

“(E) OBSCENE.—The term ‘obscene’ has the meaning given such term in section 1460 of title 18, United States Code.

“(F) CHILD PORNOGRAPHY.—The term ‘child pornography’ has the meaning given such term in section 2256 of title 18, United States Code.

“(G) HARMFUL TO MINORS.—The term ‘harmful to minors’ means any picture, image, graphic image file, or other visual depiction that—

“(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

“(H) SEXUAL ACT; SEXUAL CONTACT.—The terms ‘sexual act’ and ‘sexual contact’ have the meanings given such terms in section 2246 of title 18, United States Code.

“(I) TECHNOLOGY PROTECTION MEASURE.—The term ‘technology protection measure’ means a specific technology that blocks or filters Internet access to the material covered

by a certification under paragraph (5) or (6) to which such certification relates.”.

(d) CONFORMING AMENDMENT.—Paragraph (4) of such section is amended by striking “paragraph (5)(A)” and inserting “paragraph (7)(A)”.

(e) SEPARABILITY.—If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) REGULATIONS.—

(1) REQUIREMENT.—The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) DEADLINE.—Notwithstanding any other provision of law, the Commission shall prescribe regulations under paragraph (1) so as to ensure that such regulations take effect 120 days after the date of the enactment of this Act.

(g) AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

(2) TECHNOLOGY PROTECTION MEASURE DEFINED.—In this section, the term “technology protection measure” has the meaning given that term in section 1703.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle C—Neighborhood Children’s Internet Protection

SEC. 1731. SHORT TITLE.

This subtitle may be cited as the “Neighborhood Children’s Internet Protection Act”.

SEC. 1732. INTERNET SAFETY POLICY REQUIRED.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

“(1) INTERNET SAFETY POLICY REQUIREMENT FOR SCHOOLS AND LIBRARIES.—

“(1) IN GENERAL.—In carrying out its responsibilities under subsection (h), each school or library to which subsection (h) applies shall—

“(A) adopt and implement an Internet safety policy that addresses—

“(i) access by minors to inappropriate matter on the Internet and World Wide Web;

“(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

“(iii) unauthorized access, including so-called ‘hacking’, and other unlawful activities by minors online;

“(iv) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

“(v) measures designed to restrict minors’ access to materials harmful to minors; and

“(B) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy.

“(2) LOCAL DETERMINATION OF CONTENT.—A determination regarding what matter is inappropriate for minors shall be made by the school board, local educational agency, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

“(A) establish criteria for making such determination;

“(B) review the determination made by the certifying school, school board, local educational agency, library, or other authority; or

“(C) consider the criteria employed by the certifying school, school board, local educational agency, library, or other authority in the administration of subsection (h)(1)(B).

“(3) AVAILABILITY FOR REVIEW.—Each Internet safety policy adopted under this subsection shall be made available to the Commission, upon request of the Commission, by the school, school board, local educational agency, library, or other authority responsible for adopting such Internet safety policy for purposes of the review of such Internet safety policy by the Commission.

“(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries on or after the date that is 120 days after the date of the enactment of the Children’s Internet Protection Act.”.

SEC. 1733. IMPLEMENTING REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations for purposes of section 254(l) of the Communications Act of 1934, as added by section 1732 of this Act.

Subtitle D—Expedited Review

SEC. 1741. EXPEDITED REVIEW.

(a) THREE-JUDGE DISTRICT COURT HEARING.—Notwithstanding any other provision of law, any civil action challenging the constitutionality, on its face, of this title or any amendment made by this title, or any provision thereof, shall be heard by a district

court of three judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

(b) APPELLATE REVIEW.—Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of three judges in an action under subsection (a) holding this title or an amendment made by this title, or any provision thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.

This Act may be cited as the “Miscellaneous Appropriations Act, 2001”.

ENDNOTE: Appendixes D–1 and D–2 were added pursuant to the provisions of sections 125 and 127 of this Appendix (114 Stat. 2763A–229).

APPENDIX D-1—S. 2273

SECTION 1. SHORT TITLE.

This Act may be cited as the “Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and High Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin’s land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843-44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, woolly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term “Secretary” means the Secretary of the Interior.

(2) The term “public lands” has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term “conservation area” means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) **ESTABLISHMENT AND PURPOSES.**—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) **AREAS INCLUDED.**—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled “Black Rock Desert Emigrant Trail National Conservation Area” and dated July 19, 2000.

(c) **MAPS AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) **MANAGEMENT.**—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects, and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and

Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are

hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled “Black Rock Desert Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled “Pahute Peak Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled “North Black Rock Range Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled “East Fork High Rock Canyon Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled “High Rock Lake Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled “Little High Rock Canyon Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled “High Rock Canyon Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled “Calico Mountains Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled “South Jackson Mountains Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled “North Jackson Mountains Wilderness—Proposed” and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

APPENDIX D-2—S. 2885

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jamestown 400th Commemoration Commission Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth’s portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the Commonwealth of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **COMMEMORATION.**—The term “commemoration” means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) **COMMISSION.**—The term “Commission” means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) **GOVERNOR.**—The term “Governor” means the Governor of Virginia.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) **IN GENERAL.**—There is established a commission to be known as the “Jamestown 400th Commemoration Commission”.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of 15 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) **TERM; VACANCIES.**—

(A) **TERM.**—A member of the Commission shall be appointed for the life of the Commission.

(B) **VACANCIES.**—

(i) **IN GENERAL.**—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) **PARTIAL TERM.**—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) **MEETINGS.**—

(A) **IN GENERAL.**—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) **VOTING.**—

(A) **IN GENERAL.**—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(5) **CHAIRPERSON.**—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) **PLANS; REPORTS.**—

(A) **STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.**—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) **FINAL REPORT.**—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed \$10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel

without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) **MAXIMUM RATE OF PAY.**—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) **DETAIL OF GOVERNMENT EMPLOYEES.**—

(A) **FEDERAL EMPLOYEES.**—

(i) **IN GENERAL.**—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) **CIVIL SERVICE STATUS.**—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) **STATE EMPLOYEES.**—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) **VOLUNTEER AND UNCOMPENSATED SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) **SUPPORT SERVICES.**—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **NO EFFECT ON AUTHORITY.**—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) **TERMINATION.**—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

APPENDIX E—H.R. 5660

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Commodity Futures Modernization Act of 2000”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.

TITLE I—COMMODITY FUTURES MODERNIZATION

- Sec. 101. Definitions.
- Sec. 102. Agreements, contracts, and transactions in foreign currency, government securities, and certain other commodities.
- Sec. 103. Legal certainty for excluded derivative transactions.
- Sec. 104. Excluded electronic trading facilities.
- Sec. 105. Hybrid instruments; swap transactions.
- Sec. 106. Transactions in exempt commodities.
- Sec. 107. Application of commodity futures laws.
- Sec. 108. Protection of the public interest.
- Sec. 109. Prohibited transactions.
- Sec. 110. Designation of boards of trade as contract markets.
- Sec. 111. Derivatives transaction execution facilities.
- Sec. 112. Derivatives clearing.
- Sec. 113. Common provisions applicable to registered entities.
- Sec. 114. Exempt boards of trade.
- Sec. 115. Suspension or revocation of designation as contract market.
- Sec. 116. Authorization of appropriations.
- Sec. 117. Preemption.
- Sec. 118. Predispute resolution agreements for institutional customers.
- Sec. 119. Consideration of costs and benefits and antitrust laws.
- Sec. 120. Contract enforcement between eligible counterparties.
- Sec. 121. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
- Sec. 122. Rule of construction.
- Sec. 123. Technical and conforming amendments.
- Sec. 124. Privacy.
- Sec. 125. Report to Congress.
- Sec. 126. International activities of the Commodity Futures Trading Commission.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

- Sec. 201. Definitions under the Securities Exchange Act of 1934.
- Sec. 202. Regulatory relief for markets trading security futures products.
- Sec. 203. Regulatory relief for intermediaries trading security futures products.
- Sec. 204. Special provisions for interagency cooperation.
- Sec. 205. Maintenance of market integrity for security futures products.
- Sec. 206. Special provisions for the trading of security futures products.
- Sec. 207. Clearance and settlement.
- Sec. 208. Amendments relating to registration and disclosure issues under the Securities Act of 1933 and the Securities Exchange Act of 1934.
- Sec. 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.
- Sec. 210. Preemption of State laws.

Subtitle B—Amendments to the Commodity Exchange Act

- Sec. 251. Jurisdiction of Securities and Exchange Commission; other provisions.

- Sec. 252. Application of the Commodity Exchange Act to national securities exchanges and national securities associations that trade security futures.
- Sec. 253. Notification of investigations and enforcement actions.

TITLE III—LEGAL CERTAINTY FOR SWAP AGREEMENTS

- Sec. 301. Swap agreement.
- Sec. 302. Amendments to the Securities Act of 1933.
- Sec. 303. Amendments to the Securities Exchange Act of 1934.
- Sec. 304. Savings provision.

TITLE IV—REGULATORY RESPONSIBILITY FOR BANK PRODUCTS

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Exclusion of identified banking products commonly offered on or before December 5, 2000.
- Sec. 404. Exclusion of certain identified banking products offered by banks after December 5, 2000.
- Sec. 405. Exclusion of certain other identified banking products.
- Sec. 406. Administration of the predominance test.
- Sec. 407. Exclusion of covered swap agreements.
- Sec. 408. Contract enforcement.

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to reauthorize the appropriation for the Commodity Futures Trading Commission;
- (2) to streamline and eliminate unnecessary regulation for the commodity futures exchanges and other entities regulated under the Commodity Exchange Act;
- (3) to transform the role of the Commodity Futures Trading Commission to oversight of the futures markets;
- (4) to provide a statutory and regulatory framework for allowing the trading of futures on securities;
- (5) to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated;
- (6) to promote innovation for futures and derivatives and to reduce systemic risk by enhancing legal certainty in the markets for certain futures and derivatives transactions;
- (7) to reduce systemic risk and provide greater stability to markets during times of market disorder by allowing the clearing of transactions in over-the-counter derivatives through appropriately regulated clearing organizations; and
- (8) to enhance the competitive position of United States financial institutions and financial markets.

**TITLE I—COMMODITY FUTURES
MODERNIZATION**

SEC. 101. DEFINITIONS.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

- (1) by redesignating paragraphs (1) through (7), (8) through (12), (13) through (15), and (16) as paragraphs (2) through (8), (16) through (20), (22) through (24), and (28), respectively;
- (2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) **ALTERNATIVE TRADING SYSTEM.**—The term ‘alternative trading system’ means an organization, association, or group of persons that—

“(A) is registered as a broker or dealer pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof);

“(B) performs the functions commonly performed by an exchange (as defined in section 3(a)(1) of the Securities Exchange Act of 1934);

“(C) does not—

“(i) set rules governing the conduct of subscribers other than the conduct of such subscribers’ trading on the alternative trading system; or

“(ii) discipline subscribers other than by exclusion from trading; and

“(D) is exempt from the definition of the term ‘exchange’ under such section 3(a)(1) by rule or regulation of the Securities and Exchange Commission on terms that require compliance with regulations of its trading functions.”;

(3) by striking paragraph (2) (as redesignated by paragraph (1)) and inserting the following:

“(2) BOARD OF TRADE.—The term ‘board of trade’ means any organized exchange or other trading facility.”;

(4) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

“(9) DERIVATIVES CLEARING ORGANIZATION.—

“(A) IN GENERAL.—The term ‘derivatives clearing organization’ means a clearinghouse, clearing association, clearing corporation, or similar entity, facility, system, or organization that, with respect to an agreement, contract, or transaction—

“(i) enables each party to the agreement, contract, or transaction to substitute, through novation or otherwise, the credit of the derivatives clearing organization for the credit of the parties;

“(ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements, contracts, or transactions executed by participants in the derivatives clearing organization; or

“(iii) otherwise provides clearing services or arrangements that mutualize or transfer among participants in the derivatives clearing organization the credit risk arising from such agreements, contracts, or transactions executed by the participants.

“(B) EXCLUSIONS.—The term ‘derivatives clearing organization’ does not include an entity, facility, system, or organization solely because it arranges or provides for—

“(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

“(ii) settlement or netting of cash payments through an interbank payment system; or

“(iii) settlement, netting, or novation of obligations resulting from a sale of a commodity in a transaction in the spot market for the commodity.

“(10) ELECTRONIC TRADING FACILITY.—The term ‘electronic trading facility’ means a trading facility that—

“(A) operates by means of an electronic or telecommunications network; and

“(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

“(11) ELIGIBLE COMMERCIAL ENTITY.—The term ‘eligible commercial entity’ means, with respect to an agreement, contract or transaction in a commodity—

“(A) an eligible contract participant described in clause (i), (ii), (v), (vii), (viii), or (ix) of paragraph (12)(A) that, in connection with its business—

“(i) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

“(ii) incurs risks, in addition to price risk, related to the commodity; or

“(iii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

“(B) an eligible contract participant, other than a natural person or an instrumentality, department, or agency of a State or local governmental entity, that—

“(i) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

“(ii) either—

“(I) in the case of a collective investment vehicle whose participants include persons other than—

“(aa) qualified eligible persons, as defined in Commission rule 4.7(a) (17 CFR 4.7(a));

“(bb) accredited investors, as defined in Regulation D of the Securities and Exchange Commission under the Securities Act of 1933 (17 CFR 230.501(a)), with total assets of \$2,000,000; or

“(cc) qualified purchasers, as defined in section 2(a)(51)(A) of the Investment Company Act of 1940;

in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, \$1,000,000,000 in total assets; or

“(II) in the case of other persons, has, or is one of a group of persons under common control or management having in the aggregate, \$100,000,000 in total assets; or

“(C) such other persons as the Commission shall determine appropriate and shall designate by rule, regulation, or order.

“(12) ELIGIBLE CONTRACT PARTICIPANT.—The term ‘eligible contract participant’ means—

“(A) acting for its own account—

“(i) a financial institution;

“(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

“(iii) an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

“(iv) a commodity pool that—

“(I) has total assets exceeding \$5,000,000; and

“(II) is formed and operated by a person subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);

“(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

“(I) that has total assets exceeding \$10,000,000;

“(II) the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or

“(III) that—

“(aa) has a net worth exceeding \$1,000,000; and

“(bb) enters into an agreement, contract, or transaction in connection with the conduct of the entity’s business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity’s business;

“(vi) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

“(I) that has total assets exceeding \$5,000,000;

or

“(II) the investment decisions of which are made by—

“(aa) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or this Act;

“(bb) a foreign person performing a similar role or function subject as such to foreign regulation;

“(cc) a financial institution; or

“(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

“(vii)(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

“(II) a multinational or supranational government entity; or

“(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II); except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of section 1a(11)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis \$25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii);

“(viii)(I) a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

“(II) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b), 78q(h));

“(III) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i)));

“(ix) a futures commission merchant subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

“(x) a floor broker or floor trader subject to regulation under this Act in connection with any transaction that takes place on or through the facilities of a registered entity or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or

“(xi) an individual who has total assets in an amount in excess of—

“(I) \$10,000,000; or

“(II) \$5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual;

“(B)(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

“(ii) an investment adviser subject to regulation under the Investment Advisers Act of 1940, a commodity trading advisor subject to regulation under this Act, a foreign person performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

“(C) any other person that the Commission determines to be eligible in light of the financial or other qualifications of the person.

“(13) EXCLUDED COMMODITY.—The term ‘excluded commodity’ means—

“(i) an interest rate, exchange rate, currency, security, security index, credit risk or measure, debt or equity instrument, index or measure of inflation, or other macroeconomic index or measure;

“(ii) any other rate, differential, index, or measure of economic or commercial risk, return, or value that is—

“(I) not based in substantial part on the value of a narrow group of commodities not described in clause (i); or

“(II) based solely on one or more commodities that have no cash market;

“(iii) any economic or commercial index based on prices, rates, values, or levels that are not within the control of any party to the relevant contract, agreement, or transaction; or

“(iv) an occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or level of a commodity not described in clause (i)) that is—

“(I) beyond the control of the parties to the relevant contract, agreement, or transaction; and

“(II) associated with a financial, commercial, or economic consequence.

“(14) EXEMPT COMMODITY.—The term ‘exempt commodity’ means a commodity that is not an excluded commodity or an agricultural commodity.

“(15) FINANCIAL INSTITUTION.—The term ‘financial institution’ means—

“(A) a corporation operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 603), commonly known as ‘an agreement corporation’;

“(B) a corporation organized under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), commonly known as an ‘Edge Act corporation’;

“(C) an institution that is regulated by the Farm Credit Administration;

“(D) a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

“(E) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

“(F) a foreign bank or a branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(b)));

“(G) any financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

“(H) a trust company; or

“(I) a similarly regulated subsidiary or affiliate of an entity described in any of subparagraphs (A) through (H).”;

(5) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

“(21) HYBRID INSTRUMENT.—The term ‘hybrid instrument’ means a security having one or more payments indexed to the value, level, or rate of, or providing for the delivery of, one or more commodities.”;

(6) by striking paragraph (24) (as redesignated by paragraph (1)) and inserting the following:

“(24) MEMBER OF A CONTRACT MARKET; MEMBER OF A DERIVATIVES TRANSACTION EXECUTION FACILITY.—The term ‘member’ means, with respect to a contract market or derivatives transaction execution facility, an individual, association, partnership, corporation, or trust—

“(A) owning or holding membership in, or admitted to membership representation on, the contract market or derivatives transaction execution facility; or

“(B) having trading privileges on the contract market or derivatives transaction execution facility.

“(25) NARROW-BASED SECURITY INDEX.—

“(A) The term ‘narrow-based security index’ means an index—

“(i) that has 9 or fewer component securities;

“(ii) in which a component security comprises more than 30 percent of the index’s weighting;

“(iii) in which the five highest weighted component securities in the aggregate comprise more than 60 percent of the index’s weighting; or

“(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting have an aggregate dollar value of average daily trading volume of less than \$50,000,000 (or in the case of an index with 15 or more component securities, \$30,000,000), except that if there are two

or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

“(B) Notwithstanding subparagraph (A), an index is not a narrow-based security index if—

“(i)(I) it has at least 9 component securities;

“(II) no component security comprises more than 30 percent of the index's weighting; and

“(III) each component security is—

“(aa) registered pursuant to section 12 of the Securities Exchange Act of 1934;

“(bb) one of 750 securities with the largest market capitalization; and

“(cc) one of 675 securities with the largest dollar value of average daily trading volume;

“(ii) a board of trade was designated as a contract market by the Commodity Futures Trading Commission with respect to a contract of sale for future delivery on the index, before the date of the enactment of the Commodity Futures Modernization Act of 2000;

“(iii)(I) a contract of sale for future delivery on the index traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery on an index that was not a narrow-based security index; and

“(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

“(iv) a contract of sale for future delivery on the index is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Securities and Exchange Commission;

“(v) no more than 18 months have passed since the date of the enactment of the Commodity Futures Modernization Act of 2000 and—

“(I) it is traded on or subject to the rules of a foreign board of trade;

“(II) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

“(III) the conditions of such authorization continue to be met; or

“(vi) a contract of sale for future delivery on the index is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Securities and Exchange Commission.

“(C) Within 1 year after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission jointly shall adopt rules or regulations that set forth the requirements under subparagraph (B)(iv).

“(D) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (B) shall not be a narrow-based security index for the 3 following calendar months.

“(E) For purposes of subparagraphs (A) and (B)—

“(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

“(ii) the Commission and the Securities and Exchange Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

“(26) OPTION.—The term ‘option’ means an agreement, contract, or transaction that is of the character of, or is commonly known to the trade as, an ‘option’, ‘privilege’, ‘indemnity’, ‘bid’, ‘offer’, ‘put’, ‘call’, ‘advance guaranty’, or ‘decline guaranty’.

“(27) ORGANIZED EXCHANGE.—The term ‘organized exchange’ means a trading facility that—

“(A) permits trading—

“(i) by or on behalf of a person that is not an eligible contract participant; or

“(ii) by persons other than on a principal-to-principal basis; or

“(B) has adopted (directly or through another non-governmental entity) rules that—

“(i) govern the conduct of participants, other than rules that govern the submission of orders or execution of transactions on the trading facility; and

“(ii) include disciplinary sanctions other than the exclusion of participants from trading.”; and

(7) by adding at the end the following:

“(29) REGISTERED ENTITY.—The term ‘registered entity’ means—

“(A) a board of trade designated as a contract market under section 5;

“(B) a derivatives transaction execution facility registered under section 5a;

“(C) a derivatives clearing organization registered under section 5b; and

“(D) a board of trade designated as a contract market under section 5f.

“(30) SECURITY.—The term ‘security’ means a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) or section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

“(31) SECURITY FUTURE.—The term ‘security future’ means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security

under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of the enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 as in effect on the date of the enactment of the Futures Trading Act of 1982). The term ‘security future’ does not include any agreement, contract, or transaction excluded from this Act under section 2(c), 2(d), 2(f), or 2(g) of this Act (as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000) or title IV of the Commodity Futures Modernization Act of 2000.

“(32) SECURITY FUTURES PRODUCT.—The term ‘security futures product’ means a security future or any put, call, straddle, option, or privilege on any security future.

“(33) TRADING FACILITY.—

“(A) IN GENERAL.—The term ‘trading facility’ means a person or group of persons that constitutes, maintains, or provides a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.

“(B) EXCLUSIONS.—The term ‘trading facility’ does not include—

“(i) a person or group of persons solely because the person or group of persons constitutes, maintains, or provides an electronic facility or system that enables participants to negotiate the terms of and enter into bilateral transactions as a result of communications exchanged by the parties and not from interaction of multiple bids and multiple offers within a predetermined, nondiscretionary automated trade matching and execution algorithm;

“(ii) a government securities dealer or government securities broker, to the extent that the dealer or broker executes or trades agreements, contracts, or transactions in government securities, or assists persons in communicating about, negotiating, entering into, executing, or trading an agreement, contract, or transaction in government securities (as the terms ‘government securities dealer’, ‘government securities broker’, and ‘government securities’ are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); or

“(iii) facilities on which bids and offers, and acceptances of bids and offers effected on the facility, are not binding.

Any person, group of persons, dealer, broker, or facility described in clause (i) or (ii) is excluded from the meaning of the term ‘trading facility’ for the purposes of this Act without any prior specific approval, certification, or other action by the Commission.

“(C) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a derivatives clearing organization

of transactions executed on or through the person or group of persons.”.

SEC. 102. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is amended by adding at the end the following:

“(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in—

- “(A) foreign currency;
- “(B) government securities;
- “(C) security warrants;
- “(D) security rights;
- “(E) resales of installment loan contracts;
- “(F) repurchase transactions in an excluded commodity;

or

“(G) mortgages or mortgage purchase commitments.

“(2) COMMISSION JURISDICTION.—

“(A) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction described in paragraph (1) that is—

“(i) a contract of sale of a commodity for future delivery (or an option on such a contract), or an option on a commodity (other than foreign currency or a security or a group or index of securities), that is executed or traded on an organized exchange; or

“(ii) an option on foreign currency executed or traded on an organized exchange that is not a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

“(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

“(i) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934); and

“(ii) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

“(I) a financial institution;

“(II) a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5) or a futures commission merchant registered under this Act;

“(III) an associated person of a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5), or an affiliated person of a futures commission merchant registered under this Act, concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b), 78q(h)) or section 4f(c)(2)(B) of this Act;

“(IV) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

“(V) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

“(VI) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934).

“(C) Notwithstanding subclauses (II) and (III) of subparagraph (B)(ii), agreements, contracts, or transactions described in subparagraph (B) shall be subject to sections 4b, 4c(b), 6(c) and 6(d) (to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, and 8(a) if they are entered into by a futures commission merchant or an affiliate of a futures commission merchant that is not also an entity described in subparagraph (B)(ii) of this paragraph.”.

SEC. 103. LEGAL CERTAINTY FOR EXCLUDED DERIVATIVE TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(d) EXCLUDED DERIVATIVE TRANSACTIONS.—

“(1) IN GENERAL.—Nothing in this Act (other than section 5b or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

“(A) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

“(B) the agreement, contract, or transaction is not executed or traded on a trading facility.

“(2) ELECTRONIC TRADING FACILITY EXCLUSION.—Nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

“(A) the agreement, contract, or transaction is entered into on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii);

“(B) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants described in subparagraph (A), (B)(ii), or (C) of section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

“(C) the agreement, contract, or transaction is executed or traded on an electronic trading facility.”.

SEC. 104. EXCLUDED ELECTRONIC TRADING FACILITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(e) EXCLUDED ELECTRONIC TRADING FACILITIES.—

“(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to an electronic trading facility that limits transactions authorized to be conducted on its facilities to those satisfying the requirements of section 2(d)(2), 2(g), or 2(h)(3).

“(2) EFFECT ON AUTHORITY TO ESTABLISH AND OPERATE.—Nothing in this Act shall prohibit a board of trade designated by the Commission as a contract market or derivatives transaction execution facility, or operating as an exempt board of trade from establishing and operating an electronic trading facility excluded under this Act pursuant to paragraph (1).

“(3) EFFECT ON TRANSACTIONS.—No failure by an electronic trading facility to limit transactions as required by paragraph (1) of this subsection or to comply with section 2(h)(5) shall in itself affect the legality, validity, or enforceability of an agreement, contract, or transaction entered into or traded on the electronic trading facility or cause a participant on the system to be in violation of this Act.

“(4) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a derivatives clearing organization of transactions executed on or through the person or group of persons.”.

SEC. 105. HYBRID INSTRUMENTS; SWAP TRANSACTIONS.

(a) HYBRID INSTRUMENTS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(f) EXCLUSION FOR QUALIFYING HYBRID INSTRUMENTS.—

“(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to a hybrid instrument that is predominantly a security.

“(2) PREDOMINANCE.—A hybrid instrument shall be considered to be predominantly a security if—

“(A) the issuer of the hybrid instrument receives payment in full of the purchase price of the hybrid instrument, substantially contemporaneously with delivery of the hybrid instrument;

“(B) the purchaser or holder of the hybrid instrument is not required to make any payment to the issuer in addition to the purchase price paid under subparagraph (A), whether as margin, settlement payment, or otherwise, during the life of the hybrid instrument or at maturity;

“(C) the issuer of the hybrid instrument is not subject by the terms of the instrument to mark-to-market margining requirements; and

“(D) the hybrid instrument is not marketed as a contract of sale of a commodity for future delivery (or option on such a contract) subject to this Act.

“(3) MARK-TO-MARKET MARGINING REQUIREMENTS.—For the purposes of paragraph (2)(C), mark-to-market margining requirements do not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument to secure the repayment obligations of the issuer under the secured debt instrument.”.

(b) SWAP TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(g) EXCLUDED SWAP TRANSACTIONS.—No provision of this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)) shall apply to or govern any agreement, contract, or transaction in a commodity other than an agricultural commodity if the agreement, contract, or transaction is—

“(1) entered into only between persons that are eligible contract participants at the time they enter into the agreement, contract, or transaction;

“(2) subject to individual negotiation by the parties; and

“(3) not executed or traded on a trading facility.”.

(c) STUDY REGARDING RETAIL SWAPS.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Commodity Futures Trading Commission, and the Securities and Exchange Commission shall conduct a study of issues involving the offering of swap agreements to persons other than eligible contract participants (as defined in section 1a of the Commodity Exchange Act).

(2) MATTERS TO BE ADDRESSED.—The study shall address—

(A) the potential uses of swap agreements by persons other than eligible contract participants;

(B) the extent to which financial institutions are willing to offer swap agreements to persons other than eligible contract participants;

(C) the appropriate regulatory structure to address customer protection issues that may arise in connection with the offer of swap agreements to persons other than eligible contract participants; and

(D) such other relevant matters deemed necessary or appropriate to address.

(3) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, a report on the findings and conclusions of the study required by paragraph (1) shall be submitted to Congress, together with such recommendations for legislative action as are deemed necessary and appropriate.

SEC. 106. TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(h) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—

“(1) Except as provided in paragraph (2), nothing in this Act shall apply to a contract, agreement, or transaction in an exempt commodity which—

“(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

“(B) is not entered into on a trading facility.

“(2) An agreement, contract, or transaction described in paragraph (1) of this subsection shall be subject to—

“(A) sections 5b and 12(e)(2)(B);

“(B) sections 4b, 4o, 6(c), 6(d), 6c, 6d, and 8a, and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction is not between eligible commercial entities (unless one of the entities is an instrumentality, department, or agency of a State or local governmental entity) and would otherwise be subject to such sections and regulations; and

“(C) sections 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and the agreement, contract, or transaction would otherwise be subject to such sections.

“(3) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—

“(A) entered into on a principal-to-principal basis solely between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and

“(B) executed or traded on an electronic trading facility.

“(4) An agreement, contract, or transaction described in paragraph (3) of this subsection shall be subject to—

“(A) sections 5a (to the extent provided in section 5a(g)), 5b, 5d, and 12(e)(2)(B);

“(B) sections 4b and 4o and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions to the extent the agreement, contract, or transaction would otherwise be subject to such sections and regulations;

“(C) sections 6(c) and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract, or transaction would otherwise be subject to such sections; and

“(D) such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data to the extent appropriate, if the Commission determines that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying any agreement, contract, or transaction executed or traded on the electronic trading facility.

“(5) An electronic trading facility relying on the exemption provided in paragraph (3) shall—

“(A) notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in paragraph (3), which notice shall include—

“(i) the name and address of the facility and a person designated to receive communications from the Commission;

“(ii) the commodity categories that the facility intends to list or otherwise make available for trading on the facility in reliance on the exemption set forth in paragraph (3);

“(iii) certifications that—

“(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the facility is a person described in any of subparagraphs (A) through (H) of section 8a(2);

“(II) the facility will comply with the conditions for exemption under this paragraph; and

“(III) the facility will notify the Commission of any material change in the information previously provided by the facility to the Commission pursuant to this paragraph; and

“(iv) the identity of any derivatives clearing organization to which the facility transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the facility in reliance on the exemption set forth in paragraph (3);

“(B)(i)(I) provide the Commission with access to the facility’s trading protocols and electronic access to the facility with respect to transactions conducted in reliance on the exemption set forth in paragraph (3); or

“(II) provide such reports to the Commission regarding transactions executed on the facility in reliance on the exemption set forth in paragraph (3) as the Commission may from time to time request to enable the Commission to satisfy its obligations under this Act;

“(ii) maintain for 5 years, and make available for inspection by the Commission upon request, records of activities related to its business as an electronic trading facility exempt under paragraph (3), including—

“(I) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the facility conducted in reliance on the exemption set forth in paragraph (3); and

“(II) the name and address of each participant on the facility authorized to enter into transactions in reliance on the exemption set forth in paragraph (3); and

“(iii) upon special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information related to its business as an electronic trading facility exempt under paragraph (3), including information relating to data entry and transaction details in respect of transactions entered into in reliance on the exemption set forth in

paragraph (3), as the Commission may determine appropriate—

“(I) to enforce the provisions specified in subparagraphs (B) and (C) of paragraph (4);

“(II) to evaluate a systemic market event; or

“(III) to obtain information requested by a Federal financial regulatory authority in order to enable the regulator to fulfill its regulatory or supervisory responsibilities;

“(C)(i) upon receipt of any subpoena issued by or on behalf of the Commission to any foreign person who the Commission believes is conducting or has conducted transactions in reliance on the exemption set forth in paragraph (3) on or through the electronic trading facility relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner reasonable under the circumstances, or as specified by the Commission; and

“(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission pursuant to clause (i), and the Commission in writing has directed that a facility relying on the exemption set forth in paragraph (3) deny or limit further transactions by the person, the facility shall deny that person further trading access to the facility or, as applicable, limit that person’s access to the facility for liquidation trading only;

“(D) comply with the requirements of this paragraph applicable to the facility and require that each participant, as a condition of trading on the facility in reliance on the exemption set forth in paragraph (3), agree to comply with all applicable law;

“(E) have a reasonable basis for believing that participants authorized to conduct transactions on the facility in reliance on the exemption set forth in paragraph (3) are eligible commercial entities; and

“(F) not represent to any person that the facility is registered with, or designated, recognized, licensed, or approved by the Commission.

“(6) A person named in a subpoena referred to in paragraph (5)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this section, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.”.

SEC. 107. APPLICATION OF COMMODITY FUTURES LAWS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

“(i) APPLICATION OF COMMODITY FUTURES LAWS.—

“(1) No provision of this Act shall be construed as implying or creating any presumption that—

“(A) any agreement, contract, or transaction that is excluded from this Act under section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

“(B) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so excluded or exempted, is or would otherwise be subject to this Act.

“(2) No provision of, or amendment made by, the Commodity Futures Modernization Act of 2000 shall be construed as conferring jurisdiction on the Commission with respect to any such agreement, contract, or transaction, except as expressly provided in section 5a of this Act (to the extent provided in section 5a(g) of this Act), 5b of this Act, or 5d of this Act.”.

SEC. 108. PROTECTION OF THE PUBLIC INTEREST.

The Commodity Exchange Act is amended by striking section 3 (7 U.S.C. 5) and inserting the following:

“SEC. 3. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The transactions subject to this Act are entered into regularly in interstate and international commerce and are affected with a national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information through trading in liquid, fair and financially secure trading facilities.

“(b) PURPOSE.—It is the purpose of this Act to serve the public interests described in subsection (a) through a system of effective self-regulation of trading facilities, clearing systems, market participants and market professionals under the oversight of the Commission. To foster these public interests, it is further the purpose of this Act to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions subject to this Act and the avoidance of systemic risk; to protect all market participants from fraudulent or other abusive sales practices and misuses of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.”.

SEC. 109. PROHIBITED TRANSACTIONS.

Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by striking “SEC. 4c.” and all that follows through subsection (a) and inserting the following:

“SEC. 4c. PROHIBITED TRANSACTIONS.

“(a) IN GENERAL.—

“(1) PROHIBITION.—It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of a transaction described in paragraph (2) involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) if the transaction is used or may be used to—

“(A) hedge any transaction in interstate commerce in the commodity or the product or byproduct of the commodity;

“(B) determine the price basis of any such transaction in interstate commerce in the commodity; or

“(C) deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction.

“(2) TRANSACTION.—A transaction referred to in paragraph (1) is a transaction that—

“(A)(i) is, of the character of, or is commonly known to the trade as, a ‘wash sale’ or ‘accommodation trade’; or

“(ii) is a fictitious sale; or

“(B) is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price.”.

SEC. 110. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

The Commodity Exchange Act is amended—

(1) by redesignating section 5b (7 U.S.C. 7b) as section 5e; and

(2) by striking sections 5 and 5a (7 U.S.C. 7, 7a) and inserting the following:

“SEC. 5. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

“(a) APPLICATIONS.—A board of trade applying to the Commission for designation as a contract market shall submit an application to the Commission that includes any relevant materials and records the Commission may require consistent with this Act.

“(b) CRITERIA FOR DESIGNATION.—

“(1) IN GENERAL.—To be designated as a contract market, the board of trade shall demonstrate to the Commission that the board of trade meets the criteria specified in this subsection.

“(2) PREVENTION OF MARKET MANIPULATION.—The board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

“(3) FAIR AND EQUITABLE TRADING.—The board of trade shall establish and enforce trading rules to ensure fair and equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—

“(A) transfer trades or office trades;

“(B) an exchange of—

“(i) futures in connection with a cash commodity transaction;

“(ii) futures for cash commodities; or

“(iii) futures for swaps; or

“(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

“(4) TRADE EXECUTION FACILITY.—The board of trade shall—

“(A) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and

“(B) demonstrate that the trade execution facility operates in accordance with the rules or specifications.

“(5) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules and procedures for

ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

“(6) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

“(7) PUBLIC ACCESS.—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.

“(8) ABILITY TO OBTAIN INFORMATION.—The board of trade shall establish and enforce rules that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

“(c) EXISTING CONTRACT MARKETS.—A board of trade that is designated as a contract market on the date of the enactment of the Commodity Futures Modernization Act of 2000 shall be considered to be a designated contract market under this section.

“(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

“(1) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.

“(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.

“(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

“(4) MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.

“(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.

“(6) EMERGENCY AUTHORITY.—The board of trade shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—

“(A) liquidate or transfer open positions in any contract;

“(B) suspend or curtail trading in any contract; and

“(C) require market participants in any contract to meet special margin requirements.

“(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public information concerning—

“(A) the terms and conditions of the contracts of the contract market; and

“(B) the mechanisms for executing transactions on or through the facilities of the contract market.

“(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

“(9) EXECUTION OF TRANSACTIONS.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.

“(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.

“(11) FINANCIAL INTEGRITY OF CONTRACTS.—The board of trade shall establish and enforce rules providing for the financial integrity of any contracts traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

“(12) PROTECTION OF MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.

“(13) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.

“(14) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).

“(15) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decisionmaking process of the contract market and establish a process for resolving such conflicts of interest.

“(16) COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS.—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.

“(17) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.

“(18) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

“(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

“(B) imposing any material anticompetitive burden on trading on the contract market.

“(e) CURRENT AGRICULTURAL COMMODITIES.—

“(1) Subject to paragraph (2) of this subsection, a contract for purchase or sale for future delivery of an agricultural commodity enumerated in section 1a(4) that is available for trade on a contract market, as of the date of the enactment of this subsection, may be traded only on a contract market designated under this section.

“(2) In order to promote responsible economic or financial innovation and fair competition, the Commission, on application by any person, after notice and public comment and opportunity for hearing, may prescribe rules and regulations to provide for the offer and sale of contracts for future delivery or options on such contracts to be conducted on a derivatives transaction execution facility.”.

SEC. 111. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5 (as amended by section 110(2)) the following:

“SEC. 5a. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

“(a) IN GENERAL.—In lieu of compliance with the contract market designation requirements of sections 4(a) and 5, a board of trade may elect to operate as a registered derivatives transaction execution facility if the facility is—

“(1) designated as a contract market and meets the requirements of this section; or

“(2) registered as a derivatives transaction execution facility under subsection (c) of this section.

“(b) REQUIREMENTS FOR TRADING.—

“(1) IN GENERAL.—A registered derivatives transaction execution facility under subsection (a) may trade any contract of sale of a commodity for future delivery (or option on such a contract) on or through the facility only by satisfying the requirements of this section.

“(2) REQUIREMENTS FOR UNDERLYING COMMODITIES.—A registered derivatives transaction execution facility may trade any contract of sale of a commodity for future delivery (or option on such a contract) only if—

“(A) the underlying commodity has a nearly inexhaustible deliverable supply;

“(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation;

“(C) the underlying commodity has no cash market;

“(D)(i) the contract is a security futures product, and
(ii) the registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934;

“(E) the Commission determines, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility that trading in the contract (or option) is highly unlikely to be susceptible to the threat of manipulation; or

“(F) except as provided in section 5(e)(2), the underlying commodity is a commodity other than an agricultural

commodity enumerated in section 1a(4), and trading access to the facility is limited to eligible commercial entities trading for their own account.

“(3) ELIGIBLE TRADERS.—To trade on a registered derivatives transaction execution facility, a person shall—

“(A) be an eligible contract participant; or

“(B) be a person trading through a futures commission merchant that—

“(i) is registered with the Commission;

“(ii) is a member of a futures self-regulatory organization or, if the person trades only security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934;

“(iii) is a clearing member of a derivatives clearing organization; and

“(iv) has net capital of at least \$20,000,000.

“(4) TRADING BY CONTRACT MARKETS.—A board of trade that is designated as a contract market shall, to the extent that the contract market also operates a registered derivatives transaction execution facility—

“(A) provide a physical location for the contract market trading of the board of trade that is separate from trading on the derivatives transaction execution facility of the board of trade; or

“(B) if the board of trade uses the same electronic trading system for trading on the contract market and derivatives transaction execution facility of the board of trade, identify whether the electronic trading is taking place on the contract market or the derivatives transaction execution facility.

“(c) CRITERIA FOR REGISTRATION.—

“(1) IN GENERAL.—To be registered as a registered derivatives transaction execution facility, the board of trade shall be required to demonstrate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection.

“(2) DETERRENCE OF ABUSES.—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity to detect, investigate, and enforce those rules, including means to—

“(A) obtain information necessary to perform the functions required under this section; or

“(B) use technological means to—

“(i) provide market participants with impartial access to the market; and

“(ii) capture information that may be used in establishing whether rule violations have occurred.

“(3) TRADING PROCEDURES.—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade. The rules may authorize—

“(A) transfer trades or office trades;

“(B) an exchange of—

“(i) futures in connection with a cash commodity transaction;

“(ii) futures for cash commodities; or

“(iii) futures for swaps; or

“(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the registered derivatives transaction execution facility or a derivatives clearing organization.

“(4) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade, and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

“(d) CORE PRINCIPLES FOR REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.—

“(1) IN GENERAL.—To maintain the registration of a board of trade as a derivatives transaction execution facility, a board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles.

“(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.

“(3) MONITORING OF TRADING.—The board of trade shall monitor trading in the contracts of the facility to ensure orderly trading in the contract and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to discharge the responsibilities of the Commission under the Act.

“(4) DISCLOSURE OF GENERAL INFORMATION.—The board of trade shall disclose publicly and to the Commission information concerning—

“(A) contract terms and conditions;

“(B) trading conventions, mechanisms, and practices;

“(C) financial integrity protections; and

“(D) other information relevant to participation in trading on the facility.

“(5) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.

“(6) FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members, and any other persons with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.

“(7) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the derivatives transaction

execution facility and establish a process for resolving such conflicts of interest.

“(8) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.

“(9) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

“(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

“(B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.

“(e) USE OF BROKER-DEALERS, DEPOSITORY INSTITUTIONS, AND FARM CREDIT SYSTEM INSTITUTIONS AS INTERMEDIARIES.—

“(1) IN GENERAL.—With respect to transactions other than transactions in security futures products, a registered derivatives transaction execution facility may by rule allow a broker-dealer, depository institution, or institution of the Farm Credit System that meets the requirements of paragraph (2) to—

“(A) act as an intermediary in transactions executed on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System; and

“(B) receive funds of customers to serve as margin or security for the transactions.

“(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are that—

“(A) the broker-dealer be in good standing with the Securities and Exchange Commission, or the depository institution or institution of the Farm Credit System be in good standing with Federal bank regulatory agencies (including the Farm Credit Administration), as applicable; and

“(B) if the broker-dealer, depository institution, or institution of the Farm Credit System carries or holds customer accounts or funds for transactions on the derivatives transaction execution facility for more than 1 business day, the broker-dealer, depository institution, or institution of the Farm Credit System is registered as a futures commission merchant and is a member of a registered futures association.

“(3) IMPLEMENTATION.—The Commission shall cooperate and coordinate with the Securities and Exchange Commission, the Secretary of the Treasury, and Federal banking regulatory agencies (including the Farm Credit Administration) in adopting rules and taking any other appropriate action to facilitate the implementation of this subsection.

“(f) SEGREGATION OF CUSTOMER FUNDS.—Not later than 180 days after the date of the enactment of the Commodity Futures Modernization Act of 2000, consistent with regulations adopted by the Commission, a registered derivatives transaction execution facility may authorize a futures commission merchant to offer any customer of the futures commission merchant that is an eligible contract participant the right to not segregate the customer funds

of the customer that are carried with the futures commission merchant for purposes of trading on or through the facilities of the registered derivatives transaction execution facility.

“(g) ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES.—

“(1) IN GENERAL.—Notwithstanding subsection (b)(2) of this section, a board of trade that is or elects to become a registered derivatives transaction execution facility may trade on the facility any agreements, contracts, or transactions involving excluded or exempt commodities other than securities, except contracts of sale for future delivery of exempt securities under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of the enactment of the Futures Trading Act of 1982, that are otherwise excluded from this Act under section 2(c), 2(d), or 2(g) of this Act, or exempt under section 2(h) of this Act.

“(2) EXCLUSIVE JURISDICTION OF THE COMMISSION.—The Commission shall have exclusive jurisdiction over agreements, contracts, or transactions described in paragraph (1) to the extent that the agreements, contracts, or transactions are traded on a derivatives transaction execution facility.”.

SEC. 112. DERIVATIVES CLEARING.

(a) IN GENERAL.—Subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended—

(1) by inserting before the section heading for section 401, the following new heading:

“CHAPTER 1—BILATERAL AND CLEARING ORGANIZATION NETTING”;

(2) in section 402, by striking “this subtitle” and inserting “this chapter”; and

(3) by inserting after section 407, the following new chapter:

“CHAPTER 2—MULTILATERAL CLEARING ORGANIZATIONS

“SEC. 408. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

“(1) MULTILATERAL CLEARING ORGANIZATION.—The term ‘multilateral clearing organization’ means a system utilized by more than two participants in which the bilateral credit exposures of participants arising from the transactions cleared are effectively eliminated and replaced by a system of guarantees, insurance, or mutualized risk of loss.

“(2) OVER-THE-COUNTER DERIVATIVE INSTRUMENT.—The term ‘over-the-counter derivative instrument’ includes—

“(A) any agreement, contract, or transaction, including the terms and conditions incorporated by reference in any such agreement, contract, or transaction, which is an interest rate swap, option, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, and forward rate agreement; a same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, or forward agreement; an equity index or equity swap,

option, or forward agreement; a debt index or debt swap, option, or forward agreement; a credit spread or credit swap, option, or forward agreement; a commodity index or commodity swap, option, or forward agreement; and a weather swap, weather derivative, or weather option;

“(B) any agreement, contract or transaction similar to any other agreement, contract, or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into by parties that participate in swap transactions (including terms and conditions incorporated by reference in the agreement) and that is a forward, swap, or option on one or more occurrences of any event, rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic or other indices or measures of economic or other risk or value;

“(C) any agreement, contract, or transaction excluded from the Commodity Exchange Act under section 2(c), 2(d), 2(f), or 2(g) of such Act, or exempted under section 2(h) or 4(c) of such Act; and

“(D) any option to enter into any, or any combination of, agreements, contracts or transactions referred to in this subparagraph.

“(3) OTHER DEFINITIONS.—The terms ‘insured State non-member bank’, ‘State member bank’, and ‘affiliate’ have the same meanings as in section 3 of the Federal Deposit Insurance Act.

“SEC. 409. MULTILATERAL CLEARING ORGANIZATIONS.

“(a) IN GENERAL.—Except with respect to clearing organizations described in subsection (b), no person may operate a multilateral clearing organization for over-the-counter derivative instruments, or otherwise engage in activities that constitute such a multilateral clearing organization unless the person is a national bank, a State member bank, an insured State nonmember bank, an affiliate of a national bank, a State member bank, or an insured State nonmember bank, or a corporation chartered under section 25A of the Federal Reserve Act.

“(b) CLEARING ORGANIZATIONS.—Subsection (a) shall not apply to any clearing organization that—

“(1) is registered as a clearing agency under the Securities Exchange Act of 1934;

“(2) is registered as a derivatives clearing organization under the Commodity Exchange Act; or

“(3) is supervised by a foreign financial regulator that the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as applicable, has determined satisfies appropriate standards.”.

(b) RESOLUTION OF CLEARING BANKS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

“SEC. 9B. RESOLUTION OF CLEARING BANKS.

“(a) CONSERVATORSHIP OR RECEIVERSHIP.—

“(1) APPOINTMENT.—The Board may appoint a conservator or receiver to take possession and control of any uninsured

State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank.

“(2) POWERS.—The conservator or receiver for an uninsured State member bank referred to in paragraph (1) shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

“(b) BOARD AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed under subsection (a), and the uninsured State member bank for which the conservator or receiver has been appointed, as the Comptroller of the Currency has with respect to a conservator or receiver for a national bank and the national bank for which the conservator or receiver has been appointed.

“(c) BANKRUPTCY PROCEEDINGS.—The Board (in the case of an uninsured State member bank which operates, or operates as, such a multilateral clearing organization) may direct a conservator or receiver appointed for the bank to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the bank in lieu of otherwise applicable Federal or State insolvency law.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 11, UNITED STATES CODE.—

(1) BANKRUPTCY CODE DEBTORS.—Section 109(b)(2) of title 11, United States Code, is amended by striking “; or” and inserting the following: “, except that an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor if a petition is filed at the direction of the Board of Governors of the Federal Reserve System; or”.

(2) CHAPTER 7 DEBTORS.—Section 109(d) of title 11, United States Code, is amended to read as follows:

“(d) Only a railroad, a person that may be a debtor under chapter 7 of this title (except a stockbroker or a commodity broker), and an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor under chapter 11 of this title.”.

(3) DEFINITION OF FINANCIAL INSTITUTION.—Section 101(22) of title 11, United States Code, is amended to read as follows:

“(22) the term ‘financial institution’—

“(A) means—

“(i) a Federal reserve bank or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator, or entity is acting as agent or custodian for a customer in connection with a securities contract,

as defined in section 741 of this title, the customer; or

“(ii) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940; and

“(B) includes any person described in subparagraph (A) which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991;”.

(4) DEFINITION OF UNINSURED STATE MEMBER BANK.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (54) the following new paragraph—

“(54A) the term ‘uninsured State member bank’ means a State member bank (as defined in section 3 of the Federal Deposit Insurance Act) the deposits of which are not insured by the Federal Deposit Insurance Corporation; and”.

(5) SUBCHAPTER V OF CHAPTER 7.—

(A) IN GENERAL.—Section 103 of title 11, United States Code, is amended—

(i) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(ii) by inserting after subsection (d) the following new subsection:

“(e) SCOPE OF APPLICATION.—Subchapter V of chapter 7 of this title shall apply only in a case under such chapter concerning the liquidation of an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.”.

(B) CLEARING BANK LIQUIDATION.—Chapter 7 of title 11, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER V—CLEARING BANK LIQUIDATION

“§ 781. Definitions

“For purposes of this subchapter, the following definitions shall apply:

“(1) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(2) DEPOSITORY INSTITUTION.—The term ‘depository institution’ has the same meaning as in section 3 of the Federal Deposit Insurance Act.

“(3) CLEARING BANK.—The term ‘clearing bank’ means an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

“§ 782. Selection of trustee

“(a) IN GENERAL.—

“(1) APPOINTMENT.—Notwithstanding any other provision of this title, the conservator or receiver who files the petition

shall be the trustee under this chapter, unless the Board designates an alternative trustee.

“(2) SUCCESSOR.—The Board may designate a successor trustee if required.

“(b) AUTHORITY OF TRUSTEE.—Whenever the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Board in the same way and to the same extent that they apply to a United States trustee.

“§ 783. Additional powers of trustee

“(a) DISTRIBUTION OF PROPERTY NOT OF THE ESTATE.—The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and IV of this chapter.

“(b) DISPOSITION OF INSTITUTION.—The trustee under this subchapter may, after notice and a hearing—

“(1) sell the clearing bank to a depository institution or consortium of depository institutions (which consortium may agree on the allocation of the clearing bank among the consortium);

“(2) merge the clearing bank with a depository institution;

“(3) transfer contracts to the same extent as could a receiver for a depository institution under paragraphs (9) and (10) of section 11(e) of the Federal Deposit Insurance Act;

“(4) transfer assets or liabilities to a depository institution; and

“(5) transfer assets and liabilities to a bridge bank as provided in paragraphs (1), (3)(A), (5), and (6) of section 11(n) of the Federal Deposit Insurance Act, paragraphs (9) through (13) of such section, and subparagraphs (A) through (H) and subparagraph (K) of paragraph (4) of such section 11(n), except that—

“(A) the bridge bank to which such assets or liabilities are transferred shall be treated as a clearing bank for the purpose of this subsection; and

“(B) any references in any such provision of law to the Federal Deposit Insurance Corporation shall be construed to be references to the appointing agency and that references to deposit insurance shall be omitted.

“(c) CERTAIN TRANSFERS INCLUDED.—Any reference in this section to transfers of liabilities includes a ratable transfer of liabilities within a priority class.

“§ 784. Right to be heard

“The Board or a Federal reserve bank (in the case of a clearing bank that is a member of that bank) may raise and may appear and be heard on any issue in a case under this subchapter.”.

(6) DEFINITIONS OF CLEARING ORGANIZATION, CONTRACT MARKET, AND RELATED DEFINITIONS.—

(A) Section 761(2) of title 11, United States Code, is amended to read as follows:

“(2) ‘clearing organization’ means a derivatives clearing organization registered under the Act;”.

(B) Section 761(7) of title 11, United States Code, is amended to read as follows:

“(7) ‘contract market’ means a registered entity;”.

(C) Section 761(8) of title 11, United States Code, is amended to read as follows:

“(8) ‘contract of sale’, ‘commodity’, ‘derivatives clearing organization’, ‘future delivery’, ‘board of trade’, ‘registered entity’, and ‘futures commission merchant’ have the meanings assigned to those terms in the Act;”.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by adding at the end the following new items:

“SUBCHAPTER V—CLEARING BANK LIQUIDATION

“Sec.

“781. Definitions.

“782. Selection of trustee.

“783. Additional powers of trustee.

“784. Right to be heard.”.

(e) RESOLUTION OF EDGE ACT CORPORATIONS.—The 16th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 624) is amended to read as follows:

“(16) APPOINTMENT OF RECEIVER OR CONSERVATOR.—

“(A) IN GENERAL.—The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

“(B) EQUIVALENT AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed for a corporation organized under the provisions of this section under this paragraph and any such corporation as the Comptroller of the Currency has with respect to a conservator or receiver of a national bank and the national bank for which a conservator or receiver has been appointed.

“(C) TITLE 11 PETITIONS.—The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.”.

(f) DERIVATIVES CLEARING ORGANIZATIONS.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5a, as added by section 111 of this Act, the following:

“SEC. 5b. DERIVATIVES CLEARING ORGANIZATIONS.

“(a) REGISTRATION REQUIREMENT.—It shall be unlawful for a derivatives clearing organization, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization described in section 1a(9) of this Act with respect to a contract of sale of a commodity for future delivery (or option on such a contract) or option on a commodity, in each case unless the contract or option—

“(1) is excluded from this Act by section 2(a)(1)(C)(i), 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

“(2) is a security futures product cleared by a clearing agency registered under the Securities Exchange Act of 1934.

“(b) VOLUNTARY REGISTRATION.—A derivatives clearing organization that clears agreements, contracts, or transactions excluded from this Act by section 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act, or other over-the-counter derivative instruments (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991) may register with the Commission as a derivatives clearing organization.

“(c) REGISTRATION OF DERIVATIVES CLEARING ORGANIZATIONS.—

“(1) APPLICATION.—A person desiring to register as a derivatives clearing organization shall submit to the Commission an application in such form and containing such information as the Commission may require for the purpose of making the determinations required for approval under paragraph (2).

“(2) CORE PRINCIPLES.—

“(A) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant complies with the core principles specified in this paragraph. The applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles.

“(B) FINANCIAL RESOURCES.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization.

“(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—The applicant shall establish—

“(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the organization; and

“(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the applicant.

“(D) RISK MANAGEMENT.—The applicant shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and procedures.

“(E) SETTLEMENT PROCEDURES.—The applicant shall have the ability to—

“(i) complete settlements on a timely basis under varying circumstances;

“(ii) maintain an adequate record of the flow of funds associated with each transaction that the applicant clears; and

“(iii) comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations.

“(F) TREATMENT OF FUNDS.—The applicant shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

“(G) DEFAULT RULES AND PROCEDURES.—The applicant shall have rules and procedures designed to allow for efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the derivatives clearing organization.

“(H) RULE ENFORCEMENT.—The applicant shall—

“(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the applicant and for resolution of disputes; and

“(ii) have the authority and ability to discipline, limit, suspend, or terminate a member’s or participant’s activities for violations of rules of the applicant.

“(I) SYSTEM SAFEGUARDS.—The applicant shall demonstrate that the applicant—

“(i) has established and will maintain a program of oversight and risk analysis to ensure that the automated systems of the applicant function properly and have adequate capacity and security; and

“(ii) has established and will maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

“(J) REPORTING.—The applicant shall provide to the Commission all information necessary for the Commission to conduct the oversight function of the applicant with respect to the activities of the derivatives clearing organization.

“(K) RECORDKEEPING.—The applicant shall maintain records of all activities related to the business of the applicant as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

“(L) PUBLIC INFORMATION.—The applicant shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

“(M) INFORMATION-SHARING.—The applicant shall—

“(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

“(ii) use relevant information obtained from the agreements in carrying out the clearing organization’s risk management program.

“(N) ANTITRUST CONSIDERATIONS.—Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid—

“(i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or

“(ii) imposing any material anticompetitive burden on trading on the contract market.

“(3) ORDERS CONCERNING COMPETITION.—A derivatives clearing organization may request the Commission to issue

an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of this Act.

“(d) EXISTING DERIVATIVES CLEARING ORGANIZATIONS.—A derivatives clearing organization shall be deemed to be registered under this section to the extent that the derivatives clearing organization clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market for such agreements, contracts, or transactions before the date of the enactment of this section.

“(e) APPOINTMENT OF TRUSTEE.—

“(1) IN GENERAL.—If a proceeding under section 5e results in the suspension or revocation of the registration of a derivatives clearing organization, or if a derivatives clearing organization withdraws from registration, the Commission, on notice to the derivatives clearing organization, may apply to the appropriate United States district court where the derivatives clearing organization is located for the appointment of a trustee.

“(2) ASSUMPTION OF JURISDICTION.—If the Commission applies for appointment of a trustee under paragraph (1)—

“(A) the court may take exclusive jurisdiction over the derivatives clearing organization and the records and assets of the derivatives clearing organization, wherever located; and

“(B) if the court takes jurisdiction under subparagraph (A), the court shall appoint the Commission, or a person designated by the Commission, as trustee with power to take possession and continue to operate or terminate the operations of the derivatives clearing organization in an orderly manner for the protection of participants, subject to such terms and conditions as the court may prescribe.

“(f) LINKING OF REGULATED CLEARING FACILITIES.—

“(1) IN GENERAL.—The Commission shall facilitate the linking or coordination of derivatives clearing organizations registered under this Act with other regulated clearance facilities for the coordinated settlement of cleared transactions.

“(2) COORDINATION.—In carrying out paragraph (1), the Commission shall coordinate with the Federal banking agencies and the Securities and Exchange Commission.”.

SEC. 113. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5b (as added by section 112(f)) the following:

“SEC. 5c. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

“(a) ACCEPTABLE BUSINESS PRACTICES UNDER CORE PRINCIPLES.—

“(1) IN GENERAL.—Consistent with the purposes of this Act, the Commission may issue interpretations, or approve interpretations submitted to the Commission, of sections 5(d), 5a(d), and 5b(d)(2) to describe what would constitute an acceptable business practice under such sections.

“(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) shall not provide the exclusive means for complying with such sections.

“(b) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—

“(1) IN GENERAL.—A contract market or derivatives transaction execution facility may comply with any applicable core principle through delegation of any relevant function to a registered futures association or another registered entity.

“(2) RESPONSIBILITY.—A contract market or derivatives transaction execution facility that delegates a function under paragraph (1) shall remain responsible for carrying out the function.

“(3) NONCOMPLIANCE.—If a contract market or derivatives transaction execution facility that delegates a function under paragraph (1) becomes aware that a delegated function is not being performed as required under this Act, the contract market or derivatives transaction execution facility shall promptly take steps to address the noncompliance.

“(c) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a registered entity may elect to list for trading or accept for clearing any new contract or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale of a government security for future delivery (or option on such a contract) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

“(2) PRIOR APPROVAL.—

“(A) IN GENERAL.—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

“(B) PRIOR APPROVAL REQUIRED.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(4) (or any option thereon) traded through its facilities if the rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

“(C) DEADLINE.—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

“(3) APPROVAL.—The Commission shall approve any such new contract or instrument, new rule, or rule amendment unless the Commission finds that the new contract or instrument, new rule, or rule amendment would violate this Act.

“(d) VIOLATION OF CORE PRINCIPLES.—

“(1) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a registered entity is violating any applicable core principle specified in section 5(d), 5a(d), or 5b(d)(2), the Commission shall—

“(A) notify the registered entity in writing of the determination; and

“(B) afford the registered entity an opportunity to make appropriate changes to bring the registered entity into compliance with the core principles.

“(2) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under paragraph (1), a registered entity fails to make changes that, in the opinion of the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

“(e) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this section shall limit or in any way affect the emergency powers of the Commission provided in section 8a(9).”.

SEC. 114. EXEMPT BOARDS OF TRADE.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5c (as added by section 113) the following:

“SEC. 5d. EXEMPT BOARDS OF TRADE.

“(a) ELECTION TO REGISTER WITH THE COMMISSION.—A board of trade that meets the requirements of subsection (b) of this section may operate as an exempt board of trade on receipt from the board of trade of a notice, provided in such manner as the Commission may by rule or regulation prescribe, that the board of trade elects to operate as an exempt board of trade. Except as otherwise provided in this section, no provision of this Act (other than subparagraphs (C) and (D) of sections 2(a)(1) and 12(e)(2)(B)) shall apply with respect to a contract of sale of a commodity for future delivery (or option on such a contract) traded on or through the facilities of an exempt board of trade.

“(b) CRITERIA FOR EXEMPTION.—To qualify for an exemption under subsection (a), a board of trade shall limit trading on or through the facilities of the board of trade to contracts of sale of a commodity for future delivery (or options on such contracts or on a commodity)—

“(1) for which the underlying commodity has—

“(A) a nearly inexhaustible deliverable supply;

“(B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or

“(C) no cash market;

“(2) that are entered into only between persons that are eligible contract participants at the time at which the persons enter into the contract; and

“(3) that are not contracts of sale (or options on such a contract or on a commodity) for future delivery of any security, including any group or index of securities or any interest in, or based on the value of, any security or any group or index of securities.

“(c) ANTIMANIPULATION REQUIREMENTS.—A party to a contract of sale of a commodity for future delivery (or option on such a contract or on a commodity) that is traded on an exempt board of trade shall be subject to sections 4b, 4c(b), 4o, 6(c), and 9(a)(2), and the Commission shall enforce those provisions with respect to any such trading.

“(d) PRICE DISCOVERY.—If the Commission finds that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other trading data as appropriate to the market.

“(e) JURISDICTION.—The Commission shall have exclusive jurisdiction over any account, agreement, contract, or transaction involving a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, to the extent that the account, agreement, contract, or transaction is traded on an exempt board of trade.

“(f) SUBSIDIARIES.—A board of trade that is designated as a contract market or registered as a derivatives transaction execution facility may operate an exempt board of trade by establishing a separate subsidiary or other legal entity and otherwise satisfying the requirements of this section.

“(g) An exempt board of trade that meets the requirements of subsection (b) shall not represent to any person that the board of trade is registered with, or designated, recognized, licensed, or approved by the Commission.”.

SEC. 115. SUSPENSION OR REVOCATION OF DESIGNATION AS CONTRACT MARKET.

Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) (as redesignated by section 20(1)) is amended to read as follows:

“SEC. 5e. SUSPENSION OR REVOCATION OF DESIGNATION AS REGISTERED ENTITY.

“The failure of a registered entity to comply with any provision of this Act, or any regulation or order of the Commission under this Act, shall be cause for the suspension of the registered entity for a period not to exceed 180 days, or revocation of designation as a registered entity in accordance with the procedures and subject to the judicial review provided in section 6(b).”.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended by striking “2000” and inserting “2005”.

SEC. 117. PREEMPTION.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking subsection (e) and inserting the following:

“(e) RELATION TO OTHER LAW, DEPARTMENTS, OR AGENCIES.—

“(1) Nothing in this Act shall supersede or preempt—

“(A) criminal prosecution under any Federal criminal statute;

“(B) the application of any Federal or State statute (except as provided in paragraph (2)), including any rule or regulation thereunder, to any transaction in or involving any commodity, product, right, service, or interest—

“(i) that is not conducted on or subject to the rules of a registered entity or exempt board of trade;

“(ii) (except as otherwise specified by the Commission by rule or regulation) that is not conducted on or subject to the rules of any board of trade, exchange,

or market located outside the United States, its territories or possessions; or

“(iii) that is not subject to regulation by the Commission under section 4c or 19; or

“(C) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation.

“(2) This Act shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of—

“(A) an electronic trading facility excluded under section 2(e) of this Act; and

“(B) an agreement, contract, or transaction that is excluded from this Act under section 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act (regardless of whether any such agreement, contract, or transaction is otherwise subject to this Act).”.

SEC. 118. PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.

Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended by striking subsection (g) and inserting the following:

“(g) PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.—Nothing in this section prohibits a registered futures commission merchant from requiring a customer that is an eligible contract participant, as a condition to the commission merchant’s conducting a transaction for the customer, to enter into an agreement waiving the right to file a claim under this section.”.

SEC. 119. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

Section 15 of the Commodity Exchange Act (7 U.S.C. 19) is amended by striking “SEC. 15. The Commission” and inserting the following:

“SEC. 15. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

“(a) COSTS AND BENEFITS.—

“(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission shall consider the costs and benefits of the action of the Commission.

“(2) CONSIDERATIONS.—The costs and benefits of the proposed Commission action shall be evaluated in light of—

“(A) considerations of protection of market participants and the public;

“(B) considerations of the efficiency, competitiveness, and financial integrity of futures markets;

“(C) considerations of price discovery;

“(D) considerations of sound risk management practices; and

“(E) other public interest considerations.

“(3) **APPLICABILITY.**—This subsection does not apply to the following actions of the Commission:

“(A) An order that initiates, is part of, or is the result of an adjudicatory or investigative process of the Commission.

“(B) An emergency action.

“(C) A finding of fact regarding compliance with a requirement of the Commission.

“(b) **ANTITRUST LAWS.**—The Commission”.

SEC. 120. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

“(4) **CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.**—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants, and no hybrid instrument sold to any investor, shall be void, voidable, or unenforceable, and no such party shall be entitled to rescind, or recover any payment made with respect to, such an agreement, contract, transaction, or instrument under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, transaction, or instrument to comply with the terms or conditions of an exemption or exclusion from any provision of this Act or regulations of the Commission.”.

SEC. 121. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

The Commodity Exchange Act, as otherwise amended by this Act, is amended by inserting after section 4o the following:

“SEC. 4p. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

“(a) **AUTHORITY.**—The Commission shall consider issuing rules or orders which—

“(1) prescribe procedures under which each contract market is to provide for orderly delivery, including temporary storage costs, of any agricultural commodity enumerated in section 1a(4) which is the subject of a contract for purchase or sale for future delivery;

“(2) increase the ease with which domestic agricultural producers may participate in contract markets, including by addressing cost and margin requirements, so as to better enable the producers to hedge price risk associated with their production;

“(3) provide flexibility in the minimum quantities of such agricultural commodities that may be the subject of a contract for purchase or sale for future delivery that is traded on a contract market, to better allow domestic agricultural producers to hedge such price risk; and

“(4) encourage contract markets to provide information and otherwise facilitate the participation of domestic agricultural producers in contract markets.

“(b) **REPORT.**—Within 1 year after the date of the enactment of this section, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee

on Agriculture, Nutrition, and Forestry of the Senate a report on the steps it has taken to implement this section and on the activities of contract markets pursuant to this section.”.

SEC. 122. RULE OF CONSTRUCTION.

Except as expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, affects, or otherwise limits or expands the scope and applicability of laws governing the Securities and Exchange Commission.

SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMODITY EXCHANGE ACT.—

(1) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 101) is amended—

(A) in paragraphs (5), (6), (16), (17), (20), and (23), by inserting “or derivatives transaction execution facility” after “contract market” each place it appears; and

(B) in paragraph (24)—

(i) in the paragraph heading, by striking “CONTRACT MARKET” and inserting “REGISTERED ENTITY”;

(ii) by striking “contract market” each place it appears and inserting “registered entity”; and

(iii) by adding at the end the following:

“A participant in an alternative trading system that is designated as a contract market pursuant to section 5f is deemed a member of the contract market for purposes of transactions in security futures products through the contract market.”.

(2) Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, 4a, 3) is amended—

(A) by striking “SEC. 2. (a)(1)(A)(i) The” and inserting the following:

“SEC. 2. JURISDICTION OF COMMISSION; LIABILITY OF PRINCIPAL FOR ACT OF AGENT; COMMODITY FUTURES TRADING COMMISSION; TRANSACTION IN INTERSTATE COMMERCE.

“(a) JURISDICTION OF COMMISSION; COMMODITY FUTURES TRADING COMMISSION.—

“(1) JURISDICTION OF COMMISSION.—

“(A) IN GENERAL.—The”; and

(B) in subsection (a)(1)—

(i) in subparagraph (A) (as amended by subparagraph (A) of this paragraph)—

(I) by striking “subparagraph (B) of this subparagraph” and inserting “subparagraphs (C) and (D) of this paragraph and subsections (c) through (i) of this section”;

(II) by striking “contract market designated pursuant to section 5 of this Act” and inserting “contract market designated or derivatives transaction execution facility registered pursuant to section 5 or 5a”;

(III) by striking clause (ii); and

(IV) in clause (iii), by striking “(iii) The” and inserting the following:

“(B) LIABILITY OF PRINCIPAL FOR ACT OF AGENT.—The”;

and

(ii) in subparagraph (B)—

- (I) by striking “(B)” and inserting “(C)”;
- (II) in clause (v)—
 - (aa) by striking “section 3 of the Securities Act of 1933”; and
 - (bb) by inserting “or subparagraph (D)” after “subparagraph”; and
- (III) by moving clauses (i) through (v) 4 ems to the right;
- (C) in subsection (a)(7), by striking “contract market” and inserting “registered entity”;
- (D) in subsection (a)(8)(B)(ii)—
 - (i) in the first sentence, by striking “designation as a contract market” and inserting “designation or registration as a contract market or derivatives transaction execution facility”;
 - (ii) in the second sentence, by striking “designate a board of trade as a contract market” and inserting “designate or register a board of trade as a contract market or derivatives transaction execution facility”; and
 - (iii) in the fourth sentence, by striking “designating, or refusing, suspending, or revoking the designation of, a board of trade as a contract market involving transactions for future delivery referred to in this clause or in considering possible emergency action under section 8a(9) of this Act” and inserting “designating, registering, or refusing, suspending, or revoking the designation or registration of, a board of trade as a contract market or derivatives transaction execution facility involving transactions for future delivery referred to in this clause or in considering any possible action under this Act (including without limitation emergency action under section 8a(9))”, and by striking “designation, suspension, revocation, or emergency action” and inserting “designation, registration, suspension, revocation, or action”; and
- (E) in subsection (a), by moving paragraphs (2) through (9) 2 ems to the right.
- (3) Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—
 - (A) in subsection (a)—
 - (i) in paragraph (1), by striking “designated by the Commission as a ‘contract market’ for” and inserting “designated or registered by the Commission as a contract market or derivatives transaction execution facility for”;
 - (ii) in paragraph (2), by striking “member of such”; and
 - (iii) in paragraph (3), by inserting “or derivatives transaction execution facility” after “contract market”; and
 - (B) in subsection (c)—
 - (i) in paragraph (1)—
 - (I) by striking “designated as a contract market” and inserting “designated or registered as a contract market or derivatives transaction execution facility”; and

(II) by striking “section 2(a)(1)(B)” and inserting “subparagraphs (C)(ii) and (D) of section 2(a)(1), except that the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D)”;

(ii) in paragraph (2)(B)(ii), by inserting “or derivatives transaction execution facility” after “contract market”.

(4) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting “or derivatives transaction execution facilities” after “contract markets”; and

(ii) in the second sentence, by inserting “or derivatives transaction execution facility” after “contract market”;

(B) in subsection (b)—

(i) in paragraph (1), by inserting “, or derivatives transaction execution facility or facilities,” after “markets”; and

(ii) in paragraph (2), by inserting “or derivatives transaction execution facility” after “contract market”; and

(C) in subsection (e)—

(i) by striking “contract market or” each place it appears and inserting “contract market, derivatives transaction execution facility, or”;

(ii) by striking “licensed or designated” each place it appears and inserting “licensed, designated, or registered”; and

(iii) by striking “contract market, or” and inserting “contract market or derivatives transaction execution facility, or”.

(5) Section 4b(a) of the Commodity Exchange Act (7 U.S.C. 6b(a)) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(6) Sections 4c(g), 4d, 4e, and 4f of the Commodity Exchange Act (7 U.S.C. 6c(g), 6d, 6e, 6f) are amended by inserting “or derivatives transaction execution facility” after “contract market” each place it appears.

(7) Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(A) in subsection (b), by striking “clearinghouse and contract market” and inserting “registered entity”; and

(B) in subsection (f), by striking “clearinghouses, contract markets, and exchanges” and inserting “registered entities”.

(8) Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(9) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting “or derivatives transaction execution facility” after “contract market”.

(10) Section 4l of the Commodity Exchange Act (7 U.S.C. 6l) is amended by inserting “or derivatives transaction execution facilities” after “contract markets” each place it appears.

(11) Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(A) in the third sentence of subsection (a), by striking “Act or contract markets” and inserting “Act, contract markets, or derivatives transaction execution facilities”; and

(B) in subsection (b), by inserting “derivatives transaction execution facility,” after “contract market,”.

(12) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking “board of trade desiring to be designated a ‘contract market’ shall make application to the Commission for such designation” and inserting “person desiring to be designated or registered as a contract market or derivatives transaction execution facility shall make application to the Commission for the designation or registration”;

(II) by striking “above conditions” and inserting “conditions set forth in this Act”; and

(III) by striking “above requirements” and inserting “the requirements of this Act”;

(ii) in the second sentence, by striking “designation as a contract market within one year” and inserting “designation or registration as a contract market or derivatives transaction execution facility within 180 days”;

(iii) in the third sentence—

(I) by striking “board of trade” and inserting “person”; and

(II) by striking “one-year period” and inserting “180-day period”; and

(iv) in the last sentence, by striking “designate as a ‘contract market’ any board of trade that has made application therefor, such board of trade” and inserting “designate or register as a contract market or derivatives transaction execution facility any person that has made application therefor, the person”;

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking “designation of any board of trade as a ‘contract market’ upon” and inserting “designation or registration of any contract market or derivatives transaction execution facility on”;

(II) by striking “board of trade” each place it appears and inserting “contract market or derivatives transaction execution facility”; and

(III) by striking “designation as set forth in section 5 of this Act” and inserting “designation or registration as set forth in sections 5 through 5b or section 5f”;

(ii) in the second sentence—

(I) by striking “board of trade” the first place it appears and inserting “contract market or derivatives transaction execution facility”; and

(II) by striking “board of trade” the second and third places it appears and inserting “person”; and

(iii) in the last sentence, by striking “board of trade” each place it appears and inserting “person”; (C) in subsection (c)—

(i) by striking “contract market” each place it appears and inserting “registered entity”; and

(ii) by striking “contract markets” each place it appears and inserting “registered entities”; and

(iii) by striking “trading privileges” each place it appears and inserting “privileges”; and

(D) in subsection (d), by striking “contract market” each place it appears and inserting “registered entity”; and

(E) in subsection (e), by striking “trading on all contract markets” each place it appears and inserting “the privileges of all registered entities”.

(13) Section 6a of the Commodity Exchange Act (7 U.S.C. 10a) is amended—

(A) in the first sentence of subsection (a), by striking “designated as a ‘contract market’ shall” and inserting “designated or registered as a contract market or a derivatives transaction execution facility”; and

(B) in subsection (b), by striking “designated as a contract market” and inserting “designated or registered as a contract market or a derivatives transaction execution facility”.

(14) Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(A) by striking “contract market” each place it appears and inserting “registered entity”; and

(B) in the first sentence, by striking “designation as set forth in section 5 of this Act” and inserting “designation or registration as set forth in sections 5 through 5c”; and

(C) in the last sentence, by striking “the contract market’s ability” and inserting “the ability of the registered entity”.

(15) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a-1(a)) by striking “contract market” and inserting “registered entity”.

(16) Section 6d(1) of the Commodity Exchange Act (7 U.S.C. 13a-2(1)) is amended by inserting “derivatives transaction execution facility,” after “contract market,”.

(17) Section 7 of the Commodity Exchange Act (7 U.S.C. 11) is amended—

(A) in the first sentence—

(i) by striking “board of trade” and inserting “person”; and

(ii) by inserting “or registered” after “designated”; and

(iii) by inserting “or registration” after “designation” each place it appears; and

(iv) by striking “contract market” each place it appears and inserting “registered entity”;

(B) in the second sentence—

(i) by striking “designation of such board of trade as a contract market” and inserting “designation or registration of the registered entity”; and

(ii) by striking “contract markets” and inserting “registered entities”; and

(C) in the last sentence—

(i) by striking “board of trade” and inserting “person”; and

(ii) by striking “designated again a contract market” and inserting “designated or registered again a registered entity”.

(18) Section 8(c) of the Commodity Exchange Act (7 U.S.C. 12(c)) is amended in the first sentence by striking “board of trade” and inserting “registered entity”.

(19) Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(A) by striking “contract market” each place it appears and inserting “registered entity”; and

(B) in paragraph (2)(F), by striking “trading privileges” and inserting “privileges”.

(20) Sections 8b and 8c(e) of the Commodity Exchange Act (7 U.S.C. 12b, 12c(e)) are amended by striking “contract market” each place it appears and inserting “registered entity”.

(21) Section 8e of the Commodity Exchange Act (7 U.S.C. 12e) is repealed.

(22) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(23) Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended—

(A) in subsection (a)(1)(B), by striking “contract market” and inserting “registered entity”; and

(B) in subsection (f), by striking “contract markets” and inserting “registered entities”.

(24) Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by striking “contract market” each place it appears and inserting “registered entity”.

(25) Section 22 of the Commodity Exchange Act (7 U.S.C. 25) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “contract market, clearing organization of a contract market, licensed board of trade,” and inserting “registered entity”; and

(II) in subparagraph (C)(i), by striking “contract market” and inserting “registered entity”;

(ii) in paragraph (2), by striking “sections 5a(11),” and inserting “sections 5(d)(13), 5b(b)(1)(E),”; and

(iii) in paragraph (3), by striking “contract market” and inserting “registered entity”; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking “contract market or clearing organization of a contract market” and inserting “registered entity”;

(II) by striking “section 5a(8) and section 5a(9) of this Act” and inserting “sections 5 through 5c”;

(III) by striking “contract market, clearing organization of a contract market, or licensed board of trade” and inserting “registered entity”; and

(IV) by striking “contract market or licensed board of trade” and inserting “registered entity”; (ii) in paragraph (3)—

(I) by striking “a contract market, clearing organization, licensed board of trade,” and inserting “registered entity”; and

(II) by striking “contract market, licensed board of trade” and inserting “registered entity”;

(iii) in paragraph (4), by striking “contract market, licensed board of trade, clearing organization,” and inserting “registered entity”; and

(iv) in paragraph (5), by striking “contract market, licensed board of trade, clearing organization,” and inserting “registered entity”.

(b) **FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.**—Section 402(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402(2)) is amended by striking subparagraph (B) and inserting the following:

“(B) that is registered as a derivatives clearing organization under section 5b of the Commodity Exchange Act.”.

SEC. 124. PRIVACY.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5f (as added by section 252) the following:

“SEC. 5g. PRIVACY.

“(a) **TREATMENT AS FINANCIAL INSTITUTIONS.**—Notwithstanding section 509(3)(B) of the Gramm-Leach-Bliley Act, any futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker that is subject to the jurisdiction of the Commission under this Act with respect to any financial activity shall be treated as a financial institution for purposes of title V of such Act with respect to such financial activity.

“(b) **TREATMENT OF CFTC AS FEDERAL FUNCTIONAL REGULATOR.**—For purposes of title V of such Act, the Commission shall be treated as a Federal functional regulator within the meaning of section 509(2) of such Act and shall prescribe regulations under such title within 6 months after the date of the enactment of this section.”.

SEC. 125. REPORT TO CONGRESS.

(a) The Commodity Futures Trading Commission (in this section referred to as the “Commission”) shall undertake and complete a study of the Commodity Exchange Act (in this section referred to as “the Act”) and the Commission’s rules, regulations and orders governing the conduct of persons required to be registered under the Act, not later than 1 year after the date of the enactment of this Act. The study shall identify—

(1) the core principles and interpretations of acceptable business practices that the Commission has adopted or intends

to adopt to replace the provisions of the Act and the Commission's rules and regulations thereunder;

(2) the rules and regulations that the Commission has determined must be retained and the reasons therefor;

(3) the extent to which the Commission believes it can effect the changes identified in paragraph (1) of this subsection through its exemptive authority under section 4(c) of the Act; and

(4) the regulatory functions the Commission currently performs that can be delegated to a registered futures association (within the meaning of the Act) and the regulatory functions that the Commission has determined must be retained and the reasons therefor.

(b) In conducting the study, the Commission shall solicit the views of the public as well as Commission registrants, registered entities, and registered futures associations (all within the meaning of the Act).

(c) The Commission shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of the results of its study, which shall include an analysis of comments received.

SEC. 126. INTERNATIONAL ACTIVITIES OF THE COMMODITY FUTURES TRADING COMMISSION.

(a) **FINDINGS.**—The Congress finds that—

(1) derivatives markets serving United States industry are increasingly global in scope;

(2) developments in data processing and communications technologies enable users of risk management services to analyze and compare those services on a worldwide basis;

(3) financial services regulatory policy must be flexible to account for rapidly changing derivatives industry business practices;

(4) regulatory impediments to the operation of global business interests can compromise the competitiveness of United States businesses;

(5) events that disrupt financial markets and economies are often global in scope, require rapid regulatory response, and coordinated regulatory effort across international jurisdictions;

(6) through its membership in the International Organisation of Securities Commissions, the Commodity Futures Trading Commission has promoted beneficial communication among market regulators and international regulatory cooperation; and

(7) the Commodity Futures Trading Commission and other United States financial regulators and self-regulatory organizations should continue to foster productive and cooperative working relationships with their counterparts in foreign jurisdictions.

(b) **SENSE OF THE CONGRESS.**—It is the sense of the Congress that, consistent with its responsibilities under the Commodity Exchange Act, the Commodity Futures Trading Commission should, as part of its international activities, continue to coordinate with

foreign regulatory authorities, to participate in international regulatory organizations and forums, and to provide technical assistance to foreign government authorities, in order to encourage—

- (1) the facilitation of cross-border transactions through the removal or lessening of any unnecessary legal or practical obstacles;
- (2) the development of internationally accepted regulatory standards of best practice;
- (3) the enhancement of international supervisory cooperation and emergency procedures;
- (4) the strengthening of international cooperation for customer and market protection; and
- (5) improvements in the quality and timeliness of international information sharing.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

SEC. 201. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (10), by inserting “security future,” after “treasury stock,”;

(2) by striking paragraph (11) and inserting the following:
 “(11) The term ‘equity security’ means any stock or similar security; or any security future on any such security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Commission shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.”;

(3) in paragraph (13), by adding at the end the following:
 “For security futures products, such term includes any contract, agreement, or transaction for future delivery.”;

(4) in paragraph (14), by adding at the end the following:
 “For security futures products, such term includes any contract, agreement, or transaction for future delivery.”; and

(5) by adding at the end the following:
 “(55)(A) The term ‘security future’ means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of the enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) as in effect on the date of the enactment of the Futures Trading Act of 1982). The term ‘security future’ does not include any agreement, contract, or transaction excluded from the Commodity Exchange Act under section 2(c), 2(d), 2(f), or 2(g)

of the Commodity Exchange Act (as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000) or title IV of the Commodity Futures Modernization Act of 2000.

“(B) The term ‘narrow-based security index’ means an index—

“(i) that has 9 or fewer component securities;

“(ii) in which a component security comprises more than 30 percent of the index’s weighting;

“(iii) in which the five highest weighted component securities in the aggregate comprise more than 60 percent of the index’s weighting; or

“(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting have an aggregate dollar value of average daily trading volume of less than \$50,000,000 (or in the case of an index with 15 or more component securities, \$30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index’s weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

“(C) Notwithstanding subparagraph (B), an index is not a narrow-based security index if—

“(i)(I) it has at least nine component securities;

“(II) no component security comprises more than 30 percent of the index’s weighting; and

“(III) each component security is—

“(aa) registered pursuant to section 12 of the Securities Exchange Act of 1934;

“(bb) one of 750 securities with the largest market capitalization; and

“(cc) one of 675 securities with the largest dollar value of average daily trading volume;

“(ii) a board of trade was designated as a contract market by the Commodity Futures Trading Commission with respect to a contract of sale for future delivery on the index, before the date of the enactment of the Commodity Futures Modernization Act of 2000;

“(iii)(I) a contract of sale for future delivery on the index traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery on an index that was not a narrow-based security index; and

“(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

“(iv) a contract of sale for future delivery on the index is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Commodity Futures Trading Commission;

“(v) no more than 18 months have passed since the date of the enactment of the Commodity Futures Modernization Act of 2000 and—

“(I) it is traded on or subject to the rules of a foreign board of trade;

“(II) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

“(III) the conditions of such authorization continue to be met; or

“(vi) a contract of sale for future delivery on the index is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Commodity Futures Trading Commission.

“(D) Within 1 year after the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Commodity Futures Trading Commission jointly shall adopt rules or regulations that set forth the requirements under clause (iv) of subparagraph (C).

“(E) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (C) shall not be a narrow-based security index for the 3 following calendar months.

“(F) For purposes of subparagraphs (B) and (C) of this paragraph—

“(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

“(ii) the Commission and the Commodity Futures Trading Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

“(56) The term ‘security futures product’ means a security future or any put, call, straddle, option, or privilege on any security future.

“(57)(A) The term ‘margin’, when used with respect to a security futures product, means the amount, type, and form of collateral required to secure any extension or maintenance of credit, or the amount, type, and form of collateral required as a performance bond related to the purchase, sale, or carrying of a security futures product.

“(B) The terms ‘margin level’ and ‘level of margin’, when used with respect to a security futures product, mean the amount of margin required to secure any extension or maintenance of credit, or the amount of margin required as a performance bond related to the purchase, sale, or carrying of a security futures product.

“(C) The terms ‘higher margin level’ and ‘higher level of margin’, when used with respect to a security futures product, mean a margin level established by a national securities exchange registered pursuant to section 6(g) that is higher than the minimum amount established and in effect pursuant to section 7(c)(2)(B).”.

SEC. 202. REGULATORY RELIEF FOR MARKETS TRADING SECURITY FUTURES PRODUCTS.

(a) **EXPEDITED REGISTRATION AND EXEMPTION.**—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

“(g) **NOTICE REGISTRATION OF SECURITY FUTURES PRODUCT EXCHANGES.**—

“(1) **REGISTRATION REQUIRED.**—An exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products if—

“(A) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (7 U.S.C. 1a(2)), that—

“(i) has been designated a contract market by the Commodity Futures Trading Commission and such designation is not suspended by order of the Commodity Futures Trading Commission; or

“(ii) is registered as a derivative transaction execution facility under section 5a of the Commodity Exchange Act and such registration is not suspended by the Commodity Futures Trading Commission; and

“(B) such exchange does not serve as a market place for transactions in securities other than—

“(i) security futures products; or

“(ii) futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under section 2(a)(1)(C) of the Commodity Exchange Act.

“(2) **REGISTRATION BY NOTICE FILING.**—

“(A) **FORM AND CONTENT.**—An exchange required to register only because such exchange lists or trades security futures products may register for purposes of this section by filing with the Commission a written notice in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents concerning such exchange, comparable to the information and documents required for national securities exchanges under section 6(a), as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. If such exchange has filed documents with the Commodity Futures Trading Commission, to the extent that such documents contain information satisfying the Commission’s informational requirements, copies of such documents may be filed with the Commission in lieu of the required written notice.

“(B) **IMMEDIATE EFFECTIVENESS.**—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if such registration would be subject to suspension or revocation.

“(C) **TERMINATION.**—Such registration shall be terminated immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

“(3) **PUBLIC AVAILABILITY.**—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt

of all notices the Commission receives under this subsection and shall make all such notices available to the public.

“(4) EXEMPTION OF EXCHANGES FROM SPECIFIED PROVISIONS.—

“(A) TRANSACTION EXEMPTIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members with, and its members shall not, solely with respect to those transactions effected on such exchange in security futures products, be required to comply with, the following provisions of this title and the rules thereunder:

“(i) Subsections (b)(2), (b)(3), (b)(4), (b)(7), (b)(9), (c), (d), and (e) of this section.

“(ii) Section 8.

“(iii) Section 11.

“(iv) Subsections (d), (f), and (k) of section 17.

“(v) Subsections (a), (f), and (h) of section 19.

“(B) RULE CHANGE EXEMPTIONS.—An exchange that registered under paragraph (1) of this subsection shall also be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

“(i) such exchange shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such exchange’s obligation to enforce the securities laws pursuant to section 19(b)(7);

“(ii) such exchange shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

“(iii) such exchange shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

“(5) TRADING IN SECURITY FUTURES PRODUCTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), it shall be unlawful for any person to execute or trade a security futures product until the later of—

“(i) 1 year after the date of the enactment of the Commodity Futures Modernization Act of 2000; or

“(ii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.

“(B) PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.—Notwithstanding subparagraph (A), a person may execute or trade a security futures product transaction if—

“(i) the transaction is entered into—

“(I) on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act; and

“(II) only between eligible contract participants (as defined in subparagraphs (A), (B)(ii), and (C) of such section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

“(ii) the transaction is entered into on or after the later of—

“(I) 8 months after the date of the enactment of the Commodity Futures Modernization Act of 2000; or

“(II) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.”.

(b) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—

(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

“(7) SECURITY FUTURES PRODUCT RULE CHANGES.—

“(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 6(g) of this title or that is a national securities association registered pursuant to section 15A(k) of this title shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization (hereinafter in this paragraph collectively referred to as a ‘proposed rule change’) that relates to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products, or rules effectuating such self-regulatory organization’s obligation to enforce the securities laws. Such proposed rule change shall be accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, promptly publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit data, views, and arguments concerning such proposed rule change.

“(B) FILING WITH CFTC.—A proposed rule change filed with the Commission pursuant to subparagraph (A) shall be filed concurrently with the Commodity Futures Trading Commission. Such proposed rule change may take effect upon filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, upon a determination by the Commodity Futures Trading Commission that review of the proposed rule change is not necessary, or upon approval of the proposed rule change by the Commodity Futures Trading Commission.

“(C) ABROGATION OF RULE CHANGES.—Any proposed rule change of a self-regulatory organization that has taken

effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days of the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that review of such proposed rule change is not necessary, or the date the Commodity Futures Trading Commission approves such proposed rule change, the Commission, after consultation with the Commodity Futures Trading Commission, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest and the protection of investors. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 of this title nor deemed to be a final agency action for purposes of section 704 of title 5, United States Code.

“(D) REVIEW OF RESUBMITTED ABROGATED RULES.—

“(i) PROCEEDINGS.—Within 35 days of the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and refiled in accordance with paragraph (1), or within such longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

“(I) by order approve such proposed rule change; or

“(II) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subclause (II) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents.

“(ii) GROUNDS FOR APPROVAL.—The Commission shall approve a proposed rule change of a self-regulatory organization under this subparagraph if the Commission finds that such proposed rule change does not unduly burden competition or efficiency, does not conflict with the securities laws, and is not inconsistent with the public interest or the protection of investors. The Commission shall disapprove such a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.”

(2) DECIMAL PRICING PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (7), as added by paragraph (1), the following:

“(8) DECIMAL PRICING.—Not later than 9 months after the date on which trading in any security futures product commences under this title, all self-regulatory organizations listing or trading security futures products shall file proposed rule changes necessary to implement decimal pricing of security futures products. The Commission may not require such rules to contain equal minimum increments in such decimal pricing.”

(3) CONSULTATION PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (8), as added by paragraph (2), the following:

“(9) CONSULTATION WITH CFTC.—

“(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association registered pursuant to section 15A(a) or a national securities exchange subject to the provisions of subsection (a) that primarily concerns conduct related to transactions in security futures products, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.

“(B) RESPONSES TO CFTC COMMENTS AND FINDINGS.—If the Commodity Futures Trading Commission comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving or disapproving the proposed rule. If the Commodity Futures Trading Commission determines, and notifies the Commission, that such rule, if implemented or as applied, would—

“(i) adversely affect the liquidity or efficiency of the market for security futures products; or

“(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section,

the Commission shall, prior to approving or disapproving the proposed rule, find that such rule is necessary and

appropriate in furtherance of the purposes of this section notwithstanding the Commodity Futures Trading Commission's determination.”.

(c) REVIEW OF DISCIPLINARY PROCEEDINGS.—Section 19(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(d)) is amended by adding at the end the following:

“(3) The provisions of this subsection shall apply to an exchange registered pursuant to section 6(g) of this title or a national securities association registered pursuant to section 15A(k) of this title only to the extent that such exchange or association imposes any final disciplinary sanction for—

“(A) a violation of the Federal securities laws or the rules and regulations thereunder; or

“(B) a violation of a rule of such exchange or association, as to which a proposed change would be required to be filed under section 19 of this title, except that, to the extent that the exchange or association rule violation relates to any account, agreement, contract, or transaction, this subsection shall apply only to the extent such violation involves a security futures product.”.

SEC. 203. REGULATORY RELIEF FOR INTERMEDIARIES TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTIONS.—

(1) AMENDMENT.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

“(11) BROKER/DEALER REGISTRATION WITH RESPECT TO TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—

“(A) NOTICE REGISTRATION.—

“(i) CONTENTS OF NOTICE.—Notwithstanding paragraphs (1) and (2), a broker or dealer required to register only because it effects transactions in security futures products on an exchange registered pursuant to section 6(g) may register for purposes of this section by filing with the Commission a written notice in such form and containing such information concerning such broker or dealer and any persons associated with such broker or dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. A broker or dealer may not register under this paragraph unless that broker or dealer is a member of a national securities association registered under section 15A(k).

“(ii) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if the registration would be subject to suspension or revocation under paragraph (4).

“(iii) SUSPENSION.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of this title suspends the membership of that broker or dealer.

“(iv) TERMINATION.—Such registration shall be terminated immediately if any of the above stated

conditions for registration set forth in this paragraph are no longer satisfied.

“(B) EXEMPTIONS FOR REGISTERED BROKERS AND DEALERS.—A broker or dealer registered pursuant to the requirements of subparagraph (A) shall be exempt from the following provisions of this title and the rules thereunder with respect to transactions in security futures products:

“(i) Section 8.

“(ii) Section 11.

“(iii) Subsections (c)(3) and (c)(5) of this section.

“(iv) Section 15B.

“(v) Section 15C.

“(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.”.

(2) CONFORMING AMENDMENT.—Section 28(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(e)) is amended by adding at the end the following:

“(4) The provisions of this subsection shall not apply with regard to securities that are security futures products.”.

(b) FLOOR BROKERS AND FLOOR TRADERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by inserting after paragraph (11), as added by subsection (a), the following:

“(12) EXEMPTION FOR SECURITY FUTURES PRODUCT EXCHANGE MEMBERS.—

“(A) REGISTRATION EXEMPTION.—A natural person shall be exempt from the registration requirements of this section if such person—

“(i) is a member of a designated contract market registered with the Commission as an exchange pursuant to section 6(g);

“(ii) effects transactions only in securities on the exchange of which such person is a member; and

“(iii) does not directly accept or solicit orders from public customers or provide advice to public customers in connection with the trading of security futures products.

“(B) OTHER EXEMPTIONS.—A natural person exempt from registration pursuant to subparagraph (A) shall also be exempt from the following provisions of this title and the rules thereunder:

“(i) Section 8.

“(ii) Section 11.

“(iii) Subsections (c)(3), (c)(5), and (e) of this section.

“(iv) Section 15B.

“(v) Section 15C.

“(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.”.

(c) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by adding at the end the following:

“(k) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—

“(1) REGULATION OF MEMBERS WITH RESPECT TO SECURITY FUTURES PRODUCTS.—A futures association registered under section 17 of the Commodity Exchange Act shall be a registered

national securities association for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products pursuant to section 15(b)(11).

“(2) REQUIREMENTS FOR REGISTRATION.—Such a securities association shall—

“(A) be so organized and have the capacity to carry out the purposes of the securities laws applicable to security futures products and to comply, and (subject to any rule or order of the Commission pursuant to section 19(g)(2)) to enforce compliance by its members and persons associated with its members, with the provisions of the securities laws applicable to security futures products, the rules and regulations thereunder, and its rules;

“(B) have rules that—

“(i) are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules governing sales practices and the advertising of security futures products reasonably comparable to those of other national securities associations registered pursuant to subsection (a) that are applicable to security futures products; and

“(ii) are not designed to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the association;

“(C) have rules that provide that (subject to any rule or order of the Commission pursuant to section 19(g)(2)) its members and persons associated with its members shall be appropriately disciplined for violation of any provision of the securities laws applicable to security futures products, the rules or regulations thereunder, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction; and

“(D) have rules that ensure that members and natural persons associated with members meet such standards of training, experience, and competence necessary to effect transactions in security futures products and are tested for their knowledge of securities and security futures products.

“(3) EXEMPTION FROM RULE CHANGE SUBMISSION.—Such a securities association shall be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

“(A) the association shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for, advertising of, or standards of training, experience, competence, or other qualifications for security futures products for persons who effect transactions in security futures products, or rules effectuating the association’s obligation to enforce the securities laws pursuant to section 19(b)(7);

“(B) the association shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

“(C) the association shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

“(4) OTHER EXEMPTIONS.—Such a securities association shall be exempt from and shall not be required to enforce compliance by its members, and its members shall not, solely with respect to their transactions effected in security futures products, be required to comply, with the following provisions of this title and the rules thereunder:

“(A) Section 8.

“(B) Subsections (b)(1), (b)(3), (b)(4), (b)(5), (b)(8), (b)(10), (b)(11), (b)(12), (b)(13), (c), (d), (e), (f), (g), (h), and (i) of this section.

“(C) Subsections (d), (f), and (k) of section 17.

“(D) Subsections (a), (f), and (h) of section 19.”.

(d) EXEMPTION UNDER THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—

(1) Section 16(14) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll(14)) is amended by inserting “or any security future as that term is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934,” after “certificate of deposit for a security,”.

(2) Section 3(a)(2)(A) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ccc(a)(2)(A)) is amended—

(A) in clause (i), by striking “and” after the semicolon;

(B) in clause (ii), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(iii) persons who are registered as a broker or dealer pursuant to section 15(b)(11)(A) of the Securities Exchange Act of 1934.”.

SEC. 204. SPECIAL PROVISIONS FOR INTERAGENCY COOPERATION.

Section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended—

(1) by striking “(b) All” and inserting the following:

“(b) RECORDS SUBJECT TO EXAMINATION.—

“(1) PROCEDURES FOR COOPERATION WITH OTHER AGENCIES.—All”;

(2) by striking “prior to conducting any such examination of a registered clearing” and inserting the following: “prior to conducting any such examination of a—

“(A) registered clearing”;

(3) by redesignating the last sentence as paragraph (4)(C);

(4) by striking the period at the end of the first sentence and inserting the following: “; or

“(B) broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) gives notice to the Commodity Futures Trading Commission of such proposed examination and consults with the Commodity Futures Trading Commission concerning the feasibility and desirability of coordinating such

examination with examinations conducted by the Commodity Futures Trading Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for such broker or dealer or exchange.”;

(5) by adding at the end the following new paragraphs:

“(2) FURNISHING DATA AND REPORTS TO CFTC.—The Commission shall notify the Commodity Futures Trading Commission of any examination conducted of any broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) and, upon request, furnish to the Commodity Futures Trading Commission any examination report and data supplied to, or prepared by, the Commission in connection with such examination.

“(3) USE OF CFTC REPORTS.—Prior to conducting an examination under paragraph (1), the Commission shall use the reports of examinations, if the information available therein is sufficient for the purposes of the examination, of—

“(A) any broker or dealer registered pursuant to section 15(b)(11);

“(B) exchange registered pursuant to section 6(g); or

“(C) national securities association registered pursuant to section 15A(k);

that is made by the Commodity Futures Trading Commission, a national securities association registered pursuant to section 15A(k), or an exchange registered pursuant to section 6(g).

“(4) RULES OF CONSTRUCTION.—

“(A) Notwithstanding any other provision of this subsection, the records of a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) described in this subparagraph shall not be subject to routine periodic examinations by the Commission.

“(B) Any recordkeeping rules adopted under this subsection for a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) shall be limited to records with respect to persons, accounts, agreements, contracts, and transactions involving security futures products.”; and

(6) in paragraph (4)(C) (as redesignated by paragraph (3) of this section), by striking “Nothing in the proviso to the preceding sentence” and inserting “Nothing in the proviso in paragraph (1)”.

SEC. 205. MAINTENANCE OF MARKET INTEGRITY FOR SECURITY FUTURES PRODUCTS.

(a) ADDITION OF SECURITY FUTURES PRODUCTS TO OPTION-SPECIFIC ENFORCEMENT PROVISIONS.—

(1) PROHIBITION AGAINST MANIPULATION.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended—

(A) in paragraph (1)—

(i) by inserting “(A)” after “acquires”; and

(ii) by striking “; or” and inserting “; or (B) any security futures product on the security; or”;

(B) in paragraph (2)—

- (i) by inserting “(A)” after “interest in any”; and
- (ii) by striking “; or” and inserting “; or (B) such security futures product; or”; and

(C) in paragraph (3)—

- (i) by inserting “(A)” after “interest in any”; and
- (ii) by inserting “; or (B) such security futures product” after “privilege”.

(2) MANIPULATION IN OPTIONS AND OTHER DERIVATIVE PRODUCTS.—Section 9(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(g)) is amended—

(A) by inserting “(1)” after “(g)”;

(B) by inserting “other than a security futures product” after “future delivery”; and

(C) by adding at the end the following:

“(2) Notwithstanding the Commodity Exchange Act, the Commission shall have the authority to regulate the trading of any security futures product to the extent provided in the securities laws.”.

(3) LIABILITY OF CONTROLLING PERSONS AND PERSONS WHO AID AND ABET VIOLATIONS.—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(d)) is amended by striking “or privilege” and inserting “, privilege, or security futures product”.

(4) LIABILITY TO CONTEMPORANEOUS TRADERS FOR INSIDER TRADING.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1(a)(1)) is amended by striking “standardized options, the Commission—” and inserting “standardized options or security futures products, the Commission—”.

(5) ENFORCEMENT CONSULTATION.—Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

“(i) INFORMATION TO CFTC.—The Commission shall provide the Commodity Futures Trading Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any broker or dealer registered pursuant to section 15(b)(11), any exchange registered pursuant to section 6(g), or any national securities association registered pursuant to section 15A(k).”.

SEC. 206. SPECIAL PROVISIONS FOR THE TRADING OF SECURITY FUTURES PRODUCTS.

(a) LISTING STANDARDS AND CONDITIONS FOR TRADING.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (g), as added by section 202, the following:

“(h) TRADING IN SECURITY FUTURES PRODUCTS.—

“(1) TRADING ON EXCHANGE OR ASSOCIATION REQUIRED.—It shall be unlawful for any person to effect transactions in security futures products that are not listed on a national securities exchange or a national securities association registered pursuant to section 15A(a).

“(2) LISTING STANDARDS REQUIRED.—Except as otherwise provided in paragraph (7), a national securities exchange or a national securities association registered pursuant to section

15A(a) may trade only security futures products that (A) conform with listing standards that such exchange or association files with the Commission under section 19(b) and (B) meet the criteria specified in section 2(a)(1)(D)(i) of the Commodity Exchange Act.

“(3) REQUIREMENTS FOR LISTING STANDARDS AND CONDITIONS FOR TRADING.—Such listing standards shall—

“(A) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that any security underlying the security future, including each component security of a narrow-based security index, be registered pursuant to section 12 of this title;

“(B) require that if the security futures product is not cash settled, the market on which the security futures product is traded have arrangements in place with a registered clearing agency for the payment and delivery of the securities underlying the security futures product;

“(C) be no less restrictive than comparable listing standards for options traded on a national securities exchange or national securities association registered pursuant to section 15A(a) of this title;

“(D) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that the security future be based upon common stock and such other equity securities as the Commission and the Commodity Futures Trading Commission jointly determine appropriate;

“(E) require that the security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on one market and offset on another market that trades such product;

“(F) require that only a broker or dealer subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) effect transactions in the security futures product;

“(G) require that the security futures product be subject to the prohibition against dual trading in section 4j of the Commodity Exchange Act (7 U.S.C. 6j) and the rules and regulations thereunder or the provisions of section 11(a) of this title and the rules and regulations thereunder, except to the extent otherwise permitted under this title and the rules and regulations thereunder;

“(H) require that trading in the security futures product not be readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

“(I) require that procedures be in place for coordinated surveillance among the market on which the security futures product is traded, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading;

“(J) require that the market on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (I);

“(K) require that the market on which the security futures product is traded has in place procedures to coordinate trading halts between such market and any market on which any security underlying the security futures product is traded and other markets on which any related security is traded; and

“(L) require that the margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B), except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

“(4) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS.—

“(A) AUTHORITY TO MODIFY.—The Commission and the Commodity Futures Trading Commission, by rule, regulation, or order, may jointly modify the listing standard requirements specified in subparagraph (A) or (D) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

“(B) AUTHORITY TO GRANT EXEMPTIONS.—The Commission and the Commodity Futures Trading Commission, by order, may jointly exempt any person from compliance with the listing standard requirement specified in subparagraph (E) of paragraph (3) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

“(5) REQUIREMENTS FOR OTHER PERSONS TRADING SECURITY FUTURE PRODUCTS.—It shall be unlawful for any person (other than a national securities exchange or a national securities association registered pursuant to section 15A(a)) to constitute, maintain, or provide a marketplace or facilities for bringing together purchasers and sellers of security future products or to otherwise perform with respect to security future products the functions commonly performed by a stock exchange as that term is generally understood, unless a national securities association registered pursuant to section 15A(a) or a national securities exchange of which such person is a member—

“(A) has in place procedures for coordinated surveillance among such person, the market trading the securities underlying the security future products, and other markets trading related securities to detect manipulation and insider trading;

“(B) has rules to require audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (A); and

“(C) has rules to require such person to coordinate trading halts with markets trading the securities underlying the security future products and other markets trading related securities.

“(6) DEFERRAL OF OPTIONS ON SECURITY FUTURES TRADING.—No person shall offer to enter into, enter into, or confirm the execution of any put, call, straddle, option, or privilege on a security future, except that, after 3 years after the date of the enactment of this subsection, the Commission and the Commodity Futures Trading Commission may by order jointly determine to permit trading of puts, calls, straddles, options, or privileges on any security future authorized to be traded under the provisions of this Act and the Commodity Exchange Act.

“(7) DEFERRAL OF LINKED AND COORDINATED CLEARING.—

“(A) Notwithstanding paragraph (2), until the compliance date, a national securities exchange or national securities association registered pursuant to section 15A(a) may trade a security futures product that does not—

“(i) conform with any listing standard promulgated to meet the requirement specified in subparagraph (E) of paragraph (3); or

“(ii) meet the criterion specified in section 2(a)(1)(D)(i)(IV) of the Commodity Exchange Act.

“(B) The Commission and the Commodity Futures Trading Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

“(C) For purposes of this paragraph, the term ‘compliance date’ means the later of—

“(i) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all national securities exchanges, any national securities associations registered pursuant to section 15A(a), and all other persons equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges and any national securities associations registered pursuant to section 15A(a); or

“(ii) 2 years after the date on which trading in any security futures product commences under this title.”.

(b) MARGIN.—Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended—

(1) in subsection (a), by inserting “or a security futures product” after “exempted security”;

(2) in subsection (c)(1)(A), by inserting “except as provided in paragraph (2),” after “security,”;

(3) by redesignating paragraph (2) of subsection (c) as paragraph (3) of such subsection; and

(4) by inserting after paragraph (1) of such subsection the following:

“(2) MARGIN REGULATIONS.—

“(A) COMPLIANCE WITH MARGIN RULES REQUIRED.—It shall be unlawful for any broker, dealer, or member of

a national securities exchange to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on, any security futures product unless such activities comply with the regulations—

“(i) which the Board shall prescribe pursuant to subparagraph (B); or

“(ii) if the Board determines to delegate the authority to prescribe such regulations, which the Commission and the Commodity Futures Trading Commission shall jointly prescribe pursuant to subparagraph (B).

If the Board delegates the authority to prescribe such regulations under clause (ii) and the Commission and the Commodity Futures Trading Commission have not jointly prescribed such regulations within a reasonable period of time after the date of such delegation, the Board shall prescribe such regulations pursuant to subparagraph (B).

“(B) CRITERIA FOR ISSUANCE OF RULES.—The Board shall prescribe, or, if the authority is delegated pursuant to subparagraph (A)(ii), the Commission and the Commodity Futures Trading Commission shall jointly prescribe, such regulations to establish margin requirements, including the establishment of levels of margin (initial and maintenance) for security futures products under such terms, and at such levels, as the Board deems appropriate, or as the Commission and the Commodity Futures Trading Commission jointly deem appropriate—

“(i) to preserve the financial integrity of markets trading security futures products;

“(ii) to prevent systemic risk;

“(iii) to require that—

“(I) the margin requirements for a security future product be consistent with the margin requirements for comparable option contracts traded on any exchange registered pursuant to section 6(a) of this title; and

“(II) initial and maintenance margin levels for a security future product not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of this title, other than an option on a security future;

except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security future product when it deems such action to be necessary or appropriate; and

“(iv) to ensure that the margin requirements (other than levels of margin), including the type, form, and use of collateral for security futures products, are and remain consistent with the requirements established by the Board, pursuant to subparagraphs (A) and (B) of paragraph (1).”.

(c) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL MARKET SYSTEM.—Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k-1) is amended by adding at the end the following:

“(e) NATIONAL MARKETS SYSTEM FOR SECURITY FUTURES PRODUCTS.—

“(1) CONSULTATION AND COOPERATION REQUIRED.—With respect to security futures products, the Commission and the Commodity Futures Trading Commission shall consult and cooperate so that, to the maximum extent practicable, their respective regulatory responsibilities may be fulfilled and the rules and regulations applicable to security futures products may foster a national market system for security futures products if the Commission and the Commodity Futures Trading Commission jointly determine that such a system would be consistent with the congressional findings in subsection (a)(1). In accordance with this objective, the Commission shall, at least 15 days prior to the issuance for public comment of any proposed rule or regulation under this section concerning security futures products, consult and request the views of the Commodity Futures Trading Commission.

“(2) APPLICATION OF RULES BY ORDER OF CFTC.—No rule adopted pursuant to this section shall be applied to any person with respect to the trading of security futures products on an exchange that is registered under section 6(g) unless the Commodity Futures Trading Commission has issued an order directing that such rule is applicable to such persons.”.

(d) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL SYSTEM FOR CLEARANCE AND SETTLEMENT.—Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(b)) is amended by adding at the end the following:

“(7)(A) A clearing agency that is regulated directly or indirectly by the Commodity Futures Trading Commission through its association with a designated contract market for security futures products that is a national securities exchange registered pursuant to section 6(g), and that would be required to register pursuant to paragraph (1) of this subsection only because it performs the functions of a clearing agency with respect to security futures products effected pursuant to the rules of the designated contract market with which such agency is associated, is exempted from the provisions of this section and the rules and regulations thereunder, except that if such a clearing agency performs the functions of a clearing agency with respect to a security futures product that is not cash settled, it must have arrangements in place with a registered clearing agency to effect the payment and delivery of the securities underlying the security futures product.

“(B) Any clearing agency that performs the functions of a clearing agency with respect to security futures products must coordinate with and develop fair and reasonable links with any and all other clearing agencies that perform the functions of a clearing agency with respect to security futures products, in order to permit, as of the compliance date (as defined in section 6(h)(6)(C)), security futures products to be purchased on one market and offset on another market that trades such products.”.

(e) MARKET EMERGENCY POWERS AND CIRCUIT BREAKERS.—Section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)) is amended—

(1) in paragraph (1), by adding at the end the following: “If the actions described in subparagraph (A) or (B) involve a security futures product, the Commission shall consult with

and consider the views of the Commodity Futures Trading Commission.”; and

(2) in paragraph (2)(B), by inserting after the first sentence the following: “If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.”.

(f) TRANSACTION FEES.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) in subsection (a), by inserting “and assessments” after “fees”;

(2) in subsections (b), (c), and (d)(1), by striking “and other evidences of indebtedness” and inserting “other evidences of indebtedness, and security futures products”;

(3) in subsection (f), by inserting “or assessment” after “fee”;

(4) in subsection (g), by inserting “and assessment” after “fee”;

(5) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(6) by inserting after subsection (d) the following new subsection:

“(e) ASSESSMENTS ON SECURITY FUTURES TRANSACTIONS.—Each national securities exchange and national securities association shall pay to the Commission an assessment equal to \$0.02 for each round turn transaction (treated as including one purchase and one sale of a contract of sale for future delivery) on a security future traded on such national securities exchange or by or through any member of such association otherwise than on a national securities exchange, except that for fiscal year 2007 or any succeeding fiscal year such assessment shall be equal to \$0.0075 for each such transaction. Assessments collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.”.

(g) EXEMPTION FROM SHORT SALE PROVISIONS.—Section 10(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j(a)) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by adding at the end the following:

“(2) Paragraph (1) of this subsection shall not apply to security futures products.”.

(h) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)) is amended—

(1) by inserting “(A)” after “(3)”;

(2) by adding at the end the following:

“(B) Consistent with this title, the Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of: (i) the provisions of section 8, section 15(c)(3), and section 17 of this title and the rules and regulations thereunder related to the treatment of customer funds, securities,

or property, maintenance of books and records, financial reporting, or other financial responsibility rules, involving security futures products; and (ii) similar provisions of the Commodity Exchange Act and rules and regulations thereunder involving security futures products.”.

(i) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (h), as added by subsection (a) of this section, the following:

“(i) Consistent with this title, each national securities exchange registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities exchanges registered pursuant to section 6(g) and national securities associations registered pursuant to section 15A(k) involving security futures products.”.

(j) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (k), as added by section 203, the following:

“(l) Consistent with this title, each national securities association registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities association of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges registered pursuant to section 6(g) involving security futures products.”.

(k) OBLIGATION TO PUT IN PLACE PROCEDURES AND ADOPT RULES.—

(1) NATIONAL SECURITIES ASSOCIATIONS.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (l), as added by subsection (j) of this section, the following new subsection:

“(m) PROCEDURES AND RULES FOR SECURITY FUTURE PRODUCTS.—A national securities association registered pursuant to subsection (a) shall, not later than 8 months after the date of the enactment of the Commodity Futures Modernization Act of 2000, implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title.”.

(2) NATIONAL SECURITIES EXCHANGES.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (i), as added by subsection (i) of this section, the following new subsection:

“(j) PROCEDURES AND RULES FOR SECURITY FUTURE PRODUCTS.—A national securities exchange registered pursuant to subsection (a) shall implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title not later than 8 months after the date of receipt of a request from an alternative trading system for such implementation and rules.”.

(l) OBLIGATION TO ADDRESS SECURITY FUTURES PRODUCTS TRADED ON FOREIGN EXCHANGES.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding after subsection (j), as added by subsection (k) of this section, the following:

“(k)(1) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Commodity Futures Trading Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

“(2) The rules, regulations, or orders adopted under paragraph (1) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflect.”.

SEC. 207. CLEARANCE AND SETTLEMENT.

Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(b)) is amended—

(1) in paragraph (3)(A), by inserting “and derivative agreements, contracts, and transactions” after “prompt and accurate clearance and settlement of securities transactions”;

(2) in paragraph (3)(F), by inserting “and, to the extent applicable, derivative agreements, contracts, and transactions” after “designed to promote the prompt and accurate clearance and settlement of securities transactions”; and

(3) by inserting after paragraph (7), as added by section 206(d), the following:

“(8) A registered clearing agency shall be permitted to provide facilities for the clearance and settlement of any derivative agreements, contracts, or transactions that are excluded from the Commodity Exchange Act, subject to the requirements of this section and to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.”.

SEC. 208. AMENDMENTS RELATING TO REGISTRATION AND DISCLOSURE ISSUES UNDER THE SECURITIES ACT OF 1933 AND THE SECURITIES EXCHANGE ACT OF 1934.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) TREATMENT OF SECURITY FUTURES PRODUCTS.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(A) in paragraph (1), by inserting “security future,” after “treasury stock,”;

(B) in paragraph (3), by adding at the end the following: “Any offer or sale of a security futures product by or on behalf of the issuer of the securities underlying the security futures product, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell the underlying securities.”; and

(C) by adding at the end the following:

“(16) The terms ‘security future’, ‘narrow-based security index’, and ‘security futures product’ have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.”.

(2) EXEMPTION FROM REGISTRATION.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

“(14) Any security futures product that is—

“(A) cleared by a clearing agency registered under section 17A of the Securities Exchange Act of 1934 or exempt from registration under subsection (b)(7) of such section 17A; and

“(B) traded on a national securities exchange or a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.”.

(3) CONFORMING AMENDMENT.—Section 12(a)(2) of the Securities Act of 1933 (15 U.S.C. 77l(a)(2)) is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (14)”.

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) EXEMPTION FROM REGISTRATION.—Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(a)) is amended by adding at the end the following: “The provisions of this subsection shall not apply in respect of a security futures product traded on a national securities exchange.”.

(2) EXEMPTIONS FROM REPORTING REQUIREMENT.—Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by adding at the end the following: “For purposes of this subsection, a security futures product shall not be considered a class of equity security of the issuer of the securities underlying the security futures product.”.

(3) TRANSACTIONS BY CORPORATE INSIDERS.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following:

“(f) TREATMENT OF TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—The provisions of this section shall apply to ownership of and transactions in security futures products.”.

SEC. 209. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) DEFINITIONS UNDER THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.—

(1) Section 2(a)(36) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(36)) is amended by inserting “security future,” after “treasury stock,”.

(2) Section 202(a)(18) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(18)) is amended by inserting “security future,” after “treasury stock,”.

(3) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following:

“(52) The terms ‘security future’ and ‘narrow-based security index’ have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.”.

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

“(27) The terms ‘security future’ and ‘narrow-based security index’ have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.”.

(b) OTHER PROVISION.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended—

(1) by striking “or” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; or”; and

(3) by adding at the end the following:

“(6) any investment adviser that is registered with the Commodity Futures Trading Commission as a commodity trading advisor whose business does not consist primarily of acting as an investment adviser, as defined in section 202(a)(11) of this title, and that does not act as an investment adviser to—

“(A) an investment company registered under title I of this Act; or

“(B) a company which has elected to be a business development company pursuant to section 54 of title I of this Act and has not withdrawn its election.”.

SEC. 210. PREEMPTION OF STATE LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended—

(1) in the last sentence—

(A) by inserting “subject to this title” after “privilege, or other security”; and

(B) by striking “any such instrument, if such instrument is traded pursuant to rules and regulations of a self-regulatory organization that are filed with the Commission pursuant to section 19(b) of this Act” and inserting “any such security”; and

(2) by adding at the end the following new sentence: “No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability.”.

Subtitle B—Amendments to the Commodity Exchange Act

SEC. 251. JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION; OTHER PROVISIONS.

(a) JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION.—

(1) Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2a) (as redesignated by section 34(a)(2)(C)) is amended—

(A) in clause (ii)—

(i) by inserting “or register a derivatives transaction execution facility that trades or executes,” after “contract market in,”;

(ii) by inserting after “contracts) for future delivery” the following: “, and no derivatives transaction execution facility shall trade or execute such contracts of sale (or options on such contracts) for future delivery,”;

(iii) by striking “making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets” and inserting “or the derivatives transaction execution facility, and the applicable contract, meet”; and

(iv) by striking subclause (III) of clause (ii) and inserting the following:

“(III) Such group or index of securities shall not constitute a narrow-based security index.”;

(B) by striking clause (iii);

(C) by striking clause (iv) and inserting the following:

“(iii) If, in its discretion, the Commission determines that a stock index futures contract, notwithstanding its conformance with the requirements in clause (ii) of this subparagraph, can reasonably be used as a surrogate for trading a security (including a security futures product), it may, by order, require such contract and any option thereon be traded and regulated as security futures products as defined in section 3(a)(56) of the Securities Exchange Act of 1934 and section 1a of this Act subject to all rules and regulations applicable to security futures products under this Act and the securities laws as defined in section 3(a)(47) of the Securities Exchange Act of 1934.”; and

(D) by redesignating clause (v) as clause (iv).

(2) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4) is amended by adding at the end the following:

“(D)(i) Notwithstanding any other provision of this Act, the Securities and Exchange Commission shall have jurisdiction and authority over security futures as defined in section 3(a)(55) of the Securities Exchange Act of 1934, section 2(a)(16) of the Securities Act of 1933, section 2(a)(52) of the Investment Company Act of 1940, and section 202(a)(27) of the Investment Advisers Act of 1940, options on security futures, and persons effecting transactions in security futures and options thereon, and this Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an ‘option’, ‘privilege’, ‘indemnity’, ‘bid’, ‘offer’, ‘put’, ‘call’, ‘advance guaranty’, or ‘decline guaranty’), contracts, and transactions involving, and may designate a board of trade as a contract market in, or register a derivatives transaction execution facility that trades or executes, a security futures product as defined in section 1a of this Act: *Provided, however,* That, except as provided in clause (vi) of this subparagraph, no board of trade shall be designated as a contract market with respect to, or registered as a derivatives transaction execution facility for, any such contracts of sale for future delivery unless the board of trade and the applicable contract meet the following criteria:

“(I) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, any security underlying the security future, including each component security of a narrow-based security index, is registered pursuant to section 12 of the Securities Exchange Act of 1934.

“(II) If the security futures product is not cash settled, the board of trade on which the security futures product is traded has arrangements in place with a clearing agency registered pursuant to section 17A of the Securities Exchange Act of 1934 for the payment and delivery of the securities underlying the security futures product.

“(III) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, the security future is based upon common stock and such other equity securities as the Commission and the Securities and Exchange Commission jointly determine appropriate.

“(IV) The security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on a designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

“(V) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators or associated persons subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 solicit, accept any order for, or otherwise deal in any transaction in or in connection with the security futures product.

“(VI) The security futures product is subject to a prohibition against dual trading in section 4j of this Act and the rules and regulations thereunder or the provisions of section 11(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, except to the extent otherwise permitted under the Securities Exchange Act of 1934 and the rules and regulations thereunder.

“(VII) Trading in the security futures product is not readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

“(VIII) The board of trade on which the security futures product is traded has procedures in place for coordinated surveillance among such board of trade, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading, except that, if the board of trade is an alternative trading system, a national

securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has in place such procedures.

“(IX) The board of trade on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subclause (VIII), except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such audit trails.

“(X) The board of trade on which the security futures product is traded has in place procedures to coordinate trading halts between such board of trade and markets on which any security underlying the security futures product is traded and other markets on which any related security is traded, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such coordinated trading halts.

“(XI) The margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934, except that nothing in this subclause shall be construed to prevent a board of trade from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

“(ii) It shall be unlawful for any person to offer, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States, its territories or possessions, for the purpose of soliciting, or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a security futures product unless—

“(I) the transaction is conducted on or subject to the rules of a board of trade that—

“(aa) has been designated by the Commission as a contract market in such security futures product; or

“(bb) is a registered derivatives transaction execution facility for the security futures product that has provided a certification with respect to the security futures product pursuant to clause (vii);

“(II) the contract is executed or consummated by, through, or with a member of the contract market or registered derivatives transaction execution facility; and

“(III) the security futures product is evidenced by a record in writing which shows the date, the parties to such security futures product and their addresses, the property covered, and its price, and each contract market member or registered derivatives transaction execution facility member shall keep

the record for a period of 3 years from the date of the transaction, or for a longer period if the Commission so directs, which record shall at all times be open to the inspection of any duly authorized representative of the Commission.

“(iii)(I) Except as provided in subclause (II) but notwithstanding any other provision of this Act, no person shall offer to enter into, enter into, or confirm the execution of any option on a security future.

“(II) After 3 years after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission may by order jointly determine to permit trading of options on any security future authorized to be traded under the provisions of this Act and the Securities Exchange Act of 1934.

“(iv)(I) All relevant records of a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f shall be subject to such reasonable periodic or special examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act, and the Commission, before conducting any such examination, shall give notice to the Securities and Exchange Commission of the proposed examination and consult with the Securities and Exchange Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

“(II) The Commission shall notify the Securities and Exchange Commission of any examination conducted of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission any examination report and data supplied to or prepared by the Commission in connection with the examination.

“(III) Before conducting an examination under subclause (I), the Commission shall use the reports of examinations, unless the information sought is unavailable in the reports, of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)).

“(IV) Any records required under this subsection for a futures commission merchant or introducing broker registered pursuant

to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, shall be limited to records with respect to accounts, agreements, contracts, and transactions involving security futures products.

“(v)(I) The Commission and the Securities and Exchange Commission, by rule, regulation, or order, may jointly modify the criteria specified in subclause (I) or (III) of clause (i), including the trading of security futures based on securities other than equity securities, to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

“(II) The Commission and the Securities and Exchange Commission, by order, may jointly exempt any person from compliance with the criterion specified in clause (i)(IV) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

“(vi)(I) Notwithstanding clauses (i) and (vii), until the compliance date, a board of trade shall not be required to meet the criterion specified in clause (i)(IV).

“(II) The Commission and the Securities and Exchange Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

“(III) For purposes of this clause, the term ‘compliance date’ means the later of—

“(aa) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all designated contract markets and registered derivatives transaction execution facilities equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges registered pursuant to section 6(a) of the Securities Exchange Act of 1934 and any national securities associations registered pursuant to section 15A(a) of such Act; or

“(bb) 2 years after the date on which trading in any security futures product commences under this Act.

“(vii) It shall be unlawful for a board of trade to trade or execute a security futures product unless the board of trade has provided the Commission with a certification that the specific security futures product and the board of trade, as applicable, meet the criteria specified in subclauses (I) through (XI) of clause (i), except as otherwise provided in clause (vi).”.

(b) MARGIN ON SECURITY FUTURES.—Section 2(a)(1)(C)(vi) of the Commodity Exchange Act (7 U.S.C. 2a(vi)) (as redesignated by section 34) is amended—

(1) by redesignating subclause (V) as subclause (VI); and
 (2) by striking “(vi)(I)” and all that follows through subclause (IV) and inserting the following:

“(v)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option

thereon) other than a security futures product, or any derivatives transaction execution facility on which such contract or option is traded, shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for such stock index futures contract (or option thereon) other than security futures products.

“(II) The Board may at any time request any contract market or derivatives transaction execution facility to set the margin for any stock index futures contract (or option thereon), other than for any security futures product, at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or derivatives transaction execution facility, or its clearing system, or to prevent systemic risk. If the contract market or derivatives transaction execution facility fails to do so within the time specified by the Board in its request, the Board may direct the contract market or derivatives transaction execution facility to alter or supplement the rules of the contract market or derivatives transaction execution facility as specified in the request.

“(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority, relating to margin for any stock index futures contract (or option thereon), other than security futures products, under this clause to the Commission.

“(IV) It shall be unlawful for any futures commission merchant to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on any security futures product unless such activities comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934.

“(V) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market or registered derivatives transaction execution facility, on finding an emergency to exist, to raise temporary margin levels on any futures contract, or option on the contract covered by this clause, or on any security futures product.”.

(c) DUAL TRADING.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended to read as follows:

“SEC. 4j. RESTRICTIONS ON DUAL TRADING IN SECURITY FUTURES PRODUCTS ON DESIGNATED CONTRACT MARKETS AND REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.

“(a) The Commission shall issue regulations to prohibit the privilege of dual trading in security futures products on each contract market and registered derivatives transaction execution facility. The regulations issued by the Commission under this section—

“(1) shall provide that the prohibition of dual trading thereunder shall take effect upon issuance of the regulations; and

“(2) shall provide exceptions, as the Commission determines appropriate, to ensure fairness and orderly trading in security futures product markets, including—

“(A) exceptions for spread transactions and the correction of trading errors;

“(B) allowance for a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer, notwithstanding the regulations to prohibit the privilege of dual trading required under this section; and

“(C) other measures reasonably designed to accommodate unique or special characteristics of individual boards of trade or contract markets, to address emergency or unusual market conditions, or otherwise to further the public interest consistent with the promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and with the purposes of this section.

“(b) As used in this section, the term ‘dual trading’ means the execution of customer orders by a floor broker during the same trading session in which the floor broker executes any trade in the same contract market or registered derivatives transaction execution facility for—

“(1) the account of such floor broker;

“(2) an account for which such floor broker has trading discretion; or

“(3) an account controlled by a person with whom such floor broker has a relationship through membership in a broker association.

“(c) As used in this section, the term ‘broker association’ shall include two or more contract market members or registered derivatives transaction execution facility members with floor trading privileges of whom at least one is acting as a floor broker, who—

“(1) engage in floor brokerage activity on behalf of the same employer,

“(2) have an employer and employee relationship which relates to floor brokerage activity,

“(3) share profits and losses associated with their brokerage or trading activity, or

“(4) regularly share a deck of orders.”.

(d) EXEMPTION FROM REGISTRATION FOR INVESTMENT ADVISERS.—Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended by adding at the end the following:

“(3) Subsection (1) of this section shall not apply to any commodity trading advisor that is registered with the Securities and Exchange Commission as an investment adviser whose business does not consist primarily of acting as a commodity trading advisor, as defined in section 1a(6), and that does not act as a commodity trading advisor to any investment trust, syndicate, or similar form of enterprise that is engaged primarily in trading in any commodity for future delivery on or subject to the rules of any contract market or registered derivatives transaction execution facility.”.

(e) EXEMPTION FROM INVESTIGATIONS OF MARKETS IN UNDERLYING SECURITIES.—Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by adding at the end the following:

“(e) This section shall not apply to investigations involving any security underlying a security futures product.”.

(f) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by inserting “(a)” before the first undesignated paragraph;

(2) by inserting “(b)” before the second undesignated paragraph; and

(3) by adding at the end the following:

“(c) Consistent with this Act, the Commission, in consultation with the Securities and Exchange Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act (except paragraph (11) thereof), involving the application of—

“(1) section 8, section 15(c)(3), and section 17 of the Securities Exchange Act of 1934 and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting or other financial responsibility rules (as defined in section 3(a)(40) of the Securities Exchange Act of 1934), involving security futures products; and

“(2) similar provisions of this Act and the rules and regulations thereunder involving security futures products.”.

(g) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by adding at the end the following:

“(r) Consistent with this Act, each futures association registered under this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities and Exchange Act of 1934 (except paragraph (11) thereof), with respect to the application of—

“(1) rules of such futures association of the type specified in section 4d(3) of this Act involving security futures products; and

“(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities and Exchange Act of 1934 involving security futures products.”.

(h) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 5c of the Commodity Exchange Act (as added by section 114) is amended by adding at the end the following:

“(f) Consistent with this Act, each designated contract market and registered derivatives transaction execution facility shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof) with respect to the application of—

“(1) rules of such designated contract market or registered derivatives transaction execution facility of the type specified in section 4d(3) of this Act involving security futures products; and

“(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities Exchange

Act of 1934 and national securities exchanges registered pursuant to section 6(g) of such Act involving security futures products.”.

(i) OBLIGATION TO ADDRESS SECURITY FUTURES PRODUCTS TRADED ON FOREIGN EXCHANGES.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following:

“(E)(i) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Securities and Exchange Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

“(ii) The rules, regulations, or orders adopted under clause (i) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflects.”.

(j) SECURITY FUTURES PRODUCTS TRADED ON FOREIGN BOARDS OF TRADE.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following:

“(F)(i) Nothing in this Act is intended to prohibit a futures commission merchant from carrying security futures products traded on or subject to the rules of a foreign board of trade in the accounts of persons located outside of the United States.

“(ii) Nothing in this Act is intended to prohibit any eligible contract participant located in the United States from purchasing or carrying securities futures products traded on or subject to the rules of a foreign board of trade, exchange, or market to the same extent such person may be authorized to purchase or carry other securities traded on a foreign board of trade, exchange, or market so long as any underlying security for such security futures products is traded principally on, by, or through any exchange or market located outside the United States.”.

SEC. 252. APPLICATION OF THE COMMODITY EXCHANGE ACT TO NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS THAT TRADE SECURITY FUTURES.

(a) NOTICE DESIGNATION OF NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS.—The Commodity Exchange Act is amended by inserting after section 5e (7 U.S.C. 7b), as redesignated by section 21(1), the following:

“SEC. 5f. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.

“(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be a designated contract market in security futures products if—

“(1) such national securities exchange, national securities association, or alternative trading system lists or trades no other contracts of sale for future delivery, except for security futures products;

“(2) such national securities exchange, national securities association, or alternative trading system files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of customers; and

“(3) the registration of such national securities exchange, national securities association, or alternative trading system is not suspended pursuant to an order by the Securities and Exchange Commission.

Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

“(b)(1) A national securities exchange, national securities association, or alternative trading system that is designated as a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

“(A) Subsections (c), (e), and (g) of section 4c.

“(B) Section 4j.

“(C) Section 5.

“(D) Section 5c.

“(E) Section 6a.

“(F) Section 8(d).

“(G) Section 9(f).

“(H) Section 16.

“(2) An alternative trading system that is a designated contract market under this section shall be required to be a member of a futures association registered under section 17 and shall be exempt from any provision of this Act that would require such alternative trading system to—

“(A) set rules governing the conduct of subscribers other than the conduct of such subscribers’ trading on such alternative trading system; or

“(B) discipline subscribers other than by exclusion from trading.

“(3) To the extent that an alternative trading system is exempt from any provision of this Act pursuant to paragraph (2) of this subsection, the futures association registered under section 17 of which the alternative trading system is a member shall set rules governing the conduct of subscribers to the alternative trading system and discipline the subscribers.

“(4)(A) Except as provided in subparagraph (B), but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any designated contract market in security futures subject to the designation requirement of this section from any provision of this Act or of any rule or regulation thereunder, to the extent such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

“(B) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section is granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

“(C) An alternative trading system shall not be deemed to be an exchange for any purpose as a result of the designation of such alternative trading system as a contract market under this section.”

(b) NOTICE REGISTRATION OF CERTAIN SECURITIES BROKER-DEALERS; EXEMPTION FROM REGISTRATION FOR CERTAIN SECURITIES BROKER-DEALERS.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1), and except as provided in paragraph (3), any broker or dealer that is registered with the Securities and Exchange Commission shall be registered as a futures commission merchant or introducing broker, as applicable, if—

“(A) the broker or dealer limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products;

“(B) the broker or dealer files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors;

“(C) the registration of the broker or dealer is not suspended pursuant to an order of the Securities and Exchange Commission; and

“(D) the broker or dealer is a member of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

The registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

“(3) A floor broker or floor trader shall be exempt from the registration requirements of section 4e and paragraph (1) of this subsection if—

“(A) the floor broker or floor trader is a broker or dealer registered with the Securities and Exchange Commission;

“(B) the floor broker or floor trader limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market to security futures products; and

“(C) the registration of the floor broker or floor trader is not suspended pursuant to an order of the Securities and Exchange Commission.”.

(c) EXEMPTION FOR SECURITIES BROKER-DEALERS FROM CERTAIN PROVISIONS OF THE COMMODITY EXCHANGE ACT.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended by inserting after paragraph (3), as added by subsection (b) of this section, the following:

“(4)(A) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2), or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall be exempt from the following provisions of this Act and the rules thereunder:

“(i) Subsections (b), (d), (e), and (g) of section 4c.

“(ii) Sections 4d, 4e, and 4h.

“(iii) Subsections (b) and (c) of this section.

“(iv) Section 4j.

“(v) Section 4k(1).

“(vi) Section 4p.

“(vii) Section 6d.

“(viii) Subsections (d) and (g) of section 8.

“(ix) Section 16.

“(B)(i) Except as provided in clause (ii) of this subparagraph, but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any broker or dealer subject to the registration requirement of paragraph (2), or any broker or dealer exempt from registration pursuant to paragraph (3), from any provision of this Act or of any rule or regulation thereunder, to the extent the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

“(ii) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

“(C)(i) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall not be required to become a member of any futures association registered under section 17.

“(ii) No futures association registered under section 17 shall limit its members from carrying an account, accepting an order, or transacting business with a broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3).”.

(d) EXEMPTIONS FOR ASSOCIATED PERSONS OF SECURITIES BROKER-DEALERS.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k), is amended by inserting after paragraph (4), as added by subsection (c) of this section, the following:

“(5) Any associated person of a broker or dealer that is registered with the Securities and Exchange Commission, and who limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery or any option on such a contract, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products, shall be exempt from the following provisions of this Act and the rules thereunder:

“(A) Subsections (b), (d), (e), and (g) of section 4c.

“(B) Sections 4d, 4e, and 4h.

“(C) Subsections (b) and (c) of section 4f.

“(D) Section 4j.

“(E) Paragraph (1) of this section.

“(F) Section 4p.

“(G) Section 6d.

“(H) Subsections (d) and (g) of section 8.

“(I) Section 16.”.

SEC. 253. NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.

(a) Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by adding at the end the following:

“(3) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.”.

(b) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended by adding at the end the following:

“(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission pursuant to subsections (c) and (d) of this section against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.”.

(c) Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) is amended by adding at the end the following:

“(h) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.”.

TITLE III—LEGAL CERTAINTY FOR SWAP AGREEMENTS

SEC. 301. SWAP AGREEMENT.

(a) AMENDMENT.—Title II of the Gramm-Leach-Bliley Act (Public Law 106–102) is amended by inserting after section 206 the following new sections:

“SEC. 206A. SWAP AGREEMENT.

“(a) IN GENERAL.—Except as provided in subsection (b), as used in this section, the term ‘swap agreement’ means any agreement, contract, or transaction between eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act as in effect on the date of the enactment of this section), other than a person that is an eligible contract participant under section 1a(12)(C) of the Commodity Exchange Act, the material terms of which (other than price and quantity) are subject to individual negotiation, and that—

“(1) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, one or more interest or other rates, currencies, commodities,

indices, quantitative measures, or other financial or economic interests or property of any kind;

“(2) provides for any purchase, sale, payment or delivery (other than a dividend on an equity security) that is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

“(3) provides on an executory basis for the exchange, on a fixed or contingent basis, of one or more payments based on the value or level of one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any such agreement, contract, or transaction commonly known as an interest rate swap, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, or commodity swap;

“(4) provides for the purchase or sale, on a fixed or contingent basis, of any commodity, currency, instrument, interest, right, service, good, article, or property of any kind; or

“(5) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of paragraphs (1) through (4).

“(b) EXCLUSIONS.—The term ‘swap agreement’ does not include—

“(1) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof;

“(2) any put, call, straddle, option, or privilege entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 relating to foreign currency;

“(3) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a fixed basis;

“(4) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a contingent basis, unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

“(5) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934; or

“(6) any agreement, contract, or transaction that is—

“(A) based on a security; and

“(B) entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1933) by the issuer of such security for the purposes of raising capital, unless such agreement, contract, or transaction is entered into to manage a risk associated with capital raising.

“(c) **RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.**—As used in this section, the term ‘swap agreement’ shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap agreement pursuant to subsections (a) and (b), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap agreement pursuant to subsections (a) and (b), except that the master agreement shall be considered to be a swap agreement only with respect to each agreement, contract, or transaction under the master agreement that is a swap agreement pursuant to subsections (a) and (b).

“SEC. 206B. SECURITY-BASED SWAP AGREEMENT.

“As used in this section, the term ‘security-based swap agreement’ means a swap agreement (as defined in section 206A) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

“SEC. 206C. NON-SECURITY-BASED SWAP AGREEMENT.

“As used in this section, the term ‘non-security-based swap agreement’ means any swap agreement (as defined in section 206A) that is not a security-based swap agreement (as defined in section 206B).”.

(b) **SECURITY DEFINITION.**—As used in the amendment made by subsection (a), the term “security” has the same meaning as in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934.

SEC. 302. AMENDMENTS TO THE SECURITIES ACT OF 1933.

(a) **ENFORCEMENT FOCUS.**—The Securities Act of 1933 is amended by inserting after section 2 (15 U.S.C. 77b) the following new section:

“SEC. 2A. SWAP AGREEMENTS.

“(a) **NON-SECURITY-BASED SWAP AGREEMENTS.**—The definition of ‘security’ in section 2(a)(1) of this title does not include any non-security-based swap agreement (as defined in section 206C of the Gramm-Leach-Bliley Act).

“(b) **SECURITY-BASED SWAP AGREEMENTS.**—

“(1) The definition of ‘security’ in section 2(a)(1) of this title does not include any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

“(2) The Commission is prohibited from registering, or requiring, recommending, or suggesting, the registration under this title of any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act). If the Commission becomes aware that a registrant has filed a registration

statement with respect to such a swap agreement, the Commission shall promptly so notify the registrant. Any such registration statement with respect to such a swap agreement shall be void and of no force or effect.

“(3) The Commission is prohibited from—

“(A) promulgating, interpreting, or enforcing rules; or

“(B) issuing orders of general applicability;

under this title in a manner that imposes or specifies reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading with respect to any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

“(4) References in this title to the ‘purchase’ or ‘sale’ of a security-based swap agreement shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act), as the context may require.”.

(b) **ANTI-FRAUD AND ANTI-MANIPULATION ENFORCEMENT AUTHORITY.**—Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended to read as follows:

“(a) It shall be unlawful for any person in the offer or sale of any securities or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly—

“(1) to employ any device, scheme, or artifice to defraud,

or

“(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

“(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.”.

(c) **LIMITATION.**—Section 17 of the Securities Act of 1933 is amended by adding at the end the following new subsection:

“(d) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 2A(b) of this title.”.

SEC. 303. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) **ENFORCEMENT FOCUS.**—The Securities Exchange Act of 1934 is amended by inserting after section 3 (15 U.S.C. 78c) the following new section:

“SEC. 3A. SWAP AGREEMENTS.

“(a) **NON-SECURITY-BASED SWAP AGREEMENTS.**—The definition of ‘security’ in section 3(a)(10) of this title does not include any non-security-based swap agreement (as defined in section 206C of the Gramm-Leach-Bliley Act).

“(b) **SECURITY-BASED SWAP AGREEMENTS.**—

“(1) The definition of ‘security’ in section 3(a)(10) of this title does not include any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

“(2) The Commission is prohibited from registering, or requiring, recommending, or suggesting, the registration under this title of any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act). If the Commission becomes aware that a registrant has filed a registration application with respect to such a swap agreement, the Commission shall promptly so notify the registrant. Any such registration with respect to such a swap agreement shall be void and of no force or effect.

“(3) Except as provided in section 16(a) with respect to reporting requirements, the Commission is prohibited from—

“(A) promulgating, interpreting, or enforcing rules; or

“(B) issuing orders of general applicability;

under this title in a manner that imposes or specifies reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading with respect to any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

“(4) References in this title to the ‘purchase’ or ‘sale’ of a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap agreement, as the context may require.”.

(b) ANTI-FRAUD, ANTI-MANIPULATION ENFORCEMENT AUTHORITY.—Paragraphs (2) through (5) of section 9(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(a)(2)–(5)) are amended to read as follows:

“(2) To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange or in connection with any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

“(3) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

“(4) If a dealer or broker, or the person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to make, regarding any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, for the purpose of inducing the purchase or sale of such security or

such security-based swap agreement, any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which he knew or had reasonable ground to believe was so false or misleading.

“(5) For a consideration, received directly or indirectly from a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce the purchase of any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.”.

(c) LIMITATION.—Section 9 of the Securities Exchange Act of 1934 is amended by adding at the end the following new subsection:

“(i) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.”.

(d) REGULATIONS ON THE USE OF MANIPULATIVE AND DECEPTIVE DEVICES.—Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) is amended—

(1) in subsection (b), by inserting “or any securities-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act),” before “any manipulative or deceptive device”; and

(2) by adding at the end the following:

“Rules promulgated under subsection (b) that prohibit fraud, manipulation, or insider trading (but not rules imposing or specifying reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading), and judicial precedents decided under subsection (b) and rules promulgated thereunder that prohibit fraud, manipulation, or insider trading, shall apply to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) to the same extent as they apply to securities. Judicial precedents decided under section 17(a) of the Securities Act of 1933 and sections 9, 15, 16, 20, and 21A of this title, and judicial precedents decided under applicable rules promulgated under such sections, shall apply to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) to the same extent as they apply to securities.”.

(e) BROKER, DEALER ANTI-FRAUD, ANTI-MANIPULATION ENFORCEMENT AUTHORITY.—Section 15(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(1)) is amended to read as follows:

“(c)(1)(A) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than commercial paper, bankers’ acceptances, or commercial bills) otherwise than on a national securities exchange of which it is a member, or any security-based

swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act), by means of any manipulative, deceptive, or other fraudulent device or contrivance.

“(B) No municipal securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a municipal security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

“(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or to attempt to induce the purchase or sale of, any government security or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.”.

(f) LIMITATION.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

“(i) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.”.

(g) ANTI-INSIDER TRADING ENFORCEMENT AUTHORITY.—Subsections (a) and (b) of section 16 (15 U.S.C. 78p(a), (b)) of the Securities Exchange of 1934 are amended to read as follows:

“(a) Every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of any equity security (other than an exempted security) which is registered pursuant to section 12 of this title, or who is a director or an officer of the issuer of such security, shall file, at the time of the registration of such security on a national securities exchange or by the effective date of a registration statement filed pursuant to section 12(g) of this title, or within ten days after he becomes such beneficial owner, director, or officer, a statement with the Commission (and, if such security is registered on a national securities exchange, also with the exchange) of the amount of all equity securities of such issuer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership or if such person shall have purchased or sold a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving such equity security during such month, shall file with the Commission (and if such security is registered on a national securities exchange, shall also file with the exchange), a statement indicating his ownership at the close of the calendar month and such changes in his ownership and such purchases and sales of such security-based swap agreements as have occurred during such calendar month.

“(b) For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such issuer (other than an exempted security) or a security-based swap agreement (as defined

in section 206B of the Gramm-Leach-Bliley Act) involving any such equity security within any period of less than six months, unless such security or security-based swap agreement was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the issuer, irrespective of any intention on the part of such beneficial owner, director, or officer in entering into such transaction of holding the security or security-based swap agreement purchased or of not repurchasing the security or security-based swap agreement sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the issuer, or by the owner of any security of the issuer in the name and in behalf of the issuer if the issuer shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This subsection shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involved, or any transaction or transactions which the Commission by rules and regulations may exempt as not comprehended within the purpose of this subsection.”.

(h) LIMITATION.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following new subsection:

“(g) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.”.

(i) MATERIAL NONPUBLIC INFORMATION.—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(d)) is amended to read as follows:

“(d) Wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate, or result in liability to any purchaser or seller of the security under any provisions of this title, or any rule or regulation thereunder, such conduct in connection with a purchase or sale of a put, call, straddle, option, privilege or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security or with respect to a group or index of securities including such security, shall also violate and result in comparable liability to any purchaser or seller of that security under such provision, rule, or regulation.”.

(j) LIMITATION.—Section 20 of the Securities Exchange Act of 1934 (15 U.S.C. 78t) is amended by adding at the end the following new subsection:

“(f) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.”.

(k) CIVIL PENALTIES.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u-1(a)(1)) is amended by inserting after “purchasing or selling a security” the following: “or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)”.

(1) **LIMITATION.**—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1) is amended by adding at the end the following new subsection:

“(g) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.”.

SEC. 304. SAVINGS PROVISIONS.

Nothing in this Act or the amendments made by this Act shall be construed as finding or implying that any swap agreement is or is not a security for any purpose under the securities laws. Nothing in this Act or the amendments made by this Act shall be construed as finding or implying that any swap agreement is or is not a futures contract or commodity option for any purpose under the Commodity Exchange Act.

TITLE IV—REGULATORY RESPONSIBILITY FOR BANK PRODUCTS

SEC. 401. SHORT TITLE.

This title may be cited as the “Legal Certainty for Bank Products Act of 2000”.

SEC. 402. DEFINITIONS.

(a) **BANK.**—In this title, the term “bank” means—

(1) any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act);

(2) any foreign bank or branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978);

(3) any Federal or State credit union (as defined in section 101 of the Federal Credit Union Act);

(4) any corporation organized under section 25A of the Federal Reserve Act;

(5) any corporation operating under section 25 of the Federal Reserve Act;

(6) any trust company; or

(7) any subsidiary of any entity described in paragraph (1) through (6) of this subsection, if the subsidiary is regulated as if the subsidiary were part of the entity and is not a broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934) or a futures commission merchant (as defined in section 1a(20) of the Commodity Exchange Act).

(b) **IDENTIFIED BANKING PRODUCT.**—In this title, the term “identified banking product” shall have the same meaning as in paragraphs (1) through (5) of section 206(a) of the Gramm-Leach-Bliley Act, except that in applying such section for purposes of this title—

(1) the term “bank” shall have the meaning given in subsection (a) of this section; and

(2) the term “qualified investor” means eligible contract participant (as defined in section 1a(12) of the Commodity Exchange Act, as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000).

(c) **HYBRID INSTRUMENT.**—In this title, the term “hybrid instrument” means an identified banking product not excluded by section 403 of this Act, offered by a bank, having one or more payments indexed to the value, level, or rate of, or providing for the delivery of, one or more commodities (as defined in section 1a(4) of the Commodity Exchange Act).

(d) **COVERED SWAP AGREEMENT.**—In this title, the term “covered swap agreement” means a swap agreement (as defined in section 206(b) of the Gramm-Leach-Bliley Act), including a credit or equity swap, based on a commodity other than an agricultural commodity enumerated in section 1a(4) of the Commodity Exchange Act if—

(1) the swap agreement—

(A) is entered into only between persons that are eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act, as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000) at the time the persons enter into the swap agreement; and

(B) is not entered into or executed on a trading facility (as defined in section 1a(33) of the Commodity Exchange Act); or

(2) the swap agreement—

(A) is entered into or executed on an electronic trading facility (as defined in section 1a(10) of the Commodity Exchange Act);

(B) is entered into on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act;

(C) is entered into only between persons that are eligible contract participants as described in subparagraph (A), (B)(ii), or (C) of section 1a(12) of the Commodity Exchange Act, as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, at the time the persons enter into the swap agreement; and

(D) is an agreement, contract or transaction in an excluded commodity (as defined in section 1a(13) of the Commodity Exchange Act).

SEC. 403. EXCLUSION OF IDENTIFIED BANKING PRODUCTS COMMONLY OFFERED ON OR BEFORE DECEMBER 5, 2000.

No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, an identified banking product if—

(1) an appropriate banking agency certifies that the product has been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, under applicable banking law; and

(2) the product was not prohibited by the Commodity Exchange Act and not regulated by the Commodity Futures Trading Commission as a contract of sale of a commodity for future delivery (or an option on such a contract) or an option on a commodity, on or before December 5, 2000.

SEC. 404. EXCLUSION OF CERTAIN IDENTIFIED BANKING PRODUCTS OFFERED BY BANKS AFTER DECEMBER 5, 2000.

No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, an identified banking product which had not been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, under applicable banking law if—

(1) the product has no payment indexed to the value, level, or rate of, and does not provide for the delivery of, any commodity (as defined in section 1a(4) of the Commodity Exchange Act); or

(2) the product or commodity is otherwise excluded from the Commodity Exchange Act.

SEC. 405. EXCLUSION OF CERTAIN OTHER IDENTIFIED BANKING PRODUCTS.

(a) IN GENERAL.—No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, a banking product if the product is a hybrid instrument that is predominantly a banking product under the predominance test set forth in subsection (b).

(b) PREDOMINANCE TEST.—A hybrid instrument shall be considered to be predominantly a banking product for purposes of this section if—

(1) the issuer of the hybrid instrument receives payment in full of the purchase price of the hybrid instrument substantially contemporaneously with delivery of the hybrid instrument;

(2) the purchaser or holder of the hybrid instrument is not required to make under the terms of the instrument, or any arrangement referred to in the instrument, any payment to the issuer in addition to the purchase price referred to in paragraph (1), whether as margin, settlement payment, or otherwise during the life of the hybrid instrument or at maturity;

(3) the issuer of the hybrid instrument is not subject by the terms of the instrument to mark-to-market margining requirements; and

(4) the hybrid instrument is not marketed as a contract of sale of a commodity for future delivery (or option on such a contract) subject to the Commodity Exchange Act.

(c) MARK-TO-MARKET MARGINING REQUIREMENT.—For purposes of subsection (b)(3), mark-to-market margining requirements shall not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument to secure the repayment obligations of the issuer under the secured debt instrument.

SEC. 406. ADMINISTRATION OF THE PREDOMINANCE TEST.

(a) IN GENERAL.—No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not regulate, a hybrid instrument, unless the Commission determines, by or under a rule issued in accordance with this section, that—

(1) the action is necessary and appropriate in the public interest;

(2) the action is consistent with the Commodity Exchange Act and the purposes of the Commodity Exchange Act; and

(3) the hybrid instrument is not predominantly a banking product under the predominance test set forth in section 405(b) of this Act.

(b) CONSULTATION.—Before commencing a rulemaking or making a determination pursuant to a rule issued under this title, the Commodity Futures Trading Commission shall consult with and seek the concurrence of the Board of Governors of the Federal Reserve System concerning—

(1) the nature of the hybrid instrument; and

(2) the history, purpose, extent, and appropriateness of the regulation of the hybrid instrument under the Commodity Exchange Act and under appropriate banking laws.

(c) OBJECTION TO COMMISSION REGULATION.—

(1) FILING OF PETITION FOR REVIEW.—The Board of Governors of the Federal Reserve System may obtain review of any rule or determination referred to in subsection (a) in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the rule or determination, a written petition requesting that the rule or determination be set aside. Any proceeding to challenge any such rule or determination shall be expedited by the court.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted as soon as possible by the Clerk of the court to an officer or employee of the Commodity Futures Trading Commission designated for that purpose. Upon receipt of the petition, the Commission shall file with the court the rule or determination under review and any documents referred to therein, and any other relevant materials prescribed by the court.

(3) EXCLUSIVE JURISDICTION.—On the date of the filing of a petition under paragraph (1), the court shall have jurisdiction, which shall become exclusive on the filing of the materials set forth in paragraph (2), to affirm and enforce or to set aside the rule or determination at issue.

(4) STANDARD OF REVIEW.—The court shall determine to affirm and enforce or set aside a rule or determination of the Commodity Futures Trading Commission under this section, based on the determination of the court as to whether—

(A) the subject product is predominantly a banking product; and

(B) making the provision or provisions of the Commodity Exchange Act at issue applicable to the subject instrument is appropriate in light of the history, purpose, and extent of regulation under such Act, this title, and under the appropriate banking laws, giving deference neither to the views of the Commodity Futures Trading Commission nor the Board of Governors of the Federal Reserve System.

(5) JUDICIAL STAY.—The filing of a petition by the Board pursuant to paragraph (1) shall operate as a judicial stay, until the date on which the determination of the court is final (including any appeal of the determination).

(6) OTHER AUTHORITY TO CHALLENGE.—Any aggrieved party may seek judicial review pursuant to section 6(c) of the Commodity Exchange Act of a determination or rulemaking by the Commodity Futures Trading Commission under this section.

SEC. 407. EXCLUSION OF COVERED SWAP AGREEMENTS.

No provision of the Commodity Exchange Act (other than section 5b of such Act with respect to the clearing of covered swap agreements) shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, a covered swap agreement offered, entered into, or provided by a bank.

SEC. 408. CONTRACT ENFORCEMENT.

(a) HYBRID INSTRUMENTS.—No hybrid instrument shall be void, voidable, or unenforceable, and no party to a hybrid instrument shall be entitled to rescind, or recover any payment made with respect to, a hybrid instrument under any provision of Federal or State law, based solely on the failure of the hybrid instrument to satisfy the predominance test set forth in section 405(b) of this Act or to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(b) COVERED SWAP AGREEMENTS.—No covered swap agreement shall be void, voidable, or unenforceable, and no party to a covered swap agreement shall be entitled to rescind, or recover any payment made with respect to, a covered swap agreement under any provision of Federal or State law, based solely on the failure of the covered swap agreement to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(c) PREEMPTION.—This title shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of—

- (1) a hybrid instrument that is predominantly a banking product; or
- (2) a covered swap agreement.

APPENDIX F—H.R. 5661

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO OTHER ACTS; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000”.

(b) **AMENDMENTS TO SOCIAL SECURITY ACT.**—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) **REFERENCES TO OTHER ACTS.**—In this Act:

(1) **BALANCED BUDGET ACT OF 1997.**—The term “BBA” means the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) **MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999.**—The term “BBRA” means the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113.

(d) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to other Acts; table of contents.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

- Sec. 101. Coverage of biennial screening pap smear and pelvic exams.
- Sec. 102. Coverage of screening for glaucoma.
- Sec. 103. Coverage of screening colonoscopy for average risk individuals.
- Sec. 104. Modernization of screening mammography benefit.
- Sec. 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease.

Subtitle B—Other Beneficiary Improvements

- Sec. 111. Acceleration of reduction of beneficiary copayment for hospital outpatient department services.
- Sec. 112. Preservation of coverage of drugs and biologicals under part B of the medicare program.
- Sec. 113. Elimination of time limitation on medicare benefits for immunosuppressive drugs.
- Sec. 114. Imposition of billing limits on drugs.
- Sec. 115. Waiver of 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS).

Subtitle C—Demonstration Projects and Studies

- Sec. 121. Demonstration project for disease management for severely chronically ill medicare beneficiaries.
- Sec. 122. Cancer prevention and treatment demonstration for ethnic and racial minorities.

- Sec. 123. Study on medicare coverage of routine thyroid screening.
- Sec. 124. MedPAC study on consumer coalitions.
- Sec. 125. Study on limitation on State payment for medicare cost-sharing affecting access to services for qualified medicare beneficiaries.
- Sec. 126. Studies on preventive interventions in primary care for older Americans.
- Sec. 127. MedPAC study and report on medicare coverage of cardiac and pulmonary rehabilitation therapy services.
- Sec. 128. Lifestyle modification program demonstration.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

- Sec. 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals.
- Sec. 202. Assistance with fee schedule payment for professional services under all-inclusive rate.
- Sec. 203. Exemption of critical access hospital swing beds from SNF PPS.
- Sec. 204. Payment in critical access hospitals for emergency room on-call physicians.
- Sec. 205. Treatment of ambulance services furnished by certain critical access hospitals.
- Sec. 206. GAO study on certain eligibility requirements for critical access hospitals.

Subtitle B—Other Rural Hospitals Provisions

- Sec. 211. Treatment of rural disproportionate share hospitals.
- Sec. 212. Option to base eligibility for medicare dependent, small rural hospital program on discharges during two of the three most recently audited cost reporting periods.
- Sec. 213. Extension of option to use rebased target amounts to all sole community hospitals.
- Sec. 214. MedPAC analysis of impact of volume on per unit cost of rural hospitals with psychiatric units.

Subtitle C—Other Rural Provisions

- Sec. 221. Assistance for providers of ambulance services in rural areas.
- Sec. 222. Payment for certain physician assistant services.
- Sec. 223. Revision of medicare reimbursement for telehealth services.
- Sec. 224. Expanding access to rural health clinics.
- Sec. 225. MedPAC study on low-volume, isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

- Sec. 301. Revision of acute care hospital payment update for 2001.
- Sec. 302. Additional modification in transition for indirect medical education (IME) percentage adjustment.
- Sec. 303. Decrease in reductions for disproportionate share hospital (DSH) payments.
- Sec. 304. Wage index improvements.
- Sec. 305. Payment for inpatient services of rehabilitation hospitals.
- Sec. 306. Payment for inpatient services of psychiatric hospitals.
- Sec. 307. Payment for inpatient services of long-term care hospitals.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

- Sec. 311. Elimination of reduction in skilled nursing facility (SNF) market basket update in 2001.
- Sec. 312. Increase in nursing component of PPS Federal rate.
- Sec. 313. Application of SNF consolidated billing requirement limited to part A covered stays.
- Sec. 314. Adjustment of rehabilitation RUGs to correct anomaly in payment rates.
- Sec. 315. Establishment of process for geographic reclassification.

Subtitle C—Hospice Care

- Sec. 321. Five percent increase in payment base.
- Sec. 322. Clarification of physician certification.
- Sec. 323. MedPAC report on access to, and use of, hospice benefit.

Subtitle D—Other Provisions

- Sec. 331. Relief from medicare part A late enrollment penalty for group buy-in for State and local retirees.

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

- Sec. 401. Revision of hospital outpatient PPS payment update.
- Sec. 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS.
- Sec. 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report.
- Sec. 404. Application of rules for determining provider-based status for certain entities.
- Sec. 405. Treatment of children's hospitals under prospective payment system.
- Sec. 406. Inclusion of temperature monitored cryoablation in transitional pass-through for certain medical devices, drugs, and biologicals under OPD PPS.

Subtitle B—Provisions Relating to Physicians' Services

- Sec. 411. GAO studies relating to physicians' services.
- Sec. 412. Physician group practice demonstration.
- Sec. 413. Study on enrollment procedures for groups that retain independent contractor physicians.

Subtitle C—Other Services

- Sec. 421. One-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants.
- Sec. 422. Update in renal dialysis composite rate.
- Sec. 423. Payment for ambulance services.
- Sec. 424. Ambulatory surgical centers.
- Sec. 425. Full update for durable medical equipment.
- Sec. 426. Full update for orthotics and prosthetics.
- Sec. 427. Establishment of special payment provisions and requirements for prosthetics and certain custom-fabricated orthotic items.
- Sec. 428. Replacement of prosthetic devices and parts.
- Sec. 429. Revised part B payment for drugs and biologicals and related services.
- Sec. 430. Contrast enhanced diagnostic procedures under hospital prospective payment system.
- Sec. 431. Qualifications for community mental health centers.
- Sec. 432. Payment of physician and nonphysician services in certain Indian providers.
- Sec. 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.
- Sec. 434. MedPAC study and report on medicare reimbursement for services provided by certain providers.
- Sec. 435. MedPAC study and report on medicare coverage of services provided by certain nonphysician providers.
- Sec. 436. GAO study and report on the costs of emergency and medical transportation services.
- Sec. 437. GAO studies and reports on medicare payments.
- Sec. 438. MedPAC study on access to outpatient pain management services.

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

- Sec. 501. One-year additional delay in application of 15 percent reduction on payment limits for home health services.
- Sec. 502. Restoration of full home health market basket update for home health services for fiscal year 2001.
- Sec. 503. Temporary two-month periodic interim payment.
- Sec. 504. Use of telehealth in delivery of home health services.
- Sec. 505. Study on costs to home health agencies of purchasing nonroutine medical supplies.
- Sec. 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas.
- Sec. 507. Clarification of the homebound definition under the medicare home health benefit.
- Sec. 508. Temporary increase for home health services furnished in a rural area.

Subtitle B—Direct Graduate Medical Education

- Sec. 511. Increase in floor for direct graduate medical education payments.
- Sec. 512. Change in distribution formula for Medicare+Choice-related nursing and allied health education costs.

Subtitle C—Changes in Medicare Coverage and Appeals Process

- Sec. 521. Revisions to medicare appeals process.

Sec. 522. Revisions to medicare coverage process.

Subtitle D—Improving Access to New Technologies

Sec. 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment.

Sec. 532. Retention of HCPCS level III codes.

Sec. 533. Recognition of new medical technologies under inpatient hospital PPS.

Subtitle E—Other Provisions

Sec. 541. Increase in reimbursement for bad debt.

Sec. 542. Treatment of certain physician pathology services under medicare.

Sec. 543. Extension of advisory opinion authority.

Sec. 544. Change in annual MedPAC reporting.

Sec. 545. Development of patient assessment instruments.

Sec. 546. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments.

Sec. 547. Clarification of application of temporary payment increases for 2001.

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

Sec. 601. Increase in minimum payment amount.

Sec. 602. Increase in minimum percentage increase.

Sec. 603. Phase-in of risk adjustment.

Sec. 604. Transition to revised Medicare+Choice payment rates.

Sec. 605. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans.

Sec. 606. Permitting premium reductions as additional benefits under Medicare+Choice plans.

Sec. 607. Full implementation of risk adjustment for congestive heart failure enrollees for 2001.

Sec. 608. Expansion of application of Medicare+Choice new entry bonus.

Sec. 609. Report on inclusion of certain costs of the Department of Veterans Affairs and military facility services in calculating Medicare+Choice payment rates.

Subtitle B—Other Medicare+Choice Reforms

Sec. 611. Payment of additional amounts for new benefits covered during a contract term.

Sec. 612. Restriction on implementation of significant new regulatory requirements midyear.

Sec. 613. Timely approval of marketing material that follows model marketing language.

Sec. 614. Avoiding duplicative regulation.

Sec. 615. Election of uniform local coverage policy for Medicare+Choice plan covering multiple localities.

Sec. 616. Eliminating health disparities in Medicare+Choice program.

Sec. 617. Medicare+Choice program compatibility with employer or union group health plans.

Sec. 618. Special medigap enrollment antidiscrimination provision for certain beneficiaries.

Sec. 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans.

Sec. 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated.

Sec. 621. Providing choice for skilled nursing facility services under the Medicare+Choice program.

Sec. 622. Providing for accountability of Medicare+Choice plans.

Sec. 623. Increased civil money penalty for Medicare+Choice organizations that terminate contracts mid-year.

Subtitle C—Other Managed Care Reforms

Sec. 631. One-year extension of social health maintenance organization (SHMO) demonstration project.

Sec. 632. Revised terms and conditions for extension of medicare community nursing organization (CNO) demonstration project.

Sec. 633. Extension of medicare municipal health services demonstration projects.

Sec. 634. Service area expansion for medicare cost contracts during transition period.

TITLE VII—MEDICAID

- Sec. 701. DSH payments.
- Sec. 702. New prospective payment system for Federally-qualified health centers and rural health clinics.
- Sec. 703. Streamlined approval of continued State-wide section 1115 medicaid waivers.
- Sec. 704. Medicaid county-organized health systems.
- Sec. 705. Deadline for issuance of final regulation relating to medicaid upper payment limits.
- Sec. 706. Alaska FMAP.
- Sec. 707. One-year extension of welfare-to-work transition.
- Sec. 708. Additional entities qualified to determine medicaid presumptive eligibility for low-income children.
- Sec. 709. Development of uniform QMB/SLMB application form.
- Sec. 710. Technical corrections.

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

- Sec. 801. Special rule for redistribution and availability of unused fiscal year 1998 and 1999 SCHIP allotments.
- Sec. 802. Authority to pay medicaid expansion SCHIP costs from title XXI appropriation.
- Sec. 803. Application of medicaid child presumptive eligibility provisions.

TITLE IX—OTHER PROVISIONS

Subtitle A—PACE Program

- Sec. 901. Extension of transition for current waivers.
- Sec. 902. Continuing of certain operating arrangements permitted.
- Sec. 903. Flexibility in exercising waiver authority.

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

- Sec. 911. Outreach on availability of medicare cost-sharing assistance to eligible low-income medicare beneficiaries.

Subtitle C—Maternal and Child Health Block Grant

- Sec. 921. Increase in authorization of appropriations for the maternal and child health services block grant.

Subtitle D—Diabetes

- Sec. 931. Increase in appropriations for special diabetes programs for type I diabetes and Indians.
- Sec. 932. Appropriations for Ricky Ray Hemophilia Relief Fund.

Subtitle E—Information on Nursing Facility Staffing

- Sec. 941. Posting of information on nursing facility staffing.

Subtitle F—Adjustment of Multiemployer Plan Benefits Guaranteed

- Sec. 951. Multiemployer plan benefits guaranteed.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

SEC. 101. COVERAGE OF BIENNIAL SCREENING PAP SMEAR AND PELVIC EXAMS.

(a) IN GENERAL.—

(1) BIENNIAL SCREENING PAP SMEAR.—Section 1861(nn)(1) (42 U.S.C. 1395x(nn)(1)) is amended by striking “3 years” and inserting “2 years”.

(2) BIENNIAL SCREENING PELVIC EXAM.—Section 1861(nn)(2) (42 U.S.C. 1395x(nn)(2)) is amended by striking “3 years” and inserting “2 years”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to items and services furnished on or after July 1, 2001.

SEC. 102. COVERAGE OF SCREENING FOR GLAUCOMA.

(a) **COVERAGE.**—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—

- (1) by striking “and” at the end of subparagraph (S);
- (2) by inserting “and” at the end of subparagraph (T);

and

(3) by adding at the end the following:

“(U) screening for glaucoma (as defined in subsection (uu)) for individuals determined to be at high risk for glaucoma, individuals with a family history of glaucoma and individuals with diabetes;”.

(b) **SERVICES DESCRIBED.**—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

“Screening for Glaucoma

“(uu) The term ‘screening for glaucoma’ means a dilated eye examination with an intraocular pressure measurement, and a direct ophthalmoscopy or a slit-lamp biomicroscopic examination for the early detection of glaucoma which is furnished by or under the direct supervision of an optometrist or ophthalmologist who is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished, as would otherwise be covered if furnished by a physician or as an incident to a physician’s professional service, if the individual involved has not had such an examination in the preceding year.”.

(c) **CONFORMING AMENDMENT.**—Section 1862(a)(1)(F) (42 U.S.C. 1395y(a)(1)(F)) is amended—

- (1) by striking “and,”; and
- (2) by adding at the end the following: “and, in the case of screening for glaucoma, which is performed more frequently than is provided under section 1861(uu),”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to services furnished on or after January 1, 2002.

SEC. 103. COVERAGE OF SCREENING COLONOSCOPY FOR AVERAGE RISK INDIVIDUALS.

(a) **IN GENERAL.**—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—

(1) in paragraph (1)(C), by striking “In the case of an individual at high risk for colorectal cancer, screening colonoscopy” and inserting “Screening colonoscopy”; and

(2) in paragraph (2), by striking “In paragraph (1)(C), an” and inserting “An”.

(b) **FREQUENCY LIMITS FOR SCREENING COLONOSCOPY.**—Section 1834(d) (42 U.S.C. 1395m(d)) is amended—

(1) in paragraph (2)(E)(ii), by inserting before the period at the end the following: “or, in the case of an individual who is not at high risk for colorectal cancer, if the procedure is performed within the 119 months after a previous screening colonoscopy”; and

(2) in paragraph (3)—

(A) in the heading by striking “FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER”;

(B) in subparagraph (A), by striking “for individuals at high risk for colorectal cancer (as defined in section 1861(pp)(2))”; and

(C) in subparagraph (E), by inserting before the period at the end the following: “or for other individuals if the procedure is performed within the 119 months after a previous screening colonoscopy or within 47 months after a previous screening flexible sigmoidoscopy”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to colorectal cancer screening services provided on or after July 1, 2001.

SEC. 104. MODERNIZATION OF SCREENING MAMMOGRAPHY BENEFIT.

(a) INCLUSION IN PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w-4(j)(3)) is amended by inserting “(13),” after “(4),”.

(b) CONFORMING AMENDMENT.—Section 1834(c) (42 U.S.C. 1395m(c)) is amended to read as follows:

“(c) PAYMENT AND STANDARDS FOR SCREENING MAMMOGRAPHY.—

“(1) IN GENERAL.—With respect to expenses incurred for screening mammography (as defined in section 1861(jj)), payment may be made only—

“(A) for screening mammography conducted consistent with the frequency permitted under paragraph (2); and

“(B) if the screening mammography is conducted by a facility that has a certificate (or provisional certificate) issued under section 354 of the Public Health Service Act.

“(2) FREQUENCY COVERED.—

“(A) IN GENERAL.—Subject to revision by the Secretary under subparagraph (B)—

“(i) no payment may be made under this part for screening mammography performed on a woman under 35 years of age;

“(ii) payment may be made under this part for only one screening mammography performed on a woman over 34 years of age, but under 40 years of age; and

“(iii) in the case of a woman over 39 years of age, payment may not be made under this part for screening mammography performed within 11 months following the month in which a previous screening mammography was performed.

“(B) REVISION OF FREQUENCY.—

“(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography, based on age and such other factors as the Secretary believes to be pertinent.

“(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which screening mammography may be paid for under this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to screening mammographies furnished on or after January 1, 2002.

(d) PAYMENT FOR NEW TECHNOLOGIES.—

(1) TESTS FURNISHED IN 2001.—

(A) SCREENING.—For a screening mammography (as defined in section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj))) furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology, payment for such screening mammography shall be made as follows:

(i) In the case of a technology which directly takes a digital image (without involving film), in an amount equal to 150 percent of the amount of payment under section 1848 of such Act (42 U.S.C. 1395w-4) for a bilateral diagnostic mammography (under HCPCS code 76091) for such year.

(ii) In the case of a technology which allows conversion of a standard film mammogram into a digital image and subsequently analyzes such resulting image with software to identify possible problem areas, in an amount equal to the limit that would otherwise be applied under section 1834(c)(3) of such Act (42 U.S.C. 1395m(c)(3)) for 2001, increased by \$15.

(B) BILATERAL DIAGNOSTIC MAMMOGRAPHY.—For a bilateral diagnostic mammography furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology described in subparagraph (A), payment for such mammography shall be the amount of payment provided for under such subparagraph.

(C) ALLOCATION OF AMOUNTS.—The Secretary shall provide for an appropriate allocation of the amounts under subparagraphs (A) and (B) between the professional and technical components.

(D) IMPLEMENTATION OF PROVISION.—The Secretary of Health and Human Services may implement the provisions of this paragraph by program memorandum or otherwise.

(2) CONSIDERATION OF NEW HCPCS CODE FOR NEW TECHNOLOGIES AFTER 2001.—The Secretary shall determine, for such mammographies performed after 2001, whether the assignment of a new HCPCS code is appropriate for mammography that uses a new technology. If the Secretary determines that a new code is appropriate for such mammography, the Secretary shall provide for such new code for such tests furnished after 2001.

(3) NEW TECHNOLOGY DESCRIBED.—For purposes of this subsection, a new technology with respect to a mammography is an advance in technology with respect to the test or equipment that results in the following:

(A) A significant increase or decrease in the resources used in the test or in the manufacture of the equipment.

(B) A significant improvement in the performance of the test or equipment.

(C) A significant advance in medical technology that is expected to significantly improve the treatment of medicare beneficiaries.

(4) HCPCS CODE DEFINED.—The term “HCPCS code” means a code under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 105. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH DIABETES OR A RENAL DISEASE.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 102(a), is amended—

(1) in subparagraph (T), by striking “and” at the end;

(2) in subparagraph (U), by inserting “and” at the end;

and

(3) by adding at the end the following new subparagraph:

“(V) medical nutrition therapy services (as defined in subsection (vv)(1)) in the case of a beneficiary with diabetes or a renal disease who—

“(i) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

“(ii) is not receiving maintenance dialysis for which payment is made under section 1881; and

“(iii) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;”

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x), as amended by section 102(b), is amended by adding at the end the following:

“Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

“(vv)(1) The term ‘medical nutrition therapy services’ means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

“(2) Subject to paragraph (3), the term ‘registered dietitian or nutrition professional’ means an individual who—

“(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

“(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

“(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed; or

“(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

“(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of the enactment of this subsection, is licensed or certified as a dietitian

or nutrition professional by the State in which medical nutrition therapy services are performed.”.

(c) PAYMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and” before “(S)”;

(2) by inserting before the semicolon at the end the following: “, and (T) with respect to medical nutrition therapy services (as defined in section 1861(vv)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or 85 percent of the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician”.

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

“(vi) A registered dietitian or nutrition professional.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.

(f) STUDY.—Not later than July 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report that contains recommendations with respect to the expansion to other medicare beneficiary populations of the medical nutrition therapy services benefit (furnished under the amendments made by this section).

Subtitle B—Other Beneficiary Improvements

SEC. 111. ACCELERATION OF REDUCTION OF BENEFICIARY COPAYMENT FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) REDUCING THE UPPER LIMIT ON BENEFICIARY COPAYMENT.—

(1) IN GENERAL.—Section 1833(t)(8)(C) (42 U.S.C. 1395l(t)(8)(C)) is amended to read as follows:

“(C) LIMITATION ON COPAYMENT AMOUNT.—

“(i) TO INPATIENT HOSPITAL DEDUCTIBLE AMOUNT.—

In no case shall the copayment amount for a procedure performed in a year exceed the amount of the inpatient hospital deductible established under section 1813(b) for that year.

“(ii) TO SPECIFIED PERCENTAGE.—The Secretary shall reduce the national unadjusted copayment amount for a covered OPD service (or group of such services) furnished in a year in a manner so that the effective copayment rate (determined on a national unadjusted basis) for that service in the year does not exceed the following percentage:

“(I) For procedures performed in 2001, on or after April 1, 2001, 57 percent.

“(II) For procedures performed in 2002 or 2003, 55 percent.

“(III) For procedures performed in 2004, 50 percent.

“(IV) For procedures performed in 2005, 45 percent.

“(V) For procedures performed in 2006 and thereafter, 40 percent.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to services furnished on or after April 1, 2001.

(b) **CONSTRUCTION REGARDING LIMITING INCREASES IN COST-SHARING.**—Nothing in this Act or the Social Security Act shall be construed as preventing a hospital from waiving the amount of any coinsurance for outpatient hospital services under the medicare program under title XVIII of the Social Security Act that may have been increased as a result of the implementation of the prospective payment system under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(c) **GAO STUDY OF REDUCTION IN MEDIGAP PREMIUM LEVELS RESULTING FROM REDUCTIONS IN COINSURANCE.**—The Comptroller General of the United States shall work, in concert with the National Association of Insurance Commissioners, to evaluate the extent to which the premium levels for medicare supplemental policies reflect the reductions in coinsurance resulting from the amendment made by subsection (a). Not later than April 1, 2004, the Comptroller General shall submit to Congress a report on such evaluation and the extent to which the reductions in beneficiary coinsurance effected by such amendment have resulted in actual savings to medicare beneficiaries.

SEC. 112. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) **IN GENERAL.**—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking “(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)” and inserting “(including drugs and biologicals which are not usually self-administered by the patient)”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after the date of the enactment of this Act.

SEC. 113. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.

(a) **IN GENERAL.**—Section 1861(s)(2)(J) (42 U.S.C. 1395x(s)(2)(J)) is amended by striking “, but only” and all that follows up to the semicolon at the end.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXTENDED COVERAGE.**—Section 1832 (42 U.S.C. 1395k) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) **PASS-THROUGH; REPORT.**—Section 227 of BBRA is amended by striking subsection (d).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to drugs furnished on or after the date of the enactment of this Act.

SEC. 114. IMPOSITION OF BILLING LIMITS ON DRUGS.

(a) **IN GENERAL.**—Section 1842(o) (42 U.S.C. 1395u(o)) is amended by adding at the end the following new paragraph:

“(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment-related basis.

“(B) The provisions of subsection (b)(18)(B) shall apply to charges for such drugs or biologicals in the same manner as they apply to services furnished by a practitioner described in subsection (b)(18)(C).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 2001.

SEC. 115. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 226 (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following new subsection:

“(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

“(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

“(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

“(3) Subsection (f) shall not be applied.”.

(b) CONFORMING AMENDMENT.—Section 1837 (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

“(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

“(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

“(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning July 1, 2001.

Subtitle C—Demonstration Projects and Studies

SEC. 121. DEMONSTRATION PROJECT FOR DISEASE MANAGEMENT FOR SEVERELY CHRONICALLY ILL MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a demonstration project under this section (in this section referred to as the “project”) to demonstrate the impact on costs and health outcomes of applying disease management to medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. In no case may the number of participants in the project exceed 30,000 at any time.

(b) VOLUNTARY PARTICIPATION.—

(1) ELIGIBILITY.—Medicare beneficiaries are eligible to participate in the project only if—

(A) they meet specific medical criteria demonstrating the appropriate diagnosis and the advanced nature of their disease;

(B) their physicians approve of participation in the project; and

(C) they are not enrolled in a Medicare+Choice plan.

(2) BENEFITS.—A beneficiary who is enrolled in the project shall be eligible—

(A) for disease management services related to their chronic health condition; and

(B) for payment for all costs for prescription drugs without regard to whether or not they relate to the chronic health condition, except that the project may provide for modest cost-sharing with respect to prescription drug coverage.

(c) CONTRACTS WITH DISEASE MANAGEMENT ORGANIZATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out the project through contracts with up to three disease management organizations. The Secretary shall not enter into such a contract with an organization unless the organization demonstrates that it can produce improved health outcomes and reduce aggregate medicare expenditures consistent with paragraph (2).

(2) CONTRACT PROVISIONS.—Under such contracts—

(A) such an organization shall be required to provide for prescription drug coverage described in subsection (b)(2)(B);

(B) such an organization shall be paid a fee negotiated and established by the Secretary in a manner so that (taking into account savings in expenditures under parts A and B of the medicare program under title XVIII of the Social Security Act) there will be a net reduction in expenditures under the medicare program as a result of the project; and

(C) such an organization shall guarantee, through an appropriate arrangement with a reinsurance company or otherwise, the net reduction in expenditures described in subparagraph (B).

(3) PAYMENTS.—Payments to such organizations shall be made in appropriate proportion from the Trust Funds established under title XVIII of the Social Security Act.

(d) APPLICATION OF MEDIGAP PROTECTIONS TO DEMONSTRATION PROJECT ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to enrollment (and termination of enrollment) in the demonstration project under this section, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

(2) In applying paragraph (1)—

(A) any reference in clause (v) or (vi) of section 1882(s)(3)(B) of such Act to 12 months is deemed a reference to the period of the demonstration project; and

(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Health and Human Services.

(e) DURATION.—The project shall last for not longer than 3 years.

(f) WAIVER.—The Secretary of Health and Human Services shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (c)(3).

(g) REPORT.—The Secretary of Health and Human Services shall submit to Congress an interim report on the project not later than 2 years after the date it is first implemented and a final report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on costs and health outcomes and recommendations on the cost-effectiveness of extending or expanding the project.

SEC. 122. CANCER PREVENTION AND TREATMENT DEMONSTRATION FOR ETHNIC AND RACIAL MINORITIES.

(a) DEMONSTRATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct demonstration projects (in this section referred to as “demonstration projects”) for the purpose of developing models and evaluating methods that—

(A) improve the quality of items and services provided to target individuals in order to facilitate reduced disparities in early detection and treatment of cancer;

(B) improve clinical outcomes, satisfaction, quality of life, and appropriate use of medicare-covered services and referral patterns among those target individuals with cancer;

(C) eliminate disparities in the rate of preventive cancer screening measures, such as pap smears and prostate cancer screenings, among target individuals; and

(D) promote collaboration with community-based organizations to ensure cultural competency of health care professionals and linguistic access for persons with limited English proficiency.

(2) TARGET INDIVIDUAL DEFINED.—In this section, the term “target individual” means an individual of a racial and ethnic minority group, as defined by section 1707 of the Public Health Service Act, who is entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act.

(b) PROGRAM DESIGN.—

(1) INITIAL DESIGN.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall evaluate best practices in the private sector, community programs, and academic research of methods that reduce disparities among individuals of racial and ethnic minority groups in the prevention and treatment of cancer and shall design the demonstration projects based on such evaluation.

(2) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall implement at least nine demonstration projects, including the following:

(A) Two projects for each of the four following major racial and ethnic minority groups:

- (i) American Indians, including Alaska Natives, Eskimos, and Aleuts.
- (ii) Asian Americans and Pacific Islanders.
- (iii) Blacks.
- (iv) Hispanics.

The two projects must target different ethnic subpopulations.

(B) One project within the Pacific Islands.

(C) At least one project each in a rural area and inner-city area.

(3) EXPANSION OF PROJECTS; IMPLEMENTATION OF DEMONSTRATION PROJECT RESULTS.—If the initial report under subsection (c) contains an evaluation that demonstration projects—

(A) reduce expenditures under the medicare program under title XVIII of the Social Security Act; or

(B) do not increase expenditures under the medicare program and reduce racial and ethnic health disparities in the quality of health care services provided to target individuals and increase satisfaction of beneficiaries and health care providers;

the Secretary shall continue the existing demonstration projects and may expand the number of demonstration projects.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date the Secretary implements the initial demonstration projects, and biannually thereafter, the Secretary shall submit to Congress a report regarding the demonstration projects.

(2) CONTENTS OF REPORT.—Each report under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction under the demonstration projects.

(C) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) WAIVER AUTHORITY.—The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

(e) FUNDING.—

(1) DEMONSTRATION PROJECTS.—

(A) STATE PROJECTS.—Except as provided in subparagraph (B), the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund under title XVIII of the Social Security Act, in such proportions as the Secretary determines to be appropriate, of such funds as are necessary for the costs of carrying out the demonstration projects.

(B) TERRITORY PROJECTS.—In the case of a demonstration project described in subsection (b)(2)(B), amounts shall be available only as provided in any Federal law making appropriations for the territories.

(2) LIMITATION.—In conducting demonstration projects, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the sum of the amount which the Secretary would have paid under the program for the prevention and treatment of cancer if the demonstration projects were not implemented, plus \$25,000,000.

SEC. 123. STUDY ON MEDICARE COVERAGE OF ROUTINE THYROID SCREENING.

(a) STUDY.—The Secretary of Health and Human Services shall request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to conduct a study on the addition of coverage of routine thyroid screening using a thyroid stimulating hormone test as a preventive benefit provided to medicare beneficiaries under title XVIII of the Social Security Act for some or all medicare beneficiaries. In conducting the study, the Academy shall consider the short-term and long-term benefits, and costs to the medicare program, of such addition.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report on the findings of the study conducted under subsection (a) to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate.

SEC. 124. MEDPAC STUDY ON CONSUMER COALITIONS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study that examines the use of consumer coalitions in the marketing of Medicare+Choice plans under the medicare program under title XVIII of the Social Security Act. The study shall examine—

(1) the potential for increased efficiency in the medicare program through greater beneficiary knowledge of their health care options, decreased marketing costs of Medicare+Choice organizations, and creation of a group market;

(2) the implications of Medicare+Choice plans and medicare supplemental policies (under section 1882 of the Social Security Act (42 U.S.C. 1395ss)) offering medicare beneficiaries in the same geographic location different benefits and premiums based on their affiliation with a consumer coalition;

(3) how coalitions should be governed, how they should be accountable to the Secretary of Health and Human Services, and how potential conflicts of interest in the activities of consumer coalitions should be avoided; and

(4) how such coalitions should be funded.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a). The report shall include a recommendation on whether and how a demonstration project might be conducted for the operation of consumer coalitions under the medicare program.

(c) **CONSUMER COALITION DEFINED.**—For purposes of this section, the term “consumer coalition” means a nonprofit, community-based group of organizations that—

- (1) provides information to medicare beneficiaries about their health care options under the medicare program; and
- (2) negotiates benefits and premiums for medicare beneficiaries who are members or otherwise affiliated with the group of organizations with Medicare+Choice organizations offering Medicare+Choice plans, issuers of medicare supplemental policies, issuers of long-term care coverage, and pharmacy benefit managers.

SEC. 125. STUDY ON LIMITATION ON STATE PAYMENT FOR MEDICARE COST-SHARING AFFECTING ACCESS TO SERVICES FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall conduct a study to determine if access to certain services (including mental health services) for qualified medicare beneficiaries has been affected by limitations on a State’s payment for medicare cost-sharing for such beneficiaries under section 1902(n) of the Social Security Act (42 U.S.C. 1396a(n)). As part of such study, the Secretary shall analyze the effect of such payment limitation on providers who serve a disproportionate share of such beneficiaries.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study under subsection (a). The report shall include recommendations regarding any changes that should be made to the State payment limits under section 1902(n) for qualified medicare beneficiaries to ensure appropriate access to services.

SEC. 126. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) **STUDIES.**—The Secretary of Health and Human Services, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting and that are most valuable to older Americans.

(b) **MISSION STATEMENT.**—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 127. MEDPAC STUDY AND REPORT ON MEDICARE COVERAGE OF CARDIAC AND PULMONARY REHABILITATION THERAPY SERVICES.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Medicare Payment Advisory Commission shall conduct a study on coverage of cardiac and pulmonary rehabilitation therapy services under the medicare program under title XVIII of the Social Security Act.

(2) FOCUS.—In conducting the study under paragraph (1), the Commission shall focus on the appropriate—

(A) qualifying diagnoses required for coverage of cardiac and pulmonary rehabilitation therapy services;

(B) level of physician direct involvement and supervision in furnishing such services; and

(C) level of reimbursement for such services.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

SEC. 128. LIFESTYLE MODIFICATION PROGRAM DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall carry out the demonstration project known as the Lifestyle Modification Program Demonstration, as described in the Health Care Financing Administration Memorandum of Understanding entered into on November 13, 2000, and as subsequently modified, (in this section referred to as the “project”) in accordance with the following requirements:

(1) The project shall include no fewer than 1,800 medicare beneficiaries who complete under the project the entire course of treatment under the Lifestyle Modification Program.

(2) The project shall be conducted over a course of 4 years.

(b) STUDY ON COST-EFFECTIVENESS.—

(1) STUDY.—The Secretary shall conduct a study on the cost-effectiveness of the Lifestyle Modification Program as conducted under the project. In determining whether such Program is cost-effective, the Secretary shall determine (using a control group under a matched paired experimental design) whether expenditures incurred for medicare beneficiaries enrolled under the project exceed expenditures for the control group of medicare beneficiaries with similar health conditions who are not enrolled under the project.

(2) REPORTS.—

(A) INITIAL REPORT.—Not later than 1 year after the date on which 900 medicare beneficiaries have completed the entire course of treatment under the Lifestyle Modification Program under the project, the Secretary shall submit to Congress an initial report on the study conducted under paragraph (1).

(B) FINAL REPORT.—Not later than 1 year after the date on which 1,800 medicare beneficiaries have completed the entire course of treatment under such Program under the project, the Secretary shall submit to Congress a final report on the study conducted under paragraph (1).

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

SEC. 201. CLARIFICATION OF NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) **PAYMENT CLARIFICATION.**—Section 1834(g) (42 U.S.C. 1395m(g)) is amended by adding at the end the following new paragraph:

“(4) **NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES.**—No coinsurance, deductible, copayment, or other cost-sharing otherwise applicable under this part shall apply with respect to clinical diagnostic laboratory services furnished as an outpatient critical access hospital service. Nothing in this title shall be construed as providing for payment for clinical diagnostic laboratory services furnished as part of outpatient critical access hospital services, other than on the basis described in this subsection.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended by striking “or which are furnished on an outpatient basis by a critical access hospital”.

(2) Section 403(d)(2) of BBRA (113 Stat. 1501A–371) is amended by striking “The amendment made by subsection (a) shall apply” and inserting “Paragraphs (1) through (3) of section 1834(g) of the Social Security Act (as amended by paragraph (1)) apply”.

(c) **EFFECTIVE DATES.**—The amendment made—

(1) by subsection (a) shall apply to services furnished on or after the date of the enactment of BBRA;

(2) by subsection (b)(1) shall apply as if included in the enactment of section 403(e)(1) of BBRA (113 Stat. 1501A–371); and

(3) by subsection (b)(2) shall apply as if included in the enactment of section 403(d)(2) of BBRA (113 Stat. 1501A–371).

SEC. 202. ASSISTANCE WITH FEE SCHEDULE PAYMENT FOR PROFESSIONAL SERVICES UNDER ALL-INCLUSIVE RATE.

(a) **IN GENERAL.**—Section 1834(g)(2)(B) (42 U.S.C. 1395m(g)(2)(B)) is amended by inserting “115 percent of” before “such amounts”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to items and services furnished on or after July 1, 2001.

SEC. 203. EXEMPTION OF CRITICAL ACCESS HOSPITAL SWING BEDS FROM SNF PPS.

(a) **IN GENERAL.**—Section 1888(e)(7) (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking “TRANSITION FOR” and inserting “TREATMENT OF”;

(2) in subparagraph (A), by striking “IN GENERAL.—The” and inserting “TRANSITION.—Subject to subparagraph (C), the”;

(3) in subparagraph (A), by inserting “(other than critical access hospitals)” after “facilities described in subparagraph (B)”;

(4) in subparagraph (B), by striking “, for which payment” and all that follows before the period; and

(5) by adding at the end the following new subparagraph:

“(C) EXEMPTION FROM PPS OF SWING-BED SERVICES FURNISHED IN CRITICAL ACCESS HOSPITALS.—The prospective payment system established under this subsection shall not apply to services furnished by a critical access hospital pursuant to an agreement under section 1883.”.

(b) PAYMENT ON A REASONABLE COST BASIS FOR SWING BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Section 1883(a) (42 U.S.C. 1395tt(a)) is amended—

(1) in paragraph (2)(A), by inserting “(other than a critical access hospital)” after “any hospital”; and

(2) by adding at the end the following new paragraph:

“(3) Notwithstanding any other provision of this title, a critical access hospital shall be paid for covered skilled nursing facility services furnished under an agreement entered into under this section on the basis of the reasonable costs of such services (as determined under section 1861(v)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

SEC. 204. PAYMENT IN CRITICAL ACCESS HOSPITALS FOR EMERGENCY ROOM ON-CALL PHYSICIANS.

(a) IN GENERAL.—Section 1834(g) (42 U.S.C. 1395m(g)), as amended by section 201(a), is further amended by adding at the end the following new paragraph:

“(5) COVERAGE OF COSTS FOR EMERGENCY ROOM ON-CALL PHYSICIANS.—In determining the reasonable costs of outpatient critical access hospital services under paragraphs (1) and (2)(A), the Secretary shall recognize as allowable costs, amounts (as defined by the Secretary) for reasonable compensation and related costs for emergency room physicians who are on-call (as defined by the Secretary) but who are not present on the premises of the critical access hospital involved, and are not otherwise furnishing physicians’ services and are not on-call at any other provider or facility.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 2001.

SEC. 205. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

“(8) SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Notwithstanding any other provision of this subsection, the Secretary shall pay the reasonable costs incurred in furnishing ambulance services if such services are furnished—

“(A) by a critical access hospital (as defined in section 1861(mm)(1)), or

“(B) by an entity that is owned and operated by a critical access hospital, but only if the critical access hospital or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of such critical access hospital.”.

(b) CONFORMING AMENDMENT.—Section 1833(a)(1)(R) (42 U.S.C. 1395l(a)(1)(R)) is amended—

(1) by striking “ambulance service,” and inserting “ambulance services, (i)”; and

(2) by inserting before the comma at the end the following: “and (ii) with respect to ambulance services described in section 1834(l)(8), the amounts paid shall be the amounts determined under section 1834(g) for outpatient critical access hospital services”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date of the enactment of this Act.

SEC. 206. GAO STUDY ON CERTAIN ELIGIBILITY REQUIREMENTS FOR CRITICAL ACCESS HOSPITALS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the eligibility requirements for critical access hospitals under section 1820(c) of the Social Security Act (42 U.S.C. 1395i–4(c)) with respect to limitations on average length of stay and number of beds in such a hospital, including an analysis of—

(1) the feasibility of having a distinct part unit as part of a critical access hospital for purposes of the medicare program under title XVIII of such Act; and

(2) the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limitations on average annual length of stay and number of beds.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) together with recommendations regarding—

(1) whether distinct part units should be permitted as part of a critical access hospital under the medicare program;

(2) if so permitted, the payment methodologies that should apply with respect to services provided by such units;

(3) whether, and to what extent, such units should be included in or excluded from the bed limits applicable to critical access hospitals under the medicare program; and

(4) any adjustments to such eligibility requirements to account for seasonal variations in patient admissions.

Subtitle B—Other Rural Hospitals Provisions

SEC. 211. TREATMENT OF RURAL DISPROPORTIONATE SHARE HOSPITALS.

(a) APPLICATION OF UNIFORM THRESHOLD.—Section 1886(d)(5)(F)(v) (42 U.S.C. 1395ww(d)(5)(F)(v)) is amended—

(1) in subclause (II), by inserting “(or 15 percent, for discharges occurring on or after April 1, 2001)” after “30 percent”;

(2) in subclause (III), by inserting “(or 15 percent, for discharges occurring on or after April 1, 2001)” after “40 percent”; and

(3) in subclause (IV), by inserting “(or 15 percent, for discharges occurring on or after April 1, 2001)” after “45 percent”.

(b) ADJUSTMENT OF PAYMENT FORMULAS.—

(1) SOLE COMMUNITY HOSPITALS.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(A) in clause (iv)(VI), by inserting after “10 percent” the following: “or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (x)”;

(B) by adding at the end the following new clause:

“(x) For purposes of clause (iv)(VI) (relating to sole community hospitals), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

“(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: $(P-15)(.65) + 2.5$;

“(II) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 5.25 percent; or

“(III) is equal to or exceeds 30, such adjustment percentage is equal to 10 percent, where ‘P’ is the hospital’s disproportionate patient percentage (as defined in clause (vi)).”.

(2) RURAL REFERRAL CENTERS.—Such section is further amended—

(A) in clause (iv)(V), by inserting after “clause (viii)” the following: “or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xi)”;

(B) by adding at the end the following new clause:

“(xi) For purposes of clause (iv)(V) (relating to rural referral centers), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

“(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: $(P-15)(.65) + 2.5$;

“(II) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 5.25 percent; or

“(III) is equal to or exceeds 30, such adjustment percentage is determined in accordance with the following formula: $(P-30)(.6) + 5.25$, where ‘P’ is the hospital’s disproportionate patient percentage (as defined in clause (vi)).”.

(3) SMALL RURAL HOSPITALS GENERALLY.—Such section is further amended—

(A) in clause (iv)(III), by inserting after “4 percent” the following: “or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xii)”;

(B) by adding at the end the following new clause:

“(xii) For purposes of clause (iv)(III) (relating to small rural hospitals generally), in the case of a hospital for a cost reporting

period with a disproportionate patient percentage (as defined in clause (vi)) that—

“(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: $(P-15)(.65) + 2.5$; or

“(II) is equal to or exceeds 19.3, such adjustment percentage is equal to 5.25 percent,

where ‘P’ is the hospital’s disproportionate patient percentage (as defined in clause (vi)).”.

(4) HOSPITALS THAT ARE BOTH SOLE COMMUNITY HOSPITALS AND RURAL REFERRAL CENTERS.—Such section is further amended, in clause (iv)(IV), by inserting after “clause (viii)” the following: “or, for discharges occurring on or after April 1, 2001, the greater of the percentages determined under clause (x) or (xi)”.

(5) URBAN HOSPITALS WITH LESS THAN 100 BEDS.—Such section is further amended—

(A) in clause (iv)(II), by inserting after “5 percent” the following: “or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xiii)”; and

(B) by adding at the end the following new clause: “(xiii) For purposes of clause (iv)(II) (relating to urban hospitals with less than 100 beds), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

“(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: $(P-15)(.65) + 2.5$; or

“(II) is equal to or exceeds 19.3, such adjustment percentage is equal to 5.25 percent,

where ‘P’ is the hospital’s disproportionate patient percentage (as defined in clause (vi)).”.

SEC. 212. OPTION TO BASE ELIGIBILITY FOR MEDICARE DEPENDENT, SMALL RURAL HOSPITAL PROGRAM ON DISCHARGES DURING TWO OF THE THREE MOST RECENTLY AUDITED COST REPORTING PERIODS.

(a) IN GENERAL.—Section 1886(d)(5)(G)(iv)(IV) (42 U.S.C. 1395ww(d)(5)(G)(iv)(IV)) is amended by inserting “, or two of the three most recently audited cost reporting periods for which the Secretary has a settled cost report,” after “1987”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cost reporting periods beginning on or after April 1, 2001.

SEC. 213. EXTENSION OF OPTION TO USE REBASED TARGET AMOUNTS TO ALL SOLE COMMUNITY HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(I)(i) (42 U.S.C. 1395ww(b)(3)(I)(i)) is amended—

(1) in the matter preceding subclause (I), by striking “that for its cost reporting period beginning during 1999” and all that follows through “for such target amount” and inserting “there shall be substituted for the amount otherwise determined under subsection (d)(5)(D)(i), if such substitution results in a greater amount of payment under this section for the hospital”;

(2) in subclause (I), by striking “target amount otherwise applicable” and all that follows through “target amount”) and inserting “the amount otherwise applicable to the hospital under subsection (d)(5)(D)(i) (referred to in this clause as the ‘subsection (d)(5)(D)(i) amount’); and

(3) in each of subclauses (II) and (III), by striking “subparagraph (C) target amount” and inserting “subsection (d)(5)(D)(i) amount”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of section 405 of BBRA (113 Stat. 1501A-372).

SEC. 214. MEDPAC ANALYSIS OF IMPACT OF VOLUME ON PER UNIT COST OF RURAL HOSPITALS WITH PSYCHIATRIC UNITS.

The Medicare Payment Advisory Commission, in its study conducted pursuant to subsection (a) of section 411 of BBRA (113 Stat. 1501A-377), shall include—

(1) in such study an analysis of the impact of volume on the per unit cost of rural hospitals with psychiatric units; and

(2) in its report under subsection (b) of such section a recommendation on whether special treatment for such hospitals may be warranted.

Subtitle C—Other Rural Provisions

SEC. 221. ASSISTANCE FOR PROVIDERS OF AMBULANCE SERVICES IN RURAL AREAS.

(a) **TRANSITIONAL ASSISTANCE IN CERTAIN MILEAGE RATES.**—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

“(8) **TRANSITIONAL ASSISTANCE FOR RURAL PROVIDERS.**—In the case of ground ambulance services furnished on or after July 1, 2001, and before January 1, 2004, for which the transportation originates in a rural area (as defined in section 1886(d)(2)(D)) or in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)), the fee schedule established under this subsection shall provide that, with respect to the payment rate for mileage for a trip above 17 miles, and up to 50 miles, the rate otherwise established shall be increased by not less than ½ of the additional payment per mile established for the first 17 miles of such a trip originating in a rural area.”.

(b) **GAO STUDIES ON THE COSTS OF AMBULANCE SERVICES FURNISHED IN RURAL AREAS.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study on each of the matters described in paragraph (2).

(2) **MATTERS DESCRIBED.**—The matters referred to in paragraph (1) are the following:

(A) The cost of efficiently providing ambulance services for trips originating in rural areas, with special emphasis on collection of cost data from rural providers.

(B) The means by which rural areas with low population densities can be identified for the purpose of designating areas in which the cost of providing ambulance services would be expected to be higher than similar services provided in more heavily populated areas because of low usage. Such study shall also include an analysis of the additional costs of providing ambulance services in areas designated under the previous sentence.

(3) REPORT.—Not later than June 30, 2002, the Comptroller General shall submit to Congress a report on the results of the studies conducted under paragraph (1) and shall include recommendations on steps that should be taken to assure access to ambulance services in rural areas.

(c) ADJUSTMENT IN RURAL RATES.—In providing for adjustments under subparagraph (D) of section 1834(l)(2) of the Social Security Act (42 U.S.C. 1395m(l)(2)) for years beginning with 2004, the Secretary of Health and Human Services shall take into consideration the recommendations contained in the report under subsection (b)(2) and shall adjust the fee schedule payment rates under such section for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001. In applying such amendment to services furnished on or after such date and before January 1, 2002, the amount of the rate increase provided under such amendment shall be equal to \$1.25 per mile.

SEC. 222. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

(a) PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.—Section 1842(b)(6)(C) (42 U.S.C. 1395u(b)(6)(C)) is amended—

(1) by striking “for such services provided before January 1, 2003,”; and

(2) by striking the semicolon at the end and inserting a comma.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 223. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) TIME LIMIT FOR BBA PROVISION.—Section 4206(a) of BBA (42 U.S.C. 1395l note) is amended by striking “Not later than January 1, 1999” and inserting “For services furnished on and after January 1, 1999, and before October 1, 2001”.

(b) EXPANSION OF MEDICARE PAYMENT FOR TELEHEALTH SERVICES.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(m) PAYMENT FOR TELEHEALTH SERVICES.—

“(1) IN GENERAL.—The Secretary shall pay for telehealth services that are furnished via a telecommunications system by a physician (as defined in section 1861(r)) or a practitioner (described in section 1842(b)(18)(C)) to an eligible telehealth individual enrolled under this part notwithstanding that the individual physician or practitioner providing the telehealth service is not at the same location as the beneficiary. For purposes of the preceding sentence, in the case of any Federal telemedicine demonstration program conducted in Alaska or Hawaii, the term ‘telecommunications system’ includes store-

and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.

“(2) PAYMENT AMOUNT.—

“(A) DISTANT SITE.—The Secretary shall pay to a physician or practitioner located at a distant site that furnishes a telehealth service to an eligible telehealth individual an amount equal to the amount that such physician or practitioner would have been paid under this title had such service been furnished without the use of a telecommunications system.

“(B) FACILITY FEE FOR ORIGINATING SITE.—With respect to a telehealth service, subject to section 1833(a)(1)(U), there shall be paid to the originating site a facility fee equal to—

“(i) for the period beginning on October 1, 2001, and ending on December 31, 2001, and for 2002, \$20; and

“(ii) for a subsequent year, the facility fee specified in clause (i) or this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.

“(C) TELEPRESENTER NOT REQUIRED.—Nothing in this subsection shall be construed as requiring an eligible telehealth individual to be presented by a physician or practitioner at the originating site for the furnishing of a service via a telecommunications system, unless it is medically necessary (as determined by the physician or practitioner at the distant site).

“(3) LIMITATION ON BENEFICIARY CHARGES.—

“(A) PHYSICIAN AND PRACTITIONER.—The provisions of section 1848(g) and subparagraphs (A) and (B) of section 1842(b)(18) shall apply to a physician or practitioner receiving payment under this subsection in the same manner as they apply to physicians or practitioners under such sections.

“(B) ORIGINATING SITE.—The provisions of section 1842(b)(18) shall apply to originating sites receiving a facility fee in the same manner as they apply to practitioners under such section.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) DISTANT SITE.—The term ‘distant site’ means the site at which the physician or practitioner is located at the time the service is provided via a telecommunications system.

“(B) ELIGIBLE TELEHEALTH INDIVIDUAL.—The term ‘eligible telehealth individual’ means an individual enrolled under this part who receives a telehealth service furnished at an originating site.

“(C) ORIGINATING SITE.—

“(i) IN GENERAL.—The term ‘originating site’ means only those sites described in clause (ii) at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system and only if such site is located—

“(I) in an area that is designated as a rural health professional shortage area under section

332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A));

“(II) in a county that is not included in a Metropolitan Statistical Area; or

“(III) from an entity that participates in a Federal telemedicine demonstration project that has been approved by (or receives funding from) the Secretary of Health and Human Services as of December 31, 2000.

“(ii) SITES DESCRIBED.—The sites referred to in clause (i) are the following sites:

“(I) The office of a physician or practitioner.

“(II) A critical access hospital (as defined in section 1861(mm)(1)).

“(III) A rural health clinic (as defined in section 1861(aa)(s)).

“(IV) A Federally qualified health center (as defined in section 1861(aa)(4)).

“(V) A hospital (as defined in section 1861(e)).

“(D) PHYSICIAN.—The term ‘physician’ has the meaning given that term in section 1861(r).

“(E) PRACTITIONER.—The term ‘practitioner’ has the meaning given that term in section 1842(b)(18)(C).

“(F) TELEHEALTH SERVICE.—

“(i) IN GENERAL.—The term ‘telehealth service’ means professional consultations, office visits, and office psychiatry services (identified as of July 1, 2000, by HCPCS codes 99241–99275, 99201–99215, 90804–90809, and 90862 (and as subsequently modified by the Secretary)), and any additional service specified by the Secretary.

“(ii) YEARLY UPDATE.—The Secretary shall establish a process that provides, on an annual basis, for the addition or deletion of services (and HCPCS codes), as appropriate, to those specified in clause (i) for authorized payment under paragraph (1).”.

(c) CONFORMING AMENDMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(1)), as amended by section 105(c), is further amended—

(1) by striking “and (T)” and inserting “(T)”; and

(2) by inserting before the semicolon at the end the following: “, and (U) with respect to facility fees described in section 1834(m)(2)(B), the amounts paid shall be 80 percent of the lesser of the actual charge or the amounts specified in such section”.

(d) STUDY AND REPORT ON ADDITIONAL COVERAGE.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to identify—

(A) settings and sites for the provision of telehealth services that are in addition to those permitted under section 1834(m) of the Social Security Act, as added by subsection (b);

(B) practitioners that may be reimbursed under such section for furnishing telehealth services that are in addition to the practitioners that may be reimbursed for such services under such section; and

(C) geographic areas in which telehealth services may be reimbursed that are in addition to the geographic areas where such services may be reimbursed under such section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation that the Secretary determines are appropriate.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall be effective for services furnished on or after October 1, 2001.

SEC. 224. EXPANDING ACCESS TO RURAL HEALTH CLINICS.

(a) IN GENERAL.—The matter in section 1833(f) (42 U.S.C. 1395l(f)) preceding paragraph (1) is amended by striking “rural hospitals” and inserting “hospitals”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISOLATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) indicating—

(1) whether low-volume, isolated rural health care providers are having, or may have, significantly decreased medicare margins or other financial difficulties resulting from any of the payment methodologies described in subsection (c);

(2) whether the status as a low-volume, isolated rural health care provider should be designated under the medicare program and any criteria that should be used to qualify for such a status; and

(3) any changes in the payment methodologies described in subsection (c) that are necessary to provide appropriate reimbursement under the medicare program to low-volume, isolated rural health care providers (as designated pursuant to paragraph (2)).

(c) PAYMENT METHODOLOGIES DESCRIBED.—The payment methodologies described in this subsection are the following:

(1) The prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(2) The fee schedule for ambulance services under section 1834(l) of such Act (42 U.S.C. 1395m(l)).

(3) The prospective payment system for inpatient hospital services under section 1886 of such Act (42 U.S.C. 1395ww).

(4) The prospective payment system for routine service costs of skilled nursing facilities under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(5) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

SEC. 301. REVISION OF ACUTE CARE HOSPITAL PAYMENT UPDATE FOR 2001.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XVI), by striking “minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals,” and inserting “for hospitals in all areas,”;

(2) in subclause (XVII)—

(A) by striking “minus 1.1 percentage points” and inserting “minus 0.55 percentage points; and

(B) by striking “and” at the end;

(3) by redesignating subclause (XVIII) as subclause (XIX);

(4) in subclause (XIX), as so redesignated, by striking “fiscal year 2003” and inserting “fiscal year 2004”; and

(5) by inserting after subclause (XVII) the following new subclause:

“(XVIII) for fiscal year 2003, the market basket percentage increase minus 0.55 percentage points for hospitals in all areas, and”.

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments for fiscal year 2001 for inpatient hospital services furnished by subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))), the “applicable percentage increase” referred to in section 1886(b)(3)(B)(i) of such Act (42 U.S.C. 1395ww(b)(3)(B)(i))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be determined in accordance with subclause (XVI) of such section as in effect on the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall be equal to—

(A) the market basket percentage increase plus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas; and

(B) the market basket percentage increase for sole community hospitals.

(c) CONSIDERATION OF PRICE OF BLOOD AND BLOOD PRODUCTS IN MARKET BASKET INDEX.—The Secretary of Health and Human Services shall, when next (after the date of the enactment of this Act) rebasing and revising the hospital market basket index (as defined in section 1886(b)(3)(B)(iii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(iii))), consider the prices of blood and blood products purchased by hospitals and determine whether those prices are adequately reflected in such index.

(d) MEDPAC STUDY AND REPORT REGARDING CERTAIN HOSPITAL COSTS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on—

(A) any increased costs incurred by subsection (d) hospitals (as defined in paragraph (1)(B) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))) in providing inpatient hospital services to medicare beneficiaries under title XVIII of such Act during the period beginning on October 1, 1983, and ending on September 30, 1999, that were attributable to—

(i) complying with new blood safety measure requirements; and

(ii) providing such services using new technologies;

(B) the extent to which the prospective payment system for such services under such section provides adequate and timely recognition of such increased costs;

(C) the prospects for (and to the extent practicable, the magnitude of) cost increases that hospitals will incur in providing such services that are attributable to complying with new blood safety measure requirements and providing such services using new technologies during the 10 years after the date of the enactment of this Act; and

(D) the feasibility and advisability of establishing mechanisms under such payment system to provide for more timely and accurate recognition of such cost increases in the future.

(2) CONSULTATION.—In conducting the study under this subsection, the Commission shall consult with representatives of the blood community, including—

(A) hospitals;

(B) organizations involved in the collection, processing, and delivery of blood; and

(C) organizations involved in the development of new blood safety technologies.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

(e) ADJUSTMENT FOR INPATIENT CASE MIX CHANGES.—

(1) IN GENERAL.—Section 1886(d)(3)(A) (42 U.S.C. 1395ww(d)(3)(A)) is amended by adding at the end the following new clause:

“(vi) Insofar as the Secretary determines that the adjustments under paragraph (4)(C)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments under this subsection during the fiscal year that are a result of changes in the coding or classification of discharges that do not reflect real changes in case mix, the Secretary may adjust the average standardized amounts computed under this paragraph for subsequent fiscal years so as to eliminate the effect of such coding or classification changes.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to discharges occurring on or after October 1, 2001.

SEC. 302. ADDITIONAL MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

- (1) in subclause (V) by striking “and” at the end;
- (2) by redesignating subclause (VI) as subclause (VII);
- (3) in subclause (VII) as so redesignated, by striking “2001” and inserting “2002”; and
- (4) by inserting after subclause (V) the following new subclause:

“(VI) during fiscal year 2002, ‘c’ is equal to 1.6; and”.

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding paragraph (5)(B)(ii)(V) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)), for purposes of making payments for subsection (d) hospitals (as defined in paragraph (1)(B) of such section) with indirect costs of medical education, the indirect teaching adjustment factor referred to in paragraph (5)(B)(ii) of such section shall be determined, for discharges occurring on or after April 1, 2001, and before October 1, 2001, as if “c” in paragraph (5)(B)(ii)(V) of such section equalled 1.66 rather than 1.54.

(c) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended by inserting “or of section 302 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000” after “Balanced Budget Refinement Act of 1999”.

(d) CLERICAL AMENDMENTS.—Section 1886(d)(5)(B) (42 U.S.C. 1395ww(d)(5)(B)), as amended by subsection (a), is further amended by moving the indentation of each of the following 2 ems to the left:

- (1) Clauses (ii), (v), and (vi).
- (2) Subclauses (I) (II), (III), (IV), (V), and (VII) of clause (ii).
- (3) Subclauses (I) and (II) of clause (vi) and the flush sentence at the end of such clause.

SEC. 303. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

- (1) in subclause (III), by striking “each of” and by inserting “and 2 percent, respectively” after “3 percent”; and
- (2) in subclause (IV), by striking “4 percent” and inserting “3 percent”.

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendment made by subsection (a)(1), for purposes of making disproportionate share payments for subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) for fiscal year 2001, the additional payment amount otherwise determined under clause (ii) of section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))—

- (1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be adjusted as provided by clause (ix)(III) of such section as in effect on the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall, instead of being reduced by 3 percent as provided by clause (ix)(III) of such section as in effect after the date of the enactment of this Act, be reduced by 1 percent.

(c) CONFORMING AMENDMENTS RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(iv) (42 U.S.C. 1395ww(d)(2)(C)(iv)), is amended—

(1) by striking “1989 or” and inserting “1989,”; and

(2) by inserting “, or the enactment of section 303 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000” after “Omnibus Budget Reconciliation Act of 1990”.

(d) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 1886(d)(5)(F)(i) (42 U.S.C. 1395ww(d)(5)(F)(i)) is amended by striking “and before October 1, 1997,”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) is effective as if included in the enactment of BBA.

(e) REFERENCE TO CHANGES IN DSH FOR RURAL HOSPITALS.—For additional changes in the DSH program for rural hospitals, see section 211.

SEC. 304. WAGE INDEX IMPROVEMENTS.

(a) DURATION OF WAGE INDEX RECLASSIFICATION; USE OF 3-YEAR WAGE DATA.—Section 1886(d)(10)(D) (42 U.S.C. 1395ww(d)(10)(D)) is amended by adding at the end the following new clauses:

“(v) Any decision of the Board to reclassify a subsection (d) hospital for purposes of the adjustment factor described in subparagraph (C)(i)(II) for fiscal year 2001 or any fiscal year thereafter shall be effective for a period of 3 fiscal years, except that the Secretary shall establish procedures under which a subsection (d) hospital may elect to terminate such reclassification before the end of such period.

“(vi) Such guidelines shall provide that, in making decisions on applications for reclassification for the purposes described in clause (v) for fiscal year 2003 and any succeeding fiscal year, the Board shall base any comparison of the average hourly wage for the hospital with the average hourly wage for hospitals in an area on—

“(I) an average of the average hourly wage amount for the hospital from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys; and

“(II) an average of the average hourly wage amount for hospitals in such area from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys.”.

(b) PROCESS TO PERMIT STATEWIDE WAGE INDEX CALCULATION AND APPLICATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish a process (based on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w—

4) for purposes of computing and applying a statewide geographic adjustment factor) under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying the area wage index under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)). Such process shall be established by October 1, 2001, for reclassifications beginning in fiscal year 2003.

(2) PROHIBITION ON INDIVIDUAL HOSPITAL RECLASSIFICATION.—Notwithstanding any other provision of law, if the Secretary applies a statewide geographic wage index under paragraph (1) with respect to a State, any application submitted by a hospital in that State under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)) for geographic reclassification shall not be considered.

(c) COLLECTION OF INFORMATION ON OCCUPATIONAL MIX.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide for the collection of data every 3 years on occupational mix for employees of each subsection (d) hospital (as defined in section 1886(d)(1)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(D))) in the provision of inpatient hospital services, in order to construct an occupational mix adjustment in the hospital area wage index applied under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)).

(2) APPLICATION.—The third sentence of section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)) is amended by striking “To the extent determined feasible by the Secretary, such survey shall measure” and inserting “Not less often than once every 3 years the Secretary (through such survey or otherwise) shall measure”.

(3) EFFECTIVE DATE.—By not later than September 30, 2003, for application beginning October 1, 2004, the Secretary shall first complete—

(A) the collection of data under paragraph (1); and

(B) the measurement under the third sentence of section 1886(d)(3)(E), as amended by paragraph (2).

SEC. 305. PAYMENT FOR INPATIENT SERVICES OF REHABILITATION HOSPITALS.

(a) ASSISTANCE WITH ADMINISTRATIVE COSTS ASSOCIATED WITH COMPLETION OF PATIENT ASSESSMENT.—Section 1886(j)(3)(B) (42 U.S.C. 1395ww(j)(3)(B)) is amended by striking “98 percent” and inserting “98 percent for fiscal year 2001 and 100 percent for fiscal year 2002”.

(b) ELECTION TO APPLY FULL PROSPECTIVE PAYMENT RATE WITHOUT PHASE-IN.—

(1) IN GENERAL.—Paragraph (1) of section 1886(j) (42 U.S.C. 1395ww(j)) is amended—

(A) in subparagraph (A), by inserting “other than a facility making an election under subparagraph (F)” before “in a cost reporting period”;

(B) in subparagraph (B), by inserting “or, in the case of a facility making an election under subparagraph (F), for any cost reporting period described in such subparagraph,” after “2002,”; and

(C) by adding at the end the following new subparagraph:

“(F) ELECTION TO APPLY FULL PROSPECTIVE PAYMENT SYSTEM.—A rehabilitation facility may elect, not later than 30 days before its first cost reporting period for which the payment methodology under this subsection applies to the facility, to have payment made to the facility under this subsection under the provisions of subparagraph (B) (rather than subparagraph (A)) for each cost reporting period to which such payment methodology applies.”.

(2) CLARIFICATION.—Paragraph (3)(B) of such section is amended by inserting “but not taking into account any payment adjustment resulting from an election permitted under paragraph (1)(F)” after “paragraphs (4) and (6)”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect as if included in the enactment of BBA.

SEC. 306. PAYMENT FOR INPATIENT SERVICES OF PSYCHIATRIC HOSPITALS.

With respect to hospitals described in clause (i) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) and psychiatric units described in the matter following clause (v) of such section, in making incentive payments to such hospitals under section 1886(b)(1)(A) of such Act (42 U.S.C. 1395ww(b)(1)(A)) for cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, the Secretary of Health and Human Services, in clause (ii) of such section, shall substitute “3 percent” for “2 percent”.

SEC. 307. PAYMENT FOR INPATIENT SERVICES OF LONG-TERM CARE HOSPITALS.

(a) INCREASED TARGET AMOUNTS AND CAPS FOR LONG-TERM CARE HOSPITALS BEFORE IMPLEMENTATION OF THE PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(A) in subparagraph (H)(ii)(III), by inserting “subject to subparagraph (J),” after “2002,”; and

(B) by adding at the end the following new subparagraph:

“(J) For cost reporting periods beginning during fiscal year 2001, for a hospital described in subsection (d)(1)(B)(iv)—

“(i) the limiting or cap amount otherwise determined under subparagraph (H) shall be increased by 2 percent; and

“(ii) the target amount otherwise determined under subparagraph (A) shall be increased by 25 percent (subject to the limiting or cap amount determined under subparagraph (H), as increased by clause (i)).”.

(2) APPLICATION.—The amendments made by subsection (a) and by section 122 of BBRA (113 Stat. 1501A-331) shall not be taken into account in the development and implementation of the prospective payment system under section 123 of BBRA (113 Stat. 1501A-331).

(b) IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM FOR LONG-TERM CARE HOSPITALS.—

(1) MODIFICATION OF REQUIREMENT.—In developing the prospective payment system for payment for inpatient hospital services provided in long-term care hospitals described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) under the medicare program under title

XVIII of such Act required under section 123 of BBRA, the Secretary of Health and Human Services shall examine the feasibility and the impact of basing payment under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data. The Secretary shall examine and may provide for appropriate adjustments to the long-term hospital payment system, including adjustments to DRG weights, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment consistent with section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

(2) **DEFAULT IMPLEMENTATION OF SYSTEM BASED ON EXISTING DRG METHODOLOGY.**—If the Secretary is unable to implement the prospective payment system under section 123 of the BBRA by October 1, 2002, the Secretary shall implement a prospective payment system for such hospitals that bases payment under such a system using existing hospital diagnosis-related groups (DRGs), modified where feasible to account for resource use of long-term care hospital patients using the most recently available hospital discharge data for such services furnished on or after that date.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

SEC. 311. ELIMINATION OF REDUCTION IN SKILLED NURSING FACILITY (SNF) MARKET BASKET UPDATE IN 2001.

(a) **IN GENERAL.**—Section 1888(e)(4)(E)(ii) (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively;

(2) in subclause (III), as so redesignated—

(A) by striking “each of fiscal years 2001 and 2002” and inserting “each of fiscal years 2002 and 2003”; and

(B) by striking “minus 1 percentage point” and inserting “minus 0.5 percentage points”; and

(3) by inserting after subclause (I) the following new subclause:

“(II) for fiscal year 2001, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year;”.

(b) **SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.**—Notwithstanding the amendments made by subsection (a), for purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for fiscal year 2001, the Federal per diem rate referred to in paragraph (4)(E)(ii) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under such section if “plus 1 percentage point” had been substituted for “minus 1 percentage point” under subclause (II) of such paragraph (as in effect on the day before the date of the enactment of this Act).

(c) **RELATION TO TEMPORARY INCREASE IN BBRA.**—The increases provided under section 101 of BBRA (113 Stat. 1501A-325) shall be in addition to any increase resulting from the amendments made by subsection (a).

(d) **GAO REPORT ON ADEQUACY OF SNF PAYMENT RATES.**—Not later than July 1, 2002, the Comptroller General of the United States shall submit to Congress a report on the adequacy of medicare payment rates to skilled nursing facilities and the extent to which medicare contributes to the financial viability of such facilities. Such report shall take into account the role of private payors, medicaid, and case mix on the financial performance of these facilities, and shall include an analysis (by specific RUG classification) of the number and characteristics of such facilities.

(e) **HCFA STUDY OF CLASSIFICATION SYSTEMS FOR SNF RESIDENTS.**—

(1) **STUDY.**—The Secretary of Health and Human Services shall conduct a study of the different systems for categorizing patients in medicare skilled nursing facilities in a manner that accounts for the relative resource utilization of different patient types.

(2) **REPORT.**—Not later than January 1, 2005, the Secretary shall submit to Congress a report on the study conducted under subsection (a). Such report shall include such recommendations regarding changes in law as may be appropriate.

SEC. 312. INCREASE IN NURSING COMPONENT OF PPS FEDERAL RATE.

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall increase by 16.66 percent the nursing component of the case-mix adjusted Federal prospective payment rate specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770) and as subsequently updated, effective for services furnished on or after April 1, 2001, and before October 1, 2002.

(b) **GAO AUDIT OF NURSING STAFF RATIOS.**—

(1) **AUDIT.**—The Comptroller General of the United States shall conduct an audit of nursing staffing ratios in a representative sample of medicare skilled nursing facilities. Such sample shall cover selected States and shall include broad representation with respect to size, ownership, location, and medicare volume. Such audit shall include an examination of payroll records and medicaid cost reports of individual facilities.

(2) **REPORT.**—Not later than August 1, 2002, the Comptroller General shall submit to Congress a report on the audits conducted under paragraph (1). Such report shall include an assessment of the impact of the increased payments under this subtitle on increased nursing staff ratios and shall make recommendations as to whether increased payments under subsection (a) should be continued.

SEC. 313. APPLICATION OF SNF CONSOLIDATED BILLING REQUIREMENT LIMITED TO PART A COVERED STAYS.

(a) **IN GENERAL.**—Section 1862(a)(18) (42 U.S.C. 1395y(a)(18)) is amended by striking “or of a part of a facility that includes a skilled nursing facility (as determined under regulations),” and inserting “during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(D), which are furnished to such an individual without regard to such period),”.

(b) **CONFORMING AMENDMENTS.**—(1) Section 1842(b)(6)(E) (42 U.S.C. 1395u(b)(6)(E)) is amended—

(A) by inserting “by, or under arrangements made by, a skilled nursing facility” after “furnished”;

(B) by striking “or of a part of a facility that includes a skilled nursing facility (as determined under regulations);” and

(C) by striking “(without regard to whether or not the item or service was furnished by the facility, by others under arrangement with them made by the facility, under any other contracting or consulting arrangement, or otherwise)”.

(2) Section 1842(t) (42 U.S.C. 1395u(t)) is amended by striking “by a physician” and “or of a part of a facility that includes a skilled nursing facility (as determined under regulations),”.

(3) Section 1866(a)(1)(H)(ii)(I) (42 U.S.C. 1395cc(a)(1)(H)(ii)(I)) is amended by inserting after “who is a resident of the skilled nursing facility” the following: “during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(D), that are furnished to such an individual without regard to such period)”.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2001.

(d) **OVERSIGHT.**—The Secretary of Health and Human Services, through the Office of the Inspector General in the Department of Health and Human Services or otherwise, shall monitor payments made under part B of the title XVIII of the Social Security Act for items and services furnished to residents of skilled nursing facilities during a time in which the residents are not being provided medicare covered post-hospital extended care services to ensure that there is not duplicate billing for services or excessive services provided.

SEC. 314. ADJUSTMENT OF REHABILITATION RUGS TO CORRECT ANOMALY IN PAYMENT RATES.

(a) **ADJUSTMENT FOR REHABILITATION RUGS.**—

(1) **IN GENERAL.**—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for such services furnished on or after April 1, 2001, and before the date described in section 101(c)(2) of BBRA (113 Stat. 1501A–324), the Secretary of Health and Human Services shall increase by 6.7 percent the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section) for covered skilled nursing facility services for RUG–III rehabilitation groups described in paragraph (2) furnished to an individual during the period

in which such individual is classified in such a RUG–III category.

(2) REHABILITATION GROUPS DESCRIBED.—The RUG–III rehabilitation groups for which the adjustment described in paragraph (1) applies are RUC, RUB, RUA, RVC, RVB, RVA, RHC, RHB, RHA, RMC, RMB, RMA, RLB, and RLA, as specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770).

(b) CORRECTION WITH RESPECT TO REHABILITATION RUGS.—

(1) IN GENERAL.—Section 101(b) of BBRA (113 Stat. 1501A–324) is amended by striking “CA1, RHC, RMC, and RMB” and inserting “and CA1”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after April 1, 2001.

(c) REVIEW BY OFFICE OF INSPECTOR GENERAL.—The Inspector General of the Department of Health and Human Services shall review the medicare payment structure for services classified within rehabilitation resource utilization groups (RUGs) (as in effect after the date of the enactment of the BBRA) to assess whether payment incentives exist for the delivery of inadequate care. Not later than October 1, 2001, the Inspector General shall submit to Congress a report on such review.

SEC. 315. ESTABLISHMENT OF PROCESS FOR GEOGRAPHIC RECLASSIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services may establish a procedure for the geographic reclassification of a skilled nursing facility for purposes of payment for covered skilled nursing facility services under the prospective payment system established under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)). Such procedure may be based upon the method for geographic reclassifications for inpatient hospitals established under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

(b) REQUIREMENT FOR SKILLED NURSING FACILITY WAGE DATA.—In no case may the Secretary implement the procedure under subsection (a) before such time as the Secretary has collected data necessary to establish an area wage index for skilled nursing facilities based on wage data from such facilities.

Subtitle C—Hospice Care

SEC. 321. FIVE PERCENT INCREASE IN PAYMENT BASE.

(a) IN GENERAL.—Section 1814(i)(1)(C)(ii)(VI) (42 U.S.C. 1395f(i)(1)(C)(ii)(VI)) is amended by inserting “, plus, in the case of fiscal year 2001, 5.0 percentage points” before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospice care furnished on or after April 1, 2001. In applying clause (ii) of section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) beginning with fiscal year 2002, the payment rates in effect under such section during the period beginning on April 1, 2001, and ending on September 30, shall be treated as the payment rates in effect during fiscal year 2001.

(c) **NO EFFECT ON BBRA TEMPORARY INCREASE.**—The provisions of this section shall have no effect on the application of section 131 of BBRA.

(d) **APPLICATION OF WAGE INDEX.**—Notwithstanding section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)), the Secretary of Health and Human Services shall use 1.0043 as the hospice wage index value for the Wichita, Kansas Metropolitan Statistical Area in calculating payments under such section for a hospice program providing hospice care in such area during fiscal year 2000. The Secretary may provide for an appropriate timely lump sum payment to reflect the application of the previous sentence.

(e) **TECHNICAL AMENDMENT.**—Section 1814(a)(7)(A)(ii) (42 U.S.C. 1395f(a)(7)(A)(ii)) is amended by striking the period at the end and inserting a semicolon.

SEC. 322. CLARIFICATION OF PHYSICIAN CERTIFICATION.

(a) **CERTIFICATION BASED ON NORMAL COURSE OF ILLNESS.**—

(1) **IN GENERAL.**—Section 1814(a) (42 U.S.C. 1395f(a)) is amended by adding at the end the following new sentence: “The certification regarding terminal illness of an individual under paragraph (7) shall be based on the physician’s or medical director’s clinical judgment regarding the normal course of the individual’s illness.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to certifications made on or after the date of the enactment of this Act.

(b) **STUDY AND REPORT ON PHYSICIAN CERTIFICATION REQUIREMENT FOR HOSPICE BENEFITS.**—

(1) **STUDY.**—The Secretary of Health and Human Services shall conduct a study to examine the appropriateness of the certification regarding terminal illness of an individual under section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395f(a)(7)) that is required in order for such individual to receive hospice benefits under the medicare program under title XVIII of such Act. In conducting such study, the Secretary shall take into account the effect of the amendment made by subsection (a).

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1), together with any recommendations for legislation that the Secretary deems appropriate.

SEC. 323. MEDPAC REPORT ON ACCESS TO, AND USE OF, HOSPICE BENEFIT.

(a) **IN GENERAL.**—The Medicare Payment Advisory Commission shall conduct a study to examine the factors affecting the use of hospice benefits under the medicare program under title XVIII of the Social Security Act, including a delay in the time (relative to death) of entry into a hospice program, and differences in such use between urban and rural hospice programs and based upon the presenting condition of the patient.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission deems appropriate.

Subtitle D—Other Provisions

SEC. 331. RELIEF FROM MEDICARE PART A LATE ENROLLMENT PENALTY FOR GROUP BUY-IN FOR STATE AND LOCAL RETIREES.

(a) IN GENERAL.—Section 1818 (42 U.S.C. 1395i-2) is amended—

(1) in subsection (c)(6), by inserting before the semicolon at the end the following: “and shall be subject to reduction in accordance with subsection (d)(6)”; and

(2) by adding at the end of subsection (d) the following new paragraph:

“(6)(A) In the case where a State, a political subdivision of a State, or an agency or instrumentality of a State or political subdivision thereof determines to pay, for the life of each individual, the monthly premiums due under paragraph (1) on behalf of each of the individuals in a qualified State or local government retiree group who meets the conditions of subsection (a), the amount of any increase otherwise applicable under section 1839(b) (as applied and modified by subsection (c)(6) of this section) with respect to the monthly premium for benefits under this part for an individual who is a member of such group shall be reduced by the total amount of taxes paid under section 3101(b) of the Internal Revenue Code of 1986 by such individual and under section 3111(b) by the employers of such individual on behalf of such individual with respect to employment (as defined in section 3121(b) of such Code).

“(B) For purposes of this paragraph, the term ‘qualified State or local government retiree group’ means all of the individuals who retire prior to a specified date that is before January 1, 2002, from employment in one or more occupations or other broad classes of employees of—

“(i) the State;

“(ii) a political subdivision of the State; or

“(iii) an agency or instrumentality of the State or political subdivision of the State.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to premiums for months beginning with January 1, 2002.

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

SEC. 401. REVISION OF HOSPITAL OUTPATIENT PPS PAYMENT UPDATE.

(a) IN GENERAL.—Section 1833(t)(3)(C)(iii) (42 U.S.C. 1395l(t)(3)(C)(iii)) is amended by striking “in each of 2000, 2001, and 2002” and inserting “in each of 2000 and 2002”.

(b) ADJUSTMENT FOR CASE MIX CHANGES.—

(1) IN GENERAL.—Section 1833(t)(3)(C) (42 U.S.C. 1395l(t)(3)(C)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause:

“(iii) ADJUSTMENT FOR SERVICE MIX CHANGES.—Insofar as the Secretary determines that the adjustments for service mix under paragraph (2) for a previous year (or estimates that such adjustments for a future year) did (or are likely to) result in a change in aggregate payments under this subsection during the year that are a result of changes in the coding or classification of covered OPD services that do not reflect real changes in service mix, the Secretary may adjust the conversion factor computed under this subparagraph for subsequent years so as to eliminate the effect of such coding or classification changes.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of BBA.

(c) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) for covered OPD services furnished during 2001, the medicare OPD fee schedule amount under such section—

(1) for services furnished on or after January 1, 2001, and before April 1, 2001, shall be the medicare OPD fee schedule amount for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(2) for services furnished on or after April 1, 2001, and before January 1, 2002, shall be the fee schedule amount (as determined taking into account the amendment made by subsection (a)), increased by a transitional percentage allowance equal to 0.32 percent (to account for the timing of implementation of the full market basket update).

SEC. 402. CLARIFYING PROCESS AND STANDARDS FOR DETERMINING ELIGIBILITY OF DEVICES FOR PASS-THROUGH PAYMENTS UNDER HOSPITAL OUTPATIENT PPS.

(a) IN GENERAL.—Section 1833(t)(6) (42 U.S.C. 1395l(t)(6)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) USE OF CATEGORIES IN DETERMINING ELIGIBILITY OF A DEVICE FOR PASS-THROUGH PAYMENTS.—The following provisions apply for purposes of determining whether a medical device qualifies for additional payments under clause (ii) or (iv) of subparagraph (A):

“(i) ESTABLISHMENT OF INITIAL CATEGORIES.—

“(I) IN GENERAL.—The Secretary shall initially establish under this clause categories of medical devices based on type of device by April 1, 2001. Such categories shall be established in a manner such that each medical device that meets the requirements of clause (ii) or (iv) of subparagraph (A) as of January 1, 2001, is included in such a category and no such device is included in more than one category. For purposes of the preceding sentence, whether a medical device meets such requirements as of such date shall be determined

on the basis of the program memoranda issued before such date.

“(II) AUTHORIZATION OF IMPLEMENTATION OTHER THAN THROUGH REGULATIONS.—The categories may be established under this clause by program memorandum or otherwise, after consultation with groups representing hospitals, manufacturers of medical devices, and other affected parties.

“(ii) ESTABLISHING CRITERIA FOR ADDITIONAL CATEGORIES.—

“(I) IN GENERAL.—The Secretary shall establish criteria that will be used for creation of additional categories (other than those established under clause (i)) through rulemaking (which may include use of an interim final rule with comment period).

“(II) STANDARD.—Such categories shall be established under this clause in a manner such that no medical device is described by more than one category. Such criteria shall include a test of whether the average cost of devices that would be included in a category and are in use at the time the category is established is not insignificant, as described in subparagraph (A)(iv)(II).

“(III) DEADLINE.—Criteria shall first be established under this clause by July 1, 2001. The Secretary may establish in compelling circumstances categories under this clause before the date such criteria are established.

“(IV) ADDING CATEGORIES.—The Secretary shall promptly establish a new category of medical devices under this clause for any medical device that meets the requirements of subparagraph (A)(iv) and for which none of the categories in effect (or that were previously in effect) is appropriate.

“(iii) PERIOD FOR WHICH CATEGORY IS IN EFFECT.—A category of medical devices established under clause (i) or (ii) shall be in effect for a period of at least 2 years, but not more than 3 years, that begins—

“(I) in the case of a category established under clause (i), on the first date on which payment was made under this paragraph for any device described by such category (including payments made during the period before April 1, 2001); and

“(II) in the case of any other category, on the first date on which payment is made under this paragraph for any medical device that is described by such category.

“(iv) REQUIREMENTS TREATED AS MET.—A medical device shall be treated as meeting the requirements of subparagraph (A)(iv), regardless of whether the device meets the requirement of subclause (I) of such subparagraph, if—

“(I) the device is described by a category established and in effect under clause (i); or

“(II) the device is described by a category established and in effect under clause (ii) and an application under section 515 of the Federal Food, Drug, and Cosmetic Act has been approved with respect to the device, or the device has been cleared for market under section 510(k) of such Act, or the device is exempt from the requirements of section 510(k) of such Act pursuant to subsection (l) or (m) of section 510 of such Act or section 520(g) of such Act.

Nothing in this clause shall be construed as requiring an application or prior approval (other than that described in subclause (II)) in order for a covered device described by a category to qualify for payment under this paragraph.

“(C) LIMITED PERIOD OF PAYMENT.—

“(i) DRUGS AND BIOLOGICALS.—The payment under this paragraph with respect to a drug or biological shall only apply during a period of at least 2 years, but not more than 3 years, that begins—

“(I) on the first date this subsection is implemented in the case of a drug or biological described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a drug or biological described in subparagraph (A)(iv) and for which payment under this part is made as an outpatient hospital service before such first date; or

“(II) in the case of a drug or biological described in subparagraph (A)(iv) not described in subclause (I), on the first date on which payment is made under this part for the drug or biological as an outpatient hospital service.

“(ii) MEDICAL DEVICES.—Payment shall be made under this paragraph with respect to a medical device only if such device—

“(I) is described by a category of medical devices established and in effect under subparagraph (B); and

“(II) is provided as part of a service (or group of services) paid for under this subsection and provided during the period for which such category is in effect under such subparagraph.”.

(b) CONFORMING AMENDMENTS.—Section 1833(t) (42 U.S.C. 1395l(t)) is further amended—

(1) in paragraph (6)(A)(iv)(II), by striking “the cost of the device, drug, or biological” and inserting “the cost of the drug or biological or the average cost of the category of devices”;

(2) in paragraph (6)(D) (as redesignated by subsection (a)(1)), by striking “subparagraph (D)(iii)” in the matter preceding clause (i) and inserting “subparagraph (E)(iii)”; and

(3) in paragraph (12)(E), by striking “additional payments (consistent with paragraph (6)(B))” and inserting “additional payments, the determination and deletion of initial and new categories (consistent with subparagraphs (B) and (C) of paragraph (6))”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(d) TRANSITION.—

(1) IN GENERAL.—In the case of a medical device provided as part of a service (or group of services) furnished during the period before initial categories are implemented under subparagraph (B)(i) of section 1833(t)(6) of the Social Security Act (as amended by subsection (a)), payment shall be made for such device under such section in accordance with the provisions in effect before the date of the enactment of this Act. In addition, beginning on the date that is 30 days after the date of the enactment of this Act, payment shall be made for such a device that is not included in a program memorandum described in such subparagraph if the Secretary of Health and Human Services determines that the device (including a device that would have been included in such program memorandum but for the requirement of subparagraph (A)(iv)(I) of that section) is likely to be described by such an initial category.

(2) APPLICATION OF CURRENT PROCESS.—Notwithstanding any other provision of law, the Secretary shall continue to accept applications with respect to medical devices under the process established pursuant to paragraph (6) of section 1833(t) of the Social Security Act (as in effect on the day before the date of the enactment of this Act) through December 1, 2000, and any device—

(A) with respect to which an application was submitted (pursuant to such process) on or before such date; and

(B) that meets the requirements of clause (ii) or (iv) of subparagraph (A) of such paragraph (as determined pursuant to such process),

shall be treated as a device with respect to which an initial category is required to be established under subparagraph (B)(i) of such paragraph (as amended by subsection (a)(2)).

SEC. 403. APPLICATION OF OPD PPS TRANSITIONAL CORRIDOR PAYMENTS TO CERTAIN HOSPITALS THAT DID NOT SUBMIT A 1996 COST REPORT.

(a) IN GENERAL.—Section 1833(t)(7)(F)(ii)(I) (42 U.S.C. 1395l(t)(7)(F)(ii)(I)) is amended by inserting “(or in the case of a hospital that did not submit a cost report for such period, during the first subsequent cost reporting period ending before 2001 for which the hospital submitted a cost report)” after “1996”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of BBRA.

SEC. 404. APPLICATION OF RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

(a) GRANDFATHER.—Notwithstanding any other provision of law, effective October 1, 2000, for purposes of provider-based status under title XVIII of the Social Security Act—

(1) any facility or organization that is treated as provider-based in relation to a hospital or critical access hospital under such title as of such date shall continue to be treated as provider-based in relation to such hospital or critical access hospital under such title until October 1, 2002; and

(2) the requirements, limitations, and exclusions specified in subsections (d), (e), (f), and (h) of section 413.65 of title 42, Code of Federal Regulations, shall not apply to such facility or organization in relation to such hospital or critical access hospital until October 1, 2002.

(b) CONTINUING CRITERIA FOR MEETING GEOGRAPHIC LOCATION REQUIREMENT.—Except as provided in subsection (a), in making determinations of provider-based status on or after October 1, 2000, the following rules shall apply:

(1) The facility or organization shall be treated as satisfying any requirements and standards for geographic location in relation to a hospital or a critical access hospital if the facility or organization—

(A) satisfies the requirements of section 413.65(d)(7) of title 42, Code of Federal Regulations; or

(B) is located not more than 35 miles from the main campus of the hospital or critical access hospital.

(2) The facility or organization shall be treated as satisfying any of the requirements and standards for geographic location in relation to a hospital or a critical access hospital if the facility or organization is owned and operated by a hospital or critical access hospital that—

(A) is owned or operated by a unit of State or local government, is a public or private nonprofit corporation that is formally granted governmental powers by a unit of State or local government, or is a private hospital that has a contract with a State or local government that includes the operation of clinics located off the main campus of the hospital to assure access in a well-defined service area to health care services for low-income individuals who are not entitled to benefits under title XVIII (or medical assistance under a State plan under title XIX) of the Social Security Act; and

(B) has a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of such Act (42 U.S.C. 1395ww(d)(5)(F))) greater than 11.75 percent or is described in clause (i)(II) of such section.

(c) TEMPORARY CRITERIA.—For purposes of title XVIII of the Social Security Act, a facility or organization for which a determination of provider-based status in relation to a hospital or critical access hospital is requested on or after October 1, 2000, and before October 1, 2002, shall be treated as having provider-based status in relation to such a hospital or a critical access hospital for any period before a determination is made with respect to such status pursuant to such request.

(d) DEFINITIONS.—For purposes of this section, the terms “hospital” and “critical access hospital” have the meanings given such terms in subsections (e) and (mm)(1), respectively, of section 1861 of the Social Security Act (42 U.S.C. 1395x).

SEC. 405. TREATMENT OF CHILDREN'S HOSPITALS UNDER PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(1) in the heading of paragraph (7)(D)(ii), by inserting “AND CHILDREN'S HOSPITALS” after “CANCER HOSPITALS”; and

(2) in paragraphs (7)(D)(ii) and (11), by striking “section 1886(d)(1)(B)(v)” and inserting “clause (iii) or (v) of section 1886(d)(1)(B)”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of section 202 of BBRA (113 Stat. 1501A-342).

**SEC. 406. INCLUSION OF TEMPERATURE MONITORED CRYOABLATION
IN TRANSITIONAL PASS-THROUGH FOR CERTAIN MEDICAL
DEVICES, DRUGS, AND BIOLOGICALS UNDER OPD
PPS.**

(a) **IN GENERAL.**—Section 1833(t)(6)(A)(ii) (42 U.S.C. 1395l(t)(6)(A)(ii)) is amended by inserting “or temperature monitored cryoablation” after “device of brachytherapy”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to devices furnished on or after April 1, 2001.

Subtitle B—Provisions Relating to Physicians’ Services

SEC. 411. GAO STUDIES RELATING TO PHYSICIANS’ SERVICES.

(a) **STUDY OF SPECIALIST PHYSICIANS’ SERVICES FURNISHED IN PHYSICIANS’ OFFICES AND HOSPITAL OUTPATIENT DEPARTMENT SERVICES.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study to examine the appropriateness of furnishing in physicians’ offices specialist physicians’ services (such as gastrointestinal endoscopic physicians’ services) which are ordinarily furnished in hospital outpatient departments. In conducting this study, the Comptroller General shall—

(A) review available scientific and clinical evidence about the safety of performing procedures in physicians’ offices and hospital outpatient departments;

(B) assess whether resource-based practice expense relative values established by the Secretary of Health and Human Services under the medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) for such specialist physicians’ services furnished in physicians’ offices and hospital outpatient departments create an incentive to furnish such services in physicians’ offices instead of hospital outpatient departments; and

(C) assess the implications for access to care for medicare beneficiaries if the medicare program were not to cover such services in physicians’ offices.

(2) **REPORT.**—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on such study and include such recommendations as the Comptroller General determines to be appropriate.

(b) **STUDY OF THE RESOURCE-BASED PRACTICE EXPENSE SYSTEM.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study on the refinements to the practice expense relative value units during the transition to a resource-based practice expense system for physician payments under the medicare program under title XVIII of the Social Security Act. Such study shall examine how the Secretary of Health and Human Services has accepted and used the practice expense data submitted under section 212 of BBRA (113 Stat. 1501A-350).

(2) REPORT.—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding—

- (A) improvements in the process for acceptance and use of practice expense data under section 212 of BBRA;
- (B) any change or adjustment that is appropriate to ensure full access to a spectrum of care for beneficiaries under the medicare program; and
- (C) the appropriateness of payments to physicians.

SEC. 412. PHYSICIAN GROUP PRACTICE DEMONSTRATION.

(a) IN GENERAL.—Title XVIII is amended by inserting after section 1866 the following new sections:

“DEMONSTRATION OF APPLICATION OF PHYSICIAN VOLUME INCREASES
TO GROUP PRACTICES

“SEC. 1866A. (a) DEMONSTRATION PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall conduct demonstration projects to test and, if proven effective, expand the use of incentives to health care groups participating in the program under this title that—

“(A) encourage coordination of the care furnished to individuals under the programs under parts A and B by institutional and other providers, practitioners, and suppliers of health care items and services;

“(B) encourage investment in administrative structures and processes to ensure efficient service delivery; and

“(C) reward physicians for improving health outcomes. Such projects shall focus on the efficiencies of furnishing health care in a group-practice setting as compared to the efficiencies of furnishing health care in other health care delivery systems.

“(2) ADMINISTRATION BY CONTRACT.—Except as otherwise specifically provided, the Secretary may administer the program under this section in accordance with section 1866B.

“(3) DEFINITIONS.—For purposes of this section, terms have the following meanings:

“(A) PHYSICIAN.—Except as the Secretary may otherwise provide, the term ‘physician’ means any individual who furnishes services which may be paid for as physicians’ services under this title.

“(B) HEALTH CARE GROUP.—The term ‘health care group’ means a group of physicians (as defined in subparagraph (A)) organized at least in part for the purpose of providing physicians’ services under this title. As the Secretary finds appropriate, a health care group may include a hospital and any other individual or entity furnishing items or services for which payment may be made under this title that is affiliated with the health care group under an arrangement structured so that such individual or entity participates in a demonstration under this section and will share in any bonus earned under subsection (d).

“(b) ELIGIBILITY CRITERIA.—

“(1) IN GENERAL.—The Secretary is authorized to establish criteria for health care groups eligible to participate in a demonstration under this section, including criteria relating to numbers of health care professionals in, and of patients served by, the group, scope of services provided, and quality of care.

“(2) PAYMENT METHOD.—A health care group participating in the demonstration under this section shall agree with respect to services furnished to beneficiaries within the scope of the demonstration (as determined under subsection (c))—

“(A) to be paid on a fee-for-service basis; and

“(B) that payment with respect to all such services furnished by members of the health care group to such beneficiaries shall (where determined appropriate by the Secretary) be made to a single entity.

“(3) DATA REPORTING.—A health care group participating in a demonstration under this section shall report to the Secretary such data, at such times and in such format as the Secretary requires, for purposes of monitoring and evaluation of the demonstration under this section.

“(c) PATIENTS WITHIN SCOPE OF DEMONSTRATION.—

“(1) IN GENERAL.—The Secretary shall specify, in accordance with this subsection, the criteria for identifying those patients of a health care group who shall be considered within the scope of the demonstration under this section for purposes of application of subsection (d) and for assessment of the effectiveness of the group in achieving the objectives of this section.

“(2) OTHER CRITERIA.—The Secretary may establish additional criteria for inclusion of beneficiaries within a demonstration under this section, which may include frequency of contact with physicians in the group or other factors or criteria that the Secretary finds to be appropriate.

“(3) NOTICE REQUIREMENTS.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.

“(d) INCENTIVES.—

“(1) PERFORMANCE TARGET.—The Secretary shall establish for each health care group participating in a demonstration under this section—

“(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and

“(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.

“(2) INCENTIVE BONUS.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.

“(3) ADDITIONAL BONUS FOR PROCESS AND OUTCOME IMPROVEMENTS.—At such time as the Secretary has established

appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) an additional bonus for a year, equal to such portion as the Secretary may designate of the saving to the program under this title resulting from process improvements made by and patient outcome improvements attributable to activities of the group.

“(4) LIMITATION.—The Secretary shall limit bonus payments under this section as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to patients within the scope of the demonstration do not exceed the amount which the Secretary estimates would be expended if the demonstration projects under this section were not implemented.

“PROVISIONS FOR ADMINISTRATION OF DEMONSTRATION PROGRAM

“SEC. 1866B. (a) GENERAL ADMINISTRATIVE AUTHORITY.—

“(1) BENEFICIARY ELIGIBILITY.—Except as otherwise provided by the Secretary, an individual shall only be eligible to receive benefits under the program under section 1866A (in this section referred to as the ‘demonstration program’) if such individual—

“(A) is enrolled under the program under part B and entitled to benefits under part A; and

“(B) is not enrolled in a Medicare+Choice plan under part C, an eligible organization under a contract under section 1876 (or a similar organization operating under a demonstration project authority), an organization with an agreement under section 1833(a)(1)(A), or a PACE program under section 1894.

“(2) SECRETARY’S DISCRETION AS TO SCOPE OF PROGRAM.—The Secretary may limit the implementation of the demonstration program to—

“(A) a geographic area (or areas) that the Secretary designates for purposes of the program, based upon such criteria as the Secretary finds appropriate;

“(B) a subgroup (or subgroups) of beneficiaries or individuals and entities furnishing items or services (otherwise eligible to participate in the program), selected on the basis of the number of such participants that the Secretary finds consistent with the effective and efficient implementation of the program;

“(C) an element (or elements) of the program that the Secretary determines to be suitable for implementation; or

“(D) any combination of any of the limits described in subparagraphs (A) through (C).

“(3) VOLUNTARY RECEIPT OF ITEMS AND SERVICES.—Items and services shall be furnished to an individual under the demonstration program only at the individual’s election.

“(4) AGREEMENTS.—The Secretary is authorized to enter into agreements with individuals and entities to furnish health care items and services to beneficiaries under the demonstration program.

“(5) PROGRAM STANDARDS AND CRITERIA.—The Secretary shall establish performance standards for the demonstration program including, as applicable, standards for quality of health

care items and services, cost-effectiveness, beneficiary satisfaction, and such other factors as the Secretary finds appropriate. The eligibility of individuals or entities for the initial award, continuation, and renewal of agreements to provide health care items and services under the program shall be conditioned, at a minimum, on performance that meets or exceeds such standards.

“(6) ADMINISTRATIVE REVIEW OF DECISIONS AFFECTING INDIVIDUALS AND ENTITIES FURNISHING SERVICES.—An individual or entity furnishing services under the demonstration program shall be entitled to a review by the program administrator (or, if the Secretary has not contracted with a program administrator, by the Secretary) of a decision not to enter into, or to terminate, or not to renew, an agreement with the entity to provide health care items or services under the program.

“(7) SECRETARY’S REVIEW OF MARKETING MATERIALS.—An agreement with an individual or entity furnishing services under the demonstration program shall require the individual or entity to guarantee that it will not distribute materials that market items or services under the program without the Secretary’s prior review and approval.

“(8) PAYMENT IN FULL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an individual or entity receiving payment from the Secretary under a contract or agreement under the demonstration program shall agree to accept such payment as payment in full, and such payment shall be in lieu of any payments to which the individual or entity would otherwise be entitled under this title.

“(B) COLLECTION OF DEDUCTIBLES AND COINSURANCE.—Such individual or entity may collect any applicable deductible or coinsurance amount from a beneficiary.

“(b) CONTRACTS FOR PROGRAM ADMINISTRATION.—

“(1) IN GENERAL.—The Secretary may administer the demonstration program through a contract with a program administrator in accordance with the provisions of this subsection.

“(2) SCOPE OF PROGRAM ADMINISTRATOR CONTRACTS.—The Secretary may enter into such contracts for a limited geographic area, or on a regional or national basis.

“(3) ELIGIBLE CONTRACTORS.—The Secretary may contract for the administration of the program with—

“(A) an entity that, under a contract under section 1816 or 1842, determines the amount of and makes payments for health care items and services furnished under this title; or

“(B) any other entity with substantial experience in managing the type of program concerned.

“(4) CONTRACT AWARD, DURATION, AND RENEWAL.—

“(A) IN GENERAL.—A contract under this subsection shall be for an initial term of up to three years, renewable for additional terms of up to three years.

“(B) NONCOMPETITIVE AWARD AND RENEWAL FOR ENTITIES ADMINISTERING PART A OR PART B PAYMENTS.—The Secretary may enter or renew a contract under this subsection with an entity described in paragraph (3)(A) without regard to the requirements of section 5 of title 41, United States Code.

“(5) APPLICABILITY OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall apply to program administration contracts under this subsection.

“(6) PERFORMANCE STANDARDS.—The Secretary shall establish performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate. The eligibility of entities for the initial award, continuation, and renewal of program administration contracts shall be conditioned, at a minimum, on performance that meets or exceeds such standards.

“(7) FUNCTIONS OF PROGRAM ADMINISTRATOR.—A program administrator shall perform any or all of the following functions, as specified by the Secretary:

“(A) AGREEMENTS WITH ENTITIES FURNISHING HEALTH CARE ITEMS AND SERVICES.—Determine the qualifications of entities seeking to enter or renew agreements to provide services under the demonstration program, and as appropriate enter or renew (or refuse to enter or renew) such agreements on behalf of the Secretary.

“(B) ESTABLISHMENT OF PAYMENT RATES.—Negotiate or otherwise establish, subject to the Secretary’s approval, payment rates for covered health care items and services.

“(C) PAYMENT OF CLAIMS OR FEES.—Administer payments for health care items or services furnished under the program.

“(D) PAYMENT OF BONUSES.—Using such guidelines as the Secretary shall establish, and subject to the approval of the Secretary, make bonus payments as described in subsection (c)(2)(A)(ii) to entities furnishing items or services for which payment may be made under the program.

“(E) OVERSIGHT.—Monitor the compliance of individuals and entities with agreements under the program with the conditions of participation.

“(F) ADMINISTRATIVE REVIEW.—Conduct reviews of adverse determinations specified in subsection (a)(6).

“(G) REVIEW OF MARKETING MATERIALS.—Conduct a review of marketing materials proposed by an entity furnishing services under the program.

“(H) ADDITIONAL FUNCTIONS.—Perform such other functions as the Secretary may specify.

“(8) LIMITATION OF LIABILITY.—The provisions of section 1157(b) shall apply with respect to activities of contractors and their officers, employees, and agents under a contract under this subsection.

“(9) INFORMATION SHARING.—Notwithstanding section 1106 and section 552a of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including medical information) on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract.

“(c) RULES APPLICABLE TO BOTH PROGRAM AGREEMENTS AND PROGRAM ADMINISTRATION CONTRACTS.—

“(1) RECORDS, REPORTS, AND AUDITS.—The Secretary is authorized to require entities with agreements to provide health care items or services under the demonstration program, and

entities with program administration contracts under subsection (b), to maintain adequate records, to afford the Secretary access to such records (including for audit purposes), and to furnish such reports and other materials (including audited financial statements and performance data) as the Secretary may require for purposes of implementation, oversight, and evaluation of the program and of individuals' and entities' effectiveness in performance of such agreements or contracts.

“(2) BONUSES.—Notwithstanding any other provision of law, but subject to subparagraph (B)(ii), the Secretary may make bonus payments under the demonstration program from the Federal Health Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in amounts that do not exceed the amounts authorized under the program in accordance with the following:

“(A) PAYMENTS TO PROGRAM ADMINISTRATORS.—The Secretary may make bonus payments under the program to program administrators.

“(B) PAYMENTS TO ENTITIES FURNISHING SERVICES.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may make bonus payments to individuals or entities furnishing items or services for which payment may be made under the demonstration program, or may authorize the program administrator to make such bonus payments in accordance with such guidelines as the Secretary shall establish and subject to the Secretary's approval.

“(ii) LIMITATIONS.—The Secretary may condition such payments on the achievement of such standards related to efficiency, improvement in processes or outcomes of care, or such other factors as the Secretary determines to be appropriate.

“(3) ANTIDISCRIMINATION LIMITATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the demonstration program, or with an entity to administer the program, unless such entity guarantees that it will not deny, limit, or condition the coverage or provision of benefits under the program, for individuals eligible to be enrolled under such program, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

“(d) LIMITATIONS ON JUDICIAL REVIEW.—The following actions and determinations with respect to the demonstration program shall not be subject to review by a judicial or administrative tribunal:

“(1) Limiting the implementation of the program under subsection (a)(2).

“(2) Establishment of program participation standards under subsection (a)(5) or the denial or termination of, or refusal to renew, an agreement with an entity to provide health care items and services under the program.

“(3) Establishment of program administration contract performance standards under subsection (b)(6), the refusal to renew a program administration contract, or the noncompetitive award or renewal of a program administration contract under subsection (b)(4)(B).

“(4) Establishment of payment rates, through negotiation or otherwise, under a program agreement or a program administration contract.

“(5) A determination with respect to the program (where specifically authorized by the program authority or by subsection (c)(2))—

“(A) as to whether cost savings have been achieved, and the amount of savings; or

“(B) as to whether, to whom, and in what amounts bonuses will be paid.

“(e) APPLICATION LIMITED TO PARTS A AND B.—None of the provisions of this section or of the demonstration program shall apply to the programs under part C.

“(f) REPORTS TO CONGRESS.—Not later than two years after the date of the enactment of this section, and biennially thereafter for six years, the Secretary shall report to Congress on the use of authorities under the demonstration program. Each report shall address the impact of the use of those authorities on expenditures, access, and quality under the programs under this title.”

(b) GAO REPORT.—Not later than 2 years after the date on which the demonstration project under section 1866A of the Social Security Act, as added by subsection (a), is implemented, the Comptroller General of the United States shall submit to Congress a report on such demonstration project. The report shall include such recommendations with respect to changes to the demonstration project that the Comptroller General determines appropriate.

SEC. 413. STUDY ON ENROLLMENT PROCEDURES FOR GROUPS THAT RETAIN INDEPENDENT CONTRACTOR PHYSICIANS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the current medicare enrollment process for groups that retain independent contractor physicians with particular emphasis on hospital-based physicians, such as emergency department staffing groups. In conducting the evaluation, the Comptroller General shall consult with groups that retain independent contractor physicians and shall—

(1) review the issuance of individual medicare provider numbers and the possible medicare program integrity vulnerabilities of the current process;

(2) review direct and indirect costs associated with the current process incurred by the medicare program and groups that retain independent contractor physicians;

(3) assess the effect on program integrity by the enrollment of groups that retain independent contractor hospital-based physicians; and

(4) develop suggested procedures for the enrollment of these groups.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

Subtitle C—Other Services

SEC. 421. ONE-YEAR EXTENSION OF MORATORIUM ON THERAPY CAPS; REPORT ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPY ASSISTANTS.

(a) IN GENERAL.—Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking “2000 and 2001.” and inserting “2000, 2001, and 2002.”.

(b) CONFORMING AMENDMENT TO CONTINUE FOCUSED MEDICAL REVIEWS OF CLAIMS DURING MORATORIUM PERIOD.—Section 221(a)(2) of BBRA (113 Stat. 1501A–351) is amended by striking “(under the amendment made by paragraph (1)(B))”.

(c) STUDY ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the implications—

(A) of eliminating the “in the room” supervision requirement for medicare payment for services of physical therapy assistants who are supervised by physical therapists; and

(B) of such requirement on the cap imposed under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) on physical therapy services.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 422. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

(a) UPDATE.—

(1) IN GENERAL.—The last sentence of section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)) is amended by striking “for such services furnished on or after January 1, 2001, by 1.2 percent” and inserting “for such services furnished on or after January 1, 2001, by 2.4 percent”.

(2) PROHIBITION ON EXCEPTIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary of Health and Human Services may not provide for an exception under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) on or after December 31, 2000.

(B) DEADLINE FOR NEW APPLICATIONS.—In the case of a facility that during 2000 did not file for an exception rate under such section, the facility may submit an application for an exception rate by not later than July 1, 2001.

(C) PROTECTION OF APPROVED EXCEPTION RATES.—Any exception rate under such section in effect on December 31, 2000 (or, in the case of an application under subparagraph (B), as approved under such application) shall continue in effect so long as such rate is greater than the composite rate as updated by the amendment made by paragraph (1).

(b) DEVELOPMENT OF ESRD MARKET BASKET.—

(1) DEVELOPMENT.—The Secretary of Health and Human Services shall collect data and develop an ESRD market basket whereby the Secretary can estimate, before the beginning of a year, the percentage by which the costs for the year of

the mix of labor and nonlabor goods and services included in the ESRD composite rate under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) will exceed the costs of such mix of goods and services for the preceding year. In developing such index, the Secretary may take into account measures of changes in—

- (A) technology used in furnishing dialysis services;
- (B) the manner or method of furnishing dialysis services; and
- (C) the amounts by which the payments under such section for all services billed by a facility for a year exceed the aggregate allowable audited costs of such services for such facility for such year.

(2) REPORT.—The Secretary of Health and Human Services shall submit to Congress a report on the index developed under paragraph (1) no later than July 1, 2002, and shall include in the report recommendations on the appropriateness of an annual or periodic update mechanism for renal dialysis services under the medicare program under title XVIII of the Social Security Act based on such index.

(c) INCLUSION OF ADDITIONAL SERVICES IN COMPOSITE RATE.—

(1) DEVELOPMENT.—The Secretary of Health and Human Services shall develop a system which includes, to the maximum extent feasible, in the composite rate used for payment under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)), payment for clinical diagnostic laboratory tests and drugs (including drugs paid under section 1881(b)(11)(B) of such Act (42 U.S.C. 1395rr(b)(11)(B)) that are routinely used in furnishing dialysis services to medicare beneficiaries but which are currently separately billable by renal dialysis facilities.

(2) REPORT.—The Secretary shall include, as part of the report submitted under subsection (b)(2), a report on the system developed under paragraph (1) and recommendations on the appropriateness of incorporating the system into medicare payment for renal dialysis services.

(d) GAO STUDY ON ACCESS TO SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall study access of medicare beneficiaries to renal dialysis services. Such study shall include whether there is a sufficient supply of facilities to furnish needed renal dialysis services, whether medicare payment levels are appropriate, taking into account audited costs of facilities for all services furnished, to ensure continued access to such services, and improvements in access (and quality of care) that may result in the increased use of long nightly and short daily hemodialysis modalities.

(2) REPORT.—Not later than January 1, 2003, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

(e) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by subsection (a)(1), for purposes of making payments under section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) for dialysis services furnished during 2001, the composite rate payment under paragraph (7) of such section—

- (1) for services furnished on or after January 1, 2001, and before April 1, 2001, shall be the composite rate payment

determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(2) for services furnished on or after April 1, 2001, and before January 1, 2002, shall be the composite rate payment (as determined taking into account the amendment made by subsection (a)(1)) increased by a transitional percentage allowance equal to 0.39 percent (to account for the timing of implementation of the CPI update).

SEC. 423. PAYMENT FOR AMBULANCE SERVICES.

(a) **RESTORATION OF FULL CPI INCREASE FOR 2001.**—

(1) **IN GENERAL.**—Section 1834(l)(3) (42 U.S.C. 1395m(l)(3)) is amended by striking “reduced in the case of 2001 and 2002” each place it appears and inserting “reduced in the case of 2002”.

(2) **SPECIAL RULE FOR PAYMENT FOR 2001.**—Notwithstanding the amendment made by paragraph (1), for purposes of making payments for ambulance services under part B of title XVIII of the Social Security Act, for services furnished during 2001, the “percentage increase in the consumer price index” specified in section 1834(l)(3)(B) of such Act (42 U.S.C. 1395m(l)(3)(B))—

(A) for services furnished on or after January 1, 2001, and before July 1, 2001, shall be the percentage increase for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(B) for services furnished on or after July 1, 2001, and before January 1, 2002, shall be equal to 4.7 percent.

(b) **MILEAGE PAYMENTS.**—

(1) **IN GENERAL.**—Section 1834(l)(2)(E) (42 U.S.C. 1395m(l)(2)(E)) is amended by inserting before the period at the end the following: “, except that such phase-in shall provide for full payment of any national mileage rate for ambulance services provided by suppliers that are paid by carriers in any of the 50 States where payment by a carrier for such services for all such suppliers in such State did not, prior to the implementation of the fee schedule, include a separate amount for all mileage within the county from which the beneficiary is transported”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to services furnished on or after July 1, 2001.

SEC. 424. AMBULATORY SURGICAL CENTERS.

(a) **DELAY IN IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.**—The Secretary of Health and Human Services may not implement a revised prospective payment system for services of ambulatory surgical facilities under section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) before January 1, 2002.

(b) **EXTENDING PHASE-IN TO 4 YEARS.**—Section 226 of the BBRA (113 Stat. 1501A–354) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) in the first year of its implementation, only a proportion (specified by the Secretary and not to exceed one-fourth) of the payment for such services shall be made in accordance with such system and the remainder shall be made in accordance with current regulations; and

“(2) in each of the following 2 years a proportion (specified by the Secretary and not to exceed one-half and three-fourths,

respectively) of the payment for such services shall be made under such system and the remainder shall be made in accordance with current regulations.”.

(c) DEADLINE FOR USE OF 1999 OR LATER COST SURVEYS.—Section 226 of BBRA (113 Stat. 1501A-354) is amended by adding at the end the following:

“By not later than January 1, 2003, the Secretary shall incorporate data from a 1999 medicare cost survey or a subsequent cost survey for purposes of implementing or revising such system.”.

SEC. 425. FULL UPDATE FOR DURABLE MEDICAL EQUIPMENT.

(a) IN GENERAL.—Section 1834(a)(14) (42 U.S.C. 1395m(a)(14)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (F);

(2) in subparagraph (C)—

(A) by striking “through 2002” and inserting “through 2000”; and

(B) by striking “and” at the end; and

(3) by inserting after subparagraph (C) the following new subparagraphs:

“(D) for 2001, the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;

“(E) for 2002, 0 percentage points; and”.

(b) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for durable medical equipment under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), other than for oxygen and oxygen equipment specified in paragraph (9) of such section, the payment basis recognized for 2001 under such section—

(1) for items furnished on or after January 1, 2001, and before July 1, 2001, shall be the payment basis for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act (including the application of section 228(a)(1) of BBRA); and

(2) for items furnished on or after July 1, 2001, and before January 1, 2002, shall be the payment basis that is determined under such section 1834(a) if such section 228(a)(1) did not apply and taking into account the amendment made by subsection (a), increased by a transitional percentage allowance equal to 3.28 percent (to account for the timing of implementation of the CPI update).

SEC. 426. FULL UPDATE FOR ORTHOTICS AND PROSTHETICS.

(a) IN GENERAL.—Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended—

(1) by redesignating clause (vi) as clause (viii);

(2) in clause (v)—

(A) by striking “through 2002” and inserting “through 2000”; and

(B) by striking “and” at the end; and

(3) by inserting after clause (v) the following new clause:

“(vi) for 2001, the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;

“(vii) for 2002, 1 percent; and”.

(b) **SPECIAL RULE FOR PAYMENT FOR 2001.**—Notwithstanding the amendments made by subsection (a), for purposes of making payments for prosthetic devices and orthotics and prosthetics (as defined in subparagraphs (B) and (C) of paragraph (4) of section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) under such section, the payment basis recognized for 2001 under paragraph (2) of such section—

(1) for items furnished on or after January 1, 2001, and before July 1, 2001, shall be the payment basis for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(2) for items furnished on or after July 1, 2001, and before January 1, 2002, shall be the payment basis that is determined under such section taking into account the amendments made by subsection (a), increased by a transitional percentage allowance equal to 2.6 percent (to account for the timing of implementation of the CPI update).

SEC. 427. ESTABLISHMENT OF SPECIAL PAYMENT PROVISIONS AND REQUIREMENTS FOR PROSTHETICS AND CERTAIN CUSTOM-FABRICATED ORTHOTIC ITEMS.

(a) **IN GENERAL.**—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following:

“(F) **SPECIAL PAYMENT RULES FOR CERTAIN PROSTHETICS AND CUSTOM-FABRICATED ORTHOTICS.**—

“(i) **IN GENERAL.**—No payment shall be made under this subsection for an item of custom-fabricated orthotics described in clause (ii) or for an item of prosthetics unless such item is—

“(I) furnished by a qualified practitioner; and

“(II) fabricated by a qualified practitioner or a qualified supplier at a facility that meets such criteria as the Secretary determines appropriate.

“(ii) **DESCRIPTION OF CUSTOM-FABRICATED ITEM.**—

“(I) **IN GENERAL.**—An item described in this clause is an item of custom-fabricated orthotics that requires education, training, and experience to custom-fabricate and that is included in a list established by the Secretary in subclause (II). Such an item does not include shoes and shoe inserts.

“(II) **LIST OF ITEMS.**—The Secretary, in consultation with appropriate experts in orthotics (including national organizations representing manufacturers of orthotics), shall establish and update as appropriate a list of items to which this subparagraph applies. No item may be included in such list unless the item is individually fabricated for the patient over a positive model of the patient.

“(iii) **QUALIFIED PRACTITIONER DEFINED.**—In this subparagraph, the term ‘qualified practitioner’ means a physician or other individual who—

“(I) is a qualified physical therapist or a qualified occupational therapist;

“(II) in the case of a State that provides for the licensing of orthotics and prosthetics, is

licensed in orthotics or prosthetics by the State in which the item is supplied; or

“(III) in the case of a State that does not provide for the licensing of orthotics and prosthetics, is specifically trained and educated to provide or manage the provision of prosthetics and custom-designed or -fabricated orthotics, and is certified by the American Board for Certification in Orthotics and Prosthetics, Inc. or by the Board for Orthotist/Prosthetist Certification, or is credentialed and approved by a program that the Secretary determines, in consultation with appropriate experts in orthotics and prosthetics, has training and education standards that are necessary to provide such prosthetics and orthotics.

“(iv) QUALIFIED SUPPLIER DEFINED.—In this subparagraph, the term ‘qualified supplier’ means any entity that is accredited by the American Board for Certification in Orthotics and Prosthetics, Inc. or by the Board for Orthotist/Prosthetist Certification, or accredited and approved by a program that the Secretary determines has accreditation and approval standards that are essentially equivalent to those of such Board.”.

(b) EFFECTIVE DATE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate revised regulations to carry out the amendment made by subsection (a) using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on HCFA Ruling 96-1, issued on September 1, 1996, with respect to distinguishing orthotics from durable medical equipment under the medicare program under title XVIII of the Social Security Act. The study shall assess the following matters:

(A) The compliance of the Secretary of Health and Human Services with the Administrative Procedures Act (under chapter 5 of title 5, United States Code) in making such ruling.

(B) The potential impact of such ruling on the health care furnished to medicare beneficiaries under the medicare program, especially those beneficiaries with degenerative musculoskeletal conditions.

(C) The potential for fraud and abuse under the medicare program if payment were provided for orthotics used as a component of durable medical equipment only when made under the special payment provision for certain prosthetics and custom-fabricated orthotics under section 1834(h)(1)(F) of the Social Security Act, as added by subsection (a) and furnished by qualified practitioners under that section.

(D) The impact on payments under titles XVIII and XIX of the Social Security Act if such ruling were overturned.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 428. REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.

(a) IN GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)), as amended by section 427(a), is further amended by adding at the end the following new subparagraph:

“(G) REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.—

“(i) IN GENERAL.—Payment shall be made for the replacement of prosthetic devices which are artificial limbs, or for the replacement of any part of such devices, without regard to continuous use or useful lifetime restrictions if an ordering physician determines that the provision of a replacement device, or a replacement part of such a device, is necessary because of any of the following:

“(I) A change in the physiological condition of the patient.

“(II) An irreparable change in the condition of the device, or in a part of the device.

“(III) The condition of the device, or the part of the device, requires repairs and the cost of such repairs would be more than 60 percent of the cost of a replacement device, or, as the case may be, of the part being replaced.

“(ii) CONFIRMATION MAY BE REQUIRED IF DEVICE OR PART BEING REPLACED IS LESS THAN 3 YEARS OLD.—If a physician determines that a replacement device, or a replacement part, is necessary pursuant to clause (i)—

“(I) such determination shall be controlling; and

“(II) such replacement device or part shall be deemed to be reasonable and necessary for purposes of section 1862(a)(1)(A);

except that if the device, or part, being replaced is less than 3 years old (calculated from the date on which the beneficiary began to use the device or part), the Secretary may also require confirmation of necessity of the replacement device or replacement part, as the case may be.”.

(b) PREEMPTION OF RULE.—The provisions of section 1834(h)(1)(G) as added by subsection (a) shall supersede any rule that as of the date of the enactment of this Act may have applied a 5-year replacement rule with regard to prosthetic devices.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items replaced on or after April 1, 2001.

SEC. 429. REVISED PART B PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGY FOR DRUGS AND BIOLOGICALS.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the reimbursement

for drugs and biologicals under the current medicare payment methodology (provided under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o))) and for related services under part B of title XVIII of such Act. In the study, the Comptroller General shall—

(i) identify the average prices at which such drugs and biologicals are acquired by physicians and other suppliers;

(ii) quantify the difference between such average prices and the reimbursement amount under such section; and

(iii) determine the extent to which (if any) payment under such part is adequate to compensate physicians, providers of services, or other suppliers of such drugs and biologicals for costs incurred in the administration, handling, or storage of such drugs or biologicals.

(B) CONSULTATION.—In conducting the study under subparagraph (A), the Comptroller General shall consult with physicians, providers of services, and suppliers of drugs and biologicals under the medicare program under title XVIII of such Act, as well as other organizations involved in the distribution of such drugs and biologicals to such physicians, providers of services, and suppliers.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and to the Secretary of Health and Human Services a report on the study conducted under this subsection, and shall include in such report recommendations for revised payment methodologies described in paragraph (3).

(3) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGIES.—

(A) IN GENERAL.—The Comptroller General shall provide specific recommendations for revised payment methodologies for reimbursement for drugs and biologicals and for related services under the medicare program. The Comptroller General may include in the recommendations—

(i) proposals to make adjustments under subsection (c) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4) for the practice expense component of the physician fee schedule under such section for the costs incurred in the administration, handling, or storage of certain categories of such drugs and biologicals, if appropriate; and

(ii) proposals for new payments to providers of services or suppliers for such costs, if appropriate.

(B) ENSURING PATIENT ACCESS TO CARE.—In making recommendations under this paragraph, the Comptroller General shall ensure that any proposed revised payment methodology is designed to ensure that medicare beneficiaries continue to have appropriate access to health care services under the medicare program.

(C) MATTERS CONSIDERED.—In making recommendations under this paragraph, the Comptroller General shall consider—

(i) the method and amount of reimbursement for similar drugs and biologicals made by large group health plans;

(ii) as a result of any revised payment methodology, the potential for patients to receive inpatient or outpatient hospital services in lieu of services in a physician's office; and

(iii) the effect of any revised payment methodology on the delivery of drug therapies by hospital outpatient departments.

(D) COORDINATION WITH BBRA STUDY.—In making recommendations under this paragraph, the Comptroller General shall conclude and take into account the results of the study provided for under section 213(a) of BBRA (113 Stat. 1501A–350).

(b) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, based on the recommendations contained in the report under subsection (a), the Secretary of Health and Human Services, subject to paragraph (2), shall revise the payment methodology under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) for drugs and biologicals furnished under part B of the medicare program. To the extent the Secretary determines appropriate, the Secretary may provide for the adjustments to payments amounts referred to in subsection (a)(3)(A)(i) or additional payments referred to in subsection (a)(2)(A)(ii).

(2) LIMITATION.—In revising the payment methodology under paragraph (1), in no case may the estimated aggregate payments for drugs and biologicals under the revised system (including additional payments referred to in subsection (a)(3)(A)(ii)) exceed the aggregate amount of payment for such drugs and biologicals, as projected by the Secretary, that would have been made under the payment methodology in effect under such section 1842(o).

(c) MORATORIUM ON DECREASES IN PAYMENT RATES.—Notwithstanding any other provision of law, effective for drugs and biologicals furnished on or after January 1, 2001, the Secretary may not directly or indirectly decrease the rates of reimbursement (in effect as of such date) for drugs and biologicals under the current medicare payment methodology (provided under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o))) until such time as the Secretary has reviewed the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC PROCEDURES UNDER HOSPITAL PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by inserting after subparagraph (F) the following new subparagraph:

“(G) the Secretary shall create additional groups of covered OPD services that classify separately those procedures that utilize contrast agents from those that do not.”.

(b) CONFORMING AMENDMENT.—Section 1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by inserting “(including contrast agents)” after “only such drugs”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after July 1, 2001.

SEC. 431. QUALIFICATIONS FOR COMMUNITY MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking “entity” and all that follows and inserting the following: “entity that—

“(i)(I) provides the mental health services described in section 1913(c)(1) of the Public Health Service Act; or

“(II) in the case of an entity operating in a State that by law precludes the entity from providing itself the service described in subparagraph (E) of such section, provides for such service by contract with an approved organization or entity (as determined by the Secretary);

“(ii) meets applicable licensing or certification requirements for community mental health centers in the State in which it is located; and

“(iii) meets such additional conditions as the Secretary shall specify to ensure (I) the health and safety of individuals being furnished such services, (II) the effective and efficient furnishing of such services, and (III) the compliance of such entity with the criteria described in section 1931(c)(1) of the Public Health Service Act.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to community mental health centers with respect to services furnished on or after the first day of the third month beginning after the date of the enactment of this Act.

SEC. 432. PAYMENT OF PHYSICIAN AND NONPHYSICIAN SERVICES IN CERTAIN INDIAN PROVIDERS.

(a) IN GENERAL.—Section 1880 (42 U.S.C. 1395qq) is amended—

(1) by redesignating subsection (e), as added by section 3(b)(1) of the Alaska Native and American Indian Direct Reimbursement Act of 2000 (Public Law 106-417), as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e)(1)(A) Notwithstanding section 1835(d), subject to subparagraph (B), the Secretary shall make payment under part B to a hospital or an ambulatory care clinic (whether provider-based or freestanding) that is operated by the Indian Health Service or by an Indian tribe or tribal organization (as defined for purposes of subsection (a)) for services described in paragraph (2) furnished in or at the direction of the hospital or clinic under the same situations, terms, and conditions as would apply if the services were furnished in or at the direction of such a hospital or clinic that was not operated by such Service, tribe, or organization.

“(B) Payment shall not be made for services under subparagraph (A) to the extent that payment is otherwise made for such services under this title.

“(2) The services described in this paragraph are the following:

“(A) Services for which payment is made under section 1848.

“(B) Services furnished by a practitioner described in section 1842(b)(18)(C) for which payment under part B is made under a fee schedule.

“(C) Services furnished by a physical therapist or occupational therapist as described in section 1861(p) for which payment under part B is made under a fee schedule.

“(3) Subsection (c) shall not apply to payments made under this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) COVERAGE AMENDMENT.—Section 1862(a)(3) (42 U.S.C. 1395y(a)(3)) is amended—

(A) by striking the second comma after “1861(aa)(1)”; and

(B) by inserting “in the case of services for which payment may be made under section 1880(e),” after “as defined in section 1861(aa)(3),”.

(2) DIRECT PAYMENT AMENDMENT.—The first sentence of section 1842(b)(6) (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking “and (F)” and inserting “(F)”; and

(B) by inserting before the period the following: “, and (G) in the case of services in a hospital or clinic to which section 1880(e) applies, payment shall be made to such hospital or clinic”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 2001.

SEC. 433. GAO STUDY ON COVERAGE OF SURGICAL FIRST ASSISTING SERVICES OF CERTIFIED REGISTERED NURSE FIRST ASSISTANTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effect on the medicare program under title XVIII of the Social Security Act and on medicare beneficiaries of coverage under the program of surgical first assisting services of certified registered nurse first assistants. The Comptroller General shall consider the following when conducting the study:

(1) Any impact on the quality of care furnished to medicare beneficiaries by reason of such coverage.

(2) Appropriate education and training requirements for certified registered nurse first assistants who furnish such first assisting services.

(3) Appropriate rates of payment under the program to such certified registered nurse first assistants for furnishing such services, taking into account the costs of compensation, overhead, and supervision attributable to certified registered nurse first assistants.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 434. MEDPAC STUDY AND REPORT ON MEDICARE REIMBURSEMENT FOR SERVICES PROVIDED BY CERTAIN PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the appropriateness of the current payment rates under the medicare program under title XVIII of the Social Security Act for services provided by a—

(1) certified nurse-midwife (as defined in subsection (gg)(2) of section 1861 of such Act (42 U.S.C. 1395x));

(2) physician assistant (as defined in subsection (aa)(5)(A) of such section);

(3) nurse practitioner (as defined in such subsection); and

(4) clinical nurse specialist (as defined in subsection (aa)(5)(B) of such section).

The study shall separately examine the appropriateness of such payment rates for orthopedic physician assistants, taking into consideration the requirements for accreditation, training, and education.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 435. MEDPAC STUDY AND REPORT ON MEDICARE COVERAGE OF SERVICES PROVIDED BY CERTAIN NONPHYSICIAN PROVIDERS.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study to determine the appropriateness of providing coverage under the medicare program under title XVIII of the Social Security Act for services provided by a—

(A) surgical technologist;

(B) marriage counselor;

(C) marriage and family therapist;

(D) pastoral care counselor; and

(E) licensed professional counselor of mental health.

(2) COSTS TO PROGRAM.—The study shall consider the short-term and long-term benefits, and costs to the medicare program, of providing the coverage described in paragraph (1).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 436. GAO STUDY AND REPORT ON THE COSTS OF EMERGENCY AND MEDICAL TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for any changes in methodology or payment level necessary to fairly compensate suppliers of emergency and medical transportation services and to ensure the access of beneficiaries under the medicare program under title XVIII of the Social Security Act.

SEC. 437. GAO STUDIES AND REPORTS ON MEDICARE PAYMENTS.

(a) GAO STUDY ON HCFA POST-PAYMENT AUDIT PROCESS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the post-payment audit process under the medicare program under title XVIII of the Social Security Act as such process applies to physicians, including the proper

level of resources that the Health Care Financing Administration should devote to educating physicians regarding—

- (A) coding and billing;
- (B) documentation requirements; and
- (C) the calculation of overpayments.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with specific recommendations for changes or improvements in the post-payment audit process described in such paragraph.

(b) GAO STUDY ON ADMINISTRATION AND OVERSIGHT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the aggregate effects of regulatory, audit, oversight, and paperwork burdens on physicians and other health care providers participating in the medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding any area in which—

(A) a reduction in paperwork, an ease of administration, or an appropriate change in oversight and review may be accomplished; or

(B) additional payments or education are needed to assist physicians and other health care providers in understanding and complying with any legal or regulatory requirements.

SEC. 438. MEDPAC STUDY ON ACCESS TO OUTPATIENT PAIN MANAGEMENT SERVICES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the barriers to coverage and payment for outpatient interventional pain medicine procedures under the medicare program under title XVIII of the Social Security Act. Such study shall examine—

(1) the specific barriers imposed under the medicare program on the provision of pain management procedures in hospital outpatient departments, ambulatory surgery centers, and physicians' offices; and

(2) the consistency of medicare payment policies for pain management procedures in those different settings.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study.

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

SEC. 501. ONE-YEAR ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subclause (II) as subclause (III);

(2) in subclause (III), as redesignated, by striking “described in subclause (I)” and inserting “described in subclause (II)”; and

(3) by inserting after subclause (I) the following new subclause:

“(II) For the 12-month period beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (I), updated under subparagraph (B).”.

(b) CHANGE IN REPORT.—Section 302(c) of BBRA (113 Stat. 1501A–360) is amended—

(1) by striking “Not later than” and all that follows through “(42 U.S.C. 1395fff)” and inserting “Not later than April 1, 2002”; and

(2) by striking “Secretary” and inserting “Comptroller General of the United States”.

(c) CASE MIX ADJUSTMENT CORRECTIONS.—

(1) IN GENERAL.—Section 1895(b)(3)(B) (42 U.S.C. 1395fff(b)(3)(B)) is amended by adding at the end the following new clause:

“(iv) ADJUSTMENT FOR CASE MIX CHANGES.—Insofar as the Secretary determines that the adjustments under paragraph (4)(A)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments under this subsection during the fiscal year that are a result of changes in the coding or classification of different units of services that do not reflect real changes in case mix, the Secretary may adjust the standard prospective payment amount (or amounts) under paragraph (3) for subsequent fiscal years so as to eliminate the effect of such coding or classification changes.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to episodes concluding on or after October 1, 2001.

SEC. 502. RESTORATION OF FULL HOME HEALTH MARKET BASKET UPDATE FOR HOME HEALTH SERVICES FOR FISCAL YEAR 2001.

(a) IN GENERAL.—Section 1861(v)(1)(L)(x) (42 U.S.C. 1395x(v)(1)(L)(x)) is amended—

(1) by striking “2001,”; and

(2) by adding at the end the following: “With respect to cost reporting periods beginning during fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket index.”.

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001 BASED ON ADJUSTED PROSPECTIVE PAYMENT AMOUNTS.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) for home health services furnished during fiscal year 2001, the Secretary of Health and Human Services shall—

(A) with respect to episodes and visits ending on or after October 1, 2000, and before April 1, 2001, use the final standardized and budget neutral prospective payment amounts for 60-day episodes and standardized average per visit amounts for fiscal year 2001 as published by the Secretary in the Federal Register on July 3, 2000 (65 Fed. Reg. 41128-41214); and

(B) with respect to episodes and visits ending on or after April 1, 2001, and before October 1, 2001, use such amounts increased by 2.2 percent.

(2) NO EFFECT ON OTHER PAYMENTS OR DETERMINATIONS.—The Secretary shall not take the provisions of paragraph (1) into account for purposes of payments, determinations, or budget neutrality adjustments under section 1895 of the Social Security Act.

SEC. 503. TEMPORARY TWO-MONTH PERIODIC INTERIM PAYMENT.

(a) IN GENERAL.—Notwithstanding the amendments made by section 4603(b) of BBA (42 U.S.C. 1395fff note), in the case of a home health agency that was receiving periodic interim payments under section 1815(e)(2) of the Social Security Act (42 U.S.C. 1395g(e)(2)) as of September 30, 2000, and that is not described in subsection (b), the Secretary of Health and Human Services shall, as soon as practicable, make a single periodic interim payment to such agency in an amount equal to four times the last full fortnightly periodic interim payment made to such agency under the payment system in effect prior to the implementation of the prospective payment system under section 1895(b) of such Act (42 U.S.C. 1395fff(b)). Such amount of such periodic interim payment shall be included in the tentative settlement of the last cost report for the home health agency under the payment system in effect prior to the implementation of such prospective payment system, regardless of the ending date of such cost report.

(b) EXCEPTIONS.—The Secretary shall not make an additional periodic interim payment under subsection (a) in the case of a home health agency (determined as of the day that such payment would otherwise be made) that—

(1) notifies the Secretary that such agency does not want to receive such payment;

(2) is not receiving payments pursuant to section 405.371 of title 42, Code of Federal Regulations;

(3) is excluded from the medicare program under title XI of the Social Security Act;

(4) no longer has a provider agreement under section 1866 of such Act (42 U.S.C. 1395cc);

(5) is no longer in business; or

(6) is subject to a court order providing for the withholding of medicare payments under title XVIII of such Act.

SEC. 504. USE OF TELEHEALTH IN DELIVERY OF HOME HEALTH SERVICES.

Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

“(e) CONSTRUCTION RELATED TO HOME HEALTH SERVICES.—

“(1) TELECOMMUNICATIONS.—Nothing in this section shall be construed as preventing a home health agency furnishing a home health unit of service for which payment is made under the prospective payment system established by this section for such units of service from furnishing services via a telecommunication system if such services—

“(A) do not substitute for in-person home health services ordered as part of a plan of care certified by a physician pursuant to section 1814(a)(2)(C) or 1835(a)(2)(A); and

“(B) are not considered a home health visit for purposes of eligibility or payment under this title.

“(2) PHYSICIAN CERTIFICATION.—Nothing in this section shall be construed as waiving the requirement for a physician certification under section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395f(a)(2)(C), 1395n(a)(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system.”.

SEC. 505. STUDY ON COSTS TO HOME HEALTH AGENCIES OF PURCHASING NONROUTINE MEDICAL SUPPLIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on variations in prices paid by home health agencies furnishing home health services under the medicare program under title XVIII of the Social Security Act in purchasing nonroutine medical supplies, including ostomy supplies, and volumes of such supplies used, shall determine the effect (if any) of variations on prices and volumes in the provision of such services.

(b) REPORT.—Not later than August 15, 2001, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), and shall include in the report recommendations respecting whether payment for nonroutine medical supplies furnished in connection with home health services should be made separately from the prospective payment system for such services.

SEC. 506. TREATMENT OF BRANCH OFFICES; GAO STUDY ON SUPERVISION OF HOME HEALTH CARE PROVIDED IN ISOLATED RURAL AREAS.

(a) TREATMENT OF BRANCH OFFICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in determining for purposes of title XVIII of the Social Security Act whether an office of a home health agency constitutes a branch office or a separate home health agency, neither the time nor distance between a parent office of the home health agency and a branch office shall be the sole determinant of a home health agency’s branch office status.

(2) CONSIDERATION OF FORMS OF TECHNOLOGY IN DEFINITION OF SUPERVISION.—The Secretary of Health and Human Services may include forms of technology in determining what constitutes “supervision” for purposes of determining a home health agency’s branch office status under paragraph (1).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the provision of adequate supervision to maintain quality of home health services delivered under the medicare program under title XVIII of the Social Security Act in isolated rural areas. The study shall evaluate the methods that home health agency branches and subunits use to maintain adequate supervision in the delivery of services to clients residing in those areas, how these methods of supervision compare to requirements that subunits independently meet medicare conditions of participation, and the resources utilized by subunits to meet such conditions.

(2) REPORT.—Not later than January 1, 2002, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations on whether exceptions are needed for subunits and branches of home health agencies under the medicare program to maintain access to the home health benefit or whether alternative policies should be developed to assure adequate supervision and access and recommendations on whether a national standard for supervision is appropriate.

SEC. 507. CLARIFICATION OF THE HOMEBOUND DEFINITION UNDER THE MEDICARE HOME HEALTH BENEFIT.

(a) CLARIFICATION.—

(1) IN GENERAL.—Sections 1814(a) and 1835(a) (42 U.S.C. 1395f(a) and 1395n(a)) are each amended—

(A) in the last sentence, by striking “, and that absences of the individual from home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment”; and

(B) by adding at the end the following new sentences: “Any absence of an individual from the home attributable to the need to receive health care treatment, including regular absences for the purpose of participating in therapeutic, psychosocial, or medical treatment in an adult day-care program that is licensed or certified by a State, or accredited, to furnish adult day-care services in the State shall not disqualify an individual from being considered to be ‘confined to his home’. Any other absence of an individual from the home shall not so disqualify an individual if the absence is of infrequent or of relatively short duration. For purposes of the preceding sentence, any absence for the purpose of attending a religious service shall be deemed to be an absence of infrequent or short duration.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to home health services furnished on or after the date of the enactment of this Act.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an evaluation of the effect of the amendment on the cost of and access to home health services under the medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit

to Congress a report on the study conducted under paragraph (1).

SEC. 508. TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) 24-MONTH INCREASE BEGINNING APRIL 1, 2001.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))) on or after April 1, 2001, and before April 1, 2003, the Secretary of Health and Human Services shall increase the payment amount otherwise made under section 1895 of such Act (42 U.S.C. 1395fff) for such services by 10 percent.

(b) WAIVING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Social Security Act (42 U.S.C. 1395fff) applicable to home health services furnished during a period to offset the increase in payments resulting from the application of subsection (a).

Subtitle B—Direct Graduate Medical Education

SEC. 511. INCREASE IN FLOOR FOR DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(h)(2)(D)(iii) (42 U.S.C. 1395ww(h)(2)(D)(iii)) is amended—

(1) in the heading, by striking “IN FISCAL YEAR 2001 AT 70 PERCENT OF” and inserting “FOR”; and

(2) by inserting after “70 percent” the following: “, and for the cost reporting period beginning during fiscal year 2002 shall not be less than 85 percent.”.

SEC. 512. CHANGE IN DISTRIBUTION FORMULA FOR MEDICARE+CHOICE-RELATED NURSING AND ALLIED HEALTH EDUCATION COSTS.

(a) IN GENERAL.—Section 1886(l)(2)(C) (42 U.S.C. 1395ww(l)(2)(C)) is amended by striking all that follows “multiplied by” and inserting the following: “the ratio of—

“(i) the product of (I) the Secretary’s estimate of the ratio of the amount of payments made under section 1861(v) to the hospital for nursing and allied health education activities for the hospital’s cost reporting period ending in the second preceding fiscal year, to the hospital’s total inpatient days for such period, and (II) the total number of inpatient days (as established by the Secretary) for such period which are attributable to services furnished to individuals who are enrolled under a risk sharing contract with an eligible organization under section 1876 and who are entitled to benefits under part A or who are enrolled with a Medicare+Choice organization under part C; to

“(ii) the sum of the products determined under clause (i) for such cost reporting periods.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to portions of cost reporting periods occurring on or after January 1, 2001.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 521. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) **CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.**—Section 1869 (42 U.S.C. 1395ff) is amended to read as follows:

“DETERMINATIONS; APPEALS

“SEC. 1869. (a) INITIAL DETERMINATIONS.—

“(1) PROMULGATIONS OF REGULATIONS.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

“(A) The initial determination of whether an individual is entitled to benefits under such parts.

“(B) The initial determination of the amount of benefits available to the individual under such parts.

“(C) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract (other than a contract under section 1852) with the Secretary to administer provisions of this title or title XI.

“(2) DEADLINES FOR MAKING INITIAL DETERMINATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), in promulgating regulations under paragraph (1), initial determinations shall be concluded by not later than the 45-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a claim for benefits from an individual as described in paragraph (1). Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 45-day period.

“(B) CLEAN CLAIMS.—Subparagraph (A) shall not apply with respect to any claim that is subject to the requirements of section 1816(c)(2) or 1842(c)(2).

“(3) REDETERMINATIONS.—

“(A) IN GENERAL.—In promulgating regulations under paragraph (1) with respect to initial determinations, such regulations shall provide for a fiscal intermediary or a carrier to make a redetermination with respect to a claim for benefits that is denied in whole or in part.

“(B) LIMITATIONS.—

“(i) APPEAL RIGHTS.—No initial determination may be reconsidered or appealed under subsection (b) unless

the fiscal intermediary or carrier has made a redetermination of that initial determination under this paragraph.

“(ii) DECISIONMAKER.—No redetermination may be made by any individual involved in the initial determination.

“(C) DEADLINES.—

“(i) FILING FOR REDETERMINATION.—A redetermination under subparagraph (A) shall be available only if notice is filed with the Secretary to request the redetermination by not later than the end of the 120-day period beginning on the date the individual receives notice of the initial determination under paragraph (2).

“(ii) CONCLUDING REDETERMINATIONS.—Redeterminations shall be concluded by not later than the 30-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a request for a redetermination. Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 30-day period.

“(D) CONSTRUCTION.—For purposes of the succeeding provisions of this section a redetermination under this paragraph shall be considered to be part of the initial determination.

“(b) APPEAL RIGHTS.—

“(1) IN GENERAL.—

“(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a)(1) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary’s final decision after such hearing as is provided in section 205(g). For purposes of the preceding sentence, any reference to the ‘Commissioner of Social Security’ or the ‘Social Security Administration’ in subsection (g) or (l) of section 205 shall be considered a reference to the ‘Secretary’ or the ‘Department of Health and Human Services’, respectively.

“(B) REPRESENTATION BY PROVIDER OR SUPPLIER.—

“(i) IN GENERAL.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

“(ii) MANDATORY WAIVER OF RIGHT TO PAYMENT FROM BENEFICIARY.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

“(iii) PROHIBITION ON PAYMENT FOR REPRESENTATION.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

“(iv) REQUIREMENTS FOR REPRESENTATIVES OF A BENEFICIARY.—The provisions of section 205(j) and of section 206 (other than subsection (a)(4) of such section) regarding representation of claimants shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

“(C) SUCCESSION OF RIGHTS IN CASES OF ASSIGNMENT.—The right of an individual to an appeal under this section with respect to an item or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

“(D) TIME LIMITS FOR FILING APPEALS.—

“(i) RECONSIDERATIONS.—Reconsideration under subparagraph (A) shall be available only if the individual described in subparagraph (A) files notice with the Secretary to request reconsideration by not later than the end of the 180-day period beginning on the date the individual receives notice of the redetermination under subsection (a)(3), or within such additional time as the Secretary may allow.

“(ii) HEARINGS CONDUCTED BY THE SECRETARY.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

“(E) AMOUNTS IN CONTROVERSY.—

“(i) IN GENERAL.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than \$100, and judicial review shall not be available to the individual if the amount in controversy is less than \$1,000.

“(ii) AGGREGATION OF CLAIMS.—In determining the amount in controversy, the Secretary, under regulations, shall allow two or more appeals to be aggregated if the appeals involve—

“(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

“(II) common issues of law and fact arising from services furnished to two or more individuals by one or more providers of services or suppliers.

“(F) EXPEDITED PROCEEDINGS.—

“(i) EXPEDITED DETERMINATION.—In the case of an individual who has received notice from a provider of services that such provider plans—

“(I) to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely

to place the individual's health at significant risk,
or

“(II) to discharge the individual from the provider of services,
the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a)(1), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

“(ii) EXPEDITED HEARING.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

“(G) REOPENING AND REVISION OF DETERMINATIONS.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

“(c) CONDUCT OF RECONSIDERATIONS BY INDEPENDENT CONTRACTORS.—

“(1) IN GENERAL.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under subparagraphs (B) and (C) of subsection (a)(1). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

“(2) QUALIFIED INDEPENDENT CONTRACTOR.—For purposes of this subsection, the term ‘qualified independent contractor’ means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a)(1), and that meets the requirements established by the Secretary consistent with paragraph (3).

“(3) REQUIREMENTS.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet all of the following requirements:

“(A) IN GENERAL.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be required by the Secretary to carry out the provisions of this subsection, and shall have sufficient training and expertise in medical science and legal matters to make reconsiderations under this subsection.

“(B) RECONSIDERATIONS.—

“(i) IN GENERAL.—The qualified independent contractor shall review initial determinations. Where an initial determination is made with respect to whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)), such review shall include consideration of the facts and circumstances of the initial determination by a panel of physicians or other appropriate health care professionals and any decisions with respect to the reconsideration shall be based on

applicable information, including clinical experience and medical, technical, and scientific evidence.

“(ii) EFFECT OF NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—

“(I) NATIONAL COVERAGE DETERMINATIONS.—

If the Secretary has made a national coverage determination pursuant to the requirements established under the third sentence of section 1862(a), such determination shall be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section.

“(II) LOCAL COVERAGE DETERMINATIONS.—If the Secretary has made a local coverage determination, such determination shall not be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section. Notwithstanding the previous sentence, the qualified independent contractor shall consider the local coverage determination in making such decision.

“(III) ABSENCE OF NATIONAL OR LOCAL COVERAGE DETERMINATION.—In the absence of such a national coverage determination or local coverage determination, the qualified independent contractor shall make a decision with respect to the reconsideration based on applicable information, including clinical experience and medical, technical, and scientific evidence.

“(C) DEADLINES FOR DECISIONS.—

“(i) RECONSIDERATIONS.—Except as provided in clauses (iii) and (iv), the qualified independent contractor shall conduct and conclude a reconsideration under subparagraph (B), and mail the notice of the decision with respect to the reconsideration by not later than the end of the 30-day period beginning on the date a request for reconsideration has been timely filed.

“(ii) CONSEQUENCES OF FAILURE TO MEET DEADLINE.—In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i) or to provide notice by the end of the period described in clause (iii), as the case may be, the party requesting the reconsideration or appeal may request a hearing before the Secretary, notwithstanding any requirements for a reconsidered determination for purposes of the party’s right to such hearing.

“(iii) EXPEDITED RECONSIDERATIONS.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) as follows:

“(I) DEADLINE FOR DECISION.—Notwithstanding section 216(j) and subject to clause (iv), not later than the end of the 72-hour period beginning on the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified

independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

“(II) CONSULTATION WITH BENEFICIARY.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

“(III) SPECIAL RULE FOR HOSPITAL DISCHARGES.—A reconsideration of a discharge from a hospital shall be conducted under this clause in accordance with the provisions of paragraphs (2), (3), and (4) of section 1154(e) as in effect on the date that precedes the date of the enactment of this subparagraph.

“(iv) EXTENSION.—An individual requesting a reconsideration under this subparagraph may be granted such additional time as the individual specifies (not to exceed 14 days) for the qualified independent contractor to conclude the reconsideration. The individual may request such additional time orally or in writing.

“(D) LIMITATION ON INDIVIDUAL REVIEWING DETERMINATIONS.—

“(i) PHYSICIANS AND HEALTH CARE PROFESSIONAL.—No physician or health care professional under the employ of a qualified independent contractor may review—

“(I) determinations regarding health care services furnished to a patient if the physician or health care professional was directly responsible for furnishing such services; or

“(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the family of the physician or health care professional has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

“(ii) FAMILY DESCRIBED.—For purposes of this paragraph, the family of a physician or health care professional includes the spouse (other than a spouse who is legally separated from the physician or health care professional under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents of the physician or health care professional.

“(E) EXPLANATION OF DECISION.—Any decision with respect to a reconsideration of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the decision as well as a discussion of the

pertinent facts and applicable regulations applied in making such decision, and in the case of a determination of whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)) an explanation of the medical and scientific rationale for the decision.

“(F) NOTICE REQUIREMENTS.—Whenever a qualified independent contractor makes a decision with respect to a reconsideration under this subsection, the qualified independent contractor shall promptly notify the entity responsible for the payment of claims under part A or part B of such decision.

“(G) DISSEMINATION OF DECISIONS ON RECONSIDERATIONS.—Each qualified independent contractor shall make available all decisions with respect to reconsiderations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, other entities under contract with the Secretary to make initial determinations under part A or part B or title XI, and to the public. The Secretary shall establish a methodology under which qualified independent contractors shall carry out this subparagraph.

“(H) ENSURING CONSISTENCY IN DECISIONS.—Each qualified independent contractor shall monitor its decisions with respect to reconsiderations to ensure the consistency of such decisions with respect to requests for reconsideration of similar or related matters.

“(I) DATA COLLECTION.—

“(i) IN GENERAL.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

“(ii) TYPE OF DATA COLLECTED.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

“(I) Specific claims that give rise to appeals.

“(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

“(III) Situations suggesting the need for changes in national or local coverage policy.

“(IV) Situations suggesting the need for changes in local medical review policies.

“(iii) ANNUAL REPORTING.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request)

records maintained under this paragraph for the previous year.

“(J) HEARINGS BY THE SECRETARY.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of a decision of the contractor with respect to a reconsideration to the Secretary for a hearing, including as necessary, explanations of issues involved in the decision and relevant policies, and (ii) participate in such hearings as required by the Secretary.

“(4) NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—The Secretary shall enter into contracts with not fewer than 12 qualified independent contractors under this subsection.

“(5) LIMITATION ON QUALIFIED INDEPENDENT CONTRACTOR LIABILITY.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

“(d) DEADLINES FOR HEARINGS BY THE SECRETARY.—

“(1) HEARING BY ADMINISTRATIVE LAW JUDGE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

“(B) WAIVER OF DEADLINE BY PARTY SEEKING HEARING.—The 90-day period under subparagraph (A) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

“(2) DEPARTMENTAL APPEALS BOARD REVIEW.—

“(A) IN GENERAL.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in paragraph (1) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

“(B) DAB HEARING PROCEDURE.—In reviewing a decision on a hearing under this paragraph, the Departmental Appeals Board shall review the case de novo.

“(3) CONSEQUENCES OF FAILURE TO MEET DEADLINES.—

“(A) HEARING BY ADMINISTRATIVE LAW JUDGE.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in paragraph (1), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any

requirements for a hearing for purposes of the party's right to such a review.

“(B) DEPARTMENTAL APPEALS BOARD REVIEW.—In the case of a failure by the Departmental Appeals Board to render a decision by the end of the period described in paragraph (2), the party requesting the hearing may seek judicial review, notwithstanding any requirements for a hearing for purposes of the party's right to such judicial review.

“(e) ADMINISTRATIVE PROVISIONS.—

“(1) LIMITATION ON REVIEW OF CERTAIN REGULATIONS.—A regulation or instruction that relates to a method for determining the amount of payment under part B and that was initially issued before January 1, 1981, shall not be subject to judicial review.

“(2) OUTREACH.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary under section 1804(b) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

“(3) CONTINUING EDUCATION REQUIREMENT FOR QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—The Secretary shall provide to each qualified independent contractor, and, in consultation with the Commissioner of Social Security, to administrative law judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing education with respect to coverage of items and services under this title or policies of the Secretary with respect to part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

“(4) REPORTS.—

“(A) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.

“(B) SURVEY.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title who have filed appeals of determinations under this section, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall

include any recommendations for administrative or legislative actions that the Secretary determines appropriate.”.

(b) **APPLICABILITY OF REQUIREMENTS AND LIMITATIONS ON LIABILITY OF QUALIFIED INDEPENDENT CONTRACTORS TO MEDICARE+CHOICE INDEPENDENT APPEALS CONTRACTORS.**—Section 1852(g)(4) (42 U.S.C. 1395w-22(g)(4)) is amended by adding at the end the following: “The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.”.

(c) **CONFORMING AMENDMENT.**—Section 1154(e) (42 U.S.C. 1320c-3(e)) is amended by striking paragraphs (2), (3), and (4).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to initial determinations made on or after October 1, 2002.

SEC. 522. REVISIONS TO MEDICARE COVERAGE PROCESS.

(a) **REVIEW OF DETERMINATIONS.**—Section 1869 (42 U.S.C. 1395ff), as amended by section 521, is further amended by adding at the end the following new subsection:

“(f) **REVIEW OF COVERAGE DETERMINATIONS.**—

“(1) **NATIONAL COVERAGE DETERMINATIONS.**—

“(A) **IN GENERAL.**—Review of any national coverage determination shall be subject to the following limitations:

“(i) Such a determination shall not be reviewed by any administrative law judge.

“(ii) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

“(iii) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board—

“(I) shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination, if the Board determines that the record is incomplete or lacks adequate information to support the validity of the determination;

“(II) may, as appropriate, consult with appropriate scientific and clinical experts; and

“(III) shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

“(iv) The Secretary shall implement a decision of the Departmental Appeals Board within 30 days of receipt of such decision.

“(v) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

“(B) DEFINITION OF NATIONAL COVERAGE DETERMINATION.—For purposes of this section, the term ‘national coverage determination’ means a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under this title, but does not include a determination of what code, if any, is assigned to a particular item or service covered under this title or a determination with respect to the amount of payment made for a particular item or service so covered.

“(2) LOCAL COVERAGE DETERMINATION.—

“(A) IN GENERAL.—Review of any local coverage determination shall be subject to the following limitations:

“(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge—

“(I) shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination, if the administrative law judge determines that the record is incomplete or lacks adequate information to support the validity of the determination;

“(II) may, as appropriate, consult with appropriate scientific and clinical experts; and

“(III) shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

“(ii) Upon the filing of a complaint by an aggrieved party, a decision of an administrative law judge under clause (i) shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

“(iii) The Secretary shall implement a decision of the administrative law judge or the Departmental Appeals Board within 30 days of receipt of such decision.

“(iv) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

“(B) DEFINITION OF LOCAL COVERAGE DETERMINATION.—For purposes of this section, the term ‘local coverage determination’ means a determination by a fiscal intermediary or a carrier under part A or part B, as applicable, respecting whether or not a particular item or service is covered on an intermediary- or carrier-wide basis under such parts, in accordance with section 1862(a)(1)(A).

“(3) NO MATERIAL ISSUES OF FACT IN DISPUTE.—In the case of a determination that may otherwise be subject to review under paragraph (1)(A)(iii) or paragraph (2)(A)(i), where the moving party alleges that—

“(A) there are no material issues of fact in dispute, and

“(B) the only issue of law is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid,

the moving party may seek review by a court of competent jurisdiction without filing a complaint under such paragraph and without otherwise exhausting other administrative remedies.

“(4) PENDING NATIONAL COVERAGE DETERMINATIONS.—

“(A) IN GENERAL.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an aggrieved person (as described in paragraph (5)) may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request (notwithstanding the receipt by the Secretary of new evidence (if any) during such 90-day period), the Secretary shall take one of the following actions:

“(i) Issue a national coverage determination, with or without limitations.

“(ii) Issue a national noncoverage determination.

“(iii) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

“(iv) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary’s review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

“(B) DEEMED ACTION BY THE SECRETARY.—In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

“(C) EXPLANATION OF DETERMINATION.—When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

“(5) STANDING.—An action under this subsection seeking review of a national coverage determination or local coverage determination may be initiated only by individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

“(6) PUBLICATION ON THE INTERNET OF DECISIONS OF HEARINGS OF THE SECRETARY.—Each decision of a hearing by the Secretary with respect to a national coverage determination shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

“(7) ANNUAL REPORT ON NATIONAL COVERAGE DETERMINATIONS.—

“(A) IN GENERAL.—Not later than December 1 of each year, beginning in 2001, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making and implementing such determinations.

“(B) PUBLICATION OF REPORTS ON THE INTERNET.—The Secretary shall publish each report submitted under clause (i) on the medicare Internet site of the Department of Health and Human Services.

“(8) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting administrative or judicial review pursuant to this section insofar as such review is explicitly prohibited or restricted under another provision of law.”

(b) ESTABLISHMENT OF A PROCESS FOR COVERAGE DETERMINATIONS.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended by adding at the end the following new sentence: “In making a national coverage determination (as defined in paragraph (1)(B) of section 1869(f)) the Secretary shall ensure that the public is afforded notice and opportunity to comment prior to implementation by the Secretary of the determination; meetings of advisory committees established under section 1114(f) with respect to the determination are made on the record; in making the determination, the Secretary has considered applicable information (including clinical experience and medical, technical, and scientific evidence) with respect to the subject matter of the determination; and in the determination, provide a clear statement of the basis for the determination (including responses to comments received from the public), the assumptions underlying that basis, and make available to the public the data (other than proprietary data) considered in making the determination.”

(c) IMPROVEMENTS TO THE MEDICARE ADVISORY COMMITTEE PROCESS.—Section 1114 (42 U.S.C. 1314) is amended by adding at the end the following new subsection:

“(i)(1) Any advisory committee appointed under subsection (f) to advise the Secretary on matters relating to the interpretation, application, or implementation of section 1862(a)(1) shall assure the full participation of a nonvoting member in the deliberations of the advisory committee, and shall provide such nonvoting member access to all information and data made available to voting members of the advisory committee, other than information that—

“(A) is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section (relating to trade secrets); or

“(B) the Secretary determines would present a conflict of interest relating to such nonvoting member.

“(2) If an advisory committee described in paragraph (1) organizes into panels of experts according to types of items or services considered by the advisory committee, any such panel of experts may report any recommendation with respect to such items or services directly to the Secretary without the prior approval of the advisory committee or an executive committee thereof.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

- (1) a review of any national or local coverage determination filed,
 - (2) a request to make such a determination made, and
 - (3) a national coverage determination made,
- on or after October 1, 2001.

Subtitle D—Improving Access to New Technologies

SEC. 531. REIMBURSEMENT IMPROVEMENTS FOR NEW CLINICAL LABORATORY TESTS AND DURABLE MEDICAL EQUIPMENT.

(a) PAYMENT RULE FOR NEW LABORATORY TESTS.—Section 1833(h)(4)(B)(viii) (42 U.S.C. 1395l(h)(4)(B)(viii)) is amended by inserting before the period at the end the following: “(or 100 percent of such median in the case of a clinical diagnostic laboratory test performed on or after January 1, 2001, that the Secretary determines is a new test for which no limitation amount has previously been established under this subparagraph)”.

(b) ESTABLISHMENT OF CODING AND PAYMENT PROCEDURES FOR NEW CLINICAL DIAGNOSTIC LABORATORY TESTS AND OTHER ITEMS ON A FEE SCHEDULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish procedures for coding and payment determinations for the categories of new clinical diagnostic laboratory tests and new durable medical equipment under part B of title XVIII of the Social Security Act that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for ICD–9–CM.

(c) REPORT ON PROCEDURES USED FOR ADVANCED, IMPROVED TECHNOLOGIES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that identifies the specific procedures used by the Secretary under part B of title XVIII of the Social Security Act to adjust payments for clinical diagnostic laboratory tests and durable medical equipment which are classified to existing codes where, because of an advance in technology with respect to the test or equipment, there has been a significant increase or decrease in the resources used in the test or in the manufacture of the equipment, and there has been a significant improvement in the performance of the test or equipment. The report shall include such recommendations for changes in law as may be necessary to assure fair and appropriate payment levels under such part for such improved tests and equipment as reflects increased costs necessary to produce improved results.

SEC. 532. RETENTION OF HCPCS LEVEL III CODES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall maintain and continue the use of level III codes of the HCPCS

coding system (as such system was in effect on August 16, 2000) through December 31, 2003, and shall make such codes available to the public.

(b) DEFINITION.—For purposes of this section, the term “HCPCS Level III codes” means the alphanumeric codes for local use under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 533. RECOGNITION OF NEW MEDICAL TECHNOLOGIES UNDER INPATIENT HOSPITAL PPS.

(a) EXPEDITING RECOGNITION OF NEW TECHNOLOGIES INTO INPATIENT PPS CODING SYSTEM.—

(1) REPORT.—Not later than April 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report on methods of expeditiously incorporating new medical services and technologies into the clinical coding system used with respect to payment for inpatient hospital services furnished under the medicare program under title XVIII of the Social Security Act, together with a detailed description of the Secretary’s preferred methods to achieve this purpose.

(2) IMPLEMENTATION.—Not later than October 1, 2001, the Secretary shall implement the preferred methods described in the report transmitted pursuant to paragraph (1).

(b) ENSURING APPROPRIATE PAYMENTS FOR HOSPITALS INCORPORATING NEW MEDICAL SERVICES AND TECHNOLOGIES.—

(1) ESTABLISHMENT OF MECHANISM.—Section 1886(d)(5) (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraphs:

“(K)(i) Effective for discharges beginning on or after October 1, 2001, the Secretary shall establish a mechanism to recognize the costs of new medical services and technologies under the payment system established under this subsection. Such mechanism shall be established after notice and opportunity for public comment (in the publications required by subsection (e)(5) for a fiscal year or otherwise).

“(ii) The mechanism established pursuant to clause (i) shall—

“(I) apply to a new medical service or technology if, based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate;

“(II) provide for the collection of data with respect to the costs of a new medical service or technology described in subclause (I) for a period of not less than two years and not more than three years beginning on the date on which an inpatient hospital code is issued with respect to the service or technology;

“(III) subject to paragraph (4)(C)(iii), provide for additional payment to be made under this subsection with respect to discharges involving a new medical service or technology described in subclause (I) that occur during the period described in subclause (II) in an amount that adequately reflects the estimated average cost of such service or technology; and

“(IV) provide that discharges involving such a service or technology that occur after the close of the period described in subclause (II) will be classified within a new or existing

diagnosis-related group with a weighting factor under paragraph (4)(B) that is derived from cost data collected with respect to discharges occurring during such period.

“(iii) For purposes of clause (ii)(II), the term ‘inpatient hospital code’ means any code that is used with respect to inpatient hospital services for which payment may be made under this subsection and includes an alphanumeric code issued under the International Classification of Diseases, 9th Revision, Clinical Modification (‘ICD-9-CM’) and its subsequent revisions.

“(iv) For purposes of clause (ii)(III), the term ‘additional payment’ means, with respect to a discharge for a new medical service or technology described in clause (ii)(I), an amount that exceeds the prospective payment rate otherwise applicable under this subsection to discharges involving such service or technology that would be made but for this subparagraph.

“(v) The requirement under clause (ii)(III) for an additional payment may be satisfied by means of a new-technology group (described in subparagraph (L)), an add-on payment, a payment adjustment, or any other similar mechanism for increasing the amount otherwise payable with respect to a discharge under this subsection. The Secretary may not establish a separate fee schedule for such additional payment for such services and technologies, by utilizing a methodology established under subsection (a) or (h) of section 1834 to determine the amount of such additional payment, or by other similar mechanisms or methodologies.

“(vi) For purposes of this subparagraph and subparagraph (L), a medical service or technology will be considered a ‘new medical service or technology’ if the service or technology meets criteria established by the Secretary after notice and an opportunity for public comment.

“(L)(i) In establishing the mechanism under subparagraph (K), the Secretary may establish new-technology groups into which a new medical service or technology will be classified if, based on the estimated average costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate.

“(ii) Such groups—

“(I) shall not be based on the costs associated with a specific new medical service or technology; but

“(II) shall, in combination with the applicable standardized amounts and the weighting factors assigned to such groups under paragraph (4)(B), reflect such cost cohorts as the Secretary determines are appropriate for all new medical services and technologies that are likely to be provided as inpatient hospital services in a fiscal year.

“(iii) The methodology for classifying specific hospital discharges within a diagnosis-related group under paragraph (4)(A) or a new-technology group shall provide that a specific hospital discharge may not be classified within both a diagnosis-related group and a new-technology group.”.

(2) PRIOR CONSULTATION.—The Secretary of Health and Human Services shall consult with groups representing hospitals, physicians, and manufacturers of new medical technologies before publishing the notice of proposed rulemaking required by section 1886(d)(5)(K)(i) of the Social Security Act (as added by paragraph (1)).

(3) CONFORMING AMENDMENT.—Section 1886(d)(4)(C)(i) (42 U.S.C. 1395ww(d)(4)(C)(i)) is amended by striking “technology,” and inserting “technology (including a new medical service or technology under paragraph (5)(K)),”.

Subtitle E—Other Provisions

SEC. 541. INCREASE IN REIMBURSEMENT FOR BAD DEBT.

Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii)—

(A) by striking “during a subsequent fiscal year” and inserting “during fiscal year 2000”; and

(B) by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following new clause:

“(iv) for cost reporting periods beginning during a subsequent fiscal year, by 30 percent of such amount otherwise allowable.”.

SEC. 542. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—When an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service medicare beneficiary who is an inpatient or outpatient of a covered hospital, the Secretary of Health and Human Services shall treat such component as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) or as an outpatient hospital service for which payment is made to the hospital under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(b) DEFINITIONS.—For purposes of this section:

(1) COVERED HOSPITAL.—The term “covered hospital” means, with respect to an inpatient or an outpatient, a hospital that had an arrangement with an independent laboratory that was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to fee-for-service medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a medicare carrier (that has a contract with the Secretary under section 1842 of the Social Security Act, 42 U.S.C. 1395u) and not to such hospital.

(2) FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term “fee-for-service medicare beneficiary” means an individual who—

(A) is entitled to benefits under part A, or enrolled under part B, or both, of such title; and

(B) is not enrolled in any of the following:

(i) A Medicare+Choice plan under part C of such title.

(ii) A plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm).

(iii) A program of all-inclusive care for the elderly (PACE) under section 1894 of such Act (42 U.S.C. 1395eee).

(iv) A social health maintenance organization (SHMO) demonstration project established under section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203).

(c) EFFECTIVE DATE.—This section shall apply to services furnished during the 2-year period beginning on January 1, 2001.

(d) GAO REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of the previous provisions of this section on hospitals and laboratories and access of fee-for-service medicare beneficiaries to the technical component of physician pathology services.

(2) REPORT.—Not later than April 1, 2002, the Comptroller General shall submit to Congress a report on such study. The report shall include recommendations about whether such provisions should be extended after the end of the period specified in subsection (c) for either or both inpatient and outpatient hospital services, and whether the provisions should be extended to other hospitals.

SEC. 543. EXTENSION OF ADVISORY OPINION AUTHORITY.

Section 1128D(b)(6) (42 U.S.C. 1320a-7d(b)(6)) is amended by striking “and before the date which is 4 years after such date of enactment”.

SEC. 544. CHANGE IN ANNUAL MEDPAC REPORTING.

(a) REVISION OF DEADLINES FOR SUBMISSION OF REPORTS.—

(1) IN GENERAL.—Section 1805(b)(1)(D) (42 U.S.C. 1395b-6(b)(1)(D)) is amended by striking “June 1 of each year (beginning with 1998),” and inserting “June 15 of each year,”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply beginning with 2001.

(b) REQUIREMENT FOR ON THE RECORD VOTES ON RECOMMENDATIONS.—Section 1805(b) (42 U.S.C. 1395b-6(b)) is amended by adding at the end the following new paragraph:

“(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation.”.

SEC. 545. DEVELOPMENT OF PATIENT ASSESSMENT INSTRUMENTS.

(a) DEVELOPMENT.—

(1) IN GENERAL.—Not later than January 1, 2005, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the development of standard instruments for the assessment of the health and functional status of patients, for whom items and services described in subsection (b) are furnished, and include in the report a recommendation on the use of such standard instruments for payment purposes.

(2) DESIGN FOR COMPARISON OF COMMON ELEMENTS.—The Secretary shall design such standard instruments in a manner such that—

(A) elements that are common to the items and services described in subsection (b) may be readily comparable and are statistically compatible;

(B) only elements necessary to meet program objectives are collected; and

(C) the standard instruments supersede any other assessment instrument used before that date.

(3) CONSULTATION.—In developing an assessment instrument under paragraph (1), the Secretary shall consult with the Medicare Payment Advisory Commission, the Agency for Healthcare Research and Quality, and qualified organizations representing providers of services and suppliers under title XVIII.

(b) DESCRIPTION OF SERVICES.—For purposes of subsection (a), items and services described in this subsection are those items and services furnished to individuals entitled to benefits under part A, or enrolled under part B, or both of title XVIII of the Social Security Act for which payment is made under such title, and include the following:

(1) Inpatient and outpatient hospital services.

(2) Inpatient and outpatient rehabilitation services.

(3) Covered skilled nursing facility services.

(4) Home health services.

(5) Physical or occupational therapy or speech-language pathology services.

(6) Items and services furnished to such individuals determined to have end stage renal disease.

(7) Partial hospitalization services and other mental health services.

(8) Any other service for which payment is made under such title as the Secretary determines to be appropriate.

SEC. 546. GAO REPORT ON IMPACT OF THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) ON HOSPITAL EMERGENCY DEPARTMENTS.

(a) REPORT.—The Comptroller General of the United States shall submit a report to the Committee on Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate by May 1, 2001, on the effect of the Emergency Medical Treatment and Active Labor Act on hospitals, emergency physicians, and physicians covering emergency department call throughout the United States.

(b) REPORT REQUIREMENTS.—The report should evaluate—

(1) the extent to which hospitals, emergency physicians, and physicians covering emergency department call provide uncompensated services in relation to the requirements of EMTALA;

(2) the extent to which the regulatory requirements and enforcement of EMTALA have expanded beyond the legislation's original intent;

(3) estimates for the total dollar amount of EMTALA-related care uncompensated costs to emergency physicians, physicians covering emergency department call, hospital emergency departments, and other hospital services;

(4) the extent to which different portions of the United States may be experiencing different levels of uncompensated EMTALA-related care;

(5) the extent to which EMTALA would be classified as an unfunded mandate if it were enacted today;

(6) the extent to which States have programs to provide financial support for such uncompensated care;

(7) possible sources of funds, including medicare hospital bad debt accounts, that are available to hospitals to assist with the cost of such uncompensated care; and

(8) the financial strain that illegal immigration populations, the uninsured, and the underinsured place on hospital emergency departments, other hospital services, emergency physicians, and physicians covering emergency department call.

(c) DEFINITION.—In this section, the terms “Emergency Medical Treatment and Active Labor Act” and “EMTALA” mean section 1867 of the Social Security Act (42 U.S.C. 1395dd).

SEC. 547. CLARIFICATION OF APPLICATION OF TEMPORARY PAYMENT INCREASES FOR 2001.

(a) INPATIENT HOSPITAL SERVICES.—The payment increase provided under the following sections shall not apply to discharges occurring after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for discharges occurring after such fiscal year:

(1) Section 301(b)(2)(A) (relating to acute care hospital payment update).

(2) Section 302(b) (relating to IME percentage adjustment).

(3) Section 303(b)(2) (relating to DSH payments).

(b) SKILLED NURSING FACILITY SERVICES.—The payment increase provided under section 311(b)(2) (relating to covered skilled nursing facility services) shall not apply to services furnished after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for services furnished after such fiscal year.

(c) HOME HEALTH SERVICES.—

(1) TRANSITIONAL ALLOWANCE FOR FULL MARKETBASKET INCREASE.—The payment increase provided under section 502(b)(1)(B) shall not apply to episodes and visits ending after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for subsequent episodes and visits.

(2) TEMPORARY INCREASE FOR RURAL HOME HEALTH SERVICES.—The payment increase provided under section 508(a) for the period beginning on April 1, 2001, and ending on September 30, 2002, shall not apply to episodes and visits ending after such period, and shall not be taken into account in calculating the payment amounts applicable for episodes and visits occurring after such period.

(d) CALENDAR YEAR 2001 PROVISIONS.—The payment increase provided under the following sections shall not apply after calendar year 2001 and shall not be taken into account in calculating the payment amounts applicable for items and services furnished after such year:

(1) Section 401(c)(2) (relating to covered OPD services).

(2) Section 422(e)(2) (relating to renal dialysis services paid for on a composite rate basis).

- (3) Section 423(a)(2)(B) (relating to ambulance services).
- (4) Section 425(b)(2) (relating to durable medical equipment).
- (5) Section 426(b)(2) (relating to prosthetic devices and orthotics and prosthetics).

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MAN- AGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

SEC. 601. INCREASE IN MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B) (42 U.S.C. 1395w–23(c)(1)(B)) is amended—

- (1) by redesignating clause (ii) as clause (iv);
- (2) by inserting after clause (i) the following new clauses:

“(ii) For 1999 and 2000, the minimum amount determined under clause (i) or this clause, respectively, for the preceding year, increased by the national per capita Medicare+Choice growth percentage described in paragraph (6)(A) applicable to 1999 or 2000, respectively.

“(iii)(I) Subject to subclause (II), for 2001, for any area in a Metropolitan Statistical Area with a population of more than 250,000, \$525, and for any other area \$475.

“(II) In the case of an area outside the 50 States and the District of Columbia, the amount specified in this clause shall not exceed 120 percent of the amount determined under clause (ii) for such area for 2000.”; and

- (3) in clause (iv), as so redesignated—

(A) by striking “a succeeding year” and inserting “2002 and each succeeding year”; and

(B) by striking “clause (i)” and inserting “clause (iii)”.

(b) SPECIAL RULE FOR JANUARY AND FEBRUARY OF 2001.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) for January and February 2001, the annual Medicare+Choice capitation rate for a Medicare+Choice payment area shall be calculated, and the excess amount under section 1854(f)(1)(B) of such Act (42 U.S.C. 1395w–24(f)(1)(B)) shall be determined, as if such amendments had not been enacted.

(2) CONSTRUCTION.—Paragraph (1) shall not be taken into account in computing such capitation rate for 2002 and subsequent years.

SEC. 602. INCREASE IN MINIMUM PERCENTAGE INCREASE.

(a) IN GENERAL.—Section 1853(c)(1)(C) (42 U.S.C. 1395w–23(c)(1)(C)) is amended—

- (1) by redesignating clause (ii) as clause (iv);
- (2) by inserting after clause (i) the following new clauses:
 - “(ii) For 1999 and 2000, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.
 - “(iii) For 2001, 103 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2000.”; and

(3) in clause (iv), as so redesignated, by striking “a subsequent year” and inserting “2002 and each succeeding year”.

(b) APPLICATION OF SPECIAL RULE FOR JANUARY AND FEBRUARY OF 2001.—The provisions of section 601(b) shall apply with respect to the amendments made by subsection (a) in the same manner as they apply to the amendments made by section 601(a).

SEC. 603. PHASE-IN OF RISK ADJUSTMENT.

Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

- (1) in clause (ii)—
 - (A) in subclause (I), by striking “and 2001” and inserting “and each succeeding year through 2003” and by striking “and” at the end; and
 - (B) by striking subclause (II) and inserting the following new subclauses:
 - “(II) 30 percent of such capitation rate in 2004;
 - “(III) 50 percent of such capitation rate in 2005;
 - “(IV) 75 percent of such capitation rate in 2006; and
 - “(V) 100 percent of such capitation rate in 2007 and succeeding years.”; and
- (2) by adding at the end the following new clause:
 - “(iii) DATA FOR RISK ADJUSTMENT METHODOLOGY.—Such risk adjustment methodology for 2004 and each succeeding year, shall be based on data from inpatient hospital and ambulatory settings.”.

SEC. 604. TRANSITION TO REVISED MEDICARE+CHOICE PAYMENT RATES.

(a) ANNOUNCEMENT OF REVISED MEDICARE+CHOICE PAYMENT RATES.—Within 2 weeks after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine, and shall announce (in a manner intended to provide notice to interested parties) Medicare+Choice capitation rates under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) for 2001, revised in accordance with the provisions of this Act.

(b) REENTRY INTO PROGRAM PERMITTED FOR MEDICARE+CHOICE PROGRAMS.—A Medicare+Choice organization that provided notice to the Secretary of Health and Human Services before the date of the enactment of this Act that it was terminating its contract under part C of title XVIII of the Social Security Act or was reducing the service area of a Medicare+Choice plan offered under such part shall be permitted to continue participation under such part, or to maintain the service area of such plan, for 2001 if it submits the Secretary with the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)) within 2 weeks after the date revised rates are announced by the Secretary under subsection (a).

(c) REVISED SUBMISSION OF PROPOSED PREMIUMS AND RELATED INFORMATION.—If—

(1) a Medicare+Choice organization provided notice to the Secretary of Health and Human Services as of July 3, 2000, that it was renewing its contract under part C of title XVIII of the Social Security Act for all or part of the service area or areas served under its current contract, and

(2) any part of the service area or areas addressed in such notice includes a payment area for which the Medicare+Choice capitation rate under section 1853(c) of such Act (42 U.S.C. 1395w-23(c)) for 2001, as determined under subsection (a), is higher than the rate previously determined for such year,

such organization shall revise its submission of the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w-24(a)(1)), and shall submit such revised information to the Secretary, within 2 weeks after the date revised rates are announced by the Secretary under subsection (a). In making such submission, the organization may only reduce beneficiary premiums, reduce beneficiary cost-sharing, enhance benefits, utilize the stabilization fund described in section 1854(f)(2) of such Act (42 U.S.C. 1395w-24(f)(2)), or stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).

(d) WAIVER OF LIMITS ON STABILIZATION FUND.—Any regulatory provision that limits the proportion of the excess amount that can be withheld in such stabilization fund for a contract period shall not apply with respect to submissions described in subsections (b) and (c).

(e) DISREGARD OF NEW RATE ANNOUNCEMENT IN APPLYING PASS-THROUGH FOR NEW NATIONAL COVERAGE DETERMINATIONS.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w-22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w-23(b)).

SEC. 605. REVISION OF PAYMENT RATES FOR ESRD PATIENTS ENROLLED IN MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—Section 1853(a)(1)(B) (42 U.S.C. 1395w-23(a)(1)(B)) is amended by adding at the end the following: “In establishing such rates, the Secretary shall provide for appropriate adjustments to increase each rate to reflect the demonstration rate (including the risk adjustment methodology associated with such rate) of the social health maintenance organization end-stage renal disease capitation demonstrations (established by section 2355 of the Deficit Reduction Act of 1984, as amended by section 13567(b) of the Omnibus Budget Reconciliation Act of 1993), and shall compute such rates by taking into account such factors as renal treatment modality, age, and the underlying cause of the end-stage renal disease.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments for months beginning with January 2002.

(c) PUBLICATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish for public comment a description of the appropriate adjustments described in the last sentence of section

1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w-23(a)(1)(B)), as added by subsection (a). The Secretary shall publish such adjustments in final form by not later than July 1, 2001, so that the amendment made by subsection (a) is implemented on a timely basis consistent with subsection (b).

SEC. 606. PERMITTING PREMIUM REDUCTIONS AS ADDITIONAL BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—

(1) AUTHORIZATION OF PART B PREMIUM REDUCTIONS.—Section 1854(f)(1) (42 U.S.C. 1395w-24(f)(1)) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

“(E) PREMIUM REDUCTIONS.—

“(i) IN GENERAL.—Subject to clause (ii), as part of providing any additional benefits required under subparagraph (A), a Medicare+Choice organization may elect a reduction in its payments under section 1853(a)(1)(A) with respect to a Medicare+Choice plan and the Secretary shall apply such reduction to reduce the premium under section 1839 of each enrollee in such plan as provided in section 1840(i).

“(ii) AMOUNT OF REDUCTION.—The amount of the reduction under clause (i) with respect to any enrollee in a Medicare+Choice plan—

“(I) may not exceed 125 percent of the premium described under section 1839(a)(3); and

“(II) shall apply uniformly to each enrollee of the Medicare+Choice plan to which such reduction applies.”.

(2) CONFORMING AMENDMENTS.—

(A) ADJUSTMENT OF PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS.—Section 1853(a)(1)(A) (42 U.S.C. 1395w-23(a)(1)(A)) is amended by inserting “reduced by the amount of any reduction elected under section 1854(f)(1)(E) and” after “for that area,”.

(B) ADJUSTMENT AND PAYMENT OF PART B PREMIUMS.—

(i) ADJUSTMENT OF PREMIUMS.—Section 1839(a)(2) (42 U.S.C. 1395r(a)(2)) is amended by striking “shall” and all that follows and inserting the following: “shall be the amount determined under paragraph (3), adjusted as required in accordance with subsections (b), (c), and (f), and to reflect 80 percent of any reduction elected under section 1854(f)(1)(E).”.

(ii) PAYMENT OF PREMIUMS.—Section 1840 (42 U.S.C. 1395s) is amended by adding at the end the following new subsection:

“(i) In the case of an individual enrolled in a Medicare+Choice plan, the Secretary shall provide for necessary adjustments of the monthly beneficiary premium to reflect 80 percent of any reduction elected under section 1854(f)(1)(E). To the extent to which the Secretary determines that such an adjustment is appropriate, with the concurrence of any agency responsible for the administration of such benefits, such premium adjustment may be provided

directly, as an adjustment to any social security, railroad retirement, or civil service retirement benefits, or, in the case of an individual who receives medical assistance under title XIX for medicare costs described in section 1905(p)(3)(A)(ii), as an adjustment to the amount otherwise owed by the State for such medical assistance.”.

(C) INFORMATION COMPARING PLAN PREMIUMS UNDER PART C.—Section 1851(d)(4)(B) (42 U.S.C. 1395w–21(d)(4)(B)) is amended—

(i) by striking “PREMIUMS.—The” and inserting “PREMIUMS.—

“(i) IN GENERAL.—The”; and

(ii) by adding at the end the following new clause:

“(ii) REDUCTIONS.—The reduction in part B premiums, if any.”.

(D) TREATMENT OF REDUCTION FOR PURPOSES OF DETERMINING GOVERNMENT CONTRIBUTION UNDER PART B.—Section 1844 (42 U.S.C. 1395w) is amended by adding at the end the following new subsection:

“(c) The Secretary shall determine the Government contribution under subparagraphs (A) and (B) of subsection (a)(1) without regard to any premium reduction resulting from an election under section 1854(f)(1)(E).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2003.

SEC. 607. FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLLEES FOR 2001.

(a) IN GENERAL.—Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

(1) in clause (ii), by striking “Such risk adjustment” and inserting “Except as provided in clause (iii), such risk adjustment”; and

(2) by adding at the end the following new clause:

“(iii) FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLLEES FOR 2001.—

“(I) EXEMPTION FROM PHASE-IN.—Subject to subclause (II), the Secretary shall fully implement the risk adjustment methodology described in clause (i) with respect to each individual who has had a qualifying congestive heart failure inpatient diagnosis (as determined by the Secretary under such risk adjustment methodology) during the period beginning on July 1, 1999, and ending on June 30, 2000, and who is enrolled in a coordinated care plan that is the only coordinated care plan offered on January 1, 2001, in the service area of the individual.

“(II) PERIOD OF APPLICATION.—Subclause (I) shall only apply during the 1-year period beginning on January 1, 2001.”.

(b) EXCLUSION FROM DETERMINATION OF THE BUDGET NEUTRALITY FACTOR.—Section 1853(c)(5) (42 U.S.C. 1395w–23(c)(5)) is amended by striking “subsection (i)” and inserting “subsections (a)(3)(C)(iii) and (i)”.

SEC. 608. EXPANSION OF APPLICATION OF MEDICARE+CHOICE NEW ENTRY BONUS.

(a) **IN GENERAL.**—Section 1853(i)(1) (42 U.S.C. 1395w–23(i)(1)) is amended in the matter preceding subparagraph (A) by inserting “, or filed notice with the Secretary as of October 3, 2000, that they will not be offering such a plan as of January 1, 2001” after “January 1, 2000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply as if included in the enactment of BBRA.

SEC. 609. REPORT ON INCLUSION OF CERTAIN COSTS OF THE DEPARTMENT OF VETERANS AFFAIRS AND MILITARY FACILITY SERVICES IN CALCULATING MEDICARE+CHOICE PAYMENT RATES.

The Secretary of Health and Human Services shall report to Congress by not later than January 1, 2003, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs, and the costs of military facility services furnished by the Department of Defense, to medicare-eligible beneficiaries in the calculation of an area’s Medicare+Choice capitation payment. Such report shall include on a county-by-county basis—

(1) the actual or estimated cost of such services to medicare-eligible beneficiaries;

(2) the change in Medicare+Choice capitation payment rates if such costs are included in the calculation of payment rates;

(3) one or more proposals for the implementation of payment adjustments to Medicare+Choice plans in counties where the payment rate has been affected due to the failure to calculate the cost of such services to medicare-eligible beneficiaries; and

(4) a system to ensure that when a Medicare+Choice enrollee receives covered services through a facility of the Department of Veterans Affairs or the Department of Defense there is an appropriate payment recovery to the medicare program under title XVIII of the Social Security Act.

Subtitle B—Other Medicare+Choice Reforms

SEC. 611. PAYMENT OF ADDITIONAL AMOUNTS FOR NEW BENEFITS COVERED DURING A CONTRACT TERM.

(a) **IN GENERAL.**—Section 1853(c)(7) (42 U.S.C. 1395w–23(c)(7)) is amended to read as follows:

“(7) **ADJUSTMENT FOR NATIONAL COVERAGE DETERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.**—If the Secretary makes a determination with respect to coverage under this title or there is a change in benefits required to be provided under this part that the Secretary projects will result in a significant increase in the costs to Medicare+Choice of providing benefits under contracts under this part (for periods after any period described in section 1852(a)(5)), the Secretary shall adjust appropriately the payments to such organizations under this part. Such projection and adjustment shall be based on an analysis by the Chief Actuary of the Health Care Financing

Administration of the actuarial costs associated with the new benefits.”.

(b) CONFORMING AMENDMENT.—Section 1852(a)(5) (42 U.S.C. 1395w-22(a)(5)) is amended—

(1) in the heading, by inserting “AND LEGISLATIVE CHANGES IN BENEFITS” after “NATIONAL COVERAGE DETERMINATIONS”;

(2) by inserting “or legislative change in benefits required to be provided under this part” after “national coverage determination”;

(3) in subparagraph (A), by inserting “or legislative change in benefits” after “such determination”;

(4) in subparagraph (B), by inserting “or legislative change” after “if such coverage determination”; and

(5) by adding at the end the following:

“The projection under the previous sentence shall be based on an analysis by the Chief Actuary of the Health Care Financing Administration of the actuarial costs associated with the coverage determination or legislative change in benefits.”.

(c) EFFECTIVE DATE.—The amendments made by this section are effective on the date of the enactment of this Act and shall apply to national coverage determinations and legislative changes in benefits occurring on or after such date.

SEC. 612. RESTRICTION ON IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS MIDYEAR.

(a) IN GENERAL.—Section 1856(b) (42 U.S.C. 1395w-26(b)) is amended by adding at the end the following new paragraph:

“(4) PROHIBITION OF MIDYEAR IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS.—The Secretary may not implement, other than at the beginning of a calendar year, regulations under this section that impose new, significant regulatory requirements on a Medicare+Choice organization or plan.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 613. TIMELY APPROVAL OF MARKETING MATERIAL THAT FOLLOWS MODEL MARKETING LANGUAGE.

(a) IN GENERAL.—Section 1851(h) (42 U.S.C. 1395w-21(h)) is amended—

(1) in paragraph (1)(A), by inserting “(or 10 days in the case described in paragraph (5))” after “45 days”; and

(2) by adding at the end the following new paragraph:

“(5) SPECIAL TREATMENT OF MARKETING MATERIAL FOLLOWING MODEL MARKETING LANGUAGE.—In the case of marketing material of an organization that uses, without modification, proposed model language specified by the Secretary, the period specified in paragraph (1)(A) shall be reduced from 45 days to 10 days.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to marketing material submitted on or after January 1, 2001.

SEC. 614. AVOIDING DUPLICATIVE REGULATION.

(a) IN GENERAL.—Section 1856(b)(3)(B) (42 U.S.C. 1395w-26(b)(3)(B)) is amended—

(1) in clause (i), by inserting “(including cost-sharing requirements)” after “Benefit requirements”; and

(2) by adding at the end the following new clause:

“(iv) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act.

SEC. 615. ELECTION OF UNIFORM LOCAL COVERAGE POLICY FOR MEDICARE+CHOICE PLAN COVERING MULTIPLE LOCALITIES.

Section 1852(a)(2) (42 U.S.C. 1395w-22(a)(2)) is amended by adding at the end the following new subparagraph:

“(C) ELECTION OF UNIFORM COVERAGE POLICY.—In the case of a Medicare+Choice organization that offers a Medicare+Choice plan in an area in which more than one local coverage policy is applied with respect to different parts of the area, the organization may elect to have the local coverage policy for the part of the area that is most beneficial to Medicare+Choice enrollees (as identified by the Secretary) apply with respect to all Medicare+Choice enrollees enrolled in the plan.”.

SEC. 616. ELIMINATING HEALTH DISPARITIES IN MEDICARE+CHOICE PROGRAM.

(a) QUALITY ASSURANCE PROGRAM FOCUS ON RACIAL AND ETHNIC MINORITIES.—Subparagraphs (A) and (B) of section 1852(e)(2) (42 U.S.C. 1395w-22(e)(2)) are each amended by adding at the end the following:

“Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.”.

(b) REPORT.—Section 1852(e) (42 U.S.C. 1395w-22(e)) is amended by adding at the end the following new paragraph:

“(5) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection focus on racial and ethnic minorities.

“(B) CONTENTS OF REPORT.—Each such report shall include the following:

“(i) A description of the means by which such programs focus on such racial and ethnic minorities.

“(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

“(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.”.

SEC. 617. MEDICARE+CHOICE PROGRAM COMPATIBILITY WITH EMPLOYER OR UNION GROUP HEALTH PLANS.

(a) IN GENERAL.—Section 1857 (42 U.S.C. 1395w-27) is amended by adding at the end the following new subsection:

“(i) **MEDICARE+CHOICE PROGRAM COMPATIBILITY WITH EMPLOYER OR UNION GROUP HEALTH PLANS.**—To facilitate the offering of Medicare+Choice plans under contracts between Medicare+Choice organizations and employers, labor organizations, or the trustees of a fund established by one or more employers or labor organizations (or combination thereof) to furnish benefits to the entity’s employees, former employees (or combination thereof) or members or former members (or combination thereof) of the labor organizations, the Secretary may waive or modify requirements that hinder the design of, the offering of, or the enrollment in such Medicare+Choice plans.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to years beginning with 2001.

SEC. 618. SPECIAL MEDIGAP ENROLLMENT ANTIDISCRIMINATION PROVISION FOR CERTAIN BENEFICIARIES.

(a) **DISENROLLMENT WINDOW IN ACCORDANCE WITH BENEFICIARY’S CIRCUMSTANCE.**—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)) is amended—

(1) in subparagraph (A), in the matter following clause (iii), by striking “, subject to subparagraph (E), seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such subparagraph” and inserting “seeks to enroll under the policy during the period specified in subparagraph (E)”; and

(2) by striking subparagraph (E) and inserting the following new subparagraph:

“(E) For purposes of subparagraph (A), the time period specified in this subparagraph is—

“(i) in the case of an individual described in subparagraph (B)(i), the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the applicable notice;

“(ii) in the case of an individual described in clause (ii), (iii), (v), or (vi) of subparagraph (B) whose enrollment is terminated involuntarily, the period beginning on the date that the individual receives a notice of termination and ending on the date that is 63 days after the date the applicable coverage is terminated;

“(iii) in the case of an individual described in subparagraph (B)(iv)(I), the period beginning on the earlier of (I) the date that the individual receives a notice of termination, a notice of the issuer’s bankruptcy or insolvency, or other such similar notice, if any, and (II) the date that the applicable coverage is terminated, and ending on the date that is 63 days after the date the coverage is terminated;

“(iv) in the case of an individual described in clause (ii), (iii), (iv)(II), (iv)(III), (v), or (vi) of subparagraph (B) who disenrolls voluntarily, the period beginning on the date that is 60 days before the effective date of the disenrollment and ending on the date that is 63 days after such effective date; and

“(v) in the case of an individual described in subparagraph (B) but not described in the preceding provisions of this

subparagraph, the period beginning on the effective date of the disenrollment and ending on the date that is 63 days after such effective date.”.

(b) EXTENDED MEDIGAP ACCESS FOR INTERRUPTED TRIAL PERIODS.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)), as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

“(F)(i) Subject to clause (ii), for purposes of this paragraph—

“(I) in the case of an individual described in subparagraph (B)(v) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with an organization or provider described in subclause (II) of such subparagraph is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, such subsequent enrollment shall be deemed to be an initial enrollment described in such subparagraph; and

“(II) in the case of an individual described in clause (vi) of subparagraph (B) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with a plan or in a program described in such clause is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, such subsequent enrollment shall be deemed to be an initial enrollment described in such clause.

“(ii) For purposes of clauses (v) and (vi) of subparagraph (B), no enrollment of an individual with an organization or provider described in clause (v)(II), or with a plan or in a program described in clause (vi), may be deemed to be an initial enrollment under this clause after the 2-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan, or program.”.

SEC. 619. RESTORING EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS.

(a) OPEN ENROLLMENT.—Section 1851(f)(2) (42 U.S.C. 1395w-21(f)(2)) is amended by striking “, except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections and changes of coverage made on or after June 1, 2001.

SEC. 620. PERMITTING ESRD BENEFICIARIES TO ENROLL IN ANOTHER MEDICARE+CHOICE PLAN IF THE PLAN IN WHICH THEY ARE ENROLLED IS TERMINATED.

(a) IN GENERAL.—Section 1851(a)(3)(B) (42 U.S.C. 1395w-21(a)(3)(B)) is amended by striking “except that” and all that follows and inserting the following: “except that—

“(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

“(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment

is discontinued under circumstances described in section 1851(e)(4)(A), then the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to terminations and discontinuations occurring on or after the date of the enactment of this Act.

(2) APPLICATION TO PRIOR PLAN TERMINATIONS.—Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by subsection (a)) shall also apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1998, and before the date of the enactment of this Act. In applying this paragraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of the enactment of this Act.

SEC. 621. PROVIDING CHOICE FOR SKILLED NURSING FACILITY SERVICES UNDER THE MEDICARE+CHOICE PROGRAM.

(a) IN GENERAL.—Section 1852 (42 U.S.C. 1395w-22) is amended by adding at the end the following new subsection:

“(1) RETURN TO HOME SKILLED NURSING FACILITIES FOR COVERED POST-HOSPITAL EXTENDED CARE SERVICES.—

“(1) ENSURING RETURN TO HOME SNF.—

“(A) IN GENERAL.—In providing coverage of post-hospital extended care services, a Medicare+Choice plan shall provide for such coverage through a home skilled nursing facility if the following conditions are met:

“(i) ENROLLEE ELECTION.—The enrollee elects to receive such coverage through such facility.

“(ii) SNF AGREEMENT.—The facility has a contract with the Medicare+Choice organization for the provision of such services, or the facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated skilled nursing facilities that are under contract with the Medicare+Choice organization for the provision of such services and through which the enrollee would otherwise receive such services.

“(B) MANNER OF PAYMENT TO HOME SNF.—The organization shall provide payment to the home skilled nursing facility consistent with the contract or the agreement described in subparagraph (A)(ii), as the case may be.

“(2) NO LESS FAVORABLE COVERAGE.—The coverage provided under paragraph (1) (including scope of services, cost-sharing, and other criteria of coverage) shall be no less favorable to the enrollee than the coverage that would be provided to the enrollee with respect to a skilled nursing facility the post-hospital extended care services of which are otherwise covered under the Medicare+Choice plan.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to do the following:

“(A) To require coverage through a skilled nursing facility that is not otherwise qualified to provide benefits under part A for medicare beneficiaries not enrolled in a Medicare+Choice plan.

“(B) To prevent a skilled nursing facility from refusing to accept, or imposing conditions upon the acceptance of, an enrollee for the receipt of post-hospital extended care services.

“(4) DEFINITIONS.—In this subsection:

“(A) HOME SKILLED NURSING FACILITY.—The term ‘home skilled nursing facility’ means, with respect to an enrollee who is entitled to receive post-hospital extended care services under a Medicare+Choice plan, any of the following skilled nursing facilities:

“(i) SNF RESIDENCE AT TIME OF ADMISSION.—The skilled nursing facility in which the enrollee resided at the time of admission to the hospital preceding the receipt of such post-hospital extended care services.

“(ii) SNF IN CONTINUING CARE RETIREMENT COMMUNITY.—A skilled nursing facility that is providing such services through a continuing care retirement community (as defined in subparagraph (B)) which provided residence to the enrollee at the time of such admission.

“(iii) SNF RESIDENCE OF SPOUSE AT TIME OF DISCHARGE.—The skilled nursing facility in which the spouse of the enrollee is residing at the time of discharge from such hospital.

“(B) CONTINUING CARE RETIREMENT COMMUNITY.—The term ‘continuing care retirement community’ means, with respect to an enrollee in a Medicare+Choice plan, an arrangement under which housing and health-related services are provided (or arranged) through an organization for the enrollee under an agreement that is effective for the life of the enrollee or for a specified period.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into or renewed on or after the date of the enactment of this Act.

(c) MEDPAC STUDY.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study analyzing the effects of the amendment made by subsection (a) on Medicare+Choice organizations. In conducting such study, the Commission shall examine the effects (if any) such amendment has had—

(A) on the scope of additional benefits provided under the Medicare+Choice program;

(B) on the administrative and other costs incurred by Medicare+Choice organizations; and

(C) on the contractual relationships between such organizations and skilled nursing facilities.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 622. PROVIDING FOR ACCOUNTABILITY OF MEDICARE+CHOICE PLANS.

(a) MANDATORY REVIEW OF ACR SUBMISSIONS BY THE CHIEF ACTUARY OF THE HEALTH CARE FINANCING ADMINISTRATION.—Section 1854(a)(5)(A) (42 U.S.C. 1395w–24(a)(5)(A)) is amended—

(1) by striking “value” and inserting “values”; and

(2) by adding at the end the following: “The Chief Actuary of the Health Care Financing Administration shall review the actuarial assumptions and data used by the Medicare+Choice organization with respect to such rates, amounts, and values so submitted to determine the appropriateness of such assumptions and data.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to submissions made on or after May 1, 2001.

SEC. 623. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) IN GENERAL.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subparagraph:

“(D) Civil monetary penalties of not more than \$100,000, or such higher amount as the Secretary may establish by regulation, where the finding under subsection (c)(2)(A) is based on the organization’s termination of its contract under this section other than at a time and in a manner provided for under subsection (a).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. ONE-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SHMO) DEMONSTRATION PROJECT.

Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 531(a)(1) of BBRA (113 Stat. 1501A–388), is amended by striking “18 months” and inserting “30 months”.

SEC. 632. REVISED TERMS AND CONDITIONS FOR EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION (CNO) DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 532 of BBRA (113 Stat. 1501A–388) is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (b) and inserting the following new subsection:

“(b) TERMS AND CONDITIONS.—

“(1) JANUARY THROUGH SEPTEMBER 2000.—For the 9-month period beginning with January 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999.

“(2) OCTOBER 2000 THROUGH DECEMBER 2001.—For the 15-month period beginning with October 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999, except that the following modifications shall apply:

“(A) BASIC CAPITATION RATE.—The basic capitation rate paid for services covered under the project (other than case management services) per enrollee per month and furnished during—

“(i) the period beginning with October 1, 2000, and ending with December 31, 2000, shall be determined by actuarially adjusting the actual capitation rate paid for such services in 1999 for inflation, utilization, and other changes to the CNO service package, and by reducing such adjusted capitation rate by 10 percent in the case of the demonstration sites located in Arizona, Minnesota, and Illinois, and 15 percent for the demonstration site located in New York; and

“(ii) 2001 shall be determined by actuarially adjusting the capitation rate determined under clause (i) for inflation, utilization, and other changes to the CNO service package.

“(B) TARGETED CASE MANAGEMENT FEE.—Effective October 1, 2000—

“(i) the case management fee per enrollee per month for—

“(I) the period described in subparagraph (A)(i) shall be determined by actuarially adjusting the case management fee for 1999 for inflation; and

“(II) 2001 shall be determined by actuarially adjusting the amount determined under subclause (I) for inflation; and

“(ii) such case management fee shall be paid only for enrollees who are classified as moderately frail or frail pursuant to criteria established by the Secretary.

“(C) GREATER UNIFORMITY IN CLINICAL FEATURES AMONG SITES.—Each project shall implement for each site—

“(i) protocols for periodic telephonic contact with enrollees based on—

“(I) the results of such standardized written health assessment; and

“(II) the application of appropriate care planning approaches;

“(ii) disease management programs for targeted diseases (such as congestive heart failure, arthritis, diabetes, and hypertension) that are highly prevalent in the enrolled populations;

“(iii) systems and protocols to track enrollees through hospitalizations, including pre-admission planning, concurrent management during inpatient hospital stays, and post-discharge assessment, planning, and follow-up; and

“(iv) standardized patient educational materials for specified diseases and health conditions.

“(D) QUALITY IMPROVEMENT.—Each project shall implement at each site once during the 15-month period—

“(i) enrollee satisfaction surveys; and

“(ii) reporting on specified quality indicators for the enrolled population.

“(c) EVALUATION.—

“(1) PRELIMINARY REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to the Committees on Ways and Means and Commerce of the House of Representatives and the Committee on Finance of the Senate a preliminary report that—

“(A) evaluates such demonstration projects for the period beginning July 1, 1997, and ending December 31, 1999, on a site-specific basis with respect to the impact on per beneficiary spending, specific health utilization measures, and enrollee satisfaction; and

“(B) includes a similar evaluation of such projects for the portion of the extension period that occurs after September 30, 2000.

“(2) FINAL REPORT.—The Secretary shall submit a final report to such Committees on such demonstration projects not later than July 1, 2002. Such report shall include the same elements as the preliminary report required by paragraph (1), but for the period after December 31, 1999.

“(3) METHODOLOGY FOR SPENDING COMPARISONS.—Any evaluation of the impact of the demonstration projects on per beneficiary spending included in such reports shall include a comparison of—

“(A) data for all individuals who—

“(i) were enrolled in such demonstration projects as of the first day of the period under evaluation; and

“(ii) were enrolled for a minimum of 6 months thereafter; with

“(B) data for a matched sample of individuals who are enrolled under part B of title XVIII of the Social Security Act and are not enrolled in such a project, or in a Medicare+Choice plan under part C of such title, a plan offered by an eligible organization under section 1876 of such Act, or a health care prepayment plan under section 1833(a)(1)(A) of such Act.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 532 of BBRA (113 Stat. 1501A–388).

SEC. 633. EXTENSION OF MEDICARE MUNICIPAL HEALTH SERVICES DEMONSTRATION PROJECTS.

Section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1395b–1 note), as amended by section 6135 of the Omnibus Budget Reconciliation Act of 1989, section 13557 of the Omnibus Budget Reconciliation Act of 1993, section 4017 of BBA, and section 534 of BBRA (113 Stat. 1501A–390), is amended by striking “December 31, 2002” and inserting “December 31, 2004”.

SEC. 634. SERVICE AREA EXPANSION FOR MEDICARE COST CONTRACTS DURING TRANSITION PERIOD.

Section 1876(h)(5) (42 U.S.C. 1395mm(h)(5)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A), the following new subparagraph:

“(B) Subject to subparagraph (C), the Secretary shall approve an application for a modification to a reasonable cost contract

under this section in order to expand the service area of such contract if—

“(i) such application is submitted to the Secretary on or before September 1, 2003; and

“(ii) the Secretary determines that the organization with the contract continues to meet the requirements applicable to such organizations and contracts under this section.”.

TITLE VII—MEDICAID

SEC. 701. DSH PAYMENTS.

(a) MODIFICATIONS TO DSH ALLOTMENTS.—

(1) INCREASED ALLOTMENTS FOR FISCAL YEARS 2001 AND 2002.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r-4(f)) is amended—

(i) in paragraph (2), by striking “The DSH allotment” and inserting “Subject to paragraph (4), the DSH allotment”;

(ii) by redesignating paragraph (4) as paragraph (6); and

(iii) by inserting after paragraph (3) the following new paragraph:

“(4) SPECIAL RULE FOR FISCAL YEARS 2001 AND 2002.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), the DSH allotment for any State for—

“(i) fiscal year 2001, shall be the DSH allotment determined under paragraph (2) for fiscal year 2000 increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2000; and

“(ii) fiscal year 2002, shall be the DSH allotment determined under clause (i) increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2001.

“(B) LIMITATION.—Subparagraph (B) of paragraph (3) shall apply to subparagraph (A) of this paragraph in the same manner as that subparagraph (B) applies to paragraph (3)(A).

“(C) NO APPLICATION TO ALLOTMENTS AFTER FISCAL YEAR 2002.—The DSH allotment for any State for fiscal year 2003 or any succeeding fiscal year shall be determined under paragraph (3) without regard to the DSH allotments determined under subparagraph (A) of this paragraph.”.

(2) SPECIAL RULE FOR MEDICAID DSH ALLOTMENT FOR EXTREMELY LOW DSH STATES.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r-4(f)), as amended by paragraph (1), is amended by inserting after paragraph (4) the following new paragraph:

“(5) SPECIAL RULE FOR EXTREMELY LOW DSH STATES.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section

for fiscal year 1999, as reported to the Administrator of the Health Care Financing Administration as of August 31, 2000, is greater than 0 but less than 1 percent of the State's total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for fiscal year 2001 shall be increased to 1 percent of the State's total amount of expenditures under such plan for such assistance during such fiscal year. In subsequent fiscal years, such increased allotment is subject to an increase for inflation as provided in paragraph (3)(A)."

(B) CONFORMING AMENDMENT.—Section 1923(f)(3)(A) (42 U.S.C. 1396r-4(f)(3)(A)) is amended by inserting "and paragraph (5)" after "subparagraph (B)".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) take effect on the date the final regulation required under section 705(a) (relating to the application of an aggregate upper payment limit test for State medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services provided by government facilities that are not State-owned or operated facilities) is published in the Federal Register.

(b) ASSURING IDENTIFICATION OF MEDICAID MANAGED CARE PATIENTS.—

(1) IN GENERAL.—Section 1932 (42 U.S.C. 1396u-2) is amended by adding at the end the following new subsection:

"(g) IDENTIFICATION OF PATIENTS FOR PURPOSES OF MAKING DSH PAYMENTS.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require the entity either—

"(1) to report to the State information necessary to determine the hospital services provided under the contract (and the identity of hospitals providing such services) for purposes of applying sections 1886(d)(5)(F) and 1923; or

"(2) to include a sponsorship code in the identification card issued to individuals covered under this title in order that a hospital may identify a patient as being entitled to benefits under this title."

(2) CLARIFICATION OF COUNTING MANAGED CARE MEDICAID PATIENTS.—Section 1923 (42 U.S.C. 1396r-4) is amended—

(A) in subsection (a)(2)(D), by inserting after "the proportion of low-income and medicaid patients" the following: "(including such patients who receive benefits through a managed care entity)";

(B) in subsection (b)(2), by inserting after "a State plan approved under this title in a period" the following: "(regardless of whether such patients receive medical assistance on a fee-for-service basis or through a managed care entity)"; and

(C) in subsection (b)(3)(A)(i), by inserting after "under a State plan under this title" the following: "(regardless of whether the services were furnished on a fee-for-service basis or through a managed care entity)".

(3) EFFECTIVE DATES.—

(A) The amendment made by paragraph (1) shall apply to contracts as of January 1, 2001.

(B) The amendments made by paragraph (2) shall apply to payments made on or after January 1, 2001.

(c) APPLICATION OF MEDICAID DSH TRANSITION RULE TO PUBLIC HOSPITALS IN ALL STATES.—

(1) IN GENERAL.—During the period described in paragraph (3), with respect to a State, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 514), as amended by section 607 of BBRA (113 Stat. 1501A-396), shall be applied as though—

(A) “September 30, 2002” were substituted for “July 1, 1997” each place it appears;

(B) “hospitals owned or operated by a State (as defined for purposes of title XIX of such Act), or by an instrumentality or a unit of government within a State (as so defined)” were substituted for “the State of California”;

(C) paragraph (3) were redesignated as paragraph (4);

(D) “and” were omitted from the end of paragraph (2); and

(E) the following new paragraph were inserted after paragraph (2):

“(3) ‘(as defined in subparagraph (B) but without regard to clause (ii) of that subparagraph and subject to subsection (d))’ were substituted for ‘(as defined in subparagraph (B))’ in subparagraph (A) of such section; and”.

(2) SPECIAL RULE.—With respect to California, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 514), as so amended, shall be applied without regard to paragraph (1).

(3) PERIOD DESCRIBED.—The period described in this paragraph is the period that begins, with respect to a State, on the first day of the first State fiscal year that begins after September 30, 2002, and ends on the last day of the succeeding State fiscal year.

(4) APPLICATION TO WAIVERS.—With respect to a State operating under a waiver of the requirements of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) under section 1115 of such Act (42 U.S.C. 1315), the amount by which any payment adjustment made by the State under title XIX of such Act (42 U.S.C. 1396 et seq.), after the application of section 4721(e) of the Balanced Budget Act of 1997 under paragraph (1) to such State, exceeds the costs of furnishing hospital services provided by hospitals described in such section shall be fully reflected as an increase in the baseline expenditure limit for such waiver.

(d) ASSISTANCE FOR CERTAIN PUBLIC HOSPITALS.—

(1) IN GENERAL.—Beginning with fiscal year 2002, notwithstanding section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f)) and subject to paragraph (3), with respect to a State, payment adjustments made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to a hospital described in paragraph (2) shall be made without regard to the DSH allotment limitation for the State determined under section 1923(f) of that Act (42 U.S.C. 1396r-4(f)).

(2) HOSPITAL DESCRIBED.—A hospital is described in this paragraph if the hospital—

(A) is owned or operated by a State (as defined for purposes of title XIX of the Social Security Act), or by

an instrumentality or a unit of government within a State (as so defined);

(B) as of October 1, 2000—

(i) is in existence and operating as a hospital described in subparagraph (A); and

(ii) is not receiving disproportionate share hospital payments from the State in which it is located under title XIX of such Act; and

(C) has a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3))) in excess of 65 percent.

(3) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—With respect to any fiscal year, the aggregate amount of Federal financial participation that may be provided for payment adjustments described in paragraph (1) for that fiscal year for all States may not exceed the amount described in subparagraph (B) for the fiscal year.

(B) AMOUNT DESCRIBED.—The amount described in this subparagraph for a fiscal year is as follows:

(i) For fiscal year 2002, \$15,000,000.

(ii) For fiscal year 2003, \$176,000,000.

(iii) For fiscal year 2004, \$269,000,000.

(iv) For fiscal year 2005, \$330,000,000.

(v) For fiscal year 2006 and each fiscal year thereafter, \$375,000,000.

(e) DSH PAYMENT ACCOUNTABILITY STANDARDS.—Not later than September 30, 2002, the Secretary of Health and Human Services shall implement accountability standards to ensure that Federal funds provided with respect to disproportionate share hospital adjustments made under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) are used to reimburse States and hospitals eligible for such payment adjustments for providing uncompensated health care to low-income patients and are otherwise made in accordance with the requirements of section 1923 of that Act.

SEC. 702. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (13)—

(A) in subparagraph (A), by adding “and” at the end;

(B) in subparagraph (B), by striking “and” at the end;

and

(C) by striking subparagraph (C); and

(2) by inserting after paragraph (14) the following new paragraph:

“(15) provide for payment for services described in clause (B) or (C) of section 1905(a)(2) under the plan in accordance with subsection (aa);”.

(b) NEW PROSPECTIVE PAYMENT SYSTEM.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

“(aa) PAYMENT FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—

“(1) IN GENERAL.—Beginning with fiscal year 2001 with respect to services furnished on or after January 1, 2001, and

each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

“(2) FISCAL YEAR 2001.—Subject to paragraph (4), for services furnished on and after January 1, 2001, during fiscal year 2001, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center or clinic of furnishing such services during fiscal years 1999 and 2000 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase or decrease in the scope of such services furnished by the center or clinic during fiscal year 2001.

“(3) FISCAL YEAR 2002 AND SUCCEEDING FISCAL YEARS.—Subject to paragraph (4), for services furnished during fiscal year 2002 or a succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

“(A) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

“(B) adjusted to take into account any increase or decrease in the scope of such services furnished by the center or clinic during that fiscal year.

“(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after fiscal year 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic so qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year based on the rates established under this subsection for the fiscal year for other such centers or clinics located in the same or adjacent area with a similar case load or, in the absence of such a center or clinic, in accordance with the regulations and methodology referred to in paragraph (2) or based on such other tests of reasonableness as the Secretary may specify. For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3).

“(5) ADMINISTRATION IN THE CASE OF MANAGED CARE.—

“(A) IN GENERAL.—In the case of services furnished by a Federally-qualified health center or rural health clinic

pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

“(B) PAYMENT SCHEDULE.—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the State and the Federally-qualified health center or rural health clinic, but in no case less frequently than every 4 months.

“(6) ALTERNATIVE PAYMENT METHODOLOGIES.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount which is determined under an alternative payment methodology that—

“(A) is agreed to by the State and the center or clinic; and

“(B) results in payment to the center or clinic of an amount which is at least equal to the amount otherwise required to be paid to the center or clinic under this section.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 4712 of the BBA (Public Law 105-33; 111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking “1902(a)(13)(C)” and inserting “1902(a)(15), 1902(aa),”.

(d) GAO STUDY OF FUTURE REBASING.—The Comptroller General of the United States shall provide for a study on the need for, and how to, rebase or refine costs for making payment under the medicaid program for services provided by Federally-qualified health centers and rural health clinics (as provided under the amendments made by this section). The Comptroller General shall provide for submittal of a report on such study to Congress by not later than 4 years after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2001, and shall apply to services furnished on or after such date.

SEC. 703. STREAMLINED APPROVAL OF CONTINUED STATE-WIDE SECTION 1115 MEDICAID WAIVERS.

(a) IN GENERAL.—Section 1115 (42 U.S.C. 1315) is amended by adding at the end the following new subsection:

“(f) An application by the chief executive officer of a State for an extension of a waiver project the State is operating under an extension under subsection (e) (in this subsection referred to as the ‘waiver project’) shall be submitted and approved or disapproved in accordance with the following:

“(1) The application for an extension of the waiver project shall be submitted to the Secretary at least 120 days prior to the expiration of the current period of the waiver project.

“(2) Not later than 45 days after the date such application is received by the Secretary, the Secretary shall notify the

State if the Secretary intends to review the terms and conditions of the waiver project. A failure to provide such notification shall be deemed to be an approval of the application.

“(3) Not later than 45 days after the date a notification is made in accordance with paragraph (2), the Secretary shall inform the State of proposed changes in the terms and conditions of the waiver project. A failure to provide such information shall be deemed to be an approval of the application.

“(4) During the 30-day period that begins on the date information described in paragraph (3) is provided to a State, the Secretary shall negotiate revised terms and conditions of the waiver project with the State.

“(5)(A) Not later than 120 days after the date an application for an extension of the waiver project is submitted to the Secretary (or such later date agreed to by the chief executive officer of the State), the Secretary shall—

“(i) approve the application subject to such modifications in the terms and conditions—

“(I) as have been agreed to by the Secretary and the State; or

“(II) in the absence of such agreement, as are determined by the Secretary to be reasonable, consistent with the overall objectives of the waiver project, and not in violation of applicable law; or

“(ii) disapprove the application.

“(B) A failure by the Secretary to approve or disapprove an application submitted under this subsection in accordance with the requirements of subparagraph (A) shall be deemed to be an approval of the application subject to such modifications in the terms and conditions as have been agreed to (if any) by the Secretary and the State.

“(6) An approval of an application for an extension of a waiver project under this subsection shall be for a period not to exceed 3 years.

“(7) An extension of a waiver project under this subsection shall be subject to the final reporting and evaluation requirements of paragraphs (4) and (5) of subsection (e) (taking into account the extension under this subsection with respect to any timing requirements imposed under those paragraphs).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to requests for extensions of demonstration projects pending or submitted on or after the date of the enactment of this Act.

SEC. 704. MEDICAID COUNTY-ORGANIZED HEALTH SYSTEMS.

(a) **IN GENERAL.**—Section 9517(c)(3)(C) of the Comprehensive Omnibus Budget Reconciliation Act of 1985 is amended by striking “10 percent” and inserting “14 percent”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 705. DEADLINE FOR ISSUANCE OF FINAL REGULATION RELATING TO MEDICAID UPPER PAYMENT LIMITS.

(a) **IN GENERAL.**—Not later than December 31, 2000, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), notwithstanding any requirement of the Administrative Procedures Act under chapter 5 of title 5, United States Code, or any other provision of law, shall issue under sections

447.272, 447.304, and 447.321 of title 42, Code of Federal Regulations (and any other section of part 447 of title 42, Code of Federal Regulations that the Secretary determines is appropriate), a final regulation based on the proposed rule announced on October 5, 2000, that—

(1) modifies the upper payment limit test applied to State medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services by applying an aggregate upper payment limit to payments made to government facilities that are not State-owned or operated facilities; and

(2) provides for a transition period in accordance with subsection (b).

(b) TRANSITION PERIOD.—

(1) IN GENERAL.—The final regulation required under subsection (a) shall provide that, with respect to a State described in paragraph (3), the State shall be considered to be in compliance with the final regulation required under subsection (a) so long as, for each State fiscal year during the period described in paragraph (4), the State reduces payments under a State medicaid plan payment provision or methodology described in paragraph (3) (including a payment provision or methodology described in that paragraph that was approved under a waiver of such plan), or reduces the actual dollar payment levels described in paragraph (3)(B), so that the amount of the payments that would otherwise have been made under such provision, methodology, or payment levels by the State for any State fiscal year during such period is reduced by 15 percent in the first such State fiscal year, and by an additional 15 percent in each of the next 5 State fiscal years.

(2) REQUIREMENT.—Notwithstanding paragraph (1), the final regulation required under subsection (a) shall provide that, for any period (or portion of a period) that occurs on or after October 1, 2008, medicaid payments made by a State described in paragraph (3) shall comply with such final regulation.

(3) STATE DESCRIBED.—A State described in this paragraph is a State with a State medicaid plan payment provision or methodology (including a payment provision or methodology approved under a waiver of such plan) which—

(A) was approved, deemed to have been approved, or was in effect on or before October 1, 1992 (including any subsequent amendments or successor provisions or methodologies and whether or not a State plan amendment was made to carry out such provision or methodology after such date) or under which claims for Federal financial participation were filed and paid on or before such date; and

(B) provides for payments that are in excess of the upper payment limit test established under the final regulation required under subsection (a) (or which would be noncompliant with such final regulation if the actual dollar payment levels made under the payment provision or methodology in the State fiscal year which begins during 1999 were continued).

(4) PERIOD DESCRIBED.—The period described in this paragraph is the period that begins on the first State fiscal year that begins after September 30, 2002, and ends on September 30, 2008.

SEC. 706. ALASKA FMAP.

Notwithstanding the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), only with respect to each of fiscal years 2001 through 2005, for purposes of titles XIX and XXI of the Social Security Act, the State percentage used to determine the Federal medical assistance percentage for Alaska shall be that percentage which bears the same ratio to 45 percent as the square of the adjusted per capita income of Alaska (determined by dividing the State’s 3-year average per capita income by 1.05) bears to the square of the per capita income of the 50 States.

SEC. 707. ONE-YEAR EXTENSION OF WELFARE-TO-WORK TRANSITION.

(a) IN GENERAL.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking “2001” and inserting “2002”.

(b) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking “2001” and inserting “2002”.

SEC. 708. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.

(a) IN GENERAL.—Section 1920A(b)(3)(A)(i) (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended—

(1) by striking “or (II)” and inserting “, (II)”; and

(2) by inserting “eligibility of a child for medical assistance under the State plan under this title, or eligibility of a child for child health assistance under the program funded under title XXI, (III) is an elementary school or secondary school, as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), an elementary or secondary school operated or supported by the Bureau of Indian Affairs, a State or tribal child support enforcement agency, an organization that is providing emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act, or a State or tribal office or entity involved in enrollment in the program under this title, under part A of title IV, under title XXI, or that determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), or (IV) any other entity the State so deems, as approved by the Secretary” before the semicolon.

(b) TECHNICAL AMENDMENTS.—Section 1920A (42 U.S.C. 1396r–1a) is amended—

(1) in subsection (b)(3)(A)(i), by striking “42 U.S.C. 9821” and inserting “42 U.S.C. 9831”;

(2) in subsection (b)(3)(A)(ii), by striking “paragraph (1)(A)” and inserting “paragraph (2)”; and

(3) in subsection (c)(2), in the matter preceding subparagraph (A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(2)”.

SEC. 709. DEVELOPMENT OF UNIFORM QMB/SLMB APPLICATION FORM.

(a) IN GENERAL.—Section 1905(p) (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

“(5)(A) The Secretary shall develop and distribute to States a simplified application form for use by individuals (including both qualified medicare beneficiaries and specified low-income medicare beneficiaries) in applying for medical assistance for medicare cost-sharing under this title in the States which elect to use such form. Such form shall be easily readable by applicants and uniform nationally.

“(B) In developing such form, the Secretary shall consult with beneficiary groups and the States.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, regardless of whether regulations have been promulgated to carry out such amendment by such date. The Secretary of Health and Human Services shall develop the uniform application form under such amendment by not later than 9 months after the date of the enactment of this Act.

SEC. 710. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended—

(1) by inserting “1902(a)(10)(A)(ii)(XVII),” after “1902(a)(10)(A)(ii)(XVI),”; and

(2) by inserting “1902(a)(10)(A)(ii)(XVIII),” after “1902(a)(10)(A)(ii)(XVII),”.

(b) EFFECTIVE DATES.—(1) The amendment made by subsection (a)(1) shall be effective as if included in the enactment of section 121 of the Foster Care Independence Act of 1999 (Public Law 106–169).

(2) The amendment made by subsection (a)(2) shall be effective as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354).

TITLE VIII—STATE CHILDREN’S HEALTH INSURANCE PROGRAM

SEC. 801. SPECIAL RULE FOR REDISTRIBUTION AND AVAILABILITY OF UNUSED FISCAL YEAR 1998 AND 1999 SCHIP ALLOTMENTS.

(a) CHANGE IN RULES FOR REDISTRIBUTION AND RETENTION OF UNUSED SCHIP ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

“(g) RULE FOR REDISTRIBUTION AND EXTENDED AVAILABILITY OF FISCAL YEARS 1998 AND 1999 ALLOTMENTS.—

“(1) AMOUNT REDISTRIBUTED.—

“(A) IN GENERAL.—In the case of a State that expends all of its allotment under subsection (b) or (c) for fiscal year 1998 by the end of fiscal year 2000, or for fiscal year 1999 by the end of fiscal year 2001, the Secretary shall redistribute to the State under subsection (f) (from the fiscal year 1998 or 1999 allotments of other States,

respectively, as determined by the application of paragraphs (2) and (3) with respect to the respective fiscal year) the following amount:

“(i) STATE.—In the case of one of the 50 States or the District of Columbia, with respect to—

“(I) the fiscal year 1998 allotment, the amount by which the State’s expenditures under this title in fiscal years 1998, 1999, and 2000 exceed the State’s allotment for fiscal year 1998 under subsection (b); or

“(II) the fiscal year 1999 allotment, the amount by which the State’s expenditures under this title in fiscal years 1999, 2000, and 2001 exceed the State’s allotment for fiscal year 1999 under subsection (b).

“(ii) TERRITORY.—In the case of a commonwealth or territory described in subsection (c)(3), an amount that bears the same ratio to 1.05 percent of the total amount described in paragraph (2)(B)(i)(I) as the ratio of the commonwealth’s or territory’s fiscal year 1998 or 1999 allotment under subsection (c) (as the case may be) bears to the total of all such allotments for such fiscal year under such subsection.

“(B) EXPENDITURE RULES.—An amount redistributed to a State under this paragraph with respect to fiscal year 1998 or 1999—

“(i) shall not be included in the determination of the State’s allotment for any fiscal year under this section;

“(ii) notwithstanding subsection (e), shall remain available for expenditure by the State through the end of fiscal year 2002; and

“(iii) shall be counted as being expended with respect to a fiscal year allotment in accordance with applicable regulations of the Secretary.

“(2) EXTENSION OF AVAILABILITY OF PORTION OF UNEXPENDED FISCAL YEARS 1998 AND 1999 ALLOTMENTS.—

“(A) IN GENERAL.—Notwithstanding subsection (e):

“(i) FISCAL YEAR 1998 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1998 that were not expended by the State by the end of fiscal year 2000, the amount specified in subparagraph (B) for fiscal year 1998 for such State shall remain available for expenditure by the State through the end of fiscal year 2002.

“(ii) FISCAL YEAR 1999 ALLOTMENT.—Of the amounts allotted to a State pursuant to this subsection for fiscal year 1999 that were not expended by the State by the end of fiscal year 2001, the amount specified in subparagraph (B) for fiscal year 1999 for such State shall remain available for expenditure by the State through the end of fiscal year 2002.

“(B) AMOUNT REMAINING AVAILABLE FOR EXPENDITURE.—The amount specified in this subparagraph for a State for a fiscal year is equal to—

“(i) the amount by which (I) the total amount available for redistribution under subsection (f) from

the allotments for that fiscal year, exceeds (II) the total amounts redistributed under paragraph (1) for that fiscal year; multiplied by

“(ii) the ratio of the amount of such State’s unexpended allotment for that fiscal year to the total amount described in clause (i)(I) for that fiscal year.

“(C) USE OF UP TO 10 PERCENT OF RETAINED 1998 ALLOTMENTS FOR OUTREACH ACTIVITIES.—Notwithstanding section 2105(c)(2)(A), with respect to any State described in subparagraph (A)(i), the State may use up to 10 percent of the amount specified in subparagraph (B) for fiscal year 1998 for expenditures for outreach activities approved by the Secretary.

“(3) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in paragraphs (1) and (2) relating to the allotment for fiscal year 1998 or fiscal year 1999, the Secretary shall use the amounts reported by the States not later than December 15, 2000, or November 30, 2001, respectively, on HCFA Form 64 or HCFA Form 21, as approved by the Secretary.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 4901 of BBA (111 Stat. 552).

SEC. 802. AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.

(a) AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) (42 U.S.C. 1397ee(a)) is amended—

(1) by redesignating subparagraphs (A) through (D) of paragraph (2) as clauses (i) through (iv), respectively, and indenting appropriately;

(2) by redesignating paragraph (1) as subparagraph (C), and indenting appropriately;

(3) by redesignating paragraph (2) as subparagraph (D), and indenting appropriately;

(4) by striking “(a) IN GENERAL.—” and the remainder of the text that precedes subparagraph (C), as so redesignated, and inserting the following:

“(a) PAYMENTS.—

“(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP (or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b))) of expenditures in the quarter—

“(A) for child health assistance under the plan for targeted low-income children in the form of providing medical assistance for which payment is made on the basis of an enhanced FMAP under the fourth sentence of section 1905(b);

“(B) for the provision of medical assistance on behalf of a child during a presumptive eligibility period under section 1920A;” and

(5) by adding after subparagraph (D), as so redesignated, the following new paragraph:

“(2) ORDER OF PAYMENTS.—Payments under paragraph (1) from a State’s allotment shall be made in the following order:

“(A) First, for expenditures for items described in paragraph (1)(A).

“(B) Second, for expenditures for items described in paragraph (1)(B).

“(C) Third, for expenditures for items described in paragraph (1)(C).

“(D) Fourth, for expenditures for items described in paragraph (1)(D).”.

(b) ELIMINATION OF REQUIREMENT TO REDUCE TITLE XXI ALLOTMENT BY MEDICAID EXPANSION SCHIP COSTS.—Section 2104 (42 U.S.C. 1397dd) is amended by striking subsection (d).

(c) AUTHORITY TO TRANSFER TITLE XXI APPROPRIATIONS TO TITLE XIX APPROPRIATION ACCOUNT AS REIMBURSEMENT FOR MEDICAID EXPENDITURES FOR MEDICAID EXPANSION SCHIP SERVICES.—Notwithstanding any other provision of law, all amounts appropriated under title XXI and allotted to a State pursuant to subsection (b) or (c) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal years 1998 through 2000 (including any amounts that, but for this provision, would be considered to have expired) and not expended in providing child health assistance or related services for which payment may be made pursuant to subparagraph (C) or (D) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) (as amended by subsection (a)), shall be available to reimburse the Grants to States for Medicaid account in an amount equal to the total payments made to such State under section 1903(a) of such Act (42 U.S.C. 1396b(a)) for expenditures in such years for medical assistance described in subparagraphs (A) and (B) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) (as so amended).

(d) CONFORMING AMENDMENTS.—

(1) Section 1905(b) (42 U.S.C. 1396d(b)) is amended in the fourth sentence by striking “the State’s allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year” and inserting “the State’s available allotment under section 2104”.

(2) Section 1905(u)(1)(B) (42 U.S.C. 1396d(u)(1)(B)) is amended by striking “and section 2104(d)”.

(3) Section 2104 (42 U.S.C. 1397dd), as amended by subsection (b), is further amended—

(A) in subsection (b)(1), by striking “and subsection (d)”; and

(B) in subsection (c)(1), by striking “subject to subsection (d).”.

(4) Section 2105(c) (42 U.S.C. 1397ee(c)) is amended—

(A) in paragraph (2)(A), by striking all that follows “Except as provided in this paragraph,” and inserting “the amount of payment that may be made under subsection (a) for a fiscal year for expenditures for items described in paragraph (1)(D) of such subsection shall not exceed 10 percent of the total amount of expenditures for which

payment is made under subparagraphs (A), (C), and (D) of paragraph (1) of such subsection.”;

(B) in paragraph (2)(B), by striking “described in subsection (a)(2)” and inserting “described in subsection (a)(1)(D)”; and

(C) in paragraph (6)(B), by striking “Except as otherwise provided by law,” and inserting “Except as provided in subparagraph (A) or (B) of subsection (a)(1) or any other provision of law.”.

(5) Section 2110(a) (42 U.S.C. 1397jj(a)) is amended by striking “section 2105(a)(2)(A)” and inserting “section 2105(a)(1)(D)(i)”.

(e) TECHNICAL AMENDMENT.—Section 2105(d)(2)(B)(ii) (42 U.S.C. 1397ee(d)(2)(B)(ii)) is amended by striking “enhanced FMAP under section 1905(u)” and inserting “enhanced FMAP under the fourth sentence of section 1905(b)”.

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of section 4901 of the BBA (111 Stat. 552).

SEC. 803. APPLICATION OF MEDICAID CHILD PRESUMPTIVE ELIGIBILITY PROVISIONS.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

“(D) Section 1920A (relating to presumptive eligibility for children).”.

TITLE IX—OTHER PROVISIONS

Subtitle A—PACE Program

SEC. 901. EXTENSION OF TRANSITION FOR CURRENT WAIVERS.

Section 4803(d)(2) of BBA is amended—

(1) in subparagraph (A), by striking “24 months” and inserting “36 months”;

(2) in subparagraph (A), by striking “the initial effective date of regulations described in subsection (a)” and inserting “July 1, 2000”; and

(3) in subparagraph (B), by striking “3 years” and inserting “4 years”.

SEC. 902. CONTINUING OF CERTAIN OPERATING ARRANGEMENTS PERMITTED.

(a) IN GENERAL.—Section 1894(f)(2) (42 U.S.C. 1395eee(f)(2)) is amended by adding at the end the following new subparagraph:

“(C) CONTINUATION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulation and which were in effect on July 1, 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program.”.

(b) CONFORMING AMENDMENT.—Section 1934(f)(2) (42 U.S.C. 1396u–4(f)(2)) is amended by adding at the end the following new subparagraph:

“(C) CONTINUATION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulation and which were in effect on July 1 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as included in the enactment of BBA.

SEC. 903. FLEXIBILITY IN EXERCISING WAIVER AUTHORITY.

In applying sections 1894(f)(2)(B) and 1934(f)(2)(B) of the Social Security Act (42 U.S.C. 1395eee(f)(2)(B), 1396u–4(f)(2)(B)), the Secretary of Health and Human Services—

(1) shall approve or deny a request for a modification or a waiver of provisions of the PACE protocol not later than 90 days after the date the Secretary receives the request; and

(2) may exercise authority to modify or waive such provisions in a manner that responds promptly to the needs of PACE programs relating to areas of employment and the use of community-based primary care physicians.

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

SEC. 911. OUTREACH ON AVAILABILITY OF MEDICARE COST-SHARING ASSISTANCE TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES.

(a) OUTREACH.—

(1) IN GENERAL.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1143 the following new section:

“OUTREACH EFFORTS TO INCREASE AWARENESS OF THE AVAILABILITY OF MEDICARE COST-SHARING

“SEC. 1144. (a) OUTREACH.—

“(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the ‘Commissioner’) shall conduct outreach efforts to—

“(A) identify individuals entitled to benefits under the medicare program under title XVIII who may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

“(B) notify such individuals of the availability of such medical assistance under such sections.

“(2) CONTENT OF NOTICE.—Any notice furnished under paragraph (1) shall state that eligibility for medicare cost-sharing assistance under such sections is conditioned upon—

“(A) the individual providing to the State information about income and resources (in the case of an individual residing in a State that imposes an assets test for such eligibility); and

“(B) meeting the applicable eligibility criteria.

“(b) COORDINATION WITH STATES.—

“(1) IN GENERAL.—In conducting the outreach efforts under this section, the Commissioner shall—

“(A) furnish the agency of each State responsible for the administration of the medicaid program and any other appropriate State agency with information consisting of the name and address of individuals residing in the State that the Commissioner determines may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

“(B) update any such information not less frequently than once per year.

“(2) INFORMATION IN PERIODIC UPDATES.—The periodic updates described in paragraph (1)(B) shall include information on individuals who are or may be eligible for the medical assistance described in paragraph (1)(A) because such individuals have experienced reductions in benefits under title II.”.

(2) AMENDMENT TO TITLE XIX.—Section 1905(p) (42 U.S.C. 1396d(p)), as amended by section 710(a), is amended by adding at the end the following new paragraph:

“(6) For provisions relating to outreach efforts to increase awareness of the availability of medicare cost-sharing, see section 1144.”.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study of the impact of section 1144 of the Social Security Act (as added by subsection (a)(1)) on the enrollment of individuals for medicare cost-sharing under the medicaid program. Not later than 18 months after the date that the Commissioner of Social Security first conducts outreach under section 1144 of such Act, the Comptroller General shall submit to Congress a report on such study. The report shall include such recommendations for legislative changes as the Comptroller General deems appropriate.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

Subtitle C—Maternal and Child Health Block Grant

SEC. 921. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 501(a) (42 U.S.C. 701(a)) is amended in the matter preceding paragraph (1) by striking “\$705,000,000 for fiscal year 1994” and inserting “\$850,000,000 for fiscal year 2001”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on October 1, 2000.

Subtitle D—Diabetes

SEC. 931. INCREASE IN APPROPRIATIONS FOR SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) **SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.**—Section 330B(b) of the Public Health Service Act (42 U.S.C. 254c–2(b)) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) **TRANSFERRED FUNDS.**—Notwithstanding”; and

(2) by adding at the end the following:

“(2) **APPROPRIATIONS.**—For the purpose of making grants under this section, there is appropriated, out of any funds in the Treasury not otherwise appropriated—

“(A) \$70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

“(B) \$100,000,000 for fiscal year 2003.”.

(b) **SPECIAL DIABETES PROGRAMS FOR INDIANS.**—Section 330C(c) of such Act (42 U.S.C. 254c–3(c)) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(1) **TRANSFERRED FUNDS.**—Notwithstanding”; and

(2) by adding at the end the following:

“(2) **APPROPRIATIONS.**—For the purpose of making grants under this section, there is appropriated, out of any money in the Treasury not otherwise appropriated—

“(A) \$70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

“(B) \$100,000,000 for fiscal year 2003.”.

(c) **EXTENSION OF FINAL REPORT ON GRANT PROGRAMS.**—Section 4923(b)(2) of BBA is amended by striking “2002” and inserting “2003”.

SEC. 932. APPROPRIATIONS FOR RICKY RAY HEMOPHILIA RELIEF FUND.

Section 101(e) of the Ricky Ray Hemophilia Relief Fund Act of 1998 (42 U.S.C. 300c–22 note) is amended by adding at the end the following: “There is appropriated to the Fund \$475,000,000 for fiscal year 2001, to remain available until expended.”.

Subtitle E—Information on Nurse Staffing

SEC. 941. POSTING OF INFORMATION ON NURSING FACILITY STAFFING.

(a) **MEDICARE.**—Section 1819(b) (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following new paragraph:

“(8) **INFORMATION ON NURSE STAFFING.**—

“(A) **IN GENERAL.**—A skilled nursing facility shall post daily for each shift the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. The information shall be displayed

in a uniform manner (as specified by the Secretary) and in a clearly visible place.

“(B) PUBLICATION OF DATA.—A skilled nursing facility shall, upon request, make available to the public the nursing staff data described in subparagraph (A).”.

(b) MEDICAID.—Section 1919(b) (42 U.S.C. 1395r(b)) is amended by adding at the end the following new paragraph:

“(8) INFORMATION ON NURSE STAFFING.—

“(A) IN GENERAL.—A nursing facility shall post daily for each shift the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. The information shall be displayed in a uniform manner (as specified by the Secretary) and in a clearly visible place.

“(B) PUBLICATION OF DATA.—A nursing facility shall, upon request, make available to the public the nursing staff data described in subparagraph (A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2003.

Subtitle F—Adjustment of Multiemployer Plan Benefits Guaranteed

SEC. 951. MULTIEMPLOYER PLAN BENEFITS GUARANTEED.

(a) IN GENERAL.—Section 4022A(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322a(c)) is amended—

(1) by striking “\$5” each place it appears in paragraph (1) and inserting “\$11”;

(2) by striking “\$15” in paragraph (1)(A)(i) and inserting “\$33”; and

(3) by striking paragraphs (2), (5), and (6) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any multiemployer plan that has not received financial assistance (within the meaning of section 4261 of the Employee Retirement Income Security Act of 1974) within the 1-year period ending on the date of the enactment of this Act.

APPENDIX G—H.R. 5662

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Community Renewal Tax Relief Act of 2000”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code.

TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

Sec. 101. Designation of and tax incentives for renewal communities.

Sec. 102. Work opportunity credit for hiring youth residing in renewal communities.

Subtitle B—Extension and Expansion of Empowerment Zone Incentives

Sec. 111. Authority to designate nine additional empowerment zones.

Sec. 112. Extension of empowerment zone treatment through 2009.

Sec. 113. Twenty percent employment credit for all empowerment zones.

Sec. 114. Increased expensing under section 179.

Sec. 115. Higher limits on tax-exempt empowerment zone facility bonds.

Sec. 116. Nonrecognition of gain on rollover of empowerment zone investments.

Sec. 117. Increased exclusion of gain on sale of empowerment zone stock.

Subtitle C—New Markets Tax Credit

Sec. 121. New markets tax credit.

Subtitle D—Improvements in Low-Income Housing Credit

Sec. 131. Modification of State ceiling on low-income housing credit.

Sec. 132. Modification of criteria for allocating housing credits among projects.

Sec. 133. Additional responsibilities of housing credit agencies.

Sec. 134. Modifications to rules relating to basis of building which is eligible for credit.

Sec. 135. Other modifications.

Sec. 136. Carryforward rules.

Sec. 137. Effective date.

Subtitle E—Other Community Renewal and New Markets Assistance

PART I—PROVISIONS RELATING TO HOUSING AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

Sec. 141. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.

Sec. 142. Transfer of HUD assets in revitalization areas.

Sec. 143. Risk-sharing demonstration.

Sec. 144. Prevention and treatment of substance abuse; services provided through religious organizations.

PART II—ADVISORY COUNCIL ON COMMUNITY RENEWAL

Sec. 151. Short title.

- Sec. 152. Establishment.
- Sec. 153. Duties of Advisory Council.
- Sec. 154. Membership.
- Sec. 155. Powers of Advisory Council.
- Sec. 156. Reports.
- Sec. 157. Termination.
- Sec. 158. Applicability of Federal Advisory Committee Act.
- Sec. 159. Resources.
- Sec. 160. Effective date.

Subtitle F—Other Provisions

- Sec. 161. Acceleration of phase-in of increase in volume cap on private activity bonds.
- Sec. 162. Modifications to expensing of environmental remediation costs.
- Sec. 163. Extension of DC homebuyer tax credit.
- Sec. 164. Extension of DC Zone through 2003.
- Sec. 165. Extension of enhanced deduction for corporate donations of computer technology.
- Sec. 166. Treatment of Indian tribal governments under Federal Unemployment Tax Act.

TITLE II—TWO-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS

- Sec. 201. Two-year extension of availability of medical savings accounts.
- Sec. 202. Medical savings accounts renamed as Archer MSAs.

TITLE III—ADMINISTRATIVE AND TECHNICAL PROVISIONS

Subtitle A—Administrative Provisions

- Sec. 301. Exemption of certain reporting requirements.
- Sec. 302. Extension of deadlines for IRS compliance with certain notice requirements.
- Sec. 303. Extension of authority for undercover operations.
- Sec. 304. Confidentiality of certain documents relating to closing and similar agreements and to agreements with foreign governments.
- Sec. 305. Increase in threshold for Joint Committee reports on refunds and credits.
- Sec. 306. Treatment of missing children with respect to certain tax benefits.
- Sec. 307. Amendments to statutes referencing yield on 52-week Treasury bills.
- Sec. 308. Adjustments for Consumer Price Index error.
- Sec. 309. Prevention of duplication of loss through assumption of liabilities giving rise to a deduction.
- Sec. 310. Disclosure of certain information to Congressional Budget Office.

Subtitle B—Technical Corrections

- Sec. 311. Amendments related to Ticket to Work and Work Incentives Improvement Act of 1999.
- Sec. 312. Amendments related to Tax and Trade Relief Extension Act of 1998.
- Sec. 313. Amendments related to Internal Revenue Service Restructuring and Reform Act of 1998.
- Sec. 314. Amendments related to Taxpayer Relief Act of 1997.
- Sec. 315. Amendments related to Balanced Budget Act of 1997.
- Sec. 316. Amendments related to Small Business Job Protection Act of 1996.
- Sec. 317. Amendment related to Revenue Reconciliation Act of 1990.
- Sec. 318. Other technical corrections.
- Sec. 319. Clerical changes.

TITLE IV—TAX TREATMENT OF SECURITIES FUTURES CONTRACTS

- Sec. 401. Tax treatment of securities futures contracts.

TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

“Subchapter X—Renewal Communities

“Part I. Designation.

“Part II. Renewal community capital gain; renewal community business.

“Part III. Additional incentives.

“PART I—DESIGNATION

“Sec. 1400E. Designation of renewal communities.

“SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

“(a) DESIGNATION.—

“(1) DEFINITIONS.—For purposes of this title, the term ‘renewal community’ means any area—

“(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a renewal community (hereafter in this section referred to as a ‘nominated area’), and

“(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

“(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

“(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

“(2) NUMBER OF DESIGNATIONS.—

“(A) IN GENERAL.—Not more than 40 nominated areas may be designated as renewal communities.

“(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 12 must be areas—

“(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

“(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

“(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

“(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

“(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal

communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

“(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

“(C) PREFERENCE FOR ENTERPRISE COMMUNITIES AND EMPOWERMENT ZONES.—With respect to the first 20 designations made under this section, a preference shall be provided to those nominated areas which are enterprise communities or empowerment zones (and are otherwise eligible for designation under this section).

“(4) LIMITATION ON DESIGNATIONS.—

“(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

“(i) the procedures for nominating an area under paragraph (1)(A),

“(ii) the parameters relating to the size and population characteristics of a renewal community, and

“(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

“(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed and ending on December 31, 2001.

“(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

“(i) the local governments and the States in which the nominated area is located have the authority—

“(I) to nominate such area for designation as a renewal community,

“(II) to make the State and local commitments described in subsection (d), and

“(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

“(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe, and

“(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

“(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

“(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

“(1) IN GENERAL.—Any designation of an area as a renewal community shall remain in effect during the period beginning on January 1, 2002, and ending on the earliest of—

“(A) December 31, 2009,

“(B) the termination date designated by the State and local governments in their nomination, or

“(C) the date the Secretary of Housing and Urban Development revokes such designation.

“(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

“(A) has modified the boundaries of the area, or

“(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

“(3) EARLIER TERMINATION OF CERTAIN BENEFITS IF EARLIER TERMINATION OF DESIGNATION.—If the designation of an area as a renewal community terminates before December 31, 2009, the day after the date of such termination shall be substituted for ‘January 1, 2010’ each place it appears in sections 1400F and 1400J with respect to such area.

“(c) AREA AND ELIGIBILITY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

“(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

“(A) the area is within the jurisdiction of one or more local governments,

“(B) the boundary of the area is continuous, and

“(C) the area—

“(i) has a population of not more than 200,000 and at least—

“(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

“(II) 1,000 in any other case, or

“(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

“(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify in writing (and the

Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

“(A) the area is one of pervasive poverty, unemployment, and general distress,

“(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate,

“(C) the poverty rate for each population census tract within the nominated area is at least 20 percent, and

“(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

“(4) CONSIDERATION OF OTHER FACTORS.—The Secretary of Housing and Urban Development, in selecting any nominated area for designation as a renewal community under this section—

“(A) shall take into account—

“(i) the extent to which such area has a high incidence of crime, or

“(ii) if such area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas, and

“(B) with respect to 1 of the areas to be designated under subsection (a)(2)(B), may, in lieu of any criteria described in paragraph (3), take into account the existence of outmigration from the area.

“(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

“(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

“(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

“(B) the economic growth promotion requirements of paragraph (3) are met.

“(2) COURSE OF ACTION.—

“(A) IN GENERAL.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

“(i) A reduction of tax rates or fees applying within the renewal community.

“(ii) An increase in the level of efficiency of local services within the renewal community.

“(iii) Crime reduction strategies, such as crime prevention (including the provision of crime prevention services by nongovernmental entities).

“(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

“(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

“(vi) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

“(B) RECOGNITION OF PAST EFFORTS.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

“(3) ECONOMIC GROWTH PROMOTION REQUIREMENTS.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

“(A) Licensing requirements for occupations that do not ordinarily require a professional degree.

“(B) Zoning restrictions on home-based businesses which do not create a public nuisance.

“(C) Permit requirements for street vendors who do not create a public nuisance.

“(D) Zoning or other restrictions that impede the formation of schools or child care centers.

“(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

“(e) COORDINATION WITH TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—For purposes of this title, the designation under section 1391 of any area as an empowerment zone or enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal community takes effect.

“(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

“(1) GOVERNMENTS.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

“(2) LOCAL GOVERNMENT.—The term ‘local government’ means—

“(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

“(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.

“(3) APPLICATION OF RULES RELATING TO CENSUS TRACTS.—The rules of section 1392(b)(4) shall apply.

“(4) CENSUS DATA.—Population and poverty rate shall be determined by using 1990 census data.

“PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

“Sec. 1400F. Renewal community capital gain.

“Sec. 1400G. Renewal community business defined.

“SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

“(a) GENERAL RULE.—Gross income does not include any qualified capital gain from the sale or exchange of a qualified community asset held for more than 5 years.

“(b) QUALIFIED COMMUNITY ASSET.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified community asset’ means—

“(A) any qualified community stock,

“(B) any qualified community partnership interest, and

“(C) any qualified community business property.

“(2) QUALIFIED COMMUNITY STOCK.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘qualified community stock’ means any stock in a domestic corporation if—

“(i) such stock is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

“(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

“(iii) during substantially all of the taxpayer’s holding period for such stock, such corporation qualified as a renewal community business.

“(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

“(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term ‘qualified community partnership interest’ means any capital or profits interest in a domestic partnership if—

“(A) such interest is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, from the partnership solely in exchange for cash,

“(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business), and

“(C) during substantially all of the taxpayer’s holding period for such interest, such partnership qualified as a renewal community business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

“(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified community business property’ means tangible property if—

“(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010,

“(ii) the original use of such property in the renewal community commences with the taxpayer, and

“(iii) during substantially all of the taxpayer’s holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

“(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

“(i) property which is substantially improved by the taxpayer before January 1, 2010, and

“(ii) any land on which such property is located. The determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that ‘December 31, 2001’ shall be substituted for ‘December 31, 1997’ in such clause.

“(c) QUALIFIED CAPITAL GAIN.—For purposes of this section—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘qualified capital gain’ means any gain recognized on the sale or exchange of—

“(A) a capital asset, or

“(B) property used in the trade or business (as defined in section 1231(b)).

“(2) GAIN BEFORE 2002 OR AFTER 2014 NOT QUALIFIED.—

The term ‘qualified capital gain’ shall not include any gain attributable to periods before January 1, 2002, or after December 31, 2014.

“(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

“(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting ‘January 1, 2002’ for ‘January 1, 1998’ and ‘December 31, 2014’ for ‘December 31, 2008’.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the abuse of the purposes of this section.

“SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

“For purposes of this subchapter, the term ‘renewal community business’ means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397C if references to renewal communities were substituted for references to empowerment zones in such section.

“PART III—ADDITIONAL INCENTIVES

“Sec. 1400H. Renewal community employment credit.

“Sec. 1400I. Commercial revitalization deduction.

“Sec. 1400J. Increase in expensing under section 179.

“SEC. 1400H. RENEWAL COMMUNITY EMPLOYMENT CREDIT.

“(a) IN GENERAL.—Subject to the modification in subsection (b), a renewal community shall be treated as an empowerment zone for purposes of section 1396 with respect to wages paid or incurred after December 31, 2001.

“(b) MODIFICATION.—In applying section 1396 with respect to renewal communities—

“(1) the applicable percentage shall be 15 percent, and

“(2) subsection (c) thereof shall be applied by substituting ‘\$10,000’ for ‘\$15,000’ each place it appears.

“SEC. 1400I. COMMERCIAL REVITALIZATION DEDUCTION.

“(a) GENERAL RULE.—At the election of the taxpayer, either—

“(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

“(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

“(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

“(1) QUALIFIED REVITALIZATION BUILDING.—The term ‘qualified revitalization building’ means any building (and its structural components) if—

“(A) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer, or

“(B) in the case of such building not described in subparagraph (A), such building—

“(i) is substantially rehabilitated (within the meaning of section 47(c)(1)(C)) by the taxpayer, and

“(ii) is placed in service by the taxpayer after the rehabilitation in a renewal community.

“(2) QUALIFIED REVITALIZATION EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified revitalization expenditure’ means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

“(i) nonresidential real property (as defined in section 168(e)), or

“(ii) section 1250 property (as defined in section 1250(c)) which is functionally related and subordinate to property described in clause (i).

“(B) CERTAIN EXPENDITURES NOT INCLUDED.—

“(i) ACQUISITION COST.—In the case of a building described in paragraph (1)(B), the cost of acquiring the building or interest therein shall be treated as a qualified revitalization expenditure only to the extent that such cost does not exceed 30 percent of the aggregate qualified revitalization expenditures (determined without regard to such cost) with respect to such building.

“(ii) CREDITS.—The term ‘qualified revitalization expenditure’ does not include any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

“(c) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

“(1) \$10,000,000, or

“(2) the amount commercial revitalization expenditure amount allocated to such building under this section by the commercial revitalization agency for the State in which the building is located.

“(d) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.—

“(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency.

“(2) STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—The State commercial revitalization expenditure ceiling applicable to any State—

“(A) for each calendar year after 2001 and before 2010 is \$12,000,000 for each renewal community in the State, and

“(B) for each calendar year thereafter is zero.

“(3) COMMERCIAL REVITALIZATION AGENCY.—For purposes of this section, the term ‘commercial revitalization agency’ means any agency authorized by a State to carry out this section.

“(4) TIME AND MANNER OF ALLOCATIONS.—Allocations under this section shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

“(e) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION AGENCIES.—

“(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

“(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph

(B)(ii) thereof)) by the governmental unit of which such agency is a part, and

“(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

“(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term ‘qualified allocation plan’ means any plan—

“(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

“(B) which considers—

“(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

“(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

“(iii) the active involvement of residents and non-profit groups within the renewal community, and

“(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

“(f) SPECIAL RULES.—

“(1) DEDUCTION IN LIEU OF DEPRECIATION.—The deduction provided by this section for qualified revitalization expenditures shall—

“(A) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of one-half of such expenditures, and

“(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all of such expenditures.

“(2) BASIS ADJUSTMENT, ETC.—For purposes of sections 1016 and 1250, the deduction under this section shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

“(3) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

“(4) CLARIFICATION OF ALLOWANCE OF DEDUCTION UNDER MINIMUM TAX.—Notwithstanding section 56(a)(1), the deduction under this section shall be allowed in determining alternative minimum taxable income under section 55.

“(g) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2009.

“SEC. 1400J. INCREASE IN EXPENSING UNDER SECTION 179.

“(a) IN GENERAL.—For purposes of section 1397A—

“(1) a renewal community shall be treated as an empowerment zone,

“(2) a renewal community business shall be treated as an enterprise zone business, and

“(3) qualified renewal property shall be treated as qualified zone property.

“(b) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified renewal property’ means any property to which section 168 applies (or would apply but for section 179) if—

“(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010, and

“(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

“(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.”.

(b) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION FROM PASSIVE LOSS RULES.—

(1) Paragraph (3) of section 469(i) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION.—Subparagraph (A) shall not apply to any portion of the passive activity loss for any taxable year which is attributable to the commercial revitalization deduction under section 1400I.”.

(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

“(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

“(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

“(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

“(iii) third to the portion of such credit to which subparagraph (B) applies,

“(iv) fourth to the portion of such loss to which subparagraph (C) applies, and

“(v) then to the portion of such credit to which subparagraph (D) applies.”.

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking “or” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “; or”, and by adding at the end the following new clause:

“(iii) any deduction under section 1400I (relating to commercial revitalization deduction).”.

(B) The heading for such subparagraph (B) is amended by striking “OR REHABILITATION CREDIT” and inserting “, REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION”.

(c) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States

shall, pursuant to an audit of the renewal community program established under section 1400E of the Internal Revenue Code of 1986 (as added by subsection (a)) and the empowerment zone and enterprise community program under subchapter U of chapter 1 of such Code, report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal communities, empowerment zones, and enterprise communities.

(d) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

“Subchapter X. Renewal Communities.”.

SEC. 102. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL COMMUNITIES.

(a) HIGH-RISK YOUTH.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking “empowerment zone or enterprise community” and inserting “empowerment zone, enterprise community, or renewal community”.

(b) QUALIFIED SUMMER YOUTH EMPLOYEE.—Clause (iv) of section 51(d)(7)(A) is amended by striking “empowerment zone or enterprise community” and inserting “empowerment zone, enterprise community, or renewal community”.

(c) HEADINGS.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting “OR COMMUNITY” in the heading after “ZONE”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2001.

Subtitle B—Extension and Expansion of Empowerment Zone Incentives

SEC. 111. AUTHORITY TO DESIGNATE 9 ADDITIONAL EMPOWERMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

“(h) ADDITIONAL DESIGNATIONS PERMITTED.—

“(1) IN GENERAL.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than seven may be designated in urban areas and not more than 2 may be designated in rural areas.

“(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

“(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ETC.—The rules of subsection (g)(3) shall apply to designations under this subsection.

“(4) EMPOWERMENT ZONES WHICH BECOME RENEWAL COMMUNITIES.—The number of areas which may be designated as empowerment zones under this subsection shall be increased by 1 for each area which ceases to be an empowerment zone by reason of section 1400E(e). Each additional area designated by reason of the preceding sentence shall have the same urban or rural character as the area it is replacing.”.

SEC. 112. EXTENSION OF EMPOWERMENT ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) (relating to period for which designation is in effect) is amended to read as follows:

“(A)(i) in the case of an empowerment zone, December 31, 2009, or

“(ii) in the case of an enterprise community, the close of the 10th calendar year beginning on or after such date of designation,”.

SEC. 113. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES.

(a) 20 PERCENT CREDIT.—Subsection (b) of section 1396 (relating to empowerment zone employment credit) is amended to read as follows:

“(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is 20 percent.”.

(b) ALL EMPOWERMENT ZONES ELIGIBLE FOR CREDIT.—Section 1396 is amended by striking subsection (e).

(c) CONFORMING AMENDMENT.—Subsection (d) of section 1400 is amended to read as follows:

“(d) SPECIAL RULE FOR APPLICATION OF EMPLOYMENT CREDIT.—With respect to the DC Zone, section 1396(d)(1)(B) (relating to empowerment zone employment credit) shall be applied by substituting ‘the District of Columbia’ for ‘such empowerment zone’.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 114. INCREASED EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—Subparagraph (A) of section 1397A(a)(1) is amended by striking “\$20,000” and inserting “\$35,000”.

(b) EXPENSING FOR PROPERTY USED IN DEVELOPABLE SITES.—Section 1397A is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 115. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT ZONE FACILITY BONDS.

(a) IN GENERAL.—Paragraph (3) of section 1394(f) (relating to bonds for empowerment zones designated under section 1391(g)) is amended to read as follows:

“(3) EMPOWERMENT ZONE FACILITY BOND.—For purposes of this subsection, the term ‘empowerment zone facility bond’ means any bond which would be described in subsection (a) if—

“(A) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1391(g) were taken into account under sections 1397C and 1397D, and

“(B) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia Enterprise Zone) were taken into account under sections 1397C and 1397D.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 116. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

(a) IN GENERAL.—Part III of subchapter U of chapter 1 is amended—

- (1) by redesignating subpart C as subpart D,
- (2) by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively, and
- (3) by inserting after subpart B the following new subpart:

“Subpart C—Nonrecognition of Gain on Rollover of Empowerment Zone Investments

“Sec. 1397B. Nonrecognition of gain on rollover of empowerment zone investments.

“SEC. 1397B. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

“(a) NONRECOGNITION OF GAIN.—In the case of any sale of a qualified empowerment zone asset held by the taxpayer for more than 1 year and with respect to which such taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

“(1) the cost of any qualified empowerment zone asset (with respect to the same zone as the asset sold) purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

“(2) any portion of such cost previously taken into account under this section.

“(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) QUALIFIED EMPOWERMENT ZONE ASSET.—

“(A) IN GENERAL.—The term ‘qualified empowerment zone asset’ means any property which would be a qualified community asset (as defined in section 1400F) if in section 1400F—

“(i) references to empowerment zones were substituted for references to renewal communities,

“(ii) references to enterprise zone businesses (as defined in section 1397C) were substituted for references to renewal community businesses, and

“(iii) the date of the enactment of this paragraph were substituted for ‘December 31, 2001’ each place it appears.

“(B) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this section.

“(2) CERTAIN GAIN NOT ELIGIBLE FOR ROLLOVER.—This section shall not apply to—

“(A) any gain which is treated as ordinary income for purposes of this subtitle, and

“(B) any gain which is attributable to real property, or an intangible asset, which is not an integral part of an enterprise zone business.

“(3) PURCHASE.—A taxpayer shall be treated as having purchased any property if, but for paragraph (4), the unadjusted basis of such property in the hands of the taxpayer would be its cost (within the meaning of section 1012).

“(4) BASIS ADJUSTMENTS.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any qualified empowerment zone asset which is purchased by the taxpayer during the 60-day period described in subsection (a). This paragraph shall not apply for purposes of section 1202.

“(5) HOLDING PERIOD.—For purposes of determining whether the nonrecognition of gain under subsection (a) applies to any qualified empowerment zone asset which is sold—

“(A) the taxpayer’s holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223, and

“(B) only the first year of the taxpayer’s holding period for the asset referred to in subsection (a)(1) shall be taken into account for purposes of paragraphs (2)(A)(iii), (3)(C), and (4)(A)(iii) of section 1400F(b).”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (23) of section 1016(a) is amended—

(A) by striking “or 1045” and inserting “1045, or 1397B”, and

(B) by striking “or 1045(b)(4)” and inserting “1045(b)(4), or 1397B(b)(4)”.

(2) Paragraph (15) of section 1223 is amended to read as follows:

“(15) Except for purposes of sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b), in determining the period for which the taxpayer has held property the acquisition of which resulted under section 1045 or 1397B in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property has been held as of the date of such sale.”.

(3) Paragraph (2) of section 1394(b) is amended—

(A) by striking “section 1397C” and inserting “section 1397D”, and

(B) by striking “section 1397C(a)(2)” and inserting “section 1397D(a)(2)”.

(4) Paragraph (3) of section 1394(b) is amended—

(A) by striking “section 1397B” each place it appears and inserting “section 1397C”, and

(B) by striking “section 1397B(d)” and inserting “section 1397C(d)”.

(5) Sections 1400(e) and 1400B(c) are each amended by striking “section 1397B” each place it appears and inserting “section 1397C”.

(6) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

“Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.

“Subpart D. General provisions.”.

(7) The table of sections for subpart D of such part III is amended to read as follows:

“Sec. 1397C. Enterprise zone business defined.

“Sec. 1397D. Qualified zone property defined.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to qualified empowerment zone assets acquired after the date of the enactment of this Act.

SEC. 117. INCREASED EXCLUSION OF GAIN ON SALE OF EMPOWERMENT ZONE STOCK.

(a) **IN GENERAL.**—Subsection (a) of section 1202 is amended to read as follows:

“(a) **EXCLUSION.**—

“(1) **IN GENERAL.**—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

“(2) **EMPOWERMENT ZONE BUSINESSES.**—

“(A) **IN GENERAL.**—In the case of qualified small business stock acquired after the date of the enactment of this paragraph in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer’s holding period for such stock, paragraph (1) shall be applied by substituting ‘60 percent’ for ‘50 percent’.

“(B) **CERTAIN RULES TO APPLY.**—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

“(C) **GAIN AFTER 2014 NOT QUALIFIED.**—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

“(D) **TREATMENT OF DC ZONE.**—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Paragraph (8) of section 1(h) is amended by striking “means” and all that follows and inserting “means the excess of—

“(A) the gain which would be excluded from gross income under section 1202 but for the percentage limitation in section 1202(a), over

“(B) the gain excluded from gross income under section 1202.”.

(2) The section heading for section 1202 is amended by striking “**50-PERCENT**” and inserting “**PARTIAL**”.

(3) The table of sections for part I of subchapter P of chapter 1 is amended by striking “50-percent” and inserting “Partial”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

Subtitle C—New Markets Tax Credit

SEC. 121. NEW MARKETS TAX CREDIT.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

“SEC. 45D. NEW MARKETS TAX CREDIT.

“(a) **ALLOWANCE OF CREDIT.**—

“(1) **IN GENERAL.**—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to the applicable percentage of the amount paid to the qualified community development entity for such investment at its original issue.

“(2) **APPLICABLE PERCENTAGE.**—For purposes of paragraph (1), the applicable percentage is—

“(A) 5 percent with respect to the first 3 credit allowance dates, and

“(B) 6 percent with respect to the remainder of the credit allowance dates.

“(3) **CREDIT ALLOWANCE DATE.**—For purposes of paragraph (1), the term ‘credit allowance date’ means, with respect to any qualified equity investment—

“(A) the date on which such investment is initially made, and

“(B) each of the 6 anniversary dates of such date thereafter.

“(b) **QUALIFIED EQUITY INVESTMENT.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘qualified equity investment’ means any equity investment in a qualified community development entity if—

“(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

“(B) substantially all of such cash is used by the qualified community development entity to make qualified low-income community investments, and

“(C) such investment is designated for purposes of this section by the qualified community development entity. Such term shall not include any equity investment issued by a qualified community development entity more than 5 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 5-year period may be reallocated by the Secretary under subsection (f).

“(2) **LIMITATION.**—The maximum amount of equity investments issued by a qualified community development entity which may be designated under paragraph (1)(C) by such entity

shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

“(3) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

“(4) TREATMENT OF SUBSEQUENT PURCHASERS.—The term ‘qualified equity investment’ includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

“(5) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

“(6) EQUITY INVESTMENT.—The term ‘equity investment’ means—

“(A) any stock (other than nonqualified preferred stock as defined in section 351(g)(2)) in an entity which is a corporation, and

“(B) any capital interest in an entity which is a partnership.

“(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified community development entity’ means any domestic corporation or partnership if—

“(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

“(B) the entity maintains accountability to residents of low-income communities through their representation on any governing board of the entity or on any advisory board to the entity, and

“(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

“(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

“(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

“(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

“(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified low-income community investment’ means—

“(A) any capital or equity investment in, or loan to, any qualified active low-income community business,

“(B) the purchase from another qualified community development entity of any loan made by such entity which is a qualified low-income community investment,

“(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

“(D) any equity investment in, or loan to, any qualified community development entity.

“(2) QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘qualified active low-income community business’ means, with respect to any taxable year, any corporation (including a nonprofit corporation) or partnership if for such year—

“(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

“(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

“(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

“(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

“(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397C(e)).

“(B) PROPRIETORSHIP.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

“(C) PORTIONS OF BUSINESS MAY BE QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—The term ‘qualified active low-income community business’ includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

“(3) QUALIFIED BUSINESS.—For purposes of this subsection, the term ‘qualified business’ has the meaning given to such term by section 1397C(d); except that—

“(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property, and

“(B) paragraph (3) thereof shall not apply.

“(e) LOW-INCOME COMMUNITY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘low-income community’ means any population census tract if—

“(A) the poverty rate for such tract is at least 20 percent, or

“(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

“(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income. Subparagraph (B) shall be applied using possessionwide median family income in the case of census tracts located within a possession of the United States.

“(2) TARGETED AREAS.—The Secretary may designate any area within any census tract as a low-income community if—

“(A) the boundary of such area is continuous,

“(B) the area would satisfy the requirements of paragraph (1) if it were a census tract, and

“(C) an inadequate access to investment capital exists in such area.

“(3) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

“(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

“(1) IN GENERAL.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

“(A) \$1,000,000,000 for 2001,

“(B) \$1,500,000,000 for 2002 and 2003,

“(C) \$2,000,000,000 for 2004 and 2005, and

“(D) \$3,500,000,000 for 2006 and 2007.

“(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to any entity—

“(A) with a record of having successfully provided capital or technical assistance to disadvantaged businesses or communities, or

“(B) which intends to satisfy the requirement under subsection (b)(1)(B) by making qualified low-income community investments in 1 or more businesses in which persons unrelated to such entity (within the meaning of section 267(b) or 707(b)(1)) hold the majority equity interest.

“(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2014.

“(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

“(1) IN GENERAL.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

“(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

“(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

“(B) interest at the underpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

“(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

“(A) such entity ceases to be a qualified community development entity,

“(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

“(C) such investment is redeemed by such entity.

“(4) SPECIAL RULES.—

“(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

“(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

“(h) BASIS REDUCTION.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1202, 1400B, and 1400F.

“(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

“(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

“(2) which prevent the abuse of the purposes of this section,

“(3) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

“(4) which impose appropriate reporting requirements, and

“(5) which apply the provisions of this section to newly formed entities.”.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 is amended by striking “plus” at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting “, plus”, and by adding at the end the following new paragraph:

“(13) the new markets tax credit determined under section 45D(a).”.

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

“(9) NO CARRYBACK OF NEW MARKETS TAX CREDIT BEFORE JANUARY 1, 2001.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2001.”.

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “, and”, and by adding at the end the following new paragraph:

“(9) the new markets tax credit determined under section 45D(a).”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

“Sec. 45D. New markets tax credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investments made after December 31, 2000.

(f) GUIDANCE ON ALLOCATION OF NATIONAL LIMITATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary’s delegate shall issue guidance which specifies—

(1) how entities shall apply for an allocation under section 45D(f)(2) of the Internal Revenue Code of 1986, as added by this section;

(2) the competitive procedure through which such allocations are made; and

(3) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to appropriate entities.

(g) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the new markets tax credit program established under section 45D of the Internal Revenue Code of 1986 (as added by subsection (a)), report to Congress on such program, including all qualified community development entities that receive an allocation under the new markets credit under such section.

Subtitle D—Improvements in Low-Income Housing Credit

SEC. 131. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

“(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

“(ii) the greater of—

“(I) \$1.75 (\$1.50 for 2001) multiplied by the State population, or
 “(II) \$2,000,000.”.

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

“(H) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of a calendar year after 2002, the \$2,000,000 and \$1.75 amounts in subparagraph (C) shall each be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING.—

“(I) In the case of the \$2,000,000 amount, any increase under clause (i) which is not a multiple of \$5,000 shall be rounded to the next lowest multiple of \$5,000.

“(II) In the case of the \$1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking “clause (ii)” in the matter following clause (iv) and inserting “clause (i)”; and

(B) by striking “clauses (i)” in the matter following clause (iv) and inserting “clauses (ii)”.

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking “subparagraph (C)(ii)” and inserting “subparagraph (C)(i)”; and

(B) by striking “clauses (i)” in subclause (II) and inserting “clauses (ii)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 132. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) SELECTION CRITERIA.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting “, including whether the project includes the use of existing housing as part of a community revitalization plan” before the comma at the end of clause (iii); and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

“(v) tenant populations with special housing needs,

“(vi) public housing waiting lists,

“(vii) tenant populations of individuals with children, and

“(viii) projects intended for eventual tenant ownership.”.

(b) PREFERENCE FOR COMMUNITY REVITALIZATION PROJECTS LOCATED IN QUALIFIED CENSUS TRACTS.—Clause (ii) of section 42(m)(1)(B) is amended by striking “and” at the end of subclause (I), by adding “and” at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

“(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,”.

SEC. 133. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) MARKET STUDY; PUBLIC DISCLOSURE OF RATIONALE FOR NOT FOLLOWING CREDIT ALLOCATION PRIORITIES.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

“(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer’s expense by a disinterested party who is approved by such agency, and

“(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.”.

(b) SITE VISITS.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period “and in monitoring for noncompliance with habitability standards through regular site visits”.

SEC. 134. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) ADJUSTED BASIS TO INCLUDE PORTION OF CERTAIN BUILDINGS USED BY LOW-INCOME INDIVIDUALS WHO ARE NOT TENANTS AND BY PROJECT EMPLOYEES.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking “subparagraph (B)” in subparagraph (A) and inserting “subparagraphs (B) and (C)”;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) INCLUSION OF BASIS OF PROPERTY USED TO PROVIDE SERVICES FOR CERTAIN NONTENANTS.—

“(i) IN GENERAL.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

“(ii) LIMITATION.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of

the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

“(iii) COMMUNITY SERVICE FACILITY.—For purposes of this subparagraph, the term ‘community service facility’ means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).”.

(b) CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting “or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)” after “this subparagraph”; and

(2) in the subparagraph heading, by inserting “OR NATIVE AMERICAN HOUSING ASSISTANCE” after “HOME ASSISTANCE”.

SEC. 135. OTHER MODIFICATIONS.

(a) ALLOCATION OF CREDIT LIMIT TO CERTAIN BUILDINGS.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking “(as of” the first place it appears and inserting “(as of the later of the date which is 6 months after the date that the allocation was made or”.

(2) The last sentence of section 42(h)(3)(C) is amended by striking “project which” and inserting “project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which”.

(b) DETERMINATION OF WHETHER BUILDINGS ARE LOCATED IN HIGH COST AREAS.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting “either” before “in which 50 percent”; and

(2) by inserting before the period “or which has a poverty rate of at least 25 percent”.

SEC. 136. CARRYFORWARD RULES.

(a) IN GENERAL.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking “the excess” and all that follows and inserting “the excess (if any) of—

“(I) the unused State housing credit ceiling for the year preceding such year, over

“(II) the aggregate housing credit dollar amount allocated for such year.”.

(b) CONFORMING AMENDMENT.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking “clauses (i) and (iii)” and inserting “clauses (i) through (iv)”.

SEC. 137. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000; and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Subtitle E—Other Community Renewal and New Markets Assistance

PART I—PROVISIONS RELATING TO HOUSING AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

SEC. 141. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking “FLEXIBLE AUTHORITY.—” and inserting “DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—”; and

(2) by adding at the end the following new subsection:
“(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

“(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

“(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term ‘qualified HUD property’ means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

“(A) an unoccupied multifamily housing project;

“(B) a substandard multifamily housing project; or

“(C) an unoccupied single family property that—

“(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

“(ii) is an eligible asset under such section 204(h),
but—

“(I) is not subject to a specific sale agreement
under such section; and

“(II) has been determined by the Secretary
to be inappropriate for continued inclusion in the
program under such section 204(h) pursuant to
paragraph (10) of such section.

“(3) TIMING.—The Secretary shall establish procedures that
provide for—

“(A) time deadlines for transfers under this subsection;

“(B) notification to units of general local government
and community development corporations of qualified HUD
properties in their jurisdictions;

“(C) such units and corporations to express interest
in the transfer under this subsection of such properties;

“(D) a right of first refusal for transfer of qualified
HUD properties to units of general local government and
community development corporations, under which—

“(i) the Secretary shall establish a period during
which the Secretary may not transfer such properties
except to such units and corporations;

“(ii) the Secretary shall offer qualified HUD prop-
erties that are single family properties for purchase
by units of general local government at a cost of \$1
for each property, but only to the extent that the
costs to the Federal Government of disposal at such
price do not exceed the costs to the Federal Govern-
ment of disposing of property subject to the procedures
for single family property established by the Secretary
pursuant to the authority under the last sentence of
section 204(g) of the National Housing Act (12 U.S.C.
1710(g));

“(iii) the Secretary may accept an offer to purchase
a property made by a community development corpora-
tion only if the offer provides for purchase on a cost
recovery basis; and

“(iv) the Secretary shall accept an offer to purchase
such a property that is made during such period by
such a unit or corporation and that complies with
the requirements of this paragraph; and

“(E) a written explanation, to any unit of general local
government or community development corporation making
an offer to purchase a qualified HUD property under this
subsection that is not accepted, of the reason that such
offer was not acceptable.

“(4) OTHER DISPOSITION.—With respect to any qualified
HUD property, if the Secretary does not receive an acceptable
offer to purchase the property pursuant to the procedure estab-
lished under paragraph (3), the Secretary shall dispose of the
property to the unit of general local government in which
property is located or to community development corporations
located in such unit of general local government on a negotiated,
competitive bid, or other basis, on such terms as the Secretary
deems appropriate.

“(5) SATISFACTION OF INDEBTEDNESS.—Before transferring
ownership of any qualified HUD property pursuant to this

subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

“(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

“(A) UPON ENACTMENT.—Upon the enactment of this subsection, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

“(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

“(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

“(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

“(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

“(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

“(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

“(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) COMMUNITY DEVELOPMENT CORPORATION.—The term ‘community development corporation’ means a non-profit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

“(B) COST RECOVERY BASIS.—The term ‘cost recovery basis’ means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of: (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish; and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

“(C) MULTIFAMILY HOUSING PROJECT.—The term ‘multifamily housing project’ has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

“(D) RESIDENTIAL PROPERTY.—The term ‘residential property’ means a property that is a multifamily housing project or a single family property.

“(E) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(F) SEVERE PHYSICAL PROBLEMS.—The term ‘severe physical problems’ means, with respect to a dwelling unit, that the unit—

“(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

“(ii) on not less than three separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

“(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period;

“(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

“(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

“(G) SINGLE FAMILY PROPERTY.—The term ‘single family property’ means a 1- to 4-family residence.

“(H) SUBSTANDARD.—The term ‘substandard’ means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

“(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘unit of general local government’ has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

“(J) UNOCCUPIED.—The term ‘unoccupied’ means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

“(12) REGULATIONS.—

“(A) INTERIM.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

“(B) FINAL.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall issue such final regulations as are necessary to carry out this subsection.”.

SEC. 142. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

SEC. 143. RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z-14) is amended—

(1) by striking the section heading and inserting the following:

“RISK-SHARING DEMONSTRATION”;

(2) by striking “reinsurance” each place such term appears and insert “risk-sharing”;

(3) in subsection (a)—

(A) in the first sentence, by inserting “and with insured community development financial institutions” after “private mortgage insurers”;

(B) in the second sentence—

(i) by striking “two” and inserting “four”; and

(ii) by striking “March 15, 1988” and inserting “the expiration of the 5-year period beginning on the date of the enactment of the Community Renewal Tax Relief Act of 2000”; and

(C) in the third sentence—

(i) by striking “insured” and inserting “for which risk of nonpayment is shared”; and

(ii) by striking “10 percent” and inserting “20 percent”;

(4) in subsection (b)—

(A) in the first sentence—

(i) by striking “to provide” and inserting “, in providing”;

(ii) by striking “through” and inserting “, to enter into”; and

(iii) by inserting “and with insured community development financial institutions” before the period at the end;

(B) in the second sentence, by inserting “and insured community development financial institutions” after “private mortgage insurance companies”;

(C) by striking paragraph (1) and inserting the following new paragraph:

“(1) assume a secondary percentage of loss on any mortgage insured pursuant to section 203(b), 234, or 245 covering a one- to four-family dwelling, which percentage of loss shall be set forth in the risk-sharing contract, with the first percentage of loss to be borne by the Secretary;” and

(D) in paragraph (2)—

(i) by striking “carry out (under appropriate delegation) such” and inserting “perform or delegate underwriting,”;

(ii) by striking “function as the Secretary pursuant to regulations,” and inserting “functions as the Secretary”; and

(iii) by inserting before the period at the end the following: “and shall set forth in the risk-sharing contract”;

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking “of” the first place it appears and inserting “for”;

(ii) by inserting “received by the Secretary with a private mortgage insurer or insured community development financial institution” after “sharing of premiums”;

(iii) by striking “insurance reserves” and inserting “loss reserves”;

(iv) by striking “such insurance” and inserting “such risk-sharing contract”; and

(v) by striking “right” and inserting “rights”; and

(B) in the second sentence—

(i) by inserting “or insured community development financial institution” after “private mortgage insurance company”; and

(ii) by striking “for insurance” and inserting “for risk-sharing”;

(6) in subsection (d), by inserting “or insured community development financial institution” after “private mortgage insurance company”; and

(7) by adding at the end the following new subsection:

“(e) **INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.**—For purposes of this section, the term ‘insured community development financial institution’ means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).”.

SEC. 144. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following part:

“PART G—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS

“SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

“(a) **DESIGNATED PROGRAMS.**—Subject to subsection (b), this part applies to discretionary and formula grant programs administered by the Substance Abuse and Mental Health Services Administration that make awards of financial assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part referred to as a ‘designated program’). Designated programs include the program under subpart II of part B of title XIX (relating to formula grants to the States).

“(b) **LIMITATION.**—This part does not apply to any award of financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

“(c) **DEFINITIONS.**—For purposes of this part (and subject to subsection (b)):

“(1) The term ‘designated program’ has the meaning given such term in subsection (a).

“(2) The term ‘financial assistance’ means a grant, cooperative agreement, or contract.

“(3) The term ‘program beneficiary’ means an individual who receives program services.

“(4) The term ‘program participant’ means a public or private entity that has received financial assistance under a designated program.

“(5) The term ‘program services’ means treatment for substance abuse, or preventive services regarding such abuse, provided pursuant to an award of financial assistance under a designated program.

“(6) The term ‘religious organization’ means a nonprofit religious organization.

“SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, a religious organization, on the same basis as any other nonprofit private provider—

“(1) may receive financial assistance under a designated program; and

“(2) may be a provider of services under a designated program.

“(b) **RELIGIOUS ORGANIZATIONS.**—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of program beneficiaries.

“(c) **NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.**—

“(1) **ELIGIBILITY AS PROGRAM PARTICIPANTS.**—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization as long as the programs are implemented consistent with the Establishment Clause and Free Exercise Clause of the First Amendment to the United States Constitution. Nothing in this Act shall be construed to restrict the ability of the Federal Government, or a State or local government receiving funds under such programs, to apply to religious organizations the same eligibility conditions in designated programs as are applied to any other nonprofit private organization.

“(2) **NONDISCRIMINATION.**—Neither the Federal Government nor a State or local government receiving funds under designated programs shall discriminate against an organization that is or applies to be a program participant on the basis that the organization has a religious character.

“(d) **RELIGIOUS CHARACTER AND FREEDOM.**—

“(1) **RELIGIOUS ORGANIZATIONS.**—Except as provided in this section, any religious organization that is a program participant shall retain its independence from Federal, State, and local

government, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State shall require a religious organization to—

“(A) alter its form of internal governance; or

“(B) remove religious art, icons, scripture, or other symbols,
in order to be a program participant.

“(e) EMPLOYMENT PRACTICES.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, a designated program.

“(f) RIGHTS OF PROGRAM BENEFICIARIES.—

“(1) IN GENERAL.—If an individual who is a program beneficiary or a prospective program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection such program participant shall refer such individual to, and the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide to such individual (if otherwise eligible for such services), program services that—

“(A) are from an alternative provider that is accessible to, and has the capacity to provide such services to, such individual; and

“(B) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection.

Upon referring a program beneficiary to an alternative provider, the program participant shall notify the appropriate Federal, State, or local government agency that administers the program of such referral.

“(2) NOTICES.—Program participants, public agencies that refer individuals to designated programs, and the appropriate Federal, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to program beneficiaries or prospective program beneficiaries of their rights under this section.

“(3) ADDITIONAL REQUIREMENTS.—A program participant making a referral pursuant to paragraph (1) shall—

“(A) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and

“(B) ensure that the individual makes contact with the alternative provider to which the individual is referred.

“(4) NONDISCRIMINATION.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities under designated programs discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

“(g) FISCAL ACCOUNTABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

“(2) LIMITED AUDIT.—With respect to the award involved, a religious organization that is a program participant shall segregate Federal amounts provided under award into a separate account from non-Federal funds. Only the award funds shall be subject to audit by the government.

“(h) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

“SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

“No funds provided under a designated program shall be expended for sectarian worship, instruction, or proselytization.

“SEC. 584. EDUCATIONAL REQUIREMENTS FOR PERSONNEL IN DRUG TREATMENT PROGRAMS.

“(a) FINDINGS.—The Congress finds that—

“(1) establishing unduly rigid or uniform educational qualification for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs; and

“(2) such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.

“(b) NONDISCRIMINATION.—In determining whether personnel of a program participant that has a record of successful drug treatment for the preceding three years have satisfied State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to such personnel by a religious organization, so long as such education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the State or local government would credit for purposes of determining whether the relevant requirements have been satisfied.”.

PART II—ADVISORY COUNCIL ON COMMUNITY RENEWAL

SEC. 151. SHORT TITLE.

This part may be cited as the “Advisory Council on Community Renewal Act”.

SEC. 152. ESTABLISHMENT.

There is established an advisory council to be known as the “Advisory Council on Community Renewal” (in this part referred to as the “Advisory Council”).

SEC. 153. DUTIES OF ADVISORY COUNCIL.

The Advisory Council shall advise the Secretary of Housing and Urban Development (in this part referred to as the “Secretary”)

on the designation of renewal communities pursuant to the amendment made by section 101 and on the exercise of any other authority granted to the Secretary pursuant to the amendments made by this title.

SEC. 154. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Advisory Council shall be composed of 7 members appointed by the Secretary.

(b) **CHAIRPERSON.**—The Chairperson of the Advisory Council (in this part referred to as the “Chairperson”) shall be designated by the Secretary at the time of the appointment.

(c) **TERMS.**—Each member shall be appointed for the life of the Advisory Council.

(d) **BASIC PAY.**—

(1) **CHAIRPERSON.**—The Chairperson shall be paid at a rate equal to the daily rate of basic pay for level III of the Executive Schedule for each day (including travel time) during which the Chairperson is engaged in the actual performance of duties vested in the Advisory Council.

(2) **OTHER MEMBERS.**—Members other than the Chairperson shall each be paid at a rate equal to the daily rate of basic pay for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Advisory Council.

(e) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(f) **QUORUM.**—Four members of the Advisory Council shall constitute a quorum but a lesser number may hold hearings.

(g) **MEETINGS.**—The Advisory Council shall meet at the call of the Secretary or the Chairperson.

SEC. 155. POWERS OF ADVISORY COUNCIL.

(a) **HEARINGS AND SESSIONS.**—The Advisory Council may, for the purpose of carrying out this part, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Advisory Council considers appropriate. The Advisory Council may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Advisory Council may, if authorized by the Advisory Council, take any action which the Advisory Council is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Advisory Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this part. Upon request of the Chairperson of the Advisory Council, the head of that department or agency shall furnish that information to the Advisory Council.

SEC. 156. REPORTS.

(a) **ANNUAL REPORTS.**—The Advisory Council shall submit to the Secretary an annual report for each fiscal year.

(b) **INTERIM REPORTS.**—The Advisory Council may submit to the Secretary such interim reports as the Advisory Council considers appropriate.

(c) **FINAL REPORT.**—The Advisory Council shall transmit a final report to the Secretary not later September 30, 2003. The final

report shall contain a detailed statement of the findings and conclusions of the Advisory Council, together with any recommendations for legislative or administrative action that the Advisory Council considers appropriate.

SEC. 157. TERMINATION.

(a) **IN GENERAL.**—The Advisory Council shall terminate 30 days after submitting its final report under section 156(c).

(b) **EXTENSION.**—Notwithstanding subsection (a), the Secretary may postpone the termination of the Advisory Council for a period not to exceed 3 years after the Advisory Council submits its final report under section 156(c).

SEC. 158. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 159. RESOURCES.

The Secretary shall provide to the Advisory Council appropriate resources so that the Advisory Council may carry out its duties and functions under this part.

SEC. 160. EFFECTIVE DATE.

This part shall be effective 30 days after the date of its enactment.

Subtitle F—Other Provisions

SEC. 161. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) **IN GENERAL.**—Paragraphs (1) and (2) of section 146(d) (relating to State ceiling) are amended to read as follows:

“(1) **IN GENERAL.**—The State ceiling applicable to any State for any calendar year shall be the greater of—

“(A) an amount equal to \$75 (\$62.50 in the case of calendar year 2001) multiplied by the State population, or

“(B) \$225,000,000 (\$187,500,000 in the case of calendar year 2001).

“(2) **COST-OF-LIVING ADJUSTMENT.**—In the case of a calendar year after 2002, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of \$5 (\$5,000 in the case of the dollar amount in paragraph (1)(B)), such increase shall be rounded to the nearest multiple thereof.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to calendar years after 2000.

SEC. 162. MODIFICATIONS TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) EXPENSING NOT LIMITED TO SITES IN TARGETED AREAS.—Subsection (c) of section 198 is amended to read as follows:

“(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified contaminated site’ means any area—

“(A) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(a)(1) in the hands of the taxpayer, and

“(B) at or on which there has been a release (or threat of release) or disposal of any hazardous substance.

“(2) NATIONAL PRIORITIES LISTED SITES NOT INCLUDED.—Such term shall not include any site which is on, or proposed for, the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

“(3) TAXPAYER MUST RECEIVE STATEMENT FROM STATE ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the State in which such area is located that such area meets the requirement of paragraph (1)(B).

“(4) APPROPRIATE STATE AGENCY.—For purposes of paragraph (3), the chief executive officer of each State may, in consultation with the Administrator of the Environmental Protection Agency, designate the appropriate State environmental agency within 60 days of the date of the enactment of this section. If the chief executive officer of a State has not designated an appropriate environmental agency within such 60-day period, the appropriate environmental agency for such State shall be designated by the Administrator of the Environmental Protection Agency.”.

(b) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 is amended by striking “2001” and inserting “2003”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 163. EXTENSION OF DC HOMEBUYER TAX CREDIT.

Section 1400C(i) (relating to application of section) is amended by striking “2002” and inserting “2004”.

SEC. 164. EXTENSION OF DC ZONE THROUGH 2003.

(a) IN GENERAL.—The following provisions are amended by striking “2002” each place it appears and inserting “2003”:

(1) Section 1400(f).

(2) Section 1400A(b).

(b) ZERO CAPITAL GAINS RATE.—Section 1400B (relating to zero percent capital gains rate) is amended—

(1) by striking “2003” each place it appears and inserting “2004”, and

(2) by striking “2007” each place it appears and inserting “2008”.

SEC. 165. EXTENSION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY.

(a) **EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES.**—

(1) **IN GENERAL.**—Paragraph (6) of section 170(e) (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking “qualified elementary or secondary educational contribution” each place it occurs in the headings and text and inserting “qualified computer contribution”.

(2) **EXPANSION OF ELIGIBLE DONEES.**—Clause (i) of section 170(e)(6)(B) (relating to qualified elementary or secondary educational contribution) is amended by striking “or” at the end of subclause (I), by adding “or” at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

“(III) a public library (within the meaning of section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)), as in effect on the date of the enactment of the Community Renewal Tax Relief Act of 2000, established and maintained by an entity described in subsection (c)(1).”.

(3) **EXTENSION OF DONATION PERIOD.**—Clause (ii) of section 170(e)(6)(B) is amended by striking “2 years” and inserting “3 years”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 170(e)(6)(B)(iv) is amended by striking “in any grades of the K–12”.

(2) The heading of paragraph (6) of section 170(e) is amended by striking “ELEMENTARY OR SECONDARY SCHOOL PURPOSES” and inserting “EDUCATIONAL PURPOSES”.

(c) **EXTENSION OF DEDUCTION.**—Section 170(e)(6)(F) (relating to termination) is amended by striking “December 31, 2000” and inserting “December 31, 2003”.

(d) **STANDARDS AS TO FUNCTIONALITY AND SUITABILITY.**—Subparagraph (B) of section 170(e)(6) is amended by striking “and” at the end of clause (vi), by striking the period at the end of clause (vii) and inserting “, and”, and by adding at the end the following new clause:

“(viii) the property meets such standards, if any, as the Secretary may prescribe by regulation to assure that the property meets minimum functionality and suitability standards for educational purposes.”.

(e) **DONATIONS OF COMPUTERS REACQUIRED BY MANUFACTURER.**—Paragraph (6) of section 170(e) is further amended by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively, and by inserting after subparagraph (C) the following new subparagraph:

“(D) **DONATIONS OF PROPERTY REACQUIRED BY MANUFACTURER.**—In the case of property which is reacquired by the person who constructed the property—

“(i) subparagraph (B)(ii) shall be applied to a contribution of such property by such person by taking

into account the date that the original construction of the property was substantially completed, and

“(ii) subparagraph (B)(iii) shall not apply to such contribution.”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made after December 31, 2000.

SEC. 166. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.

(a) **IN GENERAL.**—Section 3306(c)(7) (defining employment) is amended—

(1) by inserting “or in the employ of an Indian tribe,” after “service performed in the employ of a State, or any political subdivision thereof;” and

(2) by inserting “or Indian tribes” after “wholly owned by one or more States or political subdivisions”.

(b) **PAYMENTS IN LIEU OF CONTRIBUTIONS.**—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2) by inserting “, including an Indian tribe,” after “the State law shall provide that a governmental entity”;

(2) in subsection (b)(3)(B) by inserting “, or of an Indian tribe” after “of a State or political subdivision thereof”;

(3) in subsection (b)(3)(E) by inserting “or tribal” after “the State”; and

(4) in subsection (b)(5) by inserting “or of an Indian tribe” after “an agency of a State or political subdivision thereof”.

(c) **STATE LAW COVERAGE.**—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following new subsection:

“(d) **ELECTION BY INDIAN TRIBE.**—The State law shall provide that an Indian tribe may make contributions for employment as if the employment is within the meaning of section 3306 or make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise wholly owned by such Indian tribe. State law may require a tribe to post a payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. Notwithstanding the requirements of section 3306(a)(6), if, within 90 days of having received a notice of delinquency, a tribe fails to make contributions, payments in lieu of contributions, or payment of penalties or interest (at amounts or rates comparable to those applied to all other employers covered under the State law) assessed with respect to such failure, or if the tribe fails to post a required payment bond, then service for the tribe shall not be excepted from employment under section 3306(c)(7) until any such failure is corrected. This subsection shall apply to an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).”.

(d) **DEFINITIONS.**—Section 3306 (relating to definitions) is amended by adding at the end the following new subsection:

“(u) **INDIAN TRIBE.**—For purposes of this chapter, the term ‘Indian tribe’ has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act

(25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.”.

(e) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to service performed on or after the date of the enactment of this Act.

(2) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as defined in section 3306(u) of the Internal Revenue Code of 1986 (as added by this section)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(A) it is service which is performed before the date of the enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid, and

(B) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

TITLE II—TWO-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS

SEC. 201. TWO-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking “2000” each place it appears and inserting “2002”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) by striking “1998 or 1999” each place it appears and inserting “1998, 1999, or 2001”,

(B) by striking “600,000 (750,000 in the case of 1999)” and inserting “750,000 (600,000 in the case of 1998)”, and

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) NO LIMITATION FOR 2000.—The numerical limitation shall not apply for 2000.”.

(2) Subparagraph (A) of section 220(j)(4) is amended by striking “and 1999” and inserting “1999, and 2001”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. MEDICAL SAVINGS ACCOUNTS RENAMED AS ARCHER MSAS.

(a) IN GENERAL.—The following provisions are amended by striking “medical savings account” each place it appears in the text and inserting “Archer MSA”:

(1) Section 26(b)(2)(Q).

(2) Section 106(b).

(3) Section 138(b).

(4) Section 220.

(5) Section 848(e)(1)(B)(iv).

(6) Subsections (a)(2) and (d) of section 4973.

(7) Subsections (c)(4) and (e)(1)(D) of section 4975.

(8) Subsections (a) and (d)(2)(B) of section 4980E.

(9) Section 6051(a)(11).

(b) OTHER AMENDMENTS.—

(1) Paragraph (16) of section 62(a) is amended to read as follows:

“(16) ARCHER MSAS.—The deduction allowed by section 220.”.

(2) The following provisions are each amended by striking “medical savings accounts” each place it appears in the text and inserting “Archer MSAs”:

(A) Paragraphs (4) and (7) of section 106(b).

(B) Subsections (c)(1)(D), (e)(2), (f)(3)(A), (i)(4)(B), and

(j) of section 220.

(C) Section 4973(d).

(D) Subsections (b) and (d)(1) of section 4980E.

(E) Section 6693(a)(2)(B).

(3) Paragraph (1) of section 220(d) is amended by inserting “as a medical savings account” after “United States”.

(4) The heading for section 220(d) is amended by striking “MEDICAL SAVINGS ACCOUNT” and inserting “ARCHER MSA”.

(5) The headings for sections 220(d)(1) and 3231(e)(10) are each amended by striking “MEDICAL SAVINGS ACCOUNT” and inserting “ARCHER MSA”.

(6) The headings for sections 106(b), 138(f), 220(i), and 4973(d) are each amended by striking “MEDICAL SAVINGS ACCOUNTS” and inserting “ARCHER MSAS”.

(7) The headings for section 220(c)(1)(C) and 4975(c)(4) are each amended by striking “MEDICAL SAVINGS ACCOUNTS” and inserting “ARCHER MSAS”.

(8) The section heading for section 220 is amended to read as follows:

“SEC. 220. ARCHER MSAS.”.

(9) The item relating to section 220 in the table of sections for part VII of subchapter B of chapter 1 is amended to read as follows:

“Sec. 220. Archer MSAs.”.

(10) The provisions amended by the preceding provisions of this section are further amended by striking “a Archer” each place it appears and inserting “an Archer”.

(11) Section 220(e)(1) is further amended by striking “A Archer” and inserting “An Archer”.

TITLE III—ADMINISTRATIVE AND TECHNICAL PROVISIONS

Subtitle A—Administrative Provisions

SEC. 301. EXEMPTION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)).

- (2) Section 16(c) of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).
- (3) The following provisions of the Tariff Act of 1930:
 - (A) Section 330(c)(1) (19 U.S.C. 1330(c)(1)).
 - (B) Section 607(c) (19 U.S.C. 1607(c)).
- (4) Section 5 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356n).
- (5) Section 351(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)(2)).
- (6) Section 502 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2032).
- (7) Section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081).
- (8) The following provisions of the Trade Act of 1974 (19 U.S.C. 2101 et seq.):
 - (A) Section 102(b)(4)(A)(ii)(I) (19 U.S.C. 2112(b)(4)(A)(ii)(I)).
 - (B) Section 102(e)(1) (19 U.S.C. 2112(e)(1)).
 - (C) Section 102(e)(2) (19 U.S.C. 2112(e)(2)).
 - (D) Section 104(d) (19 U.S.C. 2114(d)).
 - (E) Section 125(e) (19 U.S.C. 2135(e)).
 - (F) Section 135(e)(1) (19 U.S.C. 2155(e)(1)).
 - (G) Section 141(c) (19 U.S.C. 2171(c)).
 - (H) Section 162 (19 U.S.C. 2212).
 - (I) Section 163(b) (19 U.S.C. 2213(b)).
 - (J) Section 163(c) (19 U.S.C. 2213(c)).
 - (K) Section 203(b) (19 U.S.C. 2253(b)).
 - (L) Section 302(b)(2)(C) (19 U.S.C. 2412(b)(2)(C)).
 - (M) Section 303 (19 U.S.C. 2413).
 - (N) Section 309 (19 U.S.C. 2419).
 - (O) Section 407(a) (19 U.S.C. 2437(a)).
 - (P) Section 502(f) (19 U.S.C. 2462(f)).
 - (Q) Section 504 (19 U.S.C. 2464).
- (9) The following provisions of the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.):
 - (A) Section 2(b) (19 U.S.C. 2503(b)).
 - (B) Section 3(c) (19 U.S.C. 2504(c)).
 - (C) Section 305(c) (19 U.S.C. 2515(c)).
- (10) Section 303(g)(1) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602(g)(1)).
- (11) The following provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.):
 - (A) Section 212(a)(1)(A) (19 U.S.C. 2702(a)(1)(A)).
 - (B) Section 212(a)(2) (19 U.S.C. 2702(a)(2)).
- (12) The following provisions of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2901 et seq.):
 - (A) Section 1102 (19 U.S.C. 2902).
 - (B) Section 1103 (19 U.S.C. 2903).
 - (C) Section 1206(b) (19 U.S.C. 3006(b)).
- (13) Section 123(a) of the Customs and Trade Act of 1990 (Public Law 101–382) (19 U.S.C. 2083).
- (14) Section 243(b)(2) of the Caribbean Basin Economic Recovery Expansion Act of 1990 (Public Law 101–382).
- (15) The following provisions of the Internal Revenue Code of 1986:
 - (A) Section 6103(p)(5).
 - (B) Section 7608.

- (C) Section 7802(f)(3).
- (D) Section 8022(3).
- (E) Section 9602(a).
- (16) The following provisions relating to the revenue laws of the United States:
 - (A) Section 1552(c) of the Tax Reform Act of 1986 (100 Stat. 2753).
 - (B) Section 231 of the Deficit Reduction Act of 1984 (26 U.S.C. 801 note).
 - (C) Section 208 of the Tax Treatment Extension Act of 1977 (26 U.S.C. 911 note).
 - (D) Section 7105 of the Technical and Miscellaneous Revenue Act of 1988 (45 U.S.C. 369).
- (17) Section 4008 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1308).
- (18) Section 426 of the Black Lung Benefits Act (30 U.S.C. 936(b)).
- (19) Section 7502(g) of title 31, United States Code.
- (20) The following provisions of the Social Security Act:
 - (A) Section 215(i)(2)(C)(i) (42 U.S.C. 415(i)(2)(C)(i)).
 - (B) Section 221(i)(2) (42 U.S.C. 421(i)(2)).
 - (C) Section 221(i)(3) (42 U.S.C. 421(i)(3)).
 - (D) Section 233(e)(1) (42 U.S.C. 433(e)(1)).
 - (E) Section 452(a)(10) (42 U.S.C. 652(a)(10)).
 - (F) Section 452(g)(3)(B) (42 U.S.C. 652(g)(3)(B)).
 - (G) Section 506(a)(1) (42 U.S.C. 706(a)).
 - (H) Section 908 (42 U.S.C. 1108).
 - (I) Section 1114(f) (42 U.S.C. 1314(f)).
 - (J) Section 1120 (42 U.S.C. 1320).
 - (K) Section 1161 (42 U.S.C. 1320c–10).
 - (L) Section 1875(b) (42 U.S.C. 1395ll(b)).
 - (M) Section 1881 (42 U.S.C. 1395rr).
 - (N) Section 1882 (42 U.S.C. 1395ss(f)(2)).
- (21) Section 104(b) of the Social Security Independence and Program Improvements Act of 1994 (42 USC 904 note).
- (22) Section 10 of the Railroad Retirement Act of 1937 (45 U.S.C. 231f).
- (23) The following provisions of the Railroad Retirement Act of 1974:
 - (A) Section 22(a)(1) (45 U.S.C. 231u(a)(1)).
 - (B) Section 22(b)(1) (45 U.S.C. 231u(b)(1)).
- (24) Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f-1).
- (25) Section 47121(c) of title 49, United States Code.
- (26) The following provisions of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–182):
 - (A) Section 4007(c)(4) (42 U.S.C. 1395ww note).
 - (B) Section 4079 (42 U.S.C. 1395mm note).
 - (C) Section 4205 (42 U.S.C. 1395i–3 note).
 - (D) Section 4215 (42 U.S.C. 1396r note).
- (27) The following provisions of the Inspector General Act of 1978 (Public Law 95–452):
 - (A) Section 5(b).
 - (B) Section 5(d).
- (28) The following provisions of the Public Health Service Act:

(A) In section 308(a) (42 U.S.C. 242m(a)), subparagraphs (A), (B), (C), and (D) of paragraph (1).

(B) Section 403 (42 U.S.C. 283).

(29) Section 404 of the Health Services and Centers Amendments of 1978 (42 U.S.C. 242p) (Public Law 95–626).

(30) The following provisions of the Older Americans Act of 1965:

(A) Section 206(d) (42 U.S.C. 3017(d)).

(B) Section 207 (42 U.S.C. 3018).

(31) Section 308 of the Age Discrimination Act of 1975 (42 U.S.C. 6106a(b)).

(32) Section 509(c)(3) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12209(c)(3)).

(33) Section 4207(f) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–1 note).

SEC. 302. EXTENSION OF DEADLINES FOR IRS COMPLIANCE WITH CERTAIN NOTICE REQUIREMENTS.

(a) **ANNUAL INSTALLMENT AGREEMENT NOTICE.**—Section 3506 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking “July 1, 2000” and inserting “September 1, 2001”.

(b) **NOTICE REQUIREMENTS RELATING TO COMPUTATION OF PENALTY.**—Subsection (c) of section 3306 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—

(1) by striking “December 31, 2000” and inserting “June 30, 2001”, and

(2) by adding at the end the following: “In the case of any notice of penalty issued after June 30, 2001, and before July 1, 2003, the requirements of section 6751(a) of the Internal Revenue Code of 1986 shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer’s assessment and payment history with respect to such penalty.”.

(c) **NOTICE REQUIREMENTS RELATING TO INTEREST IMPOSED.**—Subsection (c) of section 3308 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—

(1) by striking “December 31, 2000” and inserting “June 30, 2001”, and

(2) by adding at the end the following: “In the case of any notice issued after June 30, 2001, and before July 1, 2003, to which section 6631 of the Internal Revenue Code of 1986 applies, the requirements of section 6631 of such Code shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer’s payment history relating to interest amounts included in such notice.”.

SEC. 303. EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6), and the last sentence, of section 7608(c) are each amended by striking “January 1, 2001” and inserting “January 1, 2006”.

SEC. 304. CONFIDENTIALITY OF CERTAIN DOCUMENTS RELATING TO CLOSING AND SIMILAR AGREEMENTS AND TO AGREEMENTS WITH FOREIGN GOVERNMENTS.

(a) **CLOSING AND SIMILAR AGREEMENTS TREATED AS RETURN INFORMATION.**—Paragraph (2) of section 6103(b) (defining return

information) is amended by striking “and” at the end of subparagraph (B), by inserting “and” at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

“(D) any agreement under section 7121, and any similar agreement, and any background information related to such an agreement or request for such an agreement.”.

(b) AGREEMENTS WITH FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Subchapter B of chapter 61 (relating to miscellaneous provisions) is amended by inserting after section 6104 the following new section:

“SEC. 6105. CONFIDENTIALITY OF INFORMATION ARISING UNDER TREATY OBLIGATIONS.

“(a) IN GENERAL.—Tax convention information shall not be disclosed.

“(b) EXCEPTIONS.—Subsection (a) shall not apply—

“(1) to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) which are entitled to such disclosure pursuant to a tax convention,

“(2) to any generally applicable procedural rules regarding applications for relief under a tax convention, or

“(3) in any case not described in paragraphs (1) or (2), to the disclosure of any tax convention information not relating to a particular taxpayer if the Secretary determines, after consultation with each other party to the tax convention, that such disclosure would not impair tax administration.

“(c) DEFINITIONS.—For purposes of this section—

“(1) TAX CONVENTION INFORMATION.—The term ‘tax convention information’ means any—

“(A) agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention,

“(B) application for relief under a tax convention,

“(C) any background information related to such agreement or application,

“(D) document implementing such agreement, and

“(E) any other information exchanged pursuant to a tax convention which is treated as confidential or secret under the tax convention.

“(2) TAX CONVENTION.—The term ‘tax convention’ means—

“(A) any income tax or gift and estate tax convention, or

“(B) any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

“(d) CROSS REFERENCES.—

“For penalties for the unauthorized disclosure of tax convention information which is return or return information, see sections 7213, 7213A, and 7431.”.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 61 is amended by inserting after the item relating to section 6104 the following new item:

“Sec. 6105. Confidentiality of information arising under treaty obligations.”.

(c) EXCEPTION FROM PUBLIC INSPECTION AS WRITTEN DETERMINATION.—

(1) CLOSING AND SIMILAR AGREEMENTS.—Paragraph (1) of section 6110(b) is amended to read as follows:

“(1) WRITTEN DETERMINATION.—

“(A) IN GENERAL.—The term ‘written determination’ means a ruling, determination letter, technical advice memorandum, or Chief Counsel advice.

“(B) EXCEPTIONS.—Such term shall not include any matter referred to in subparagraph (C) or (D) of section 6103(b)(2).”.

(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—Paragraph (1) of section 6110(l) is amended by inserting “or 6105” after “6104”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 305. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) GENERAL RULE.—Subsections (a) and (b) of section 6405 are each amended by striking “\$1,000,000” and inserting “\$2,000,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment under section 6405 of the Internal Revenue Code of 1986.

SEC. 306. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

“(6) TREATMENT OF MISSING CHILDREN.—

“(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

“(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

“(ii) who was (without regard to this paragraph) the dependent of the taxpayer for the portion of the taxable year before the date of the kidnapping, shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

“(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

“(i) the deduction under this section,

“(ii) the credit under section 24 (relating to child tax credit), and

“(iii) whether an individual is a surviving spouse or a head of a household (such terms are defined in section 2).

“(C) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—For purposes of section 32, an individual—

“(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

“(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping, shall be treated as meeting the requirement of section 32(c)(3)(A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

“(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 307. AMENDMENTS TO STATUTES REFERENCING YIELD ON 52-WEEK TREASURY BILLS.

(a) AMENDMENT TO THE ACT OF FEBRUARY 26, 1931.—Section 6 of the Act of February 26, 1931 (40 U.S.C. 258e-1) (relating to the interest rate on compensation owed for takings of property) is amended—

(1) in paragraph (1), by striking “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before” and inserting “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding”; and

(2) in paragraph (2), by striking “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before” and inserting “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding”.

(b) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on unpaid criminal fines and penalties of more than \$2,500) is amended by striking “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States

Treasury bills settled before” and inserting “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.”.

(c) AMENDMENT TO THE INTERNAL REVENUE CODE.—Section 995(f)(4) (relating to the interest rate on tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking “the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period” and inserting “the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the 1-year period”.

(d) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) AMENDMENT TO SECTION 1961.—Section 1961(a) of title 28, United States Code (relating to the interest rate on money judgments in civil cases recovered in Federal district court) is amended by striking “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to” and inserting “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.”.

(2) AMENDMENT TO SECTION 2516.—Section 2516(b) of title 28, United States Code (relating to the interest rate on a judgment against the United States affirmed by the Supreme Court after review on petition of the United States) is amended by striking “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before” and inserting “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding”.

SEC. 308. ADJUSTMENTS FOR CONSUMER PRICE INDEX ERROR.

(a) DETERMINATIONS BY OMB.—As soon as practicable after the date of the enactment of this Act, the Director of the Office of Management and Budget shall determine with respect to each applicable Federal benefit program whether the CPI computation error for 1999 has or will result in a shortfall in payments to beneficiaries under such program (as compared to payments that would have been made if the error had not occurred). As soon as practicable after the date of the enactment of this Act, but not later than 60 days after such date, the Director shall direct the head of the Federal agency which administers such program to make a payment or payments that, insofar as the Director finds practicable and feasible—

(1) are targeted to the amount of the shortfall experienced by individual beneficiaries, and

(2) compensate for the shortfall.

(b) COORDINATION WITH FEDERAL AGENCIES.—As soon as practicable after the date of the enactment of this Act, each Federal agency that administers an applicable Federal benefit program shall, in accordance with such guidelines as are issued by the Director pursuant to this section, make an initial determination of whether, and the extent to which, the CPI computation error

for 1999 has or will result in a shortfall in payments to beneficiaries of an applicable Federal benefit program administered by such agency. Not later than 30 days after such date, the head of such agency shall submit a report to the Director and to each House of the Congress of such determination, together with a complete description of the nature of the shortfall.

(c) IMPLEMENTATION PURSUANT TO AGENCY REPORTS.—Upon receipt of the report submitted by a Federal agency pursuant to subsection (b), the Director shall review the initial determination of the agency, the agency's description of the nature of the shortfall, and the compensation payments proposed by the agency. Prior to directing payment of such payments pursuant to subsection (a), the Director shall make appropriate adjustments (if any) in the compensation payments proposed by the agency that the Director determines are necessary to comply with the requirements of subsection (a) and transmit to the agency a summary report of the review, indicating any adjustments made by the Director. The agency shall make the compensation payments as directed by the Director pursuant to subsection (a) in accordance with the Director's summary report.

(d) INCOME DISREGARD UNDER FEDERAL MEANS-TESTED BENEFIT PROGRAMS.—A payment made under this section to compensate for a shortfall in benefits shall, in accordance with guidelines issued by the Director pursuant to this section, be disregarded in determining income under title VIII of the Social Security Act or any applicable Federal benefit program that is means-tested.

(e) FUNDING.—Funds otherwise available under each applicable Federal benefit program for making benefit payments under such program are hereby made available for making compensation payments under this section in connection with such program.

(f) NO JUDICIAL REVIEW.—No action taken pursuant to this section shall be subject to judicial review.

(g) DIRECTOR'S REPORT.—Not later than April 1, 2001, the Director shall submit to each House of the Congress a report on the activities performed by the Director pursuant to this section.

(h) DEFINITIONS.—For purposes of this section:

(1) APPLICABLE FEDERAL BENEFIT PROGRAM.—The term "applicable Federal benefit program" means any program of the Government of the United States providing for regular or periodic payments or cash assistance paid directly to individual beneficiaries, as determined by the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means a department, agency, or instrumentality of the Government of the United States.

(3) CPI COMPUTATION ERROR FOR 1999.—The term "CPI computation error for 1999" means the error in the computation of the Consumer Price Index announced by the Bureau of Labor Statistics on September 28, 2000.

(i) TAX PROVISIONS.—In the case of taxable years (and other periods) beginning after December 31, 2000, if any Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) reflects the CPI computation error for 1999—

(1) the correct amount of such Index shall (in such manner and to such extent as the Secretary of the Treasury determines to be appropriate) be taken into account for purposes of such Code, and

(2) tables prescribed under section 1(f) of such Code to reflect such correct amount shall apply in lieu of any tables that were prescribed based on the erroneous amount.

SEC. 309. PREVENTION OF DUPLICATION OF LOSS THROUGH ASSUMPTION OF LIABILITIES GIVING RISE TO A DEDUCTION.

(a) IN GENERAL.—Section 358 (relating to basis to distributees) is amended by adding at the end the following new subsection:

“(h) SPECIAL RULES FOR ASSUMPTION OF LIABILITIES TO WHICH SUBSECTION (d) DOES NOT APPLY.—

“(1) IN GENERAL.—If, after application of the other provisions of this section to an exchange or series of exchanges, the basis of property to which subsection (a)(1) applies exceeds the fair market value of such property, then such basis shall be reduced (but not below such fair market value) by the amount (determined as of the date of the exchange) of any liability—

“(A) which is assumed in exchange for such property, and

“(B) with respect to which subsection (d)(1) does not apply to the assumption.

“(2) EXCEPTIONS.—Except as provided by the Secretary, paragraph (1) shall not apply to any liability if—

“(A) the trade or business with which the liability is associated is transferred to the person assuming the liability as part of the exchange, or

“(B) substantially all of the assets with which the liability is associated are transferred to the person assuming the liability as part of the exchange.

“(3) LIABILITY.—For purposes of this subsection, the term ‘liability’ shall include any fixed or contingent obligation to make payment, without regard to whether the obligation is otherwise taken into account for purposes of this title.”.

(b) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—Section 357(d)(1) is amended by inserting “section 358(h),” after “section 358(d),”.

(c) APPLICATION OF COMPARABLE RULES TO PARTNERSHIPS AND S CORPORATIONS.—The Secretary of the Treasury or his delegate—

(1) shall prescribe rules which provide appropriate adjustments under subchapter K of chapter 1 of the Internal Revenue Code of 1986 to prevent the acceleration or duplication of losses through the assumption of (or transfer of assets subject to) liabilities described in section 358(h)(3) of such Code (as added by subsection (a)) in transactions involving partnerships, and

(2) may prescribe rules which provide appropriate adjustments under subchapter S of chapter 1 of such Code in transactions described in paragraph (1) involving S corporations rather than partnerships.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to assumptions of liability after October 18, 1999.

(2) RULES.—The rules prescribed under subsection (c) shall apply to assumptions of liability after October 18, 1999, or such later date as may be prescribed in such rules.

SEC. 310. DISCLOSURE OF CERTAIN INFORMATION TO CONGRESSIONAL BUDGET OFFICE.

(a) DISCLOSURE OF CERTAIN TAX INFORMATION.—

(1) IN GENERAL.—Subsection (j) of section 6103 (relating to statistical use) is amended by adding at the end the following new paragraph:

“(6) CONGRESSIONAL BUDGET OFFICE.—Upon written request by the Director of the Congressional Budget Office, the Secretary shall furnish to officers and employees of the Congressional Budget Office return information for the purpose of, but only to the extent necessary for, long-term models of the social security and medicare programs.”.

(2) RECORDKEEPING SAFEGUARDS.—Section 6103(p) is amended—

(A) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting “the Congressional Budget Office,” after “General Accounting Office,”

(ii) in subparagraph (E), by striking “commission or the General Accounting Office” and inserting “commission, the General Accounting Office, or the Congressional Budget Office”,

(iii) in subparagraph (F)(ii), by striking “or the General Accounting Office,” and inserting “the General Accounting Office, or the Congressional Budget Office,”

and

(iv) in the matter following subparagraph (F), by inserting “or the Congressional Budget Office” after “General Accounting Office” both places it appears,

(B) in paragraph (5), by striking “commissions and the General Accounting Office” and inserting “commissions, the General Accounting Office, and the Congressional Budget Office”, and

(C) in paragraph (6)(A), by inserting “and the Congressional Budget Office” after “commissions”.

(b) CONFIDENTIALITY OF RECORDS.—

(1) IN GENERAL.—Section 203 of the Congressional Budget Act of 1974 (2 U.S.C. 603) is amended by adding at the end the following:

“(e) LEVEL OF CONFIDENTIALITY.—With respect to information, data, estimates, and statistics obtained under sections 201(d) and 201(e), the Director shall maintain the same level of confidentiality as is required by law of the department, agency, establishment, or regulatory agency or commission from which it is obtained. Officers and employees of the Congressional Budget Office shall be subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the department, agency, establishment, or regulatory agency or commission from which it is obtained.”.

(2) CONFORMING AMENDMENT.—Subsection (a) of section 203 of such Act is amended by striking “subsections (c) and (d)” and inserting “subsections (c), (d), and (e)”.

Subtitle B—Technical Corrections

SEC. 311. AMENDMENTS RELATED TO TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 502 OF THE ACT.—

(1) Section 280C(c)(1) is amended by striking “or credit” after “deduction” each place it appears.

(2) Section 30A is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

“(f) DENIAL OF DOUBLE BENEFIT.—Any wages or other expenses taken into account in determining the credit under this section may not be taken into account in determining the credit under section 41.”.

(b) AMENDMENT RELATED TO SECTION 545 OF THE ACT.—Clause (ii) of section 857(b)(7)(B) is amended to read as follows:

“(ii) EXCEPTION FOR CERTAIN AMOUNTS.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust—

“(I) for services furnished or rendered by a taxable REIT subsidiary that are described in paragraph (1)(B) of section 856(d), or

“(II) from a taxable REIT subsidiary that are described in paragraph (7)(C)(ii) of such section.”.

(c) CLARIFICATION RELATED TO SECTION 538 OF THE ACT.—The reference to section 332(b)(1) of the Internal Revenue Code of 1986 in Treasury Regulation section 1.1502-34 shall be deemed to include a reference to section 732(f) of such Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendments made by this section shall take effect as if included in the provisions of the Ticket to Work and Work Incentives Improvement Act of 1999 to which they relate.

SEC. 312. AMENDMENTS RELATED TO TAX AND TRADE RELIEF EXTENSION ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1004(b) OF THE ACT.—Subsection (d) of section 6104 is amended by adding at the end the following new paragraph:

“(6) APPLICATION TO NONEXEMPT CHARITABLE TRUSTS AND NONEXEMPT PRIVATE FOUNDATIONS.—The organizations referred to in paragraphs (1) and (2) of section 6033(d) shall comply with the requirements of this subsection relating to annual returns filed under section 6033 in the same manner as the organizations referred to in paragraph (1).”.

(b) AMENDMENT RELATED TO SECTION 4003 OF THE ACT.—Subsection (b) of section 4003 of the Tax and Trade Relief Extension Act of 1998 is amended by inserting “(7)(A)(i)(II),” after “(5)(A)(ii)(I),”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax and Trade Relief Extension Act of 1998 to which they relate.

SEC. 313. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO INNOCENT SPOUSE RELIEF.—

(1) ELECTION MAY BE MADE ANY TIME AFTER DEFICIENCY ASSERTED.—Subparagraph (B) of section 6015(c)(3) is amended by striking “shall be made” and inserting “may be made at any time after a deficiency for such year is asserted but”.

(2) CLARIFICATION REGARDING DISALLOWANCE OF REFUNDS AND CREDITS UNDER SECTION 6015(c).—

(A) IN GENERAL.—Section 6015 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) CREDITS AND REFUNDS.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), notwithstanding any other law or rule of law (other than section 6511, 6512(b), 7121, or 7122), credit or refund shall be allowed or made to the extent attributable to the application of this section.

“(2) RES JUDICATA.—In the case of any election under subsection (b) or (c), if a decision of a court in any prior proceeding for the same taxable year has become final, such decision shall be conclusive except with respect to the qualification of the individual for relief which was not an issue in such proceeding. The exception contained in the preceding sentence shall not apply if the court determines that the individual participated meaningfully in such prior proceeding.

“(3) CREDIT AND REFUND NOT ALLOWED UNDER SUBSECTION (c).—No credit or refund shall be allowed as a result of an election under subsection (c).”.

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 6015(e) is amended to read as follows:

“(3) LIMITATION ON TAX COURT JURISDICTION.—If a suit for refund is begun by either individual filing the joint return pursuant to section 6532—

“(A) the Tax Court shall lose jurisdiction of the individual’s action under this section to whatever extent jurisdiction is acquired by the district court or the United States Court of Federal Claims over the taxable years that are the subject of the suit for refund, and

“(B) the court acquiring jurisdiction shall have jurisdiction over the petition filed under this subsection.”.

(3) CLARIFICATIONS REGARDING REVIEW BY TAX COURT.—

(A) Paragraph (1) of section 6015(e) is amended in the matter preceding subparagraph (A) by inserting after “individual” the following: “against whom a deficiency has been asserted and”.

(B) Subparagraph (A) of section 6015(e)(1) is amended to read as follows:

“(A) IN GENERAL.—In addition to any other remedy provided by law, the individual may petition the Tax Court (and the Tax Court shall have jurisdiction) to determine the appropriate relief available to the individual under this section if such petition is filed—

“(i) at any time after the earlier of—

“(I) the date the Secretary mails, by certified or registered mail to the taxpayer’s last known address, notice of the Secretary’s final determination of relief available to the individual, or

“(II) the date which is 6 months after the date such election is filed with the Secretary, and

“(ii) not later than the close of the 90th day after the date described in clause (i)(I).”.

(C) Subparagraph (B)(i) of section 6015(e)(1) is amended—

(i) by striking “until the expiration of the 90-day period described in subparagraph (A)” and inserting

“until the close of the 90th day referred to in subparagraph (A)(ii)”, and

(ii) by inserting “under subparagraph (A)” after “filed with the Tax Court”.

(D)(i) Subsection (e) of section 6015 is amended by adding at the end the following new paragraph:

“(5) WAIVER.—An individual who elects the application of subsection (b) or (c) (and who agrees with the Secretary’s determination of relief) may waive in writing at any time the restrictions in paragraph (1)(B) with respect to collection of the outstanding assessment (whether or not a notice of the Secretary’s final determination of relief has been mailed).”.

(ii) Paragraph (2) of section 6015(e) is amended to read as follows:

“(2) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—The running of the period of limitations in section 6502 on the collection of the assessment to which the petition under paragraph (1)(A) relates shall be suspended—

“(A) for the period during which the Secretary is prohibited by paragraph (1)(B) from collecting by levy or a proceeding in court and for 60 days thereafter, and

“(B) if a waiver under paragraph (5) is made, from the date the claim for relief was filed until 60 days after the waiver is filed with the Secretary.”.

(b) AMENDMENTS RELATED TO PROCEDURE AND ADMINISTRATION.—

(1) DISPUTES INVOLVING \$50,000 OR LESS.—Section 7463 is amended by adding at the end the following new subsection:

“(f) ADDITIONAL CASES IN WHICH PROCEEDINGS MAY BE CONDUCTED UNDER THIS SECTION.—At the option of the taxpayer concurred in by the Tax Court or a division thereof before the hearing of the case, proceedings may be conducted under this section (in the same manner as a case described in subsection (a)) in the case of—

“(1) a petition to the Tax Court under section 6015(e) in which the amount of relief sought does not exceed \$50,000, and

“(2) an appeal under section 6330(d)(1)(A) to the Tax Court of a determination in which the unpaid tax does not exceed \$50,000.”.

(2) AUTHORITY TO ENJOIN COLLECTION ACTIONS.—

(A) Section 6330(e)(1) is amended by adding at the end the following: “Notwithstanding the provisions of section 7421(a), the beginning of a levy or proceeding during the time the suspension under this paragraph is in force may be enjoined by a proceeding in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction under this paragraph to enjoin any action or proceeding unless a timely appeal has been filed under subsection (d)(1) and then only in respect of the unpaid tax or proposed levy to which the determination being appealed relates.”.

(B) Section 7421(a) is amended by inserting “6330(e)(1),” after “6246(b),”.

(3) CLARIFICATION.—Paragraph (3) of section 6331(k) is amended by striking “(3), (4), and (5)” and inserting “(3) and (4)”.

(c) AMENDMENT RELATED TO SECTION 1103 OF THE ACT.—Paragraph (6) of section 6103(k) is amended—

(1) by inserting “and an officer or employee of the Office of Treasury Inspector General for Tax Administration” after “internal revenue officer or employee”, and

(2) by striking “INTERNAL REVENUE” in the heading and inserting “CERTAIN”.

(d) AMENDMENT RELATED TO SECTION 3401 OF THE ACT.—Section 6330(d)(1)(A) is amended by striking “to hear” and inserting “with respect to”.

(e) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Subparagraph (A) of section 6110(g)(5) is amended by inserting “, any Chief Counsel advice,” after “technical advice memorandum”.

(f) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. The amendments made by subsections (c), (d), and (e) shall take effect as if included in the provisions of the Internal Revenue Service Restructuring and Reform Act of 1998 to which they relate.

SEC. 314. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Paragraph (4) of section 6211(b) is amended by striking “sections 32 and 34” and inserting “sections 24(d), 32, and 34”.

(b) AMENDMENT RELATED TO SECTION 302 OF THE ACT.—The last sentence of section 3405(e)(1)(B) is amended by inserting “(other than a Roth IRA)” after “individual retirement plan”.

(c) AMENDMENT TO SECTION 311 OF THE ACT.—Paragraph (3) of section 311(e) of the Taxpayer Relief Act of 1997 (relating to election to recognize gain on assets held on January 1, 2001) is amended by adding at the end the following new sentence: “Such an election shall not apply to any asset which is disposed of (in a transaction in which gain or loss is recognized in whole or in part) before the close of the 1-year period beginning on the date that the asset would have been treated as sold under such election.”.

(d) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—The flush sentence at the end of clause (ii) of section 56(a)(1)(A) is amended by inserting before “or to any other property” the following: “(and the straight line method shall be used for such 1250 property)”.

(e) AMENDMENTS RELATED TO SECTION 1072 OF THE ACT.—

(1) Clause (ii) of section 415(c)(3)(D) and subparagraph (B) of section 403(b)(3) are each amended by striking “section 125 or” and inserting “section 125, 132(f)(4), or”.

(2) Paragraph (2) of section 414(s) is amended by striking “section 125, 402(e)(3)” and inserting “section 125, 132(f)(4), 402(e)(3)”.

(f) AMENDMENT RELATED TO SECTION 1454 OF THE ACT.—Subsection (a) of section 7436 is amended by inserting before the period at the end of the first sentence “and the proper amount of employment tax under such determination”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief of 1997 to which they relate.

SEC. 315. AMENDMENTS RELATED TO BALANCED BUDGET ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 9302 OF THE ACT.—

(1) Paragraph (1) of section 9302(j) of the Balanced Budget Act of 1997 is amended by striking “tobacco products and cigarette papers and tubes” and inserting “cigarettes”.

(2)(A) Subsection (h) of section 5702 is amended to read as follows:

“(h) MANUFACTURER OF CIGARETTE PAPERS AND TUBES.—‘Manufacturer of cigarette papers and tubes’ means any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption.”.

(B) Section 5702, as amended by subparagraph (A), is amended by striking subsection (f) and by redesignating subsections (g) through (p) as subsections (f) through (o), respectively.

(3) Subsection (c) of section 5761 is amended by adding at the end the following: “This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under this subsection. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 316. AMENDMENTS RELATED TO SMALL BUSINESS JOB PROTECTION ACT OF 1996.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (B) of section 51(d)(2) is amended—

(1) by striking “plan approved” and inserting “program funded”, and

(2) by striking “(relating to assistance for needy families with minor children)”.

(b) AMENDMENT RELATED TO SECTION 1302 OF THE ACT.—Clause (i) of section 1361(e)(1)(A) is amended by striking “or” before “(III)” and by adding at the end the following: “or (IV) an organization described in section 170(c)(1) which holds a contingent interest in such trust and is not a potential current beneficiary,”.

(c) AMENDMENT RELATED TO SECTION 1401 OF THE ACT.—Clause (ii) of section 401(k)(10)(B) is amended by adding at the end the following new sentence: “Such term includes a distribution of an annuity contract from—

“(I) a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501(a), or

“(II) an annuity plan described in section 403(a).”.

(d) AMENDMENT RELATED TO SECTION 1427 OF THE ACT.—Clause (ii) of section 219(c)(1)(B) is amended by striking “and” at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

“(II) the amount of any designated nondeductible contribution (as defined in section 408(o)) on behalf of such spouse for such taxable year, and”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the provisions of the Small Business Job Protection Act of 1996 to which they relate.

SEC. 317. AMENDMENT RELATED TO REVENUE RECONCILIATION ACT OF 1990.

(a) **AMENDMENT RELATED TO SECTION 11511 OF THE ACT.**—Subparagraph (C) of section 43(c)(1) is amended—

(1) by inserting “(as defined in section 193(b))” after “expenses”, and

(2) by striking “under section 193”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in section 11511 of the Revenue Reconciliation Act of 1990.

SEC. 318. OTHER TECHNICAL CORRECTIONS.

(a) **MODIFIED ENDOWMENT CONTRACTS.**—

(1) Paragraph (2) of section 7702A(a) is amended by inserting “or this paragraph” before the period.

(2) Clause (ii) of section 7702A(c)(3)(A) is amended by striking “under the contract” and inserting “under the old contract”.

(3) The amendments made by this subsection shall take effect as if included in the amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

(b) **AFFILIATED CORPORATIONS IN CONTEXT OF WORTHLESS SECURITIES.**—

(1) Subparagraph (A) of section 165(g)(3) is amended to read as follows:

“(A) the taxpayer owns directly stock in such corporation meeting the requirements of section 1504(a)(2), and”.

(2) Paragraph (3) of section 165(g) is amended by striking the last sentence.

(3) The amendments made by this subsection shall apply to taxable years beginning after December 31, 1984.

(c) **CERTAIN ANNUITIES ISSUED BY TAX-EXEMPT ORGANIZATIONS NOT TREATED AS DEBT INSTRUMENTS UNDER ORIGINAL ISSUE DISCOUNT RULES.**—

(1) Clause (ii) of section 1275(a)(1)(B) is amended by striking “subchapter L” and inserting “subchapter L (or by an entity described in section 501(c) and exempt from tax under section 501(a) which would be subject to tax under subchapter L were it not so exempt)”.

(2) The amendment made by this subsection shall take effect as if included in the amendments made by section 41 of the Tax Reform Act of 1984.

(d) **TENTATIVE CARRYBACK ADJUSTMENTS OF LOSSES FROM SECTION 1256 CONTRACTS.**—

(1) Subsection (a) of section 6411 is amended by striking “section 1212(a)(1)” and inserting “subsection (a)(1) or (c) of section 1212”.

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 504 of the Economic Recovery Tax Act of 1981.

(e) **CORRECTION OF CALCULATION OF AMOUNTS TO BE DEPOSITED IN HIGHWAY TRUST FUND.**—

(1) Subsection (b) of section 9503 is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(2) The amendment made by paragraph (1) shall apply with respect to taxes received in the Treasury after the date of the enactment of this Act.

(f) EXPENDITURES FROM VACCINE INJURY COMPENSATION TRUST FUND.—Section 9510(c)(1)(A) is amended by striking “December 31, 1999” and inserting “October 18, 2000”.

SEC. 319. CLERICAL CHANGES.

(1) Clause (i) of section 45(d)(7)(A) is amended by striking “paragraph (3)(A)” and inserting “subsection (c)(3)(A)”.

(2) Subsection (f) of section 67 is amended by striking “the last sentence” and inserting “the second sentence”.

(3) The heading for paragraph (5) of section 408(d) is amended to read as follows:

“(5) DISTRIBUTIONS OF EXCESS CONTRIBUTIONS AFTER DUE DATE FOR TAXABLE YEAR AND CERTAIN EXCESS ROLLOVER CONTRIBUTIONS.—”.

(4) Paragraph (3) of section 475(g) is amended by striking “267(b) of” and inserting “267(b) or”.

(5) The heading for subparagraph (B) of section 529(e)(3) is amended by striking “UNDER GUARANTEED PLANS”.

(6) Clause (iii) of section 530(d)(4)(B) is amended by striking “; or” at the end and inserting “, or”.

(7) Paragraphs (1)(C) and (2)(C) of section 664(d) are each amended by striking the period after “subsection (g)”.

(8)(A) Subsection (e) of section 678 is amended by striking “an electing small business corporation” and inserting “an S corporation”.

(B) Clause (v) of section 6103(e)(1)(D) is amended to read as follows:

“(v) if the corporation was an S corporation, any person who was a shareholder during any part of the period covered by such return during which an election under section 1362(a) was in effect, or”.

(9) Paragraph (7) of section 856(c) is amended by striking “paragraph (4)(B)(ii)(III)” and inserting “paragraph (4)(B)(iii)(III)”.

(10) Subparagraph (A) of section 856(l)(4) is amended by striking “paragraph (9)(D)(ii)” and inserting “subsection (d)(9)(D)(ii)”.

(11) Subparagraph (B) of section 871(f)(2) is amended by striking “19 U.S.C.” and inserting “(19 U.S.C.)”.

(12) Subparagraph (B) of section 995(b)(3) is amended by striking “the Military Security Act of 1954 (22 U.S.C. 1934)” and inserting “section 38 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2778)”.

(13) Section 1391(g)(3)(C) is amended by striking “paragraph (1)(B)” and inserting “paragraph (1)”.

(14)(A) Paragraph (2) of section 2035(c) is amended by striking “paragraph (1)” and inserting “subsection (a)”.

(B) Subsection (d) of section 2035 is amended by inserting “and paragraph (1) of subsection (c)” after “Subsection (a)”.

(15) Paragraph (5) of section 3121(a) is amended by striking the semicolon at the end of subparagraph (G) and inserting a comma.

(16) Subparagraph (B) of section 4946(c)(3) is amended by striking “the lowest rate of compensation prescribed for GS-16 of the General Schedule under section 5332” and inserting “the lowest rate of basic pay for the Senior Executive Service under section 5382”.

(17) Subsection (p) of section 6103 is amended—

(A) in paragraph (4), in the matter preceding subparagraph (A)—

(i) by striking the second comma after “(13)”, and

(ii) by striking “(7)” and all that follows through “shall, as a condition” and inserting “(7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16) shall, as a condition”, and

(B) in paragraph (4)(F)(ii), by striking the second comma after “(14)”.

(18) Paragraph (5) of section 6166(k) is amended by striking “2035(d)(4)” and inserting “2035(c)(2)”.

(19) Subsection (a) of section 6512 is amended by striking “; and” at the end of paragraphs (1), (2), and (5) and inserting “, and”.

(20) Paragraph (1) of section 6611(g) is amended by striking the comma after “(b)(3)”.

(21) Subparagraphs (A) and (B) of section 6655(e)(5) are amended by striking “subsections (d)(5) and (l)(3)(B)” and inserting “subsection (d)(5)”.

(22) The subchapter heading for subchapter D of chapter 67 is amended by capitalizing the first letter of the second word.

(23)(A) Section 6724(d)(1)(B) is amended by striking clauses (xiv) through (xvii) and inserting the following:

“(xiv) subparagraph (A) or (C) of subsection (c)(4) of section 4093 (relating to information reporting with respect to tax on diesel and aviation fuels),

“(xv) section 4101(d) (relating to information reporting with respect to fuels taxes),

“(xvi) subparagraph (C) of section 338(h)(10) (relating to information required to be furnished to the Secretary in case of elective recognition of gain or loss), or

“(xvii) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts), and”.

(B) Section 6010(o)(4)(C) of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking “inserting ‘or’, and by adding at the end” and inserting “inserting ‘, or’, and by adding after subparagraph (Z)”.

(24) Subsection (a) of section 7421 is amended by striking “6672(b)” and inserting “6672(c)”.

(25) Paragraph (3) of section 7430(c) is amended—

(A) in the paragraph heading, by striking “ATTORNEYS” and inserting “ATTORNEYS’”, and

(B) in subparagraph (B), by striking “attorneys fees” each place it appears and inserting “attorneys’ fees”.

(26) Paragraph (2) of section 7603(b) is amended by striking the semicolon at the end of subparagraphs (A), (B), (C), (D), (E), (F), and (G) and inserting a comma.

(27) Clause (ii) of section 7802(b)(2)(B) is amended by striking “; and” at the end and inserting “, and”.

(28) Paragraph (3) of section 7811(a) is amended by striking “taxpayer assistance order” and inserting “Taxpayer Assistance Order”.

(29) Paragraph (1) of section 7811(d) is amended by striking “Ombudsman’s” and inserting “National Taxpayer Advocate’s”.

(30) Paragraph (3) of section 7872(f) is amended by striking “foregoing” and inserting “forgoing”.

TITLE IV—TAX TREATMENT OF SECURITIES FUTURES CONTRACTS

SEC. 401. TAX TREATMENT OF SECURITIES FUTURES CONTRACTS.

(a) **IN GENERAL.**—Subpart IV of subchapter P of chapter 1 (relating to special rules for determining gains and losses) is amended by inserting after section 1234A the following new section:

“SEC. 1234B. GAINS OR LOSSES FROM SECURITIES FUTURES CONTRACTS.

“(a) **TREATMENT OF GAIN OR LOSS.**—

“(1) **IN GENERAL.**—Gain or loss attributable to the sale or exchange of a securities futures contract shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by the taxpayer).

“(2) **NONAPPLICATION OF SUBSECTION.**—This subsection shall not apply to—

“(A) a contract which constitutes property described in paragraph (1) or (7) of section 1221(a), and

“(B) any income derived in connection with a contract which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset.

“(b) **SHORT-TERM GAINS AND LOSSES.**—Except as provided in the regulations under section 1092(b) or this section, if gain or loss on the sale or exchange of a securities futures contract to sell property is considered as gain or loss from the sale or exchange of a capital asset, such gain or loss shall be treated as short-term capital gain or loss.

“(c) **SECURITIES FUTURES CONTRACT.**—For purposes of this section, the term ‘securities futures contract’ means any security future (as defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this section).

“(d) **CONTRACTS NOT TREATED AS COMMODITY FUTURES CONTRACTS.**—For purposes of this title, a securities futures contract shall not be treated as a commodity futures contract.

“(e) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be appropriate to provide for the proper treatment of securities futures contracts under this title.”.

(b) **TERMINATIONS, ETC.**—Section 1234A is amended—

(1) by inserting “(other than a securities futures contract, as defined in section 1234B)” after “right or obligation” in paragraph (1),

(2) by striking “or” at the end of paragraph (1),

(3) by adding “or” at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraph:

“(3) a securities futures contract (as so defined) which is a capital asset in the hands of the taxpayer.”.

(c) NONRECOGNITION UNDER SECTION 1032.—The second sentence of section 1032(a) is amended by inserting “, or with respect to a securities futures contract (as defined in section 1234B),” after “an option”.

(d) TREATMENT UNDER WASH SALES RULES.—Section 1091 is amended by adding at the end the following new subsection:

“(f) CASH SETTLEMENT.—This section shall not fail to apply to a contract or option to acquire or sell stock or securities solely by reason of the fact that the contract or option settles in (or could be settled in) cash or property other than such stock or securities.”.

(e) TREATMENT UNDER STRADDLE RULES.—Clause (i) of section 1092(d)(3)(B) is amended by striking “or” at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

“(II) a securities futures contract (as defined in section 1234B) with respect to such stock or substantially identical stock or securities, or”.

(f) TREATMENT UNDER SHORT SALES RULES.—Paragraph (2) of section 1233(e) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “; and”, and by adding at the end the following:

“(D) a securities futures contract (as defined in section 1234B) to acquire substantially identical property shall be treated as substantially identical property.”.

(g) TREATMENT UNDER SECTION 1256.—

(1)(A) Subsection (b) of section 1256 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following:

“(5) any dealer securities futures contract.

The term ‘section 1256 contract’ shall not include any securities futures contract or option on such a contract unless such contract or option is a dealer securities futures contract.”.

(B) Subsection (g) of section 1256 is amended by adding at the end the following new paragraph:

“(9) DEALER SECURITIES FUTURES CONTRACT.—

“(A) IN GENERAL.—The term ‘dealer securities futures contract’ means, with respect to any dealer, any securities futures contract, and any option on such a contract, which—

“(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

“(ii) is traded on a qualified board or exchange.

“(B) DEALER.—For purposes of subparagraph (A), a person shall be treated as a dealer in securities futures

contracts or options on such contracts if the Secretary determines that such person performs, with respect to such contracts or options, as the case may be, functions similar to the functions performed by persons described in paragraph (8)(A). Such determination shall be made to the extent appropriate to carry out the purposes of this section.

“(C) SECURITIES FUTURES CONTRACT.—The term ‘securities futures contract’ has the meaning given to such term by section 1234B.”.

(2) Paragraph (4) of section 1256(f) is amended—

(A) by inserting “, or dealer securities futures contracts,” after “dealer equity options” in the text, and

(B) by inserting “AND DEALER SECURITIES FUTURES CONTRACTS” after “DEALER EQUITY OPTIONS” in the heading.

(3) Paragraph (6) of section 1256(g) is amended to read as follows:

“(6) EQUITY OPTION.—The term ‘equity option’ means any option—

“(A) to buy or sell stock, or

“(B) the value of which is determined directly or indirectly by reference to any stock or any narrow-based security index (as defined in section 3(a)(55) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this paragraph).

The term ‘equity option’ includes such an option on a group of stocks only if such group meets the requirements for a narrow-based security index (as so defined).”.

(4) The Secretary of the Treasury or his delegate shall make the determinations under section 1256(g)(9)(B) of the Internal Revenue Code of 1986, as added by this Act, not later than July 1, 2001.

(h) CONFORMING AMENDMENTS.—

(1) Section 1223 is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

“(16) If the security to which a securities futures contract (as defined in section 1234B) relates (other than a contract to which section 1256 applies) is acquired in satisfaction of such contract, in determining the period for which the taxpayer has held such security, there shall be included the period for which the taxpayer held such contract if such contract was a capital asset in the hands of the taxpayer.”.

(2) The table of sections for subpart IV of subchapter P of chapter 1 is amended by inserting after the item relating to section 1234A the following new item:

“Sec. 1234B. Securities futures contracts.”.

(i) DESIGNATION OF CONTRACT MARKETS.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) DESIGNATION OF CONTRACT MARKETS.—Any designation by the Commodity Futures Trading Commission of a contract market which could not have been made under the law in effect on the day before the date of the enactment of the Commodity Futures Modernization Act of 2000 shall apply for purposes of this title except to the extent provided in regulations prescribed by the Secretary.”.

PUBLIC LAW 106–554—APPENDIX G 114 STAT. 2763A–651

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

APPENDIX H—H.R. 5663

SECTION 1. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “New Markets Venture Capital Program Act of 2000”.

(b) NEW MARKETS VENTURE CAPITAL PROGRAM.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(1) in the heading for the title, by striking “SMALL BUSINESS INVESTMENT COMPANIES” and inserting “INVESTMENT DIVISION PROGRAMS”;

(2) by inserting before the heading for section 301 the following:

“PART A—SMALL BUSINESS INVESTMENT COMPANIES”;

and

(3) by adding at the end the following:

“PART B—NEW MARKETS VENTURE CAPITAL PROGRAM

“SEC. 351. DEFINITIONS.

“In this part, the following definitions apply:

“(1) DEVELOPMENTAL VENTURE CAPITAL.—The term ‘developmental venture capital’ means capital in the form of equity capital investments in businesses made with a primary objective of fostering economic development in low-income geographic areas. For the purposes of this paragraph, the term ‘equity capital’ has the same meaning given such term in section 303(g)(4).

“(2) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ means an individual whose income (adjusted for family size) does not exceed—

“(A) for metropolitan areas, 80 percent of the area median income; and

“(B) for nonmetropolitan areas, the greater of—

“(i) 80 percent of the area median income; or

“(ii) 80 percent of the statewide nonmetropolitan area median income.

“(3) LOW-INCOME GEOGRAPHIC AREA.—the term ‘low-income geographic area’ means—

“(A) any population census tract (or in the case of an area that is not tracted for population census tracts, the equivalent county division, as defined by the Bureau of the Census of the Department of Commerce for purposes of defining poverty areas), if—

“(i) the poverty rate for that census tract is not less than 20 percent;

“(ii) in the case of a tract—

“(I) that is located within a metropolitan area, 50 percent or more of the households in that census tract have an income equal to less than 60 percent of the area median gross income; or

“(II) that is not located within a metropolitan area, the median household income for such tract does not exceed 80 percent of the statewide median household income; or

“(iii) as determined by the Administrator based on objective criteria, a substantial population of low-income individuals reside, an inadequate access to investment capital exists, or other indications of economic distress exist in that census tract; or

“(B) any area located within—

“(i) a HUBZone (as defined in section 3(p) of the Small Business Act and the implementing regulations issued under that section);

“(ii) an urban empowerment zone or urban enterprise community (as designated by the Secretary of Housing and Urban Development); or

“(iii) a rural empowerment zone or rural enterprise community (as designated by the Secretary of Agriculture).

“(4) NEW MARKETS VENTURE CAPITAL COMPANY.—The term ‘New Markets Venture Capital company’ means a company that—

“(A) has been granted final approval by the Administrator under section 354(e); and

“(B) has entered into a participation agreement with the Administrator.

“(5) OPERATIONAL ASSISTANCE.—The term ‘operational assistance’ means management, marketing, and other technical assistance that assists a small business concern with business development.

“(6) PARTICIPATION AGREEMENT.—The term ‘participation agreement’ means an agreement, between the Administrator and a company granted final approval under section 354(e), that—

“(A) details the company’s operating plan and investment criteria; and

“(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low-income geographic areas.

“(7) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term ‘specialized small business investment company’ means any small business investment company that—

“(A) invests solely in small business concerns that contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages;

“(B) is organized or chartered under State business or nonprofit corporations statutes, or formed as a limited partnership; and

“(C) was licensed under section 301(d), as in effect before September 30, 1996.

“(8) STATE.—The term ‘State’ means such of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

“SEC. 352. PURPOSES.

“The purposes of the New Markets Venture Capital Program established under this part are—

“(1) to promote economic development and the creation of wealth and job opportunities in low-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

“(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in low-income geographic areas, to be administered by the Administrator—

“(A) to enter into participation agreements with New Markets Venture Capital companies;

“(B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low-income geographic areas; and

“(C) to make grants to New Markets Venture Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

“SEC. 353. ESTABLISHMENT.

“In accordance with this part, the Administrator shall establish a New Markets Venture Capital Program, under which the Administrator may—

“(1) enter into participation agreements with companies granted final approval under section 354(e) for the purposes set forth in section 352;

“(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 355; and

“(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

“SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

“(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New Markets Venture Capital company, in the program established under this part if—

“(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

“(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

“(3) the company has a primary objective of economic development of low-income geographic areas.

“(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under this part a

company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administrator that includes—

“(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified low-income geographic areas;

“(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company’s management;

“(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

“(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, when necessary, on the company’s staff or from an outside entity;

“(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

“(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

“(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the company’s business plan; and

“(8) such other information as the Administrator may require.

“(c) CONDITIONAL APPROVAL.—

“(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall, in accordance with this subsection, conditionally approval companies to participate in the New Markets Venture Capital Program.

“(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administrator shall consider the following:

“(A) The likelihood that the company will meet the goal of its business plan.

“(B) The experience and background of the company’s management team.

“(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest.

“(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

“(E) The likelihood that the company will be able to satisfy the conditions under subsection (d).

“(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

“(G) The strength of the company’s proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable cash requirements and properly utilize in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided

by persons on the company's staff or by persons outside of the company.

“(H) Any other factors deemed appropriate by the Administrator.

“(3) NATIONWIDE DISTRIBUTION.—The Administrator shall select companies under paragraph (1) in such a way that promotes investment nationwide.

“(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administrator shall grant each conditionally approved company a period of time, not to exceed 2 years, to satisfy the following requirements:

“(1) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than \$5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.

“(2) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

“(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

“(i) shall have binding commitments (for contribution in cash or in kind)—

“(I) from any sources other than the Small Business Administration that meet criteria established by the Administrator;

“(II) payable or available over a multiyear period acceptable to the Administrator (not to exceed 10 years); and

“(III) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

“(ii) shall have purchased an annuity—

“(I) from an insurance company acceptable to the Administrator;

“(II) using funds (other than the funds raised under paragraph (1)), from any source other than the Administrator; and

“(III) that yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); or

“(iii) shall have binding commitments (for contributions in cash or in kind) of the type described in clause (i) and shall have purchased an annuity of the type described in clause (ii), which in the aggregate make available, over a multiyear period acceptable to the Administrator (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

“(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

“(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

“(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

“(C) LIMITATION.—In order to comply with the requirements of subparagraphs (A) and (B), the total amount of a company’s in-kind contributions may not exceed 50 percent of the company’s total contributions.

“(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved to operate as a New Markets Venture Capital company under subsection (c), either—

“(1) grant final approval to the applicant to operate as a New Markets Venture Capital company under this part and designate the applicant as such a company, if the applicant—

“(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

“(B) enters into a participation agreement with the Administrator; or

“(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in that subsection, revoke the conditional approval granted under that subsection.

“SEC. 355. DEBENTURES.

“(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any New Markets Venture Capital company.

“(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

“(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

“(d) MAXIMUM GUARANTEE.—

“(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a New Markets Venture Capital company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

“(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

“SEC. 356. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

“(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a New Markets Venture Capital company and guaranteed by the Administrator under this part, if such certificates are based

on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

“(b) GUARANTEE.—

“(1) IN GENERAL.—The Administrator may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

“(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

“(3) PREPAYMENT OR DEFAULT.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

“(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

“(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

“(e) SUBROGATION AND OWNERSHIP RIGHTS.—

“(1) SUBROGATION.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

“(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

“(f) MANAGEMENT AND ADMINISTRATION.—

“(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

“(2) CONTRACTING OF FUNCTIONS.—

“(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

“(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

“(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

“(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

“(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

“(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

“SEC. 357. FEES.

“Except as provided in section 356(d), the Administrator may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

“SEC. 358. OPERATIONAL ASSISTANCE GRANTS.

“(a) IN GENERAL.—

“(1) AUTHORITY.—In accordance with this section, the Administrator may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

“(2) TERMS.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

“(3) GRANTS TO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

“(A) AUTHORITY.—In accordance with this section, the Administrator may make grants to specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies after the effective date of the New Markets Venture Capital Program Act of 2000.

“(B) USE OF FUNDS.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the New Markets Venture Capital Program Act of 2000) in a business located in a low-income geographic area.

“(C) SUBMISSION OF PLANS.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator, in such form and manner as the Administrator may require, a plan for use of the grant.

“(4) GRANT AMOUNT.—

“(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—The amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the company under section 354(d)(2).

“(B) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to New Market Venture Capital companies set forth in section 354(d)(2).

“(5) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (4), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

“(b) SUPPLEMENTAL GRANTS.—

“(1) IN GENERAL.—The Administrator may make supplemental grants to New Markets Venture Capital companies and to other entities, as authorized by this part under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

“(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other than those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

“(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a New Markets Venture Capital company or a specialized small business investment company.

“SEC. 359. BANK PARTICIPATION.

“(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any New Markets Venture Capital company, or in any entity established to invest solely in New Markets Venture Capital companies.

“(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

“SEC. 360. FEDERAL FINANCING BANK.

“Section 318 shall not apply to any debenture issued by a New Markets Venture Capital company under this part.

“SEC. 361. REPORTING REQUIREMENT.

“Each New Markets Venture Capital company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

“(1) information related to the measurement criteria that the company proposed in its program application; and

“(2) in each case in which the company under this part makes an investment in, or a loan or grant to, a business that is not located in a low-income geographic area, a report on the number and percentage of employees of the business who reside in such areas.

“SEC. 362. EXAMINATIONS.

“(a) IN GENERAL.—Each New Markets Venture Capital company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Small Business Administration in accordance with this section.

“(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

“(c) COSTS.—

“(1) ASSESSMENT.—

“(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

“(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

“(d) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Small Business Administration.

“SEC. 363. INJUNCTIONS AND OTHER ORDERS.

“(a) IN GENERAL.—Whenever, in the judgment of the Administrator, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administrator may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administrator that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

“(b) JURISDICTION.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the New Market Venture Capital company and the assets thereof, wherever located, and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

“(c) ADMINISTRATOR AS TRUSTEE OR RECEIVER.—

“(1) AUTHORITY.—The Administrator may act as trustee or receiver of a New Markets Venture Capital company.

“(2) Appointment.—Upon request of the Administrator, the court may appoint the Administrator to act as a trustee or receiver of a New Markets Venture Capital company unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

“SEC. 364. ADDITIONAL PENALTIES FOR NONCOMPLIANCE.

“(a) IN GENERAL.—With respect to any New Markets Venture Capital company that violates or fails to comply with any of the provisions of this Act, of any regulation issued under this Act, or of any participation agreement entered into under this Act, the Administrator may in accordance with this section—

“(1) void the participation agreement between the Administrator and the company; and

“(2) cause the company to forfeit all of the rights and privileges derived by the company from this Act.

“(b) ADJUDICATION OF NONCOMPLIANCE.—

“(1) IN GENERAL.—Before the Administrator may cause a New Markets Venture Capital company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the company committed a violation, or failed to comply, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

“(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the United States under this subsection shall be brought by the Administrator or by the Attorney General.

“SEC. 365. UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.

“(a) PARTIES DEEMED TO COMMIT A VIOLATION.—Whenever any New Markets Venture Capital company violates any provision of this Act, of a regulation issued under this Act, or of a participation agreement entered into under this Act, by reason of its failure to comply with its terms or by reason of its engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, authorizes, orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

“(b) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the person’s fiduciary duty as such officer, director, employee, agent, or participant if, as a result thereof, the company suffers or is in imminent danger of suffering financial loss or other damage.

“(c) UNLAWFUL ACTS.—Except with the written consent of the Administrator, it shall be unlawful—

“(1) for any person to take office as an officer, director, or employee of any New Markets Venture Capital company, or to become an agent or participant in the conduct of the affairs or management of such a company, if the person—

“(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

“(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction,

by reason of any act or practice involving fraud, or breach of trust; and

“(2) for any person continue to serve in any of the capacities described in paragraph (1), if—

“(A) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

“(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

“SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

“Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any New Markets Venture Capital company.

“SEC. 367. REGULATIONS.

“The Administrator may issue such regulations as it deems necessary to carry out the provisions of this part in accordance with its purposes.

“SEC. 368. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2001 through 2006, to remain available until expended, the following sums:

“(1) Such subsidy budget authority as may be necessary to guarantee \$150,000,000 of debentures under this part.

“(2) \$30,000,000 to make grants under this part.

“(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 362(c)(2) are authorized to be appropriated only for the costs of examinations under section 362 and for the costs of other oversight activities with respect to the program established under this part.”.

(c) CONFORMING AMENDMENT.—Section 20(e)(1)(C) of the Small Business Act (15 U.S.C. 631 note) is amended by inserting ‘part A of’ before ‘title III’.

(d) CALCULATION OF MAXIMUM AMOUNT OF SBIC LEVERAGE.—

(1) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

“(2) MAXIMUM LEVERAGE.—

“(A) IN GENERAL.—After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company’s private capital—

“(i) if the company has private capital of not more than \$15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

“(ii) if the company has private capital of more than \$15,000,000 but not more than \$30,000,000, the total amount of leverage shall not exceed \$45,000,000 plus 200 percent of the amount of private capital over \$15,000,000; and

“(iii) if the company has private capital of more than \$30,000,000, the total amount of leverage shall not exceed \$75,000,000 plus 100 percent of the amount of private capital over \$30,000,000 but not to exceed an additional \$15,000,000.

“(B) ADJUSTMENTS.—

“(i) IN GENERAL.—The dollar amounts in clauses (i), (ii), and (iii) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

“(ii) INITIAL ADJUSTMENTS.—The initial adjustments made under this subparagraph after the date of the enactment of the Small Business Reauthorization Act of 1937 shall reflect only increases from March 31, 1993.

“(C) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company’s private capital.”.

(2) MAXIMUM AGGREGATE LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(4)) is amended by adding at the end the following new subparagraph:

“(D) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company’s private capital.”.

(e) BANKRUPTCY EXEMPTION FOR NEW MARKETS VENTURE CAPITAL COMPANIES.—Section 109(b)(2) of title 11, United States Code, is amended by inserting “a New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958,” after “homestead association,”.

(f) FEDERAL SAVINGS ASSOCIATIONS.—Section 5(c)(4) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

“(F) NEW MARKETS VENTURE CAPITAL COMPANIES.—A Federal savings association may invest in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958, except that a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.”.

SEC. 2. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(n) BUSINESS GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—In accordance with this subsection, the Administrator may make grants to and enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

“(A) to expand business-to-business relationships between large and small businesses; and

“(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protege programs or community-based, statewide, or local business development programs.

“(2) MATCHING REQUIREMENT.—Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) or (1)(B) an amount, either in kind or in cash, equal to the grant amount.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$6,600,000, to remain available until expended, for each of fiscal years 2001 through 2006.”.

APPENDIX I—H.R. 5667

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Small Business Reauthorization Act of 2000”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Extension of SBIR program.
- Sec. 104. Annual report.
- Sec. 105. Third phase assistance.
- Sec. 106. Report on programs for annual performance plan.
- Sec. 107. Output and outcome data.
- Sec. 108. National Research Council reports.
- Sec. 109. Federal agency expenditures for the SBIR program.
- Sec. 110. Policy directive modifications.
- Sec. 111. Federal and State technology partnership program.
- Sec. 112. Mentoring networks.
- Sec. 113. Simplified reporting requirements.
- Sec. 114. Rural outreach program extension.

TITLE II—BUSINESS LOAN PROGRAMS

- Sec. 201. Short title.
- Sec. 202. Levels of participation.
- Sec. 203. Loan amounts.
- Sec. 204. Interest on defaulted loans.
- Sec. 205. Prepayment of loans.
- Sec. 206. Guarantee fees.
- Sec. 207. Lease terms.
- Sec. 208. Appraisals for loans secured by real property.
- Sec. 209. Sale of guaranteed loans made for export purposes.
- Sec. 210. Microloan program.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

- Sec. 301. Short title.
- Sec. 302. Women-owned businesses.
- Sec. 303. Maximum debenture size.
- Sec. 304. Fees.
- Sec. 305. Premier certified lenders program.
- Sec. 306. Sale of certain defaulted loans.
- Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Investment in small business investment companies.
- Sec. 404. Subsidy fees.
- Sec. 405. Distributions.
- Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

- Sec. 501. Short title.

- Sec. 502. Reauthorization of small business programs.
- Sec. 503. Additional reauthorizations.
- Sec. 504. Cosponsorship.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

- Sec. 601. Short title.
- Sec. 602. HUBZone small business concern.
- Sec. 603. Qualified HUBZone small business concern.
- Sec. 604. Other definitions.

Subtitle B—Other HUBZone Provisions

- Sec. 611. Definitions.
- Sec. 612. Eligible contracts.
- Sec. 613. HUBZone redesignated areas.
- Sec. 614. Community development.
- Sec. 615. Reference corrections.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

- Sec. 701. Short title.
- Sec. 702. Membership of the Council.
- Sec. 703. Repeal of procurement project.
- Sec. 704. Studies and other research.
- Sec. 705. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Loan application processing.
- Sec. 802. Application of ownership requirements.
- Sec. 803. Subcontracting preference for veterans.
- Sec. 804. Small Business Development Center Program funding.
- Sec. 805. Surety bonds.
- Sec. 806. Size standards.
- Sec. 807. Native Hawaiian organizations under section 8(a).
- Sec. 808. National Veterans Business Development Corporation correction.
- Sec. 809. Private sector resources for SCORE.
- Sec. 810. Contract data collection.
- Sec. 811. Procurement program for women-owned small business concerns.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the “Small Business Innovation Research Program Reauthorization Act of 2000”.

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this title referred to as the “SBIR program”) is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation’s high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation’s vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation’s competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

“(m) **TERMINATION.**—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.”.

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking “and the Committee on Small Business of the House of Representatives” and inserting “, and to the Committee on Science and the Committee on Small Business of the House of Representatives,”.

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking “; and” and inserting “; or”.

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

- (1) in paragraph (7), by striking “and” at the end;
- (2) in paragraph (8), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:

“(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and”.

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) **COLLECTION.**—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following:

“(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).”.

(b) **REPORT TO CONGRESS.**—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end “, including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to

which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

“(k) DATABASE.—

“(1) PUBLIC DATABASE.—Not later than 180 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

“(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

“(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

“(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

“(ii) the Federal agency making the award; and

“(iii) the date and amount of the award;

“(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

“(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

“(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

“(A) contains for each second phase award made by a Federal agency—

“(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

“(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

“(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

“(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

“(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

“(i) the name, size, and location, and an identifying number assigned by the Administration;

“(ii) an abstract of the project; and

“(iii) the Federal agency to which the application was made;

“(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

“(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

“(3) UPDATING INFORMATION FOR DATABASE.—

“(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

“(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

“(i) update information in the database concerning that award at the termination of the award period; and

“(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

“(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

“(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.”.

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than \$50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of the enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the

SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection,

the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) **PROGRESS REPORTS.**—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) **REPORT.**—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of the enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of the enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking “(i) Each Federal” and inserting the following:

“(i) **ANNUAL REPORTING.**—

“(1) **IN GENERAL.**—Each Federal”; and

(2) by adding at the end the following:

“(2) **CALCULATION OF EXTRAMURAL BUDGET.**—

“(A) **METHODOLOGY.**—Not later than 4 months after the date of the enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

“(B) **ADMINISTRATOR’S ANALYSIS.**—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).”.

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

“(3) **ADDITIONAL MODIFICATIONS.**—Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

“(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

“(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

“(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

“(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

“(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

“(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

“(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).”.

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following:

“SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

“(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

“(1) APPLICANT.—The term ‘applicant’ means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

“(2) BUSINESS ADVICE AND COUNSELING.—The term ‘business advice and counseling’ means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

“(3) FAST PROGRAM.—The term ‘FAST program’ means the Federal and State Technology Partnership Program established under this section.

“(4) MENTOR.—The term ‘mentor’ means an individual described in section 35(c)(2).

“(5) MENTORING NETWORK.—The term ‘Mentoring Network’ means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

“(6) RECIPIENT.—The term ‘recipient’ means a person that receives an award or becomes party to a cooperative agreement under this section.

“(7) SBIR PROGRAM.—The term ‘SBIR program’ has the same meaning as in section 9(e)(4).

“(8) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“(9) STTR PROGRAM.—The term ‘STTR program’ has the same meaning as in section 9(e)(6).

“(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

“(c) GRANTS AND COOPERATIVE AGREEMENTS.—

“(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

“(A) technology research and development by small business concerns;

“(B) technology transfer from university research to technology-based small business concerns;

“(C) technology deployment and diffusion benefiting small business concerns;

“(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

“(i) State and local development agencies and entities;

“(ii) representatives of technology-based small business concerns;

“(iii) industries and emerging companies;

“(iv) universities; and

“(v) small business development centers; and

“(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

“(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

“(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

“(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

“(iv) to encourage the commercialization of technology developed through SBIR program funding.

“(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

“(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

“(B) shall consider, at a minimum—

“(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

“(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

“(iii) whether the projected costs of the proposed activities are reasonable;

“(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

“(v) the manner in which the applicant will measure the results of the activities to be conducted.

“(3) PROPOSAL LIMIT.—Not more than one proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

“(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

“(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

“(1) Federal agencies required by section 9 to have an SBIR program; and

“(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

“(A) State and local development agencies and entities;

“(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

“(C) State science and technology councils; and

“(D) representatives of technology-based small business concerns.

“(e) ADMINISTRATIVE REQUIREMENTS.—

“(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

“(2) MATCHING REQUIREMENTS.—

“(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

“(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

“(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

“(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

“(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

“(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

“(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

“(f) REPORTS.—

“(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

“(A) a description of the structure and procedures of the program;

“(B) a management plan for the program; and

“(C) a description of the merit-based review process to be used in the program.

“(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

“(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

“(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

“(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

“(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

“(ii) the status of the implementation and description of the usage of the Mentoring Networks.

“(g) REVIEWS BY INSPECTOR GENERAL.—

“(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

“(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

“(B) the overall management and effectiveness of the FAST program.

“(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

“(h) PROGRAM LEVELS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, \$10,000,000 for each of fiscal years 2001 through 2005.

“(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through

2005, a reasonable amount, not to exceed a total of \$500,000, may be used by the Administration to carry out section 35(d).

“(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.”.

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

“(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term ‘technology development program’ means—

“(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

“(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

“(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

“(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

“(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

“(F) the Institutional Development Award Program of the National Institutes of Health; and

“(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

“(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

“(A) any proposal to provide outreach and assistance to one or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

“(i) a State that is eligible to participate in that program; or

“(ii) a State described in paragraph (3); or

“(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

“(i) a State that is eligible to participate in a technology development program; or

“(ii) a State described in paragraph (3).

“(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial

fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.”.

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following:

“SEC. 35. MENTORING NETWORKS.

“(a) FINDINGS.—Congress finds that—

“(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

“(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

“(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

“(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

“(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

“(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

“(2) identify volunteer mentors who—

“(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

“(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

“(i) proposal writing;

“(ii) marketing;

“(iii) Government accounting;

“(iv) Government audits;

“(v) project facilities and equipment;

“(vi) human resources;

“(vii) third phase partners;

“(viii) commercialization;

“(ix) venture capital networking; and

“(x) other matters relevant to the SBIR and STTR programs;

“(3) have experience working with small business concerns participating in the SBIR and STTR programs;

“(4) contribute information to the national database referred to in subsection (d); and

“(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

“(d) MENTORING DATABASE.—The Administrator shall—

“(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

“(2) work cooperatively with Mentoring Networks to maintain and update the database;

“(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

“(4) fulfill the requirements of this subsection either directly or by contract.”.

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:

“(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.”.

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking “2001” and inserting “2005”.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking “for fiscal year 1998, 1999, 2000, or 2001” and inserting “for each of the fiscal years 2000 through 2005,”.

TITLE II—BUSINESS LOAN PROGRAMS

SEC. 201. SHORT TITLE.

This title may be cited as the “Small Business Loan Improvement Act of 2000”.

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking “\$100,000” and inserting “\$150,000”; and

(2) in paragraph (ii)—

(A) by striking “80 percent” and inserting “85 percent”;

and

(B) by striking “\$100,000” and inserting “\$150,000”.

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking “\$750,000,” and inserting, “\$1,000,000 (or if the gross loan amount would exceed \$2,000,000),”.

SEC. 204. INTEREST ON DEFAULTED LOANS.

Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:

“(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.”.

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking “(4) INTEREST RATES AND FEES.—” and inserting “(4) INTEREST RATES AND PREPAYMENT CHARGES.—”; and

(2) by adding at the end the following:

“(C) PREPAYMENT CHARGES.—

“(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

“(I) the loan is for a term of not less than 15 years;

“(II) the prepayment is voluntary;

“(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

“(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

“(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

“(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

“(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

“(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.”.

SEC. 206. GUARANTEE FEES.

Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

“(18) GUARANTEE FEES.—

“(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

“(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than \$150,000.

“(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than \$150,000, but not more than \$700,000.

“(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.

“(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).”.

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

“(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.”.

SEC. 208. APPRAISALS FOR LOANS SECURED BY REAL PROPERTY.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(29) REAL ESTATE APPRAISALS.—With respect to a loan under this subsection that is secured by commercial real property, an appraisal of such property by a State licensed or certified appraiser—

“(A) shall be required by the Administration in connection with any such loan for more than \$250,000; or

“(B) may be required by the Administration or the lender in connection with any such loan for \$250,000 or less, if such appraisal is necessary for appropriate evaluation of creditworthiness.”.

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502(3)(E) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(E)) is amended—

(1) by striking “The collateral” and inserting the following:

“(i) IN GENERAL.—The collateral”; and

(2) by adding at the end the following:

“(ii) APPRAISALS.—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—

“(I) shall be required by the Administration before disbursement of the loan if the estimated value of that property is more than \$250,000; or

“(II) may be required by the Administration or the lender before disbursement of the loan if the estimated value of that property is \$250,000 or less, and such appraisal is necessary for appropriate evaluation of creditworthiness.”.

SEC. 209. SALE OF GUARANTEED LOANS MADE FOR EXPORT PURPOSES.

Section 5(f)(1)(C) of the Small Business Act (15 U.S.C. 634(f)(1)(C)) is amended to read as follows:

“(C) each loan, except each loan made under section 7(a)(14), shall have been fully disbursed to the borrower prior to any sale.”.

SEC. 210. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraphs (1)(B)(iii) and (3)(E), by striking “\$25,000” each place it appears and inserting “\$35,000”;

(2) in paragraphs (1)(A)(iii)(I), (3)(A)(ii), and (4)(C)(i)(II), by striking “\$7,500” each place it appears and inserting “\$10,000”;

(3) in paragraph (3)(E), by striking “\$15,000” and inserting “\$20,000”;

(4) in paragraph (5)(A)—

(A) by striking “25 grants” and inserting “55 grants”; and

(B) by striking “\$125,000” and inserting “\$200,000”;

(5) in paragraph (6)(B), by striking “\$10,000” and inserting “\$15,000”; and

(6) in paragraph (7), by striking subparagraph (A) and inserting the following:

“(A) NUMBER OF PARTICIPANTS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 300 intermediaries.”.

(b) CONFORMING AMENDMENTS.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking “\$25,000” and inserting “\$35,000”.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the “Certified Development Company Program Improvements Act of 2000”.

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma “or women-owned business development”.

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

“(2) Loans made by the Administration under this section shall be limited to \$1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to \$1,300,000 for each such identifiable small business concern.”.

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

“(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.”.

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403, 15 U.S.C. 697 note) (relating to section 508 of the Small Business Investment Act of 1958) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking “On a pilot program basis, the” and inserting “The”;

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking “subsection (f)” and inserting “subsection (g)”;

(4) in subsection (h) (as redesignated by paragraph (2)), by striking “subsection (f)” and inserting “subsection (g)”;

(5) by inserting after subsection (c) the following:

“(d) SALE OF CERTAIN DEFAULTED LOANS.—

“(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

“(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

“(A) provides prospective purchasers with the opportunity to examine the Administration’s records with respect to such loan; and

“(B) provides the notice required by paragraph (1).”.

SEC. 307. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

“SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

“(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

“(b) ELIGIBILITY FOR DELEGATION.—

“(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

“(A) the company—

“(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

“(ii) is participating in the Premier Certified Lenders Program under section 508; or

“(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

“(B) the company—

“(i) has one or more employees—

“(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

“(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

“(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

“(2) CONFIRMATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

“(c) SCOPE OF DELEGATED AUTHORITY.—

“(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

“(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

“(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

“(i) defend or bring any claim if—

“(I) the outcome of the litigation may adversely affect the Administration’s management of the loan program established under section 502; or

“(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

“(ii) oversee the conduct of any such litigation;

and

“(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

“(2) ADMINISTRATION APPROVAL.—

“(A) LIQUIDATION PLAN.—

“(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

“(B) PURCHASE OF INDEBTEDNESS.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

“(ii) ADMINISTRATION ACTION ON REQUEST.—

“(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

“(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

“(C) WORKOUT PLAN.—

“(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

“(ii) ADMINISTRATION ACTION ON PLAN.—

“(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

“(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

“(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

“(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

“(i) shall be in writing;

“(ii) shall state the specific reason for the Administration’s inability to act on a plan or request;

“(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

“(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

“(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

“(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

“(1) does not meet the requirements of subsection (b)(1);

“(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

“(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

“(e) REPORT.—

“(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

“(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

“(i) the total cost of the project financed with the loan;

“(ii) the total original dollar amount guaranteed by the Administration;

“(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

“(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

“(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

“(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(D) A comparison between—

“(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

“(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

“(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration’s failure and any delays that resulted.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the “Small Business Investment Corrections Act of 2000”.

SEC. 402. DEFINITIONS.

(a) **SMALL BUSINESS CONCERN.**—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting before the semicolon at the end the following: “regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment”.

(b) **LONG TERM.**—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

- (1) in paragraph (15), by striking “and” at the end;
- (2) in paragraph (16), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
“(17) the term ‘long term’, when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.”.

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

- (1) by striking “(b) Notwithstanding” and inserting the following:

“(b) **FINANCIAL INSTITUTION INVESTMENTS.**—

“(1) **CERTAIN BANKS.**—Notwithstanding”; and

- (2) by adding at the end the following:

“(2) **CERTAIN SAVINGS ASSOCIATIONS.**—Notwithstanding any other provision of law, any Federal savings association may invest in any one or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.”.

SEC. 404. SUBSIDY FEES.

(a) **DEBENTURES.**—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for debentures obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration”.

(b) **PARTICIPATING SECURITIES.**—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking “plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration” and inserting “plus, for participating securities obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration”.

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

- (1) by striking “subchapter s corporation” and inserting “subchapter S corporation”;
- (2) by striking “the end of any calendar quarter based on a quarterly” and inserting “any time during any calendar quarter based on an”; and
- (3) by striking “quarterly distributions for a calendar year,” and inserting “interim distributions for a calendar year.”

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking “five years” and inserting “1 year”.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the “Small Business Programs Reauthorization Act of 2000”.

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(g) **FISCAL YEAR 2001.**—

“(1) **PROGRAM LEVELS.**—The following program levels are authorized for fiscal year 2001:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$45,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$60,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$14,500,000,000 in general business loans as provided in section 7(a);

“(ii) \$4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$500,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$2,500,000,000 in purchases of participating securities; and

“(ii) \$1,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of \$5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.

“(h) FISCAL YEAR 2002.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$60,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$80,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$15,000,000,000 in general business loans as provided in section 7(a);

“(ii) \$4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$500,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$3,500,000,000 in purchases of participating securities; and

“(ii) \$2,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of \$6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.

“(i) FISCAL YEAR 2003.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$70,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$100,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$16,000,000,000 in general business loans as provided in section 7(a);

“(ii) \$5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$500,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$50,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$4,000,000,000 in purchases of participating securities; and

“(ii) \$3,000,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of \$7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically

authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.”.

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) **DRUG-FREE WORKPLACE PROGRAM.**—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking “**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**” and inserting “**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**”; and

(2) in subsection (g)(1), by striking “\$10,000,000 for fiscal years 1999 and 2000” and inserting “\$5,000,000 for each of fiscal years 2001 through 2003”.

(b) **HUBZONE PROGRAM.**—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the program established by this section \$10,000,000 for each of fiscal years 2001 through 2003.”.

(c) **VERY SMALL BUSINESS CONCERNS PROGRAM.**—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403; 15 U.S.C. 644 note) is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

(d) **SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.**—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 15 U.S.C. 644 note) is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

(e) **SBDC SERVICES.**—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking “2000” and inserting “2003”.

SEC. 504. COSPONSORSHIP.

(a) **IN GENERAL.**—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

“(1)(A) to provide—

“(i) technical, managerial, and informational aids to small business concerns—

“(I) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

“(II) by cooperating and advising with—

“(aa) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the Administration of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

“(bb) other Federal and State agencies;

“(III) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

“(IV) by disseminating such information, including through recognition events, and by other activities that the Administration determines to be appropriate; and
 “(ii) through cooperation with a profit-making concern (referred to in this paragraph as a ‘cosponsor’), training, information, and education to small business concerns, except that the Administration shall—

“(I) take such actions as it determines to be appropriate to ensure that—

“(aa) the Administration receives appropriate recognition and publicity;

“(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

“(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

“(dd) utilization of any one cosponsor in a marketing area is minimized; and

“(II) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

“(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the Administration;

“(bb) the terms and conditions of the cooperation shall be specified;

“(cc) only minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

“(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

“(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

“(ff) the Administration shall ensure that it receives appropriate recognition in all cosponsorship printed materials.”.

(b) EXTENSION OF COSPONSORSHIP AUTHORITY.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

SEC. 601. SHORT TITLE.

This subtitle may be cited as the “HUBZones in Native America Act of 2000”.

SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended to read as follows:

“(3) HUBZONE SMALL BUSINESS CONCERN.—The term ‘HUBZone small business concern’ means—

“(A) a small business concern that is owned and controlled by one or more persons, each of whom is a United States citizen;

“(B) a small business concern that is—

“(i) an Alaska Native Corporation owned and controlled by Natives (as determined pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1))); or

“(ii) a direct or indirect subsidiary corporation, joint venture, or partnership of an Alaska Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by Natives (as determined pursuant to section 29(e)(2)) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2)); or

“(C) a small business concern—

“(i) that is wholly owned by one or more Indian tribal governments, or by a corporation that is wholly owned by one or more Indian tribal governments; or

“(ii) that is owned in part by one or more Indian tribal governments, or by a corporation that is wholly owned by one or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.”.

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

“(I) it is a HUBZone small business concern—

“(aa) pursuant to subparagraph (A) or (B) of paragraph (3), and that its principal office is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone; or

“(bb) pursuant to paragraph (3)(C), and not fewer than 35 percent of its employees engaged in performing a contract awarded to the small business concern on the basis of a preference provided under section 31(b) reside within any Indian reservation governed

by one or more of the tribal government owners, or reside within any HUBZone adjoining any such Indian reservation;

“(II) the small business concern will attempt to maintain the applicable employment percentage under subclause (I) during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and”.

(b) CLARIFYING AMENDMENT.—Section 3(p)(5)(D)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(D)(i)) is amended by inserting “once the Administrator has made the certification required by subparagraph (A)(i) regarding a qualified HUBZone small business concern and has determined that subparagraph (A)(ii) does not apply to that concern,” before “include”.

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended by adding at the end the following:

“(6) NATIVE AMERICAN SMALL BUSINESS CONCERNS.—

“(A) ALASKA NATIVE CORPORATION.—The term ‘Alaska Native Corporation’ has the same meaning as the term ‘Native Corporation’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(B) ALASKA NATIVE VILLAGE.—The term ‘Alaska Native Village’ has the same meaning as the term ‘Native village’ in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

“(C) INDIAN RESERVATION.—The term ‘Indian reservation’—

“(i) has the same meaning as the term ‘Indian country’ in section 1151 of title 18, United States Code, except that such term does not include—

“(I) any lands that are located within a State in which a tribe did not exercise governmental jurisdiction on the date of the enactment of this paragraph, unless that tribe is recognized after that date of the enactment by either an Act of Congress or pursuant to regulations of the Secretary of the Interior for the administrative recognition that an Indian group exists as an Indian tribe (part 83 of title 25, Code of Federal Regulations); and

“(II) lands taken into trust or acquired by an Indian tribe after the date of the enactment of this paragraph if such lands are not located within the external boundaries of an Indian reservation or former reservation or are not contiguous to the lands held in trust or restricted status on that date of the enactment; and

“(ii) in the State of Oklahoma, means lands that—

“(I) are within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

“(II) are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations

(as in effect on the date of the enactment of this paragraph).”.

Subtitle B—Other HUBZone Provisions

SEC. 611. DEFINITIONS.

(a) QUALIFIED CENSUS TRACT.—Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended by striking “(I)”.

(b) QUALIFIED NONMETROPOLITAN COUNTY.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by striking subparagraph (B) and inserting the following:

“(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term ‘qualified nonmetropolitan county’ means any county—

“(i) that was not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986; and

“(ii) in which—

“(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce; or

“(II) the unemployment rate is not less than 140 percent of the Statewide average unemployment rate for the State in which the county is located, based on the most recent data available from the Secretary of Labor.”.

SEC. 612. ELIGIBLE CONTRACTS.

(a) COMMODITIES CONTRACTS.—Section 31(b)(3) of the Small Business Act (15 U.S.C. 657a(b)(3)) is amended—

(1) by striking “In any” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), in any”; and

(2) by adding at the end the following:

“(B) PROCUREMENT OF COMMODITIES.—For purchases by the Secretary of Agriculture of agricultural commodities, the price evaluation preference shall be—

“(i) 10 percent, for the portion of a contract to be awarded that is not greater than 25 percent of the total volume being procured for each commodity in a single invitation;

“(ii) 5 percent, for the portion of a contract to be awarded that is greater than 25 percent, but not greater than 40 percent, of the total volume being procured for each commodity in a single invitation; and

“(iii) zero, for the portion of a contract to be awarded that is greater than 40 percent of the total volume being procured for each commodity in a single invitation.

“(C) TREATMENT OF PREFERENCE.—A contract awarded to a HUBZone small business concern under a preference

described in subparagraph (B) shall not be counted toward the fulfillment of any requirement partially set aside for competition restricted to small business concerns.”.

(b) **DEFINITIONS.**—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(i)(III)—

(A) in item (aa), by striking “and” at the end; and

(B) by adding at the end the following:

“(cc) in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government; and”;

(2) by adding at the end the following:

“(7) **AGRICULTURAL COMMODITY.**—The term ‘agricultural commodity’ has the same meaning as in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).”.

SEC. 613. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) redesignated areas.”; and

(2) in paragraph (4), by adding at the end the following:

“(C) **REDESIGNATED AREA.**—The term ‘redesignated area’ means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a ‘redesignated area’ only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.”.

SEC. 614. COMMUNITY DEVELOPMENT.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(D) a small business concern that is—

“(i) wholly owned by a community development corporation that has received financial assistance under part 1 of subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9805 et seq.); or

“(ii) owned in part by one or more community development corporations, if all other owners are either United States citizens or small business concerns.”; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (D)”.

SEC. 615. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking “subclause (IV) and (V) of subparagraph (A)(i)” and inserting “items (aa) and (bb) of subparagraph (A)(i)(III)”.

(b) SECTION 8.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by inserting “qualified HUBZone small business concerns,” after “small business concerns,”.

TITLE VII—NATIONAL WOMEN’S BUSINESS COUNCIL REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the “National Women’s Business Council Reauthorization Act of 2000”.

SEC. 702. MEMBERSHIP OF THE COUNCIL.

Section 407 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking “Not later” and all that follows through “the President” and inserting “The President”;

(2) in subsection (b)—

(A) by striking “Not later” and all that follows through “the Administrator” and inserting “The Administrator”; and

(B) by striking “the Assistant Administrator of the Office of Women’s Business Ownership and”;

(3) in subsection (d), by striking “, except that” and all that follows through the end of the subsection and inserting a period; and

(4) in subsection (h), by striking “Not later” and all that follows through “the Administrator” and inserting “The Administrator”.

SEC. 703. REPEAL OF PROCUREMENT PROJECT.

Section 409 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is repealed.

SEC. 704. STUDIES AND OTHER RESEARCH.

Section 410 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 409. STUDIES AND OTHER RESEARCH.

“(a) IN GENERAL.—The Council may conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-owned businesses, to access to credit and investment capital by women entrepreneurs, or to other issues relating to women-owned businesses, as the Council determines to be appropriate.

“(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with one or more public or private entities.”.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$1,000,000, for each of fiscal years 2001 through 2003, of which \$550,000 shall be available in each such fiscal year to carry out section 409.

“(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.”.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(30) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.”.

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

“(6) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.”.

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting “small business concerns owned and controlled by veterans,” after “small business concerns,” the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans,” in each of the first and second sentences; and

(B) in subparagraph (F), by inserting “small business concern owned and controlled by service-disabled veterans,” after “small business concern owned and controlled by veterans,”; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns owned and controlled by veterans,”.

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking “For fiscal year 1985” and all that follows through “expended.” and inserting the following: “For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

“(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

“(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

“(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

“(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

“(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).”.

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is amended by moving the margins of paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

“(C) FUNDING FORMULA.—

“(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

“(I) The annual amount made available under section 20(a) for the Small Business Development Center

Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

“(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

“(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

“(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

“(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

“(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

“(I) If the amount made available is not less than \$81,500,000 and not more than \$90,000,000, the minimum funding level shall be \$500,000.

“(II) If the amount made available is less than \$81,500,000, the minimum funding level shall be the remainder of \$500,000 minus a percentage of \$500,000 equal to the percentage amount by which the amount made available is less than \$81,500,000.

“(III) If the amount made available is more than \$90,000,000, the minimum funding level shall be the sum of \$500,000 plus a percentage of \$500,000 equal to the percentage amount by which the amount made available exceeds \$90,000,000.

“(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

“(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

“(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

“(v) USE OF AMOUNTS.—

“(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

“(aa) not more than \$500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

“(bb) not more than \$500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

“(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than \$85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

“(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

“(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph \$125,000,000 for each of fiscal years 2001, 2002, and 2003.

“(viii) STATE DEFINED.—In this subparagraph, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.”.

SEC. 805. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking “\$1,250,000” and inserting “\$2,000,000”; and

(2) in subsection (e)(2), by striking “\$1,250,000” and inserting “\$2,000,000”.

(b) **EXTENSION OF CERTAIN AUTHORITY.**—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking “2000” and inserting “2003”.

SEC. 806. SIZE STANDARDS.

(a) **INDUSTRY CLASSIFICATIONS.**—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the eighth sentence, by striking “four-digit standard” and all that follows through “published” and inserting “definition of a ‘United States industry’ under the North American Industry Classification System, as established”.

(b) **ANNUAL RECEIPTS.**—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking “\$500,000” and inserting “\$750,000”.

SEC. 807. NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).

Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

“(A) is a nonprofit corporation that has filed articles of incorporation with the director (or the designee thereof) of the Hawaii Department of Commerce and Consumer Affairs, or any successor agency,”.

SEC. 808. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION CORRECTION.

Section 33(k) of the Small Business Act (15 U.S.C. 657c(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

“(A) \$4,000,000 for fiscal year 2001;

“(B) \$4,000,000 for fiscal year 2002;

“(C) \$2,000,000 for fiscal year 2003; and

“(D) \$2,000,000 for fiscal year 2004.”;

(2) in paragraph (2)(A), by striking “2001” each place it appears and inserting “2002”; and

(3) in paragraph (2)(B), by striking “2002 or 2003” and inserting “2003 or 2004”.

SEC. 809. PRIVATE SECTOR RESOURCES FOR SCORE.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by adding at the end the following: “Notwithstanding any other provision of law, SCORE may solicit cash and in-kind contributions from the private sector to be used to carry out its functions under this Act, and may use payments made by the Administration pursuant to this subparagraph for such solicitation.”.

SEC. 810. CONTRACT DATA COLLECTION.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

“(p) **DATABASE, ANALYSIS, AND ANNUAL REPORT WITH RESPECT TO BUNDLED CONTRACTS.**—

“(1) BUNDLED CONTRACT DEFINED.—In this subsection, the term ‘bundled contract’ has the meaning given such term in section 3(o)(1).

“(2) DATABASE.—

“(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Administrator of the Small Business Administration shall develop and shall thereafter maintain a database containing data and information regarding—

“(i) each bundled contract awarded by a Federal agency; and

“(ii) each small business concern that has been displaced as a prime contractor as a result of the award of such a contract.

“(3) ANALYSIS.—For each bundled contract that is to be recompeted as a bundled contract, the Administrator shall determine—

“(A) the amount of savings and benefits (in accordance with subsection (e)) achieved under the bundling of contract requirements; and

“(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns.

“(4) ANNUAL REPORT ON CONTRACT BUNDLING.—

“(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, and annually in March thereafter, the Administration shall transmit a report on contract bundling to the Committees on Small Business of the House of Representatives and the Senate.

“(B) CONTENTS.—Each report transmitted under subparagraph (A) shall include—

“(i) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

“(ii) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—

“(I) data on the number and total dollar amount of all contract requirements that were bundled; and

“(II) with respect to each bundled contract, data or information on—

“(aa) the justification for the bundling of contract requirements;

“(bb) the cost savings realized by bundling the contract requirements over the life of the contract;

“(cc) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

“(dd) the extent to which the bundling of contract requirements complied with the contracting agency’s small business sub-contracting plan, including the total dollar

value awarded to small business concerns as subcontractors and the total dollar value previously awarded to small business concerns as prime contractors; and

“(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

“(5) ACCESS TO DATA.—

“(A) FEDERAL PROCUREMENT DATA SYSTEM.—To assist in the implementation of this section, the Administration shall have access to information collected through the Federal Procurement Data System.

“(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administration, procurement information collected through existing agency data collection sources.”.

SEC. 811. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(m) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—

“(1) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) CONTRACTING OFFICER.—The term ‘contracting officer’ has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

“(B) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term ‘small business concern owned and controlled by women’ has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

“(2) AUTHORITY TO RESTRICT COMPETITION.—In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women, if—

“(A) each of the concerns is not less than 51 percent owned by one or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

“(B) the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by women will submit offers for the contract;

“(C) the contract is for the procurement of goods or services with respect to an industry identified by the Administrator pursuant to paragraph (3);

“(D) the anticipated award price of the contract (including options) does not exceed—

“(i) \$5,000,000, in the case of a contract assigned an industrial classification code for manufacturing; or

“(ii) \$3,000,000, in the case of all other contracts;

“(E) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price; and

“(F) each of the concerns—

“(i) is certified by a Federal agency, a State government, or a national certifying entity approved by the Administrator, as a small business concern owned and controlled by women; or

“(ii) certifies to the contracting officer that it is a small business concern owned and controlled by women and provides adequate documentation, in accordance with standards established by the Administration, to support such certification.

“(3) WAIVER.—With respect to a small business concern owned and controlled by women, the Administrator may waive subparagraph (2)(A) if the Administrator determines that the concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented.

“(4) IDENTIFICATION OF INDUSTRIES.—The Administrator shall conduct a study to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

“(5) ENFORCEMENT; PENALTIES.—

“(A) VERIFICATION OF ELIGIBILITY.—In carrying out this subsection, the Administrator shall establish procedures relating to—

“(i) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this subsection (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under paragraph (2)(F)); and

“(ii) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under paragraph (2)(F).

“(B) EXAMINATIONS.—The procedures established under subparagraph (A) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under paragraph (2)(F).

“(C) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by women for purposes of this subsection, shall be subject to—

“(i) section 1001 of title 18, United States Code;
and

“(ii) sections 3729 through 3733 of title 31, United States Code.

“(6) PROVISION OF DATA.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.”.

Public Law 106–555
106th Congress

An Act

To reauthorize the Striped Bass Conservation Act, and for other purposes.

Dec. 21, 2000

[H.R. 2903]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Striped Bass Conservation, Atlantic Coastal Fisheries Management, and Marine Mammal Rescue Assistance Act of 2000”.

Striped Bass
Conservation,
Atlantic Coastal
Fisheries
Management,
and Marine
Mammal Rescue
Assistance Act of
2000.
16 USC 1361
note.

**TITLE I—ATLANTIC COASTAL
FISHERIES**

**Subtitle A—Atlantic Striped Bass
Conservation**

SEC. 101. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

16 USC 5156.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

“(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

- “(1) \$1,000,000 to the Secretary of Commerce; and
- “(2) \$250,000 to the Secretary of the Interior.”.

SEC. 102. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

- (1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and
- (2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate

Deadline.

the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce \$250,000 to carry out this section.

Atlantic Coastal
Fisheries Act of
2000.

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

16 USC 5101
note.

SEC. 121. SHORT TITLE.

This subtitle may be cited as the “Atlantic Coastal Fisheries Act of 2000”.

SEC. 122. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 811 of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended to read as follows:

“SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—To carry out this title, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2001 through 2005.

“(b) COOPERATIVE STATISTICS PROGRAM.—Amounts authorized under subsection (a) may be used by the Secretary to support the Commission’s cooperative statistics program.”.

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

(A) in section 802(3) (16 U.S.C. 5101(3)) by striking “such resources in” and inserting “such resources is”; and

(B) by striking section 812 and the second section 811.

(2) AMENDMENTS TO REPEAL NOT AFFECTED.—The amendments made by paragraph (1)(B) shall not affect any amendment or repeal made by the sections struck by that paragraph.

(3) SHORT TITLE REFERENCES.—Such Act is further amended by striking “Magnuson Fishery” each place it appears and inserting “Magnuson-Stevens Fishery”.

(c) REPORTS.—

(1) ANNUAL REPORT TO THE SECRETARY.—The Secretary shall require, as a condition of providing financial assistance under this subtitle, that the Commission and each State receiving such assistance submit to the Secretary an annual report that provides a detailed accounting of the use of the assistance.

(2) BIENNIAL REPORTS TO THE CONGRESS.—The Secretary shall submit biennial reports to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the use of Federal assistance provided to the Commission and the

16 USC 5102,
5103, 5106,
5107a, 5107b.

16 USC 5107
note.

States under this subtitle. Each biennial report shall evaluate the success of such assistance in implementing this subtitle.

TITLE II—JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM

Marine Mammal
Rescue
Assistance Act of
2000.

SEC. 201. SHORT TITLE.

This title may be cited as the “Marine Mammal Rescue Assistance Act of 2000”.

16 USC 1361
note.

SEC. 202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

16 USC 1421g,
1421h.

“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

16 USC 4121f-1.

“(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

“(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the stranding regions designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants shall give preference to those facilities that have established records for rescuing or rehabilitating sick and stranded marine mammals in each of the respective regions, or subregions.

“(B) In determining priorities among such regions, the Secretary may consider—

“(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year;

“(ii) data regarding average annual strandings and mortality events per region; and

“(iii) the size of the marine mammal populations inhabiting a geographic area within such a region.

“(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

“(c) CONSULTATION.—The Secretary shall consult with the Marine Mammal Commission, a representative from each of the designated stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals, regarding

the development of criteria for the implementation of the grant program and the awarding of grants under the program.

“(d) LIMITATION.—The amount of a grant under this section shall not exceed \$100,000.

“(e) MATCHING REQUIREMENT.—

“(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

“(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

“(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) DESIGNATED STRANDING REGION.—The term ‘designated stranding region’ means a geographic region designated by the Secretary for purposes of administration of this title.

“(2) SECRETARY.—The term ‘Secretary’ has the meaning given that term in section 3(12)(A).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended, of which—

“(1) \$4,000,000 may be available to the Secretary of Commerce; and

“(2) \$1,000,000 may be available to the Secretary of the Interior.”.

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting “(other than section 408)” after “title IV”.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

“Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

“Sec. 409. Authorization of appropriations.

“Sec. 410. Definitions.”.

SEC. 203. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population and other potential impacts these factors may be having on the eastern gray whale population.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$290,000 for fiscal year 2001; and
- (2) \$500,000 for each of fiscal years 2002 through 2004.

SEC. 204. CONVEYANCE OF FISHERY RESEARCH VESSEL TO AMERICAN SAMOA.

(a) **IN GENERAL.**—The Secretary of Commerce (in this section referred to as the “Secretary”) may convey to the Government of American Samoa in accordance with this section, without consideration, all right, title, and interest of the United States in and to a retired National Oceanic and Atmospheric Administration fishery research vessel in operable condition, for use by American Samoa.

(b) **LIMITATION.**—The Secretary may not convey a vessel under this section before the date on which a new replacement fishery research vessel has been delivered to the National Oceanic and Atmospheric Administration and put in active service.

(c) **OPERATION AND MAINTENANCE.**—The Government of the United States shall not be responsible or liable for any maintenance or operation of a vessel conveyed under this section after the date of the delivery of the vessel to American Samoa.

SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO NATIONAL MARINE SANCTUARY DESIGNATION STANDARDS.

(a) **TECHNICAL AMENDMENT.**—Section 303(a) of the National Marine Sanctuaries Act (16 U.S.C. 1433(a)) is amended by striking “the Secretary—” and all that follows through the end of the sentence and inserting the following: “the Secretary determines that—

“(1) the designation will fulfill the purposes and policies of this title;

“(2) the area is of special national significance due to—

“(A) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities;

“(B) the communities of living marine resources it harbors; or

“(C) its resource or human-use values;

“(3) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

“(4) designation of the area as a national marine sanctuary will facilitate the objectives stated in paragraph (3); and

“(5) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.”.

(b) **CONFORMING AMENDMENTS.**—Such Act is further amended—

(1) in section 304(a)(1)(C) (as amended by section 6(a) of the National Marine Sanctuaries Amendments Act of 2000) by striking “the Secretary shall”; and

(2) in section 304(a)(2)(E) (as amended by section 6(b) of the National Marine Sanctuaries Amendments Act of 2000) by striking “findings” and inserting “determinations”.

16 USC 1434.

16 USC 1433
note.

(c) **EFFECTIVE DATE.**—This section shall take effect immediately after the National Marine Sanctuaries Amendments Act of 2000 takes effect.

16 USC 1855
note.

SEC. 206. WESTERN PACIFIC PROJECT GRANTS.

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 155 note) is amended by striking the last sentence and inserting “There are authorized to be appropriated to carry out this section \$500,000 for each fiscal year.”.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 2903:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 31, considered and passed House.

Dec. 8, considered and passed Senate.



Public Law 106–556
106th Congress

An Act

To designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the “George Atlee Goodling Post Office Building”.

Dec. 21, 2000
[H.R. 5210]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, shall be known and designated as the “George Atlee Goodling Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “George Atlee Goodling Post Office Building”.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 5210:

CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 17, considered and passed House.
Dec. 14, considered and passed Senate.



Public Law 106–557
106th Congress

An Act

Dec. 21, 2000
[H.R. 5461]

To amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

Shark Finning
Prohibition Act.
16 USC 1822
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Shark Finning Prohibition Act”.

16 USC 1822
note.

SEC. 2. PURPOSE.

The purpose of this Act is to eliminate shark-finning by addressing the problem comprehensively at both the national and international levels.

16 USC 1822
note.

SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DISCARDING SHARK CARCASS AT SEA.

Section 307(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by striking “or” after the semicolon in subparagraph (N);

(2) by striking “section 302(j)(7)(A).” in subparagraph (O) and inserting “section 302(j)(7)(A); or”; and

(3) by adding at the end the following:

“(P)(i) to remove any of the fins of a shark (including the tail) and discard the carcass of the shark at sea;

“(ii) to have custody, control, or possession of any such fin aboard a fishing vessel without the corresponding carcass; or

“(iii) to land any such fin without the corresponding carcass.

For purposes of subparagraph (P) there is a rebuttable presumption that any shark fins landed from a fishing vessel or found on board a fishing vessel were taken, held, or landed in violation of subparagraph (P) if the total weight of shark fins landed or found on board exceeds 5 percent of the total weight of shark carcasses landed or found on board.”.

16 USC 1822
note.
Deadline.

SEC. 4. REGULATIONS.

No later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall promulgate regulations implementing the provisions of section 3076(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(P)), as added by section 3 of this Act.

SEC. 5. INTERNATIONAL NEGOTIATIONS.16 USC 1822
note.

The Secretary of Commerce, acting through the Secretary of State, shall—

(1) initiate discussions as soon as possible for the purpose of developing bilateral or multilateral agreements with other nations for the prohibition on shark-finning;

(2) initiate discussions as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in shark-finning, for the purposes of—

(A) collecting information on the nature and extent of shark-finning by such persons and the landing or transshipment of shark fins through foreign ports; and

(B) entering into bilateral and multilateral treaties with such countries to protect such species;

(3) seek agreements calling for an international ban on shark-finning and other fishing practices adversely affecting these species through the United Nations, the Food and Agriculture Organization's Committee on Fisheries, and appropriate regional fishery management bodies;

(4) initiate the amendment of any existing international treaty for the protection and conservation of species of sharks to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section;

(5) urge other governments involved in fishing for or importation of shark or shark products to fulfill their obligations to collect biological data, such as stock abundance and by-catch levels, as well as trade data, on shark species as called for in the 1995 Resolution on Cooperation with FAO with Regard to study on the Status of Sharks and By-Catch of Shark Species; and

(6) urge other governments to prepare and submit their respective National Plan of Action for the Conservation and Management of Sharks to the 2001 session of the FAO Committee on Fisheries, as set forth in the International Plan of Action for the Conservation and Management of Sharks.

SEC. 6. REPORT TO CONGRESS.16 USC 1822
note.

The Secretary of Commerce, in consultation with the Secretary of State, shall provide to Congress, by not later than 1 year after the date of the enactment of this Act, and every year thereafter, a report which—

(1) includes a list that identifies nations whose vessels conduct shark-finning and details the extent of the international trade in shark fins, including estimates of value and information on harvesting of shark fins, and landings or transshipment of shark fins through foreign ports;

(2) describes the efforts taken to carry out this Act, and evaluates the progress of those efforts;

(3) sets forth a plan of action to adopt international measures for the conservation of sharks; and

(4) includes recommendations for measures to ensure that United States actions are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna.

16 USC 1822
note.

SEC. 7. RESEARCH.

The Secretary of Commerce, subject to the availability of appropriations authorized by section 10, shall establish a research program for Pacific and Atlantic sharks to engage in the following data collection and research:

(1) The collection of data to support stock assessments of shark populations subject to incidental or directed harvesting by commercial vessels, giving priority to species according to vulnerability of the species to fishing gear and fishing mortality, and its population status.

(2) Research to identify fishing gear and practices that prevent or minimize incidental catch of sharks in commercial and recreational fishing.

(3) Research on fishing methods that will ensure maximum likelihood of survival of captured sharks after release.

(4) Research on methods for releasing sharks from fishing gear that minimize risk of injury to fishing vessel operators and crews.

(5) Research on methods to maximize the utilization of, and funding to develop the market for, sharks not taken in violation of a fishing management plan approved under section 303 or section 307(1)(P) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853, 1857(1)(P)).

(6) Research on the nature and extent of the harvest of sharks and shark fins by foreign fleets and the international trade in shark fins and other shark products.

16 USC 1822
note.

SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERATIVE RESEARCH PROGRAM.

The National Marine Fisheries Service, in consultation with the Western Pacific Fisheries Management Council, shall initiate a cooperative research program with the commercial longlining industry to carry out activities consistent with this Act, including research described in section 7 of this Act. The service may initiate such shark cooperative research programs upon the request of any other fishery management council.

16 USC 1822
note.

SEC. 9. SHARK-FINNING DEFINED.

In this Act, the term “shark-finning” means the taking of a shark, removing the fin or fins (whether or not including the tail) of a shark, and returning the remainder of the shark to the sea.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

16 USC 1822
note.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2001 through 2005 such sums as are necessary to carry out this Act.

Approved December 21, 2000.

LEGISLATIVE HISTORY—H.R. 5461:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 30, considered and passed House.

Dec. 7, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Dec. 26, Presidential statement.



Public Law 106–558
106th Congress

An Act

Dec. 21, 2000

[S. 439]

To amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking “Effective” and inserting “(1) Effective”;
and

(2) by adding at the end the following:

“(2) Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked ‘Old Forest Boundary’ and ‘Revised National Forest Boundary’ on the map entitled ‘Nevada Interchange “A”, Change 1’, and dated September 16, 1998, is transferred to the Secretary of the Interior.”.

SEC. 2. OVERTIME PAY FOR CERTAIN FIREFIGHTERS.

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

“(5) Notwithstanding paragraphs (1) and (2), for an employee of the Department of the Interior or the United States Forest Service in the Department of Agriculture engaged in emergency wildland fire suppression activities, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the end of the 30-day period beginning on the date of the enactment of this Act, and shall apply only to funds appropriated after the date of the enactment of this Act. 5 USC 5542 note.

Approved December 21, 2000.

LEGISLATIVE HISTORY—S. 439:

HOUSE REPORTS: No. 106-746 (Comm. on Resources).

SENATE REPORTS: No. 106-205 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House, amended.

Dec. 7, Senate concurred in House amendments.



Public Law 106–559
106th Congress

An Act

Dec. 21, 2000
[S. 1508]

To provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

Indian Tribal
Justice Technical
and Legal
Assistance Act of
2000.
25 USC 3651
note.
25 USC 3651.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Justice Technical and Legal Assistance Act of 2000”.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly

to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

25 USC 3652.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

SEC. 4. DEFINITIONS.

25 USC 3653.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term “Attorney General” means the Attorney General of the United States.

(2) INDIAN LANDS.—The term “Indian lands” shall include lands within the definition of “Indian country”, as defined in section 1151 of title 18, United States Code; or “Indian reservations”, as defined in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or section 4(10) of the Indian Child Welfare Act (25 U.S.C. 1903(10)). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term “former Indian reservations in Oklahoma” as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by such Secretary as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term “judicial personnel” means any judge, magistrate, court counselor, court clerk, court

administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term “non-profit entity” or “non-profit entities” has the meaning given that term in section 501(c)(3) of the Internal Revenue Code of 1986.

(6) OFFICE OF TRIBAL JUSTICE.—The term “Office of Tribal Justice” means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term “tribal court”, “tribal court system”, or “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

25 USC 3661.

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

25 USC 3662.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code of 1986, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to Federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

25 USC 3663.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code of 1986, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to Federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal

legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

25 USC 3664.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

25 USC 3665.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

25 USC 3666.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

25 USC 3681.

(a) **IN GENERAL.**—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;

(2) in subsection (b), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;

(3) in subsection (c), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”; and

(4) in subsection (d), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”.

TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 301. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking “and Reindeer” and inserting “or”.

(2) Subsection (a)(4)(B) is amended by striking “; and” and inserting “; or”.

(3) Subsection (b)(1)(B)(i) is amended by striking “June 2, 1971” and inserting “December 31, 1971”.

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

“(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—”.

SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

“(8) A beneficiary’s interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only

to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.”.

TITLE IV—NATIONAL LEADERSHIP SYM- POSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HA- WAIIAN YOUTH

SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation \$2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) **CONTENT OF SYMPOSIUM.**—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

Approved December 21, 2000.

LEGISLATIVE HISTORY—S. 1508:

HOUSE REPORTS: No. 106–819, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 106–219 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Nov. 19, considered and passed Senate.

Vol. 146 (2000): Oct. 23, considered and passed House, amended.

Dec. 11, Senate concurred in House amendment.



Public Law 106–560
106th Congress

An Act

Dec. 21, 2000
[S. 1898]

To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Interstate
Transportation of
Dangerous
Criminals Act of
2000.
42 USC 13701
note.
42 USC 13726.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Interstate Transportation of Dangerous Criminals Act of 2000” or “Jeanna’s Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

42 USC 13726a.

SEC. 3. DEFINITIONS.

In this Act:

(1) **CRIME OF VIOLENCE.**—The term “crime of violence” has the same meaning as in section 924(c)(3) of title 18, United States Code.

(2) **PRIVATE PRISONER TRANSPORT COMPANY.**—The term “private prisoner transport company” means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody

of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) **VIOLENT PRISONER.**—The term “violent prisoner” means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.

42 USC 13726b.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

Deadline.

(b) **STANDARDS AND REQUIREMENTS.**—The regulations shall include the following:

(1) Minimum standards for background checks and pre-employment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) **FEDERAL STANDARDS.**—Except for the requirements of subsection (b)(6), the regulations promulgated under this Act shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

42 USC 13726c.

SEC. 5. ENFORCEMENT.

Any person who is found in violation of the regulations established by this Act shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 4(a).

Approved December 21, 2000.

LEGISLATIVE HISTORY—S. 1898:**CONGRESSIONAL RECORD**, Vol. 146 (2000):

Oct. 25, considered and passed Senate.

Dec. 7, considered and passed House.



Public Law 106–561
106th Congress

An Act

To improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

Dec. 21, 2000

[S. 3045]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Paul Coverdell National Forensic Sciences Improvement Act of 2000”.

Paul Coverdell
National
Forensic Sciences
Improvement Act
of 2000,
42 USC 3711
note.

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

42 USC 3751.

(1) in paragraph (25), by striking “and” at the end;

(2) in paragraph (26), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.”.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

“(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

“(A) forensic science laboratory or forensic science laboratory system, that—

“(i) employs 1 or more full-time scientists—

“(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

“(II) who provide testimony with respect to such physical evidence to the criminal justice system;

“(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

Deadline.

“(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

“(B) medical examiner’s office (as defined by the National Association of Medical Examiners) that—

“(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

Deadline.

“(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.”.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

“PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

42 USC 3797j.

“SEC. 2801. GRANT AUTHORIZATION.

“The Attorney General shall award grants to States in accordance with this part.

42 USC 3797k.

“SEC. 2802. APPLICATIONS.

“To request a grant under this part, a State shall submit to the Attorney General—

“(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

“(2) a certification that any forensic science laboratory system, medical examiner’s office, or coroner’s office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

“(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

42 USC 3797l.

“SEC. 2803. ALLOCATION.

“(a) IN GENERAL.—

“(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

“(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General’s discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

“(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

“(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

“(b) STATE DEFINED.—In this section, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

“(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

“(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

“SEC. 2804. USE OF GRANTS.

42 USC 3797m.

“(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

“(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

“(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

“(2) may not be used for any general law enforcement or nonforensic investigatory function.

“(c) FACILITIES COSTS.—

“(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

“(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

“(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

“(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

“(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

42 USC 3797n.

“SEC. 2805. ADMINISTRATIVE PROVISIONS.

“(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

“(b) EXPENDITURE RECORDS.—

“(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

“(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

42 USC 3797o.

“SEC. 2806. REPORTS.

“(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

“(1) a summary and assessment of the program carried out with the grant;

“(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by

a unit of local government and the delivery of test results to the requesting office or agency; and

“(3) such other information as the Attorney General may require.

“(b) **REPORTS TO CONGRESS.**—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

Deadline.

“(1) the aggregate amount of grants awarded under this part for that fiscal year; and

“(2) a summary of the information provided under subsection (a).”.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

42 USC 3793.

“(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

“(A) \$35,000,000 for fiscal year 2001;

“(B) \$85,400,000 for fiscal year 2002;

“(C) \$134,733,000 for fiscal year 2003;

“(D) \$128,067,000 for fiscal year 2004;

“(E) \$56,733,000 for fiscal year 2005; and

“(F) \$42,067,000 for fiscal year 2006.”.

(B) **BACKLOG ELIMINATION.**—There is authorized to be appropriated \$30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) **TABLE OF CONTENTS.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) **REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.**—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding “and” at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) **IN GENERAL.**—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking “(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

18 USC 983 note.

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

42 USC 14135 note.

(a) **FINDINGS.**—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as “DNA testing”) has emerged

as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

Approved December 21, 2000.

LEGISLATIVE HISTORY—S. 3045:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 26, considered and passed Senate.

Dec. 7, considered and passed House.



Public Law 106–562
106th Congress

An Act

Dec. 23, 2000
[H.R. 1653]

To complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pribilof Islands
Transition Act.

TITLE I—PRIBILOF ISLANDS

16 USC 1151
note.

SEC. 101. SHORT TITLE.

This title may be referred to as the “Pribilof Islands Transition Act”.

16 USC 1161
note.

SEC. 102. PURPOSE.

The purpose of this title is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 103. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89–702 (16 U.S.C. 1151 et seq.), popularly known and referred to in this title as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

“SEC. 206. FINANCIAL ASSISTANCE.

“(a) GRANT AUTHORITY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

“(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

“(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

“(A) to settle any debt owed to the United States;

“(B) for administrative or overhead expenses; or

“(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

“(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall

transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

“(b) SOLID WASTE ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

“(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

“(3) LIMITATION.—In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of the enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

Deadline.
Contracts.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

“(1) for assistance under subsection (a) a total not to exceed—

“(A) \$9,000,000, for grants to the City of St. Paul;

“(B) \$6,300,000, for grants to the Tanadgusix Corporation;

“(C) \$1,500,000, for grants to the St. Paul Tribal Council;

“(D) \$6,000,000, for grants to the City of St. George;

“(E) \$4,200,000, for grants to the St. George Tanaq Corporation; and

“(F) \$1,000,000, for grants to the St. George Tribal Council; and

“(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

“(A) \$6,500,000 for the City of St. Paul; and

“(B) \$3,500,000 for the City of St. George.

“(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available

for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

“(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

“(1) having provided assistance to the State of Alaska under subsection (b); or

“(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

“(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

“(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.”.

SEC. 104. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

“(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

“(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

“(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

“(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.”; and

(2) by striking subsection (g).

SEC. 105. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not

Deadline.

16 USC 1161
note.

dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this title; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(3) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary of Commerce certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed pursuant to subsection (c), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

Effective date.

(c) REPEALS.—Effective on the date on which the Secretary of Commerce makes the certification described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this title shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term “Natives of the Pribilof Islands” includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 106. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(1) striking “(d)” and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting “**SEC. 212.**”; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966. 16 USC 1169b.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking “on such Islands” and inserting “on such property”.

(c) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Fur Seal Act of 1966’.”.

16 USC 1151
note.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) by striking subsection (f) and inserting the following:
“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

“(2) LIMITATION.—None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska.”; and

(2) by adding at the end the following:

“(g) LOW-INTEREST LOAN PROGRAM.—

“(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001,

2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to \$2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

“(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

“(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ includes the Tanadgusix and Tanaq Corporations.

“(4) REVERSION OF FUNDS.—Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.”.

Coral Reef
Conservation Act
of 2000.
16 USC 6401
note.

TITLE II—CORAL REEF CONSERVATION

SEC. 201. SHORT TITLE.

This title may be cited as the “Coral Reef Conservation Act of 2000”.

16 USC 6401.

SEC. 202. PURPOSES.

The purposes of this title are—

(1) to preserve, sustain, and restore the condition of coral reef ecosystems;

(2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;

(3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;

(4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;

(5) to provide financial resources for those programs and projects; and

(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

16 USC 6402.

SEC. 203. NATIONAL CORAL REEF ACTION STRATEGY.

Deadline.
Federal Register,
publication.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action

strategy, consistent with the purposes of this title. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) GOALS AND OBJECTIVES.—The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of—

- (1) coastal uses and management;
- (2) water and air quality;
- (3) mapping and information management;
- (4) research, monitoring, and assessment;
- (5) international and regional issues;
- (6) outreach and education;
- (7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and
- (8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

SEC. 204. CORAL REEF CONSERVATION PROGRAM.

16 USC 6403.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as “coral conservation projects”), for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) FIFTY PERCENT.—Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) WAIVER.—The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:

- (1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

(2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

(3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A description of the qualifications of the individuals who will conduct the project.

(3) A succinct statement of the purposes of the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) A description of how the project meets one or more of the criteria in subsection (g).

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 6 months after receiving a project proposal under this section, the Administrator shall—

(A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

Deadline.

(g) **CRITERIA FOR APPROVAL.**—The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;

(5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;

(7) mapping the location and distribution of coral reefs;

(8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;

(9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or

(10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) **PROJECT REPORTING.**—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) **CORAL REEF TASK FORCE.**—The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) **IMPLEMENTATION GUIDELINES.**—Within 180 days after the date of the enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

Deadline.

SEC. 205. CORAL REEF CONSERVATION FUND.

16 USC 6404.

(a) **FUND.**—The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this Act

and are consistent with the national coral reef action strategy under section 203.

(b) **AUTHORIZATION TO SOLICIT DONATIONS.**—Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) **REVIEW OF PERFORMANCE.**—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 203.

(d) **ADMINISTRATION.**—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

16 USC 6405.

SEC. 206. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

16 USC 6406.

SEC. 207. NATIONAL PROGRAM.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

(b) **AUTHORIZED ACTIVITIES.**—Activities authorized under subsection (a) include—

(1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;

(2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;

(3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and

(4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

16 USC 6407.

SEC. 208. EFFECTIVENESS REPORTS.

Deadline.

(a) **GRANT PROGRAM.**—Not later than 3 years after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report

shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) NATIONAL PROGRAM.—Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.

Deadline.
Reports.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

16 USC 6408.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title \$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) ADMINISTRATION.—Of the amounts appropriated under subsection (a), not more than the lesser of \$1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) CORAL REEF CONSERVATION PROGRAM.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary \$8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

(d) NATIONAL CORAL REEF ACTIVITIES.—From the amounts appropriated under subsection (a), there shall be made available to the Secretary \$8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.

SEC. 210. DEFINITIONS.

16 USC 6409.

In this title:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CONSERVATION.—The term “conservation” means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) CORAL.—The term “coral” means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft

corals), and *Coenothecalia* (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) CORAL REEF.—The term “coral reef” means any reefs or shoals composed primarily of corals.

(5) CORAL REEF ECOSYSTEM.—The term “coral reef ecosystem” means coral and other species of reef organisms (including reef plants) associated with coral reefs, and the nonliving environmental factors that directly affect coral reefs, that together function as an ecological unit in nature.

(6) CORAL PRODUCTS.—The term “coral products” means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(8) STATE.—The term “State” means any State of the United States that contains a coral reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a coral reef ecosystem within its seaward boundaries.

TITLE III—MISCELLANEOUS

SEC. 301. GREAT LAKES FISHERY ACT OF 1956.

Section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a)) is amended by adding at the end the following:

“(3) Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 302. TUNA CONVENTIONS ACT OF 1950.

Section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952) is amended by inserting before “Of such Commissioners—” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 303. ATLANTIC TUNAS CONVENTION ACT OF 1975.

Section 3(a)(1) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971a(a)(1)) is amended by inserting before “The Commissioners” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 304. NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) CLERICAL AMENDMENT.—Public Law 102-587 is amended by striking title VIII (106 Stat. 5098 et seq.).

(b) **TREATMENT COMMISSIONERS.**—Section 804(a) of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5003(a)) is amended by inserting before “Of the Commissioners—” the following: “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

SEC. 305. HIGH SEAS FISHING COMPLIANCE ACT OF 1995.

Section 103(4) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5502(4)) is amended by inserting “or subject to the jurisdiction of the United States” after “United States”.

SEC. 306. REIMBURSEMENT OF EXPENSES.

Notwithstanding section 3302(b) and (c) of title 31, United States Code, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, and from the disposal of marine assets, and all amounts received by the United States from the disposal of marine assets of the National Oceanic and Atmospheric Administration—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration hydrographic and fisheries vessel operations.

SEC. 307. TECHNICAL CORRECTIONS TO NATIONAL MARINE SANCTUARIES ACT.

(a) **CROSS REFERENCE CORRECTION.**—Section 304(f)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1434(f)(2)) is amended by striking “paragraph (2)” and inserting “subparagraphs (A) and (B) of paragraph (1)”.

(b) **SHORT TITLE CORRECTION.**—Section 317 of such Act (16 U.S.C. 1445 note) is amended by striking “The” and inserting “the ‘”.

16 USC 1431
note.

(c) **EFFECTIVE DATE.**—Subsection (a) shall take effect January 1, 2001.

16 USC 1434
note.

TITLE IV—STUDY OF EASTERN GRAY WHALE POPULATION

SEC. 401. STUDY OF THE EASTERN GRAY WHALE POPULATION.

(a) **STUDY.**—Not later than 180 days after the date of the enactment of this Act and subject to the availability of appropriations, the Secretary of Commerce shall initiate a study of the environmental and biological factors responsible for the significant increase in mortality events of the eastern gray whale population, and the other potential impacts these factors may be having on the eastern gray whale population.

16 USC 917a
note.
Deadline.

(b) CONSIDERATION OF WESTERN POPULATION INFORMATION.—The Secretary should ensure that, to the greatest extent practicable, information from current and future studies of the western gray whale population is considered in the study under this section, so as to better understand the dynamics of each population and to test different hypotheses that may lead to an increased understanding of the mechanism driving their respective population dynamics.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) \$290,000 for fiscal year 2001; and

(2) \$500,000 for each of fiscal years 2002 through 2004.

TITLE V—MISCELLANEOUS

SEC. 501. TREATMENT OF VESSEL AS AN ELIGIBLE VESSEL.

Notwithstanding paragraphs (1) through (3) of sections 208(a) of the American Fisheries Act (title II of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–624)), the catcher vessel HAZEL LORRAINE (United States Official Number 592211) and the catcher vessel PROVIDIAN (United States Official Number 1062183) shall be considered to be vessels that are eligible to harvest the directed fishing allowance under section 206(b)(1) of that Act pursuant to a Federal fishing permit in the same manner as, and subject to the same requirements and limitations on that harvesting as apply to, catcher vessels that are eligible to harvest that directed fishing allowance under section 208(a) of that Act.

Approved December 23, 2000.

LEGISLATIVE HISTORY—H.R. 1653:

HOUSE REPORTS: No. 106–195 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 30, 31, considered and passed House.

Dec. 14, considered and passed Senate.



Public Law 106–563
106th Congress

An Act

To require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

Dec. 23, 2000
[H.R. 2570]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Lincoln Highway
Study Act of
2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lincoln Highway Study Act of 2000”.

SEC. 2. NATIONAL PARK SERVICE STUDY AND REPORT REGARDING THE LINCOLN HIGHWAY.

(a) FINDINGS.—The Congress finds the following:

(1) The Lincoln Highway, established in 1913, comprises more than 3,000 miles of roadways from New York, New York, to San Francisco, California, and encompasses United States Routes 1, 20, 30 (including 30N and 30S), 40, 50, and 530 and Interstate Route 80.

(2) The Lincoln Highway played a historically significant role as the first United States transcontinental highway, providing motorists a paved route and allowing vast portions of the country to be accessible by automobile.

(3) The Lincoln Highway transverses the States of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Iowa, Nebraska, Wyoming, Utah, Nevada, and California.

(4) Although some parts of the Lincoln Highway have disappeared or have been realigned, the many historic, cultural, and engineering features and characteristics of the route still remain.

(5) Given the interest by organized groups and State governments in the preservation of features associated with the Lincoln Highway, the route’s history, and its role in American popular culture, a coordinated evaluation of preservation options should be undertaken.

(b) STUDY REQUIRED.—The Secretary of the Interior, acting through the Director of the National Park Service, shall coordinate a comprehensive study of routes comprising the Lincoln Highway. The study shall include an evaluation of the significance of the Lincoln Highway in American history, options for preservation and use of remaining segments of the Lincoln Highway, and options for the preservation and interpretation of significant features associated with the Lincoln Highway. The study shall also consider private sector preservation alternatives.

Deadline.

(c) COOPERATIVE EFFORT.—The study under subsection (b) shall provide for the participation of representatives from each State traversed by the Lincoln Highway, State historic preservation offices, representatives of associations interested in the preservation of the Lincoln Highway and its features, and persons knowledgeable in American history, historic preservation, and popular culture.

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (b), the Secretary of the Interior shall submit a report to Congress containing the results of the study.

(e) LIMITATION.—Nothing in this section shall be construed to authorize the Secretary of the Interior or the National Park Service to assume responsibility for the maintenance of any of the routes comprising the Lincoln Highway.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$500,000 to carry out this section.

Approved December 23, 2000.

LEGISLATIVE HISTORY—H.R. 2570:

HOUSE REPORTS: No. 106–912 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 17, considered and passed House.

Dec. 15, considered and passed Senate.



Public Law 106–564
106th Congress

An Act

To establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

Dec. 23, 2000
[H.R. 3756]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TIME ZONE ESTABLISHED.

(a) IN GENERAL.—The first section of the Act of March 19, 1918 (15 U.S.C. 261; commonly known as the Calder Act) is amended—

(1) in the first sentence, by striking “eight zones” and inserting “nine zones”; and

(2) in the second sentence—

(A) by striking “; and that of the eighth” and inserting “; that of the eighth”; and

(B) by inserting before the period the following: “; and that of the ninth zone on the one hundred and fiftieth meridian of longitude east from Greenwich.”.

(b) NAME OF ZONE.—Section 4 of the Act of March 19, 1918 (15 U.S.C. 263; commonly known as the Calder Act) is amended—

(1) by striking “and that of the eighth” and inserting “that of the eighth”; and

(2) by inserting before the period the following: “; and that of the ninth zone shall be known as Chamorro standard time”.

(c) DAYLIGHT SAVING TIME.—Section 7 of the Uniform Time Act of 1966 (15 U.S.C. 267) is amended by inserting “Guam, the Commonwealth of the Northern Mariana Islands,” after “Puerto Rico,”.

Approved December 23, 2000.

LEGISLATIVE HISTORY—H.R. 3756:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, considered and passed House.

Dec. 15, considered and passed Senate.



Public Law 106–565
106th Congress

An Act

Dec. 23, 2000
[H.R. 4907]

To establish the Jamestown 400th Commemoration Commission, and for other purposes.

Jamestown 400th
Commemoration
Commission Act
of 2000.
Virginia.
16 USC 81 note.
16 USC 81 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jamestown 400th Commemoration Commission Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth’s portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the State of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

16 USC 81 note.

In this Act:

(1) **COMMEMORATION.**—The term “commemoration” means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) **COMMISSION.**—The term “Commission” means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) **GOVERNOR.**—The term “Governor” means the Governor of the State.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—

(A) **IN GENERAL.**—The term “State” means the State of Virginia.

(B) **INCLUSIONS.**—The term “State” includes agencies and entities of the State.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

16 USC 81 note.

(a) **IN GENERAL.**—There is established a commission to be known as the “Jamestown 400th Commemoration Commission”.

Establishment.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of 16 members, of whom—

(A) four members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) four members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) two members shall be employees of the National Park Service, of which—

(i) one shall be the Director of the National Park Service (or a designee); and

(ii) one shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) five members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual

performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

Deadline.

- (i) a summary of the activities of the Commission;
- (ii) a final accounting of funds received and expended by the Commission; and
- (iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed \$10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph

(B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director

and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) **TERMINATION.**—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

16 USC 81 note.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved December 23, 2000.

LEGISLATIVE HISTORY—H.R. 4907 (S. 2885):

SENATE REPORTS: No. 106–456 accompanying S. 2885 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 30, considered and passed House.

Dec. 15, considered and passed Senate.



Public Law 106–566
106th Congress

An Act

Dec. 23, 2000
[S. 1694]

To direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hawaii Water
Resources Act of
2000.

**TITLE I—HAWAII WATER RESOURCES
STUDY**

43 USC 390h
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “Hawaii Water Resources Act of 2000”.

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of Hawaii.

SEC. 103. HAWAII WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation and in accordance with the provisions of this title and existing legislative authorities as may be pertinent to the provisions of this title, including: The Act of August 23, 1954 (68 Stat. 773, chapter 838), authorizing the Secretary to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii; section 31 of the Hawaii Omnibus Act (43 U.S.C. 422l) authorizing the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the “Small Reclamation Projects Act”); and the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes; is authorized and directed to conduct a study that includes—

(1) a survey of the irrigation and other agricultural water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and other agricultural water delivery systems;

(3) an evaluation of options and alternatives for future use of the irrigation and other agricultural water delivery systems (including alternatives that would improve the use and

conservation of water resources and would contribute to agricultural diversification, economic development, and improvements to environmental quality); and

(4) the identification and investigation of opportunities for recycling, reclamation, and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 2 years after appropriation of funds authorized by this title, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to— Deadline.

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) ADDITIONAL REPORTS.—The Secretary shall submit to the committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) COST SHARING.—Costs of conducting the study and preparing the reports described in subsections (a) and (b) of this section shall be shared between the Secretary and the State. The Federal share of the costs of the study and reports shall not exceed 50 percent of the total cost, and shall be nonreimbursable. The Secretary shall enter into a written agreement with the State, describing the arrangements for payment of the non-Federal share.

(d) USE OF OUTSIDE CONTRACTORS.—The Secretary is authorized to employ the services and expertise of the State and/or the services and expertise of a private consultant employed under contract with the State to conduct the study and prepare the reports described in this section if the State requests such an arrangement and if it can be demonstrated to the satisfaction of the Secretary that such an arrangement will result in the satisfactory completion of the work authorized by this section in a timely manner and at a reduced cost.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$300,000 for the Federal share of the activities authorized under this title.

SEC. 104. WATER RECLAMATION AND REUSE.

(a) Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: “, and the State of Hawaii”.

(b) The Secretary is authorized to use the authorities available pursuant to section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) to conduct the relevant portion of the study and preparation of the reports authorized by this title if the use of such authorities is found by the Secretary to be appropriate and cost-effective, and provided that the total Federal share of costs for the study and reports does not exceed the amount authorized in section 103.

TITLE II—DROUGHT RELIEF

SEC. 201. DROUGHT RELIEF.

(a) RELIEF FOR HAWAII.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after “Reclamation State” the following: “and in the State of Hawaii”; and

(2) in subsection (c), by striking “ten years after the date of enactment of this Act” and inserting “on September 30, 2005”.

(b) ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.—Such Act is further amended by adding at the end of title I the following:

43 USC 2215.

“SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.

“(a) IN GENERAL.—The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this title to promote the development of drought contingency plans under title II.

Deadline.

“(b) REPORT.—Not later than one year after the date of the enactment of the Hawaii Water Resources Act of 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under title II.”.

California.

TITLE III—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES: CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.

(a) IN GENERAL.—The Secretary shall credit an amount up to \$1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the “City”), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City’s purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary has issued a determination that such facilities are fully operative as intended.

TITLE IV—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

Clear Creek
Distribution
System
Conveyance Act.
California.

SEC. 401. SHORT TITLE.

This title may be cited as the “Clear Creek Distribution System Conveyance Act”.

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) DISTRICT.—The term “District” means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) AGREEMENT.—The term “Agreement” means Agreement No. 8–07–20–L6975 entitled “Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District”.

(4) DISTRIBUTION SYSTEM.—The term “Distribution System” means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this title shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this title—

(1) shall not affect any of the provisions of the District’s existing water service contract with the United States (contract number 14–06–200–489–IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 406. LIABILITY.

Effective on the date of conveyance of the Distribution System under this title, the United States shall not be liable under any law for damages of any kind arising out of any act, omission,

or occurrence based on its prior ownership or operation of the conveyed property.

Sugar Pine Dam
and Reservoir
Conveyance Act.
California.

TITLE V—SUGAR PINE DAM AND RESERVOIR CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the “Sugar Pine Dam and Reservoir Conveyance Act”.

SEC. 502. DEFINITIONS.

In this title:

(1) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(2) DISTRICT.—The term “District” means the Foresthill Public Utility District, a political subdivision of the State of California.

(3) PROJECT.—The term “Project” means the improvements (and associated interests) authorized in the Foresthill Divide Subunit of the Auburn-Folsom South Unit, Central Valley Project, consisting of—

(A) Sugar Pine Dam;

(B) the right to impound waters behind the dam;

(C) the associated conveyance system, holding reservoir, and treatment plant;

(D) water rights;

(E) rights of the Bureau described in the agreement of June 11, 1985, with the Supervisor of Tahoe National Forest, California; and

(F) other associated interests owned and held by the United States and authorized as part of the Auburn-Folsom South Unit under Public Law 89-161 (79 Stat. 615).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) WATER SERVICES CONTRACT.—The term “Water Services Contract” means Water Services Contract #14-06-200-3684A, dated February 13, 1978, between the District and the United States.

SEC. 503. CONVEYANCE OF THE PROJECT.

(a) IN GENERAL.—As soon as practicable after date of the enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the Project to the District.

(b) SALE PRICE.—Except as provided in subsection (c), on payment by the District to the Secretary of \$2,772,221—

(1) the District shall be relieved of all payment obligations relating to the Project; and

(2) all debt under the Water Services Contract shall be extinguished.

(c) MITIGATION AND RESTORATION PAYMENTS.—The District shall continue to be obligated to make payments under section 3407(c) of the Central Valley Project Improvement Act (106 Stat. 4726) through 2029.

SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.

(a) **IN GENERAL.**—Nothing in this title significantly expands or otherwise affects the use or operation of the Project from its current use and operation.

(b) **RIGHT TO OCCUPY AND FLOOD.**—On the date of the conveyance under section 503, the Chief of the Forest Service shall grant the District the right to occupy and flood portions of land in Tahoe National Forest, subject to the terms and conditions stated in an agreement between the District and the Supervisor of the Tahoe National Forest.

(c) **CHANGES IN USE OR OPERATION.**—If the District changes the use or operation of the Project, the District shall comply with all applicable laws (including regulations) governing the change at the time of the change.

Regulations.

SEC. 505. FUTURE BENEFITS.

On payment of the amount under section 503(b)—

(1) the Project shall no longer be a Federal reclamation project or a unit of the Central Valley Project; and

(2) the District shall not be entitled to receive any further reclamation benefits.

SEC. 506. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance under section 503, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the Project.

SEC. 507. COSTS.

To the extent that costs associated with the Project are included as a reimbursable cost of the Central Valley Project, the Secretary is directed to exclude all costs in excess of the amount of costs repaid by the District from the pooled reimbursable costs of the Central Valley Project until such time as the Project has been operationally integrated into the water supply of the Central Valley Project. Such excess costs may not be included into the pooled reimbursable costs of the Central Valley Project in the future unless a court of competent jurisdiction determines that operation integration is not a prerequisite to the inclusion of such costs pursuant to Public Law 89-161.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGE- MENT

Colusa Basin
Watershed
Integrated
Resources
Management Act.
California.

SEC. 601. SHORT TITLE.

This title may be cited as the “Colusa Basin Watershed Integrated Resources Management Act”.

SEC. 602. AUTHORIZATION OF ASSISTANCE.

The Secretary of the Interior (in this title referred to as the “Secretary”), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this title referred to as the “District”), for use by the District or by local agencies acting pursuant to section 413

of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this title referred to as the “State statute”), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

SEC. 603. PROJECT SELECTION.

(a) **ELIGIBLE PROJECTS.**—A project shall be an eligible project for purposes of section 602 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled “Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin”, dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) **COMPATIBILITY REQUIREMENT.**—The Secretary shall ensure that projects for which assistance is provided under this title are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

SEC. 604. COST SHARING.

(a) **NON-FEDERAL SHARE.**—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this title;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) **PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.**—Funds appropriated pursuant to this title may be made available to fund 65 percent of costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) **TREATMENT OF CONTRIBUTIONS.**—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary

relocations contributed by the District to a project as a payment by the District of the costs of the project.

SEC. 605. COSTS NONREIMBURSABLE.

Amounts expended pursuant to this title shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

SEC. 606. AGREEMENTS.

Funds appropriated pursuant to this title may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 604(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 604(b).

SEC. 607. REIMBURSEMENT.

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute in section 602 before the date amounts are provided for the project under this title, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 604.

SEC. 608. COOPERATIVE AGREEMENTS.

(a) **IN GENERAL.**—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this title.

(b) **SUBCONTRACTING.**—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this title shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

SEC. 610. APPROPRIATIONS AUTHORIZED.

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to \$25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this title. Sums appropriated under this section shall remain available until expended.

Arizona.

TITLE VII—CONVEYANCE TO YUMA PORT AUTHORITY

SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet

of Section 24 as shown on Reclamation Drawing Nos. 1292-303-3624, 1292-303-3625, and 1292-303-3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of $\frac{15}{16}$ of all gas, oil, metals, and mineral rights.

(10) A reservation of $\frac{1}{16}$ of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) **USE OF 60-FOOT BORDER STRIP.**—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) **DEFINITIONS.**—

(1) **60-FOOT BORDER STRIP.**—The term “60-foot border strip” means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) **GREATER YUMA PORT AUTHORITY.**—The term “Greater Yuma Port Authority” means Trust No. 84-184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation.

Dickinson Dam
Bascule Gates
Settlement Act of
2000.
North Dakota.

TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “Dickinson Dam Bascule Gates Settlement Act of 2000”.

SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than \$1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and

has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 803. DEFINITIONS.

In this title:

(1) **BASCULE GATES.**—The term “basculer gates” means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) **CITY.**—The term “City” means the city of Dickinson, North Dakota.

(3) **DAM.**—The term “Dam” means Dickinson Dam on the Heart River, North Dakota.

(4) **LAKE.**—The term “Lake” means the reservoir known as “Patterson Lake” in the State of North Dakota.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 804. FORGIVENESS OF DEBT.

(a) **IN GENERAL.**—The Secretary shall accept a 1-time payment of \$300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9-07-60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) **OWNERSHIP.**—Title to the Dam and basculer gates shall remain with the United States.

(c) **COSTS.**—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the basculer gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the basculer gates, up to a maximum annual cost of \$15,000. The Secretary shall be responsible for all other costs.

(d) **WATER SERVICE CONTRACTS.**—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

Approved December 23, 2000.

LEGISLATIVE HISTORY—S. 1694:

HOUSE REPORTS: No. 106-857 (Comm. on Resources).

SENATE REPORTS: No. 106-234 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

Oct. 24, considered and passed House, amended.

Dec. 7, Senate concurred in House amendments.



Public Law 106–567
106th Congress

An Act

To authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Dec. 27, 2000
[H.R. 5630]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Intelligence
Authorization
Act for Fiscal
Year 2001.

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Community management account.
- Sec. 105. Transfer authority of the Director of Central Intelligence.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.
- Sec. 303. Sense of the Congress on intelligence community contracting.
- Sec. 304. National Security Agency voluntary separation.
- Sec. 305. Authorization for travel on any common carrier for certain intelligence collection personnel.
- Sec. 306. Update of report on effects of foreign espionage on United States trade secrets.
- Sec. 307. POW/MIA analytic capability within the intelligence community.
- Sec. 308. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
- Sec. 309. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
- Sec. 310. Designation of Daniel Patrick Moynihan Place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

- Sec. 321. Reorganization of Diplomatic Telecommunications Service Program Office.
- Sec. 322. Personnel.
- Sec. 323. Diplomatic Telecommunications Service Oversight Board.
- Sec. 324. General provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency’s central services program.

- Sec. 402. Technical corrections.
- Sec. 403. Expansion of Inspector General actions requiring a report to Congress.
- Sec. 404. Detail of employees to the National Reconnaissance Office.
- Sec. 405. Transfers of funds to other agencies for acquisition of land.
- Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

- Sec. 501. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
- Sec. 502. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

- Sec. 601. Short title.
- Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
- Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
- Sec. 606. Enhancing protection of national security at the Department of Justice.
- Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
- Sec. 608. Severability.

TITLE VII—DECLASSIFICATION OF INFORMATION

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Public Interest Declassification Board.
- Sec. 704. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
- Sec. 705. Protection of national security information and other information.
- Sec. 706. Standards and procedures.
- Sec. 707. Judicial review.
- Sec. 708. Funding.
- Sec. 709. Definitions.
- Sec. 710. Sunset.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

- Sec. 801. Short title.
- Sec. 802. Designation.
- Sec. 803. Requirement of disclosure of records.
- Sec. 804. Expedited processing of requests for Japanese Imperial Government records.
- Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.

- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4392 of the One Hundred Sixth Congress (House Report 106-969).

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

President.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of \$163,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 313 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are

specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

21 USC 873 note.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), \$34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) **LIMITATION.**—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403-3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) **LIMITATION ON DELEGATION OF AUTHORITY OF DEPARTMENTS TO OBJECT TO TRANSFERS.**—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403-4(d)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(3) in clause (v), as so redesignated, by striking “the Secretary or head” and inserting “subject to subparagraph (B), the Secretary or head”; and

(4) by adding at the end the following new subparagraph:

“(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.

“(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.

“(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.”.

(b) LIMITATION ON DELEGATION OF DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.”.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of \$216,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION ACT.

(a) **IN GENERAL.**—Title III of the National Security Act of 1947 (50 U.S.C. 405 et seq.) is amended by inserting at the beginning the following new section 301:

“NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION

50 USC 409a.

“SEC. 301. (a) SHORT TITLE.—This section may be cited as the ‘National Security Agency Voluntary Separation Act’.

“(b) DEFINITIONS.—For purposes of this section—

“(1) the term ‘Director’ means the Director of the National Security Agency; and

“(2) the term ‘employee’ means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c), except that such term does not include—

“(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

“(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

“(c) ESTABLISHMENT OF PROGRAM.—Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

“(d) EARLY RETIREMENT.—An employee who—

“(1) is at least 50 years of age and has completed 20 years of service; or

“(2) has at least 25 years of service,

may, pursuant to regulations promulgated under this section, apply and be retired from the National Security Agency and receive benefits in accordance with chapter 83 or 84 of title 5, United States Code, if the employee has not less than 10 years of service with the National Security Agency.

“(e) AMOUNT OF SEPARATION PAY AND TREATMENT FOR OTHER PURPOSES.—

“(1) AMOUNT.—Separation pay shall be paid in a lump sum and shall be equal to the lesser of—

“(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

“(B) \$25,000.

“(2) TREATMENT.—Separation pay shall not—

“(A) be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

“(B) be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

“(f) REEMPLOYMENT RESTRICTIONS.—An employee who receives separation pay under such program may not be reemployed by the National Security Agency for the 12-month period beginning on the effective date of the employee’s separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103-236; 108 Stat. 111) and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the National Security Agency. If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(g) BAR ON CERTAIN EMPLOYMENT.—

“(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

“(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the National Security Agency; or

“(B) participate in any manner in the award, modification, or extension of any contract for property or services with the National Security Agency, during the 12-month period beginning on the effective date of the employee’s separation from service.

“(2) PENALTY.—An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section multiplied by the proportion of the 12-month period during which the employee was in violation of the agreement.

“(h) LIMITATIONS.—Under this program, early retirement and separation pay may be offered only—

“(1) with the prior approval of the Director;

“(2) for the period specified by the Director; and

“(3) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

“(i) REGULATIONS.—Before an employee may be eligible for early retirement, separation pay, or both, under this section, the Director shall prescribe such regulations as may be necessary to carry out this section.

“(j) REPORTING REQUIREMENTS.—

“(1) NOTIFICATION.—The Director may not make an offer of early retirement, separation pay, or both, pursuant to this section until 15 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (h), and includes the proposed regulations issued pursuant to subsection (i).

“(2) ANNUAL REPORT.—The Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual report on the effectiveness and costs of carrying out this section.

“(k) REMITTANCE OF FUNDS.—In addition to any other payment that is required to be made under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the National Security Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, an amount equal to 15 percent of the final basic pay of each employee to whom a voluntary separation payment has been or is to be paid under this section. The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).”

(b) CLERICAL AMENDMENT.—The table of contents for title III of the National Security Act of 1947 is amended by inserting at the beginning the following new item:

“Sec. 301. National Security Agency voluntary separation.”.

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

“TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

50 USC 404k.

“SEC. 116. (a) IN GENERAL.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

“(1) is consistent with intelligence community mission requirements, or

“(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

“(b) AUTHORIZED DELEGATION OF DUTY.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.”.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:

“Sec. 116. Travel on any common carrier for certain intelligence collection personnel.”.

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

Not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates and revises, as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1606). Deadline.

SEC. 307. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

“POW/MIA ANALYTIC CAPABILITY

“SEC. 117. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

Establishment.
50 USC 404l.

“(2) The analytic capability maintained under paragraph (1) shall be known as the ‘POW/MIA analytic capability of the intelligence community’.

“(b) UNACCOUNTED FOR UNITED STATES PERSONNEL.—In this section, the term ‘unaccounted for United States personnel’ means the following:

“(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

“(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.”.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947, as amended by section 305(b), is further amended by inserting after the item relating to section 116 the following new item:

“Sec. 117. POW/MIA analytic capability.”.

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

“TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

“APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

50 USC 442.

“SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

“(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.”.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting at the end the following new items:

“TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

“Sec. 1001. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.”.

50 USC 435a.

SEC. 309. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

Notification.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

Effective date.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—
(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified material unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until

the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) **WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.**—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1). Reports.

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term “covered classified material” means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term “covered element of the Department of State” means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term “material” means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term “Sensitive Compartmented Information (SCI) level”, in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) **FINDINGS.**—Congress finds that—

40 USC 1101
note.

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961-1962), as a member of the President's Council on Pennsylvania Avenue (1962-1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965-1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103-284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that extends west to the facade of the Ronald Reagan Building and International Trade Center, from the point where the west facade of the Ariel Rios Building intersects the north end of the west hemicycle of that building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

(e) MARKERS.—The Administrator of General Services shall erect appropriate gateways or other markers in Daniel Patrick Moynihan Place so denoting that place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

22 USC 7301.

(a) REORGANIZATION.—Effective 60 days after the date of the enactment of this Act, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

Effective date.

(b) PURPOSE AND DUTIES OF DTS-PO.—The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this subtitle referred to as “DTS”) capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

SEC. 322. PERSONNEL.

22 USC 7302.

(a) ESTABLISHMENT OF POSITION OF CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Effective 60 days after the date of the enactment of this Act, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as the “CEO”).

Effective date.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The CEO shall be an individual who—

- (i) is a communications professional;
- (ii) has served in the commercial telecommunications industry for at least 7 years;
- (iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and
- (iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

(B) LIMITATIONS.—The CEO may not be an individual who was an officer or employee of DTS-PO prior to the date of the enactment of this Act.

(3) APPOINTMENT AUTHORITY.—The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

(4) FIRST APPOINTMENT.—

(i) DEADLINE.—The first appointment under this subsection shall be made not later than May 1, 2001.

(ii) LIMITATION ON USE OF FUNDS.—Of the funds available for DTS-PO on the date of the enactment of this Act, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

(iii) MAY NOT BE AN OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—The individual first appointed as CEO under this subtitle may not have been an officer or employee of the Federal government during the 1-year period immediately preceding such appointment.

(5) VACANCY.—In the event of a vacancy in the position of CEO or during the absence or disability of the CEO, the Director of the Office of Management and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

(6) AUTHORITIES AND DUTIES.—

(A) IN GENERAL.—The CEO shall have responsibility for day-to-day management and operations of DTS, subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this subtitle.

(B) SPECIFIC AUTHORITIES.—In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

(i) final decision-making authority for implementing DTS policy; and

(ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

(C) CERTIFICATION REGARDING SECURITY.—The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

(D) REPORTS TO CONGRESS.—

(i) SEMIANNUAL REPORTS.—Beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6-month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

Effective date.

(ii) OTHER REPORTS.—In addition to the report required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

(b) ESTABLISHMENT OF POSITIONS OF DEPUTY EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be two Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

(2) DUTIES.—The Deputy Executive Officers shall perform such duties as the CEO may require.

(c) TERMINATION OF POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Effective upon the first appointment of a CEO pursuant to subsection (a), the positions of Director and Deputy Director of DTS-PO shall terminate.

(d) EMPLOYEES OF DTS-PO.—

(1) IN GENERAL.—DTS-PO is authorized to have the following employees: a CEO established under subsection (a), two Deputy Executive Officers established under subsection (b), and not more than four other employees.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The CEO and other officers and employees of DTS-PO may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) AUTHORITY OF DIRECTOR OF OMB TO PRESCRIBE PAY OF EMPLOYEES.—The Director of the Office of Management and Budget shall prescribe the rates of basic pay for positions to which employees are appointed under this section on the basis of their unique qualifications.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the CEO, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to DTS-PO to assist it in carrying out its duties under this subtitle.

(2) CONTINUATION OF SERVICE.—An employee of a Federal department or agency who was performing services on behalf of DTS-PO prior to the effective date of the reorganization under this subtitle shall continue to be detailed to DTS-PO after that date, upon request.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD. 22 USC 7303.

(a) OVERSIGHT BOARD ESTABLISHED.—

(1) IN GENERAL.—There is hereby established the Diplomatic Telecommunications Service Oversight Board (hereinafter in this subtitle referred to as the “Board”) as an instrumentality of the United States with the powers and authorities herein provided.

(2) STATUS.—The Board shall oversee and monitor the operations of DTS-PO and shall be accountable for the duties assigned to DTS-PO under this subtitle.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall consist of three members as follows:

President.

(i) The Deputy Director of the Office of Management and Budget.

(ii) Two members to be appointed by the President.

(B) CHAIRPERSON.—The chairperson of the Board shall be the Deputy Director of the Office of Management and Budget.

(C) TERMS.—Members of the Board appointed by the President shall serve at the pleasure of the President.

(D) QUORUM REQUIRED.—A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

(4) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(5) DUTIES AND AUTHORITIES.—The Board shall have the following duties and authorities with respect to DTS-PO:

(A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.

(B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.

(C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.

(D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.

(E) To evaluate audits of DTS-PO.

(6) LIMITATION ON AUTHORITY.—The CEO shall have the authority, without any prior review or approval by the Board, to make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106-113).

22 USC 7304.

SEC. 324. GENERAL PROVISIONS.

Deadline.

(a) REPORT TO CONGRESS.—Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

(1) Clarification of the process for the CEO to report to the Board.

(2) Details of the CEO's duties and responsibilities.

(3) Details of the compensation package for the CEO and other employees of DTS-PO.

(4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.

(5) Security standards for information technology.

(6) The upgrade precedence plan for overseas posts with national security interests.

(7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

(b) NOTIFICATION REQUIREMENTS.—The notification requirements of sections 502 and 505 of the National Security Act of 1947 shall apply to DTS-PO and the Board. Applicability.

(c) PROCUREMENT AUTHORITY OF DTS-PO.—The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

(d) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES OF JURISDICTION.—As used in this subtitle, the term “appropriate congressional committees of jurisdiction” means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) STATUTORY CONSTRUCTION.—Nothing in this subtitle shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

(f) AUTHORIZATION OF APPROPRIATIONS FOR DTS-PO.—For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly to DTS-PO such sums as may be necessary to carry out the management, oversight, and security requirements of this subtitle.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY’S CENTRAL SERVICES PROGRAM.

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

“(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

“(G) Receipts from individuals for the rental of property and equipment under the program.”.

(b) CLARIFICATION OF COSTS RECOVERABLE UNDER PROGRAM.—Subsection (e)(1) of that section is amended in the second sentence by inserting “other than structures owned by the Agency” after “depreciation of plant and equipment”.

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking “annual audits under paragraph (1)” and inserting the following: “financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).”.

SEC. 402. TECHNICAL CORRECTIONS.

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

“(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and”;

(2) in subsection (e)(5), by striking subparagraph (E).

(b) **TERMINOLOGY WITH RESPECT TO GOVERNMENT AGENCIES.**—Section 17(e)(8) of such Act (50 U.S.C. 403q(e)(8)) is amended by striking “Federal” each place it appears and inserting “Government”.

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

“(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

“(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

“(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

“(I) Executive Director;

“(II) Deputy Director for Operations;

“(III) Deputy Director for Intelligence;

“(IV) Deputy Director for Administration; or

“(V) Deputy Director for Science and Technology;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

Notification.

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.”.

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

“DETAIL OF EMPLOYEES

50 USC 403v.

“SEC. 22. The Director may—

“(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and

“(2) hire personnel for the purpose of any detail under paragraph (1).”.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) **IN GENERAL.**—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by adding at the end the following new subsection:

“(c) **TRANSFERS FOR ACQUISITION OF LAND.**—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

“(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).”.

Reports.

(b) **CONFORMING STYLISTIC AMENDMENTS.**—That section is further amended—

(1) in subsection (a), by inserting “**IN GENERAL.**—” after “(a)”; and

(2) in subsection (b), by inserting “**SCOPE OF AUTHORITY FOR EXPENDITURE.**—” after “(b)”.

(c) **APPLICABILITY.**—Subsection (c) of section 5 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

50 USC 403f
note.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

5 USC prec. 5941
note.

(a) **IN GENERAL.**—Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) **REPORTS.**—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

50 USC 403–5
note.

SEC. 501. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

Deadline.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 502. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

Deadline.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

Counter-
intelligence
Reform Act of
2000.
50 USC 1801
note.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the “Counterintelligence Reform Act of 2000”.

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

“(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

“(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

“(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

“(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

Notice.

“(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

“(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.”.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

- (1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

- (2) by inserting after subsection (a) the following new subsection (b):

“(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.”; and

(3) in subsection (d), as redesignated by paragraph (1), by striking “subsection (b)(1)” and inserting “subsection (c)(1)”.

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) **REQUIREMENTS REGARDING CERTAIN APPLICATIONS.**—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

“(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

“(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

“(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

Notice.

“(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

“(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

“(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.”.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.”.

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

“(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.”.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term “appropriate committees of Congress” means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking “paragraph (3)” and inserting “paragraph (5)”; and

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

“(B) The head of the department or agency concerned shall—

50 USC 1806
note.

Notification. “(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and
 “(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

“ (C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.”; and

(4) in paragraph (5), as so redesignated, by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (3)”.

(b) **TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.**—Paragraph (2) of that subsection is further amended—

(1) by inserting “in a timely manner” after “through appropriate channels”; and

(2) by inserting “in a timely manner” after “are consulted”.

(c) **INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.**—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

Notification. “(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

“ (B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.”.

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) **AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.**—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) \$7,000,000 for fiscal year 2001;

(2) \$7,500,000 for fiscal year 2002; and

(3) \$8,000,000 for fiscal year 2003.

(b) **AVAILABILITY OF FUNDS.**—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review for fiscal years 2002 and 2003 may be obligated or expended until the date on which the Attorney General submits the report required by paragraph (2) for the year involved.

Reports. (2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) an annual report on

the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

Reports.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

Classified information.

(c) **REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.**—The Attorney General shall report to the committees of Congress specified in subsection (b)(2)(B) within 120 days on actions that have been or will be taken by the Department to—

Deadline.

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

“COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

“SEC. 9A. (a) **BRIEFINGS REQUIRED.**—The Assistant Attorney General for the Criminal Division and the appropriate United States attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

18 USC app. 9A.

“(b) **TIMING OF BRIEFINGS.**—Briefings under subsection (a) with respect to a case shall occur—

“(1) as soon as practicable after the Department of Justice and the United States attorney concerned determine that a prosecution or potential prosecution could result; and

“(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

“(c) **SENIOR AGENCY OFFICIAL DEFINED.**—In this section, the term ‘senior agency official’ has the meaning given that term in section 1.1 of Executive Order No. 12958.”.

50 USC 1801
note.

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

Public Interest
Declassification
Act of 2000.
Records.
Reports.
50 USC 435 note.

TITLE VII—DECLASSIFICATION OF INFORMATION

SEC. 701. SHORT TITLE.

This title may be cited as the “Public Interest Declassification Act of 2000”.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 703. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) **ESTABLISHMENT.**—There is established within the executive branch of the United States a board to be known as the “Public Interest Declassification Board” (in this title referred to as the “Board”).

(b) **PURPOSES.**—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of

archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

President.

(B) one shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the majority leader of the Senate;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board by the President—

(i) three shall be appointed for a term of 4 years;

(ii) one shall be appointed for a term of 3 years; and

(iii) one shall be appointed for a term of 2 years.

(B) The members initially appointed to the Board by the Speaker of the House of Representatives or by the majority leader of the Senate shall be appointed for a term of 3 years.

(C) The members initially appointed to the Board by the minority leader of the House of Representatives or the Senate shall be appointed for a term of 2 years.

(D) Any subsequent appointment to the Board shall be for a term of 3 years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be 2 years.

(C) A member serving as Chairperson of the Board may be redesignated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than 6 years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive orders and Presidential or agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 706(b), and to facilitate the advisory functions of

the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES-1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 704. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall

cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next 2 fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments and the elements of the intelligence community, shall be provided on a consolidated basis.

(B) In this paragraph, the term "elements of the intelligence community" means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 703(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

Public
availability.

Publication.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive order.

SEC. 705. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) **IN GENERAL.**—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by that agency.

(b) **SPECIAL ACCESS PROGRAMS.**—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) **AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.**—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(d) **EXEMPTIONS TO RELEASE OF INFORMATION.**—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under subsection (b) of section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) **WITHHOLDING INFORMATION FROM CONGRESS.**—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 706. STANDARDS AND PROCEDURES.

(a) **LIAISON.**—(1) The head of each agency with the authority under an Executive order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) **LIMITATIONS ON ACCESS.**—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library shall promptly notify the Board in writing of such determination.

Notification.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) **DISCRETION TO DISCLOSE.**—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order No. 12958 or any successor order to such Executive order.

(d) **DISCRETION TO PROTECT.**—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order No. 12958 or any successor order to such Executive order.

(e) **REPORTS.**—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials to the Board by the head of an agency or the head of a Federal Presidential library of access to records or materials under this title.

(B) In this paragraph, the term “appropriate congressional committees” means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 707. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not

intended and may not be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 708. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, \$650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) **FUNDING REQUESTS.**—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year. President.

SEC. 709. DEFINITIONS.

In this title:

(1) **AGENCY.**—(A) Except as provided in subparagraph (B), the term “agency” means the following:

(i) An Executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) **CLASSIFIED MATERIAL OR RECORD.**—The terms “classified material” and “classified record” include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) **DECLASSIFICATION.**—The term “declassification” means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) **DONATED HISTORICAL MATERIAL.**—The term “donated historical material” means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) **FEDERAL PRESIDENTIAL LIBRARY.**—The term “Federal Presidential library” means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of the Federal Records Act of 1950.

(6) **NATIONAL SECURITY.**—The term “national security” means the national defense or foreign relations of the United States.

(7) RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.—The term “records or materials of extraordinary public interest” means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive order.

(8) RECORDS OF ARCHIVAL VALUE.—The term “records of archival value” means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 710. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—This title shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this title shall expire 4 years after the date of the enactment of this Act, unless reauthorized by statute.

Japanese
Imperial
Government
Disclosure Act of
2000.
Classified
information.
Records.
Reports.
5 USC 552 note.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “Japanese Imperial Government Disclosure Act of 2000”.

SEC. 802. DESIGNATION.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term “Interagency Group” means the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL GOVERNMENT RECORDS.—The term “Japanese Imperial Government records” means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation on, and persecution of, any person because of race, religion, national origin, or political opinion, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

- (A) the Japanese Imperial Government;
- (B) any government in any area occupied by the military forces of the Japanese Imperial Government;
- (C) any government established with the assistance or cooperation of the Japanese Imperial Government; or
- (D) any government which was an ally of the Japanese Imperial Government.

(4) RECORD.—The term “record” means a Japanese Imperial Government record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall designate the Working Group established under the Nazi War Crimes Disclosure Act (Public Law 105-246; 5 U.S.C. 552 note) to also carry out the purposes of this title with respect to Japanese Imperial Government records, and that Working Group shall remain in existence for 3 years after the date on which this title takes effect. Such Working Group is redesignated as the “Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group”.

Deadline.
President.

(2) MEMBERSHIP.—Section 2(b)(2) of such Act is amended by striking “3 other persons” and inserting “4 other persons who shall be members of the public, of whom 3 shall be persons appointed under the provisions of this Act in effect on October 8, 1998.”.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 803—

Deadline.

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Government records of the United States;

Public
availability.

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 803. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Government Records Interagency Working Group shall release in their entirety Japanese Imperial Government records.

(b) EXEMPTIONS.—An agency head may exempt from release under subsection (a) specific information, that would—

- (1) constitute an unwarranted invasion of personal privacy;
- (2) reveal the identity of a confidential human source, or reveal information about an intelligence source or method when the unauthorized disclosure of that source or method

would damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal United States military war plans that remain in effect;

(7) reveal information that would impair relations between the United States and a foreign government, or undermine ongoing diplomatic activities of the United States;

(8) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Government. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) RECORDS RELATED TO INVESTIGATIONS OR PROSECUTIONS.—

This section shall not apply to records—

(1) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(2) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 804. EXPEDITED PROCESSING OF REQUESTS FOR JAPANESE IMPERIAL GOVERNMENT RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 802(a)(3) and who requests a Japanese Imperial Government record shall be deemed to have a compelling need for such record.

SEC. 805. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

Approved December 27, 2000.

LEGISLATIVE HISTORY—H.R. 5630 (H.R. 4392):

HOUSE REPORTS: Nos. 106–620 accompanying H.R. 4392 (Comm on Intelligence) and 106–969 accompanying H.R. 4392 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Nov. 13, considered and passed House.

Dec. 6, considered and passed Senate, amended.

Dec. 11, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

Dec. 27, Presidential statement.



Public Law 106–568
106th Congress

An Act

Dec. 27, 2000
[H.R. 5528]

To authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre,
South Dakota, and for other purposes.

Omnibus Indian
Advancement
Act.
25 USC 4101
note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus Indian Advancement
Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION
WORKS**

Sec. 101. Findings.

Sec. 102. Conveyance and operation of irrigation works.

Sec. 103. Relationship to other laws.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Housing assistance.

Sec. 204. Loan guarantees for Native Hawaiian housing.

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

Sec. 301. Approval not required to validate land transactions.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

Sec. 401. Findings.

Sec. 402. Definitions.

Subtitle A—Reconciliation Center

Sec. 411. Reconciliation center.

Sec. 412. Sioux Nation Tribal Supreme Court.

Sec. 413. Legal jurisdiction not affected.

Subtitle B—GAO Study

Sec. 421. GAO study.

TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE

Sec. 501. Expenditure of funds by tribe authorized.

**TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS
SETTLEMENT**

Sec. 601. Short title.

Sec. 602. Congressional findings and purpose.

Sec. 603. Definitions.

- Sec. 604. Ratification of settlement agreement.
- Sec. 605. Settlement funds.
- Sec. 606. Trust land acquisition and status.
- Sec. 607. Permanent flowage easements.
- Sec. 608. Satisfaction of claims, waivers, and releases.
- Sec. 609. Miscellaneous provisions.
- Sec. 610. Authorization of appropriations.
- Sec. 611. Effective date.

TITLE VII—SHAWNEE TRIBE STATUS

- Sec. 701. Short title.
- Sec. 702. Findings.
- Sec. 703. Definitions.
- Sec. 704. Federal recognition, trust relationship, and program eligibility.
- Sec. 705. Establishment of a tribal roll.
- Sec. 706. Organization of the tribe; tribal constitution.
- Sec. 707. Tribal land.
- Sec. 708. Jurisdiction.
- Sec. 709. Individual Indian land.
- Sec. 710. Treaties not affected.

TITLE VIII—TECHNICAL CORRECTIONS

- Sec. 801. Short title.

Subtitle A—Miscellaneous Technical Provisions

- Sec. 811. Technical correction to an Act affecting the status of Mississippi Choctaw lands and adding such lands to the Choctaw Reservation.
- Sec. 812. Technical corrections concerning the Five Civilized Tribes of Oklahoma.
- Sec. 813. Waiver of repayment of expert assistance loans to the Red Lake Band of Chippewa Indians and the Minnesota Chippewa Tribes.
- Sec. 814. Technical amendment to the Indian Child Protection and Family Violence Protection Act.
- Sec. 815. Technical amendment to extend the authorization period under the Indian Health Care Improvement Act.
- Sec. 816. Technical amendment to extend the authorization period under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
- Sec. 817. Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.
- Sec. 818. Technical amendment regarding the treatment of certain income for purposes of Federal assistance.
- Sec. 819. Land to be taken into trust.

Subtitle B—Santa Fe Indian School

- Sec. 821. Short title.
- Sec. 822. Definitions.
- Sec. 823. Transfer of certain lands for use as the Santa Fe Indian School.
- Sec. 824. Land use.

TITLE IX—CALIFORNIA INDIAN LAND TRANSFER

- Sec. 901. Short title.
- Sec. 902. Lands held in trust for various tribes of California Indians.
- Sec. 903. Miscellaneous provisions.

TITLE X—NATIVE AMERICAN HOMEOWNERSHIP

- Sec. 1001. Lands Title Report Commission.
- Sec. 1002. Loan guarantees.
- Sec. 1003. Native American housing assistance.

TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

- Sec. 1101. Short title.
- Sec. 1102. Findings, purposes.
- Sec. 1103. Amendments to the Indian Employment, Training and Related Services Demonstration Act of 1992.
- Sec. 1104. Report on expanding the opportunities for program integration.

TITLE XII—NAVAJO NATION TRUST LAND LEASING

- Sec. 1201. Short title.
- Sec. 1202. Congressional findings and declaration of purposes.
- Sec. 1203. Lease of restricted lands for the Navajo Nation.

TITLE XIII—AMERICAN INDIAN EDUCATION FOUNDATION

- Sec. 1301. Short title.
- Sec. 1302. Establishment of American Indian Education Foundation.

TITLE XIV—GRATON RANCHERIA RESTORATION

- Sec. 1401. Short title.
- Sec. 1402. Findings.
- Sec. 1403. Definitions.
- Sec. 1404. Restoration of Federal recognition, rights, and privileges.
- Sec. 1405. Transfer of land to be held in trust.
- Sec. 1406. Membership rolls.
- Sec. 1407. Interim government.
- Sec. 1408. Tribal constitution.

TITLE XV—CEMETERY SITES AND HISTORICAL PLACES

- Sec. 1501. Findings; definitions.
- Sec. 1502. Withdrawal of lands.
- Sec. 1503. Application for conveyance of withdrawn lands.
- Sec. 1504. Amendments.
- Sec. 1505. Procedure for evaluating applications.
- Sec. 1506. Applicability.

TITLE I—SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS

SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency;

(2) the Salt River Pima-Maricopa Indian Community (hereinafter referred to as the “Community”) has operated the irrigation works within the Community’s reservation since November 1997 and is capable of fully managing the operation of these irrigation works;

(3) considering that the irrigation works, which are comprised primarily of canals, ditches, irrigation wells, storage reservoirs, and sump ponds located exclusively on lands held in trust for the Community and allottees, have been operated generally the same for over 100 years, the irrigation works will continue to be used for the distribution and delivery of water;

(4) considering that the operational management of the irrigation works has been carried out by the Community as indicated in paragraph (2), the conveyance of ownership of such works to the Community is viewed as an administrative action;

(5) the Community’s laws and regulations are in compliance with section 102(b); and

(6) in light of the foregoing and in order to—

(A) promote Indian self-determination, economic self-sufficiency, and self-governance;

(B) enable the Community in its development of a diverse, efficient reservation economy; and

(C) enable the Community to better serve the water needs of the water users within the Community,
it is appropriate in this instance that the United States convey to the Community the ownership of the irrigation works.

SEC. 102. CONVEYANCE AND OPERATION OF IRRIGATION WORKS.

(a) **CONVEYANCE.**—The Secretary of the Interior, as soon as is practicable after the date of the enactment of this Act, and in accordance with the provisions of this title and all other applicable law, shall convey to the Community any or all rights and interests of the United States in and to the irrigation works on the Community's reservation which were formerly operated by the Bureau of Indian Affairs. Notwithstanding the provisions of sections 1 and 3 of the Act of April 4, 1910 (25 U.S.C. 385) and sections 1, 2, and 3 of the Act of August 7, 1946 (25 U.S.C. 385a, 385b, and 385c) and any implementing regulations, during the period between the date of the enactment of this Act and the conveyance of the irrigation works by the United States to the Community, the Community shall operate the irrigation works under the provisions set forth in this title and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including retaining and expending operations and maintenance collections for irrigation works purposes. Effective upon the date of conveyance of the irrigation works, the Community shall have the full ownership of and operating authority over the irrigation works in accordance with the provisions of this title.

(b) **FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.**—To assure compliance with the Federal trust responsibilities of the United States to Indian tribes, individual Indians and Indians with trust allotments, including such trust responsibilities contained in Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988 (Public Law 100-512), the Community shall operate the irrigation works consistent with this title and under uniform laws and regulations adopted by the Community for the management, regulation, and control of water resources on the reservation so as to assure fairness in the delivery of water to water users. Such Community laws and regulations include currently and shall continue to include provisions to maintain the following requirements and standards which shall be published and made available to the Secretary and the Community at large:

Publication.

(1) **PROCESS.**—A process by which members of the Community, including Indian allottees, shall be provided a system of distribution, allocation, control, pricing and regulation of water that will provide a just and equitable distribution of water so as to achieve the maximum beneficial use and conservation of water in recognition of the demand on the water resource, the changing uses of land and water and the varying annual quantity of available Community water.

(2) **DUE PROCESS.**—A due process system for the consideration and determination of any request by an Indian or Indian allottee for distribution of water for use on his or her land, including a process for appeal and adjudication of denied or disputed distributions and for resolution of contested administrative decisions.

(c) **SUBSEQUENT MODIFICATION OF LAWS AND REGULATIONS.**—If the provisions of the Community's laws and regulations implementing subsection (b) only are to be modified subsequent to the date of the enactment of this Act by the Community, such proposed modifications shall be published and made available to the Secretary at least 120 days prior to their effective date and any modification that could significantly adversely affect the rights of allottees shall

Publication.

only become effective upon the concurrence of both the Community and the Secretary.

Effective date. (d) **LIMITATIONS OF LIABILITY.**—Effective upon the date of the enactment of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on the Community's ownership or operation of the irrigation works, except for damages caused by acts of negligence committed by the United States prior to the date of the enactment of this Act. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

Effective date. (e) **CANCELLATION OF CHARGES.**—Effective upon the date of conveyance of the irrigation works under this section, any charges for construction of the irrigation works on the reservation of the Community that have been deferred pursuant to the Act of July 1, 1932 (25 U.S.C. 386a) are hereby canceled.

Effective date. (f) **PROJECT NO LONGER A BIA PROJECT.**—Effective upon the date of conveyance of the irrigation works under this section, the irrigation works shall no longer be considered a Bureau of Indian Affairs irrigation project and the facilities will not be eligible for Federal benefits based solely on the fact that the irrigation works were formerly a Bureau of Indian Affairs irrigation project. Nothing in this title shall be construed to limit or reduce in any way the service, contracts, or funds the Community may be eligible to receive under other applicable Federal law.

SEC. 103. RELATIONSHIP TO OTHER LAWS.

Nothing in this title shall be construed to diminish the trust responsibility of the United States under applicable law to the Salt River Pima-Maricopa Indian Community, to individual Indians, or to Indians with trust allotments within the Community's reservation.

Hawaiian
Homelands
Homeownership
Act of 2000.

25 USC 4101
note.

25 USC 4221
note.

TITLE II—NATIVE HAWAIIAN HOUSING ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Hawaiian Homelands Homeownership Act of 2000".

SEC. 202. FINDINGS.

Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States

set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 203 of this Act, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) one-third of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and one-half of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands

have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treaty-making power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the Act of June 27, 1934 (commonly referred to as the “National Housing Act” (42 Stat. 1246 et seq., chapter 847; 12 U.S.C. 1701 et seq.));

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101-235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.)

which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 203. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

**“TITLE VIII—HOUSING ASSISTANCE FOR
NATIVE HAWAIIANS**

25 USC 4221.

“SEC. 801. DEFINITIONS.

“In this title:

“(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term ‘Department of Hawaiian Home Lands’ or ‘Department’ means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Department of Hawaiian Home Lands.

“(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

“(A) IN GENERAL.—The term ‘elderly family’ or ‘near-elderly family’ means a family whose head (or his or her spouse), or whose sole member, is—

“(i) for an elderly family, an elderly person; or

“(ii) for a near-elderly family, a near-elderly person.

“(B) CERTAIN FAMILIES INCLUDED.—The term ‘elderly family’ or ‘near-elderly family’ includes—

“(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

“(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

“(4) HAWAIIAN HOME LANDS.—The term ‘Hawaiian Home Lands’ means lands that—

“(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

“(B) are acquired pursuant to that Act.

“(5) HOUSING AREA.—The term ‘housing area’ means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

“(6) HOUSING ENTITY.—The term ‘housing entity’ means the Department of Hawaiian Home Lands.

“(7) HOUSING PLAN.—The term ‘housing plan’ means a plan developed by the Department of Hawaiian Home Lands.

“(8) MEDIAN INCOME.—The term ‘median income’ means, with respect to an area that is a Hawaiian housing area, the greater of—

“(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

“(B) the median income for the State of Hawaii.

“(9) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is—

“(A) a citizen of the United States; and

“(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

“(i) genealogical records;

“(ii) verification by kupuna (elders) or kama’aina (long-term community residents); or

“(iii) birth records of the State of Hawaii.

“SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES. 25 USC 4222.

“(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

“(b) PLAN REQUIREMENT.—

“(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

“(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

“(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

“(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

“(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

“(d) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

“(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

“(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

“(B) expenses incurred in preparing a housing plan under section 803.

“(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

25 USC 4223.

“SEC. 803. HOUSING PLAN.

“(a) PLAN SUBMISSION.—The Secretary shall—

“(1) require the Director to submit a housing plan under this section for each fiscal year; and

“(2) provide for the review of each plan submitted under paragraph (1).

“(b) 5-YEAR PLAN.—Each housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

“(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

“(B) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

“(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

“(c) 1-YEAR PLAN.—A housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

“(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

“(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

“(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

“(I) the geographical needs of those families;

and

“(II) needs for various categories of housing assistance; and

“(ii) a description of the estimated housing needs for all families to be served by the Department.

“(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

“(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

“(ii) the uses to which the resources described in clause (i) will be committed, including—

“(I) eligible and required affordable housing activities; and

“(II) administrative expenses.

“(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

“(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

“(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

“(I) rental assistance;

“(II) the production of new units;

“(III) the acquisition of existing units; or

“(IV) the rehabilitation of units;

“(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

“(I) the involvement of private, public, and nonprofit organizations and institutions;

“(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

“(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

“(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

“(v) a description of—

“(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vi) a description of—

“(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vii) a description of—

“(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

“(aa) transitional housing;

“(bb) homeless housing;

“(cc) college housing; and

“(dd) supportive services housing; and

“(II) the requirements and assistance available under such programs;

“(viii)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for that demolition or disposition; and

“(III) any other information required by the Secretary with respect to that demolition or disposition;

“(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

“(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

“(I) promote the safety of residents of the affordable housing;

“(II) facilitate the undertaking of crime prevention measures;

“(III) allow resident input and involvement, including the establishment of resident organizations; and

“(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

“(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

“(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

“(i) a certification that the Department of Hawaiian Home Lands will comply with—

“(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with title VIII of the Act popularly known as the ‘Civil Rights Act of 1968’ (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

“(II) other applicable Federal statutes;

“(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

“(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

“(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

“(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Act popularly known as the ‘Civil Rights Act of 1968’ (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

“(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

“(B) to an eligible family on the basis that the family is a Native Hawaiian family.

“(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

“(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

“SEC. 804. REVIEW OF PLANS.

25 USC 4224.

“(a) REVIEW AND NOTICE.—

“(1) REVIEW.—

“(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

Deadline.

“(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

“(2) NOTICE.—

“(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home

Lands whether the plan complies with the requirements under that section.

“(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

“(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

“(ii) the Director shall be considered to have been notified of compliance.

“(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

“(1) the reasons for noncompliance; and

“(2) any modifications necessary for the plan to meet the requirements of section 803.

“(c) REVIEW.—

“(1) IN GENERAL.—After the Director submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

“(A) set forth the information required by section 803 to be contained in the housing plan;

“(B) are consistent with information and data available to the Secretary; and

“(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

“(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

“(d) UPDATES TO PLAN.—

“(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

“(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

“(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2000.

Deadline.

“SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS. 25 USC 4225.

“(a) PROGRAM INCOME.—

“(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

“(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

“(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

“(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

“(A) whether the Department retains program income under paragraph (1); or

“(B) the amount of any such program income retained.

“(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

“(b) LABOR STANDARDS.—

“(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

Contracts.

“(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

“(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the ‘Davis-Bacon Act’ (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

“(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

“SEC. 806. ENVIRONMENTAL REVIEW.

25 USC 4226.

“(a) IN GENERAL.—

“(1) RELEASE OF FUNDS.—

“(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

“(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

“(ii) to the public undiminished protection of the environment.

“(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

“(B) CONTENTS.—The regulations issued under this paragraph shall—

“(i) provide for the monitoring of the environmental reviews performed under this section;

“(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

“(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

“(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

“(b) PROCEDURE.—

“(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

“(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

“(c) CERTIFICATION.—A certification under the procedures under this section shall—

“(1) be in a form acceptable to the Secretary;

Deadline.
Certification.

“(2) be executed by the Director;

“(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

“(4) specify that the Director—

“(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

“(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director.

“SEC. 807. REGULATIONS.

25 USC 4227.

“The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2000.

Deadline.

“SEC. 808. EFFECTIVE DATE.

25 USC 4221
note.

“Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the Native American Housing Assistance and Self-Determination Amendments of 2000.

“SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

25 USC 4228.

“(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

“(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

“(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

“(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

“(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State, and local activities to further economic and community development;

“(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

“(E) to—

“(i) promote the development of private capital markets; and

“(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

“(2) ELIGIBLE FAMILIES.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

“(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

“(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

“(I) section 810(b);

“(II) model activities under section 810(f); or

“(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

“(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

“(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

“(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

“(ii) the need for housing for the family cannot be reasonably met without the assistance.

“(D) PREFERENCE.—

“(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

“(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

“(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

25 USC 4229.

“SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

“(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

“(1) develop or to support affordable housing for rental or homeownership; or

“(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

“(b) ACTIVITIES.—The activities described in this subsection are the following:

“(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

- “(A) real property acquisition;
- “(B) site improvement;
- “(C) the development of utilities and utility services;
- “(D) conversion;
- “(E) demolition;
- “(F) financing;
- “(G) administration and planning; and
- “(H) other related activities.

“(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

- “(A) housing counseling in connection with rental or homeownership assistance;
- “(B) the establishment and support of resident organizations and resident management corporations;
- “(C) energy auditing;
- “(D) activities related to the provisions of self-sufficiency and other services; and
- “(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

“(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

- “(A) the preparation of work specifications;
- “(B) loan processing;
- “(C) inspections;
- “(D) tenant selection;
- “(E) management of tenant-based rental assistance;

and

- “(F) management of affordable housing projects.

“(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

“(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

- “(A) designed to carry out the purposes of this title;

and

- “(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

“SEC. 811. PROGRAM REQUIREMENTS.

25 USC 4230.

“(a) RENTS.—

“(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

“(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

“(b) MAINTENANCE AND EFFICIENT OPERATION.—

“(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

“(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

“(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

“(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

“(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

25 USC 4231.

“SEC. 812. TYPES OF INVESTMENTS.

“(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

“(1) the discretion to use grant amounts for affordable housing activities through the use of—

“(A) equity investments;

“(B) interest-bearing loans or advances;

“(C) noninterest-bearing loans or advances;

“(D) interest subsidies;

“(E) the leveraging of private investments; or

“(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

“(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

“(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

25 USC 4232.

“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

“(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

“(1) each dwelling unit in the housing—

“(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

“(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

“(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

“(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

“(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

“(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

“(I) avoid termination of low-income affordability, in the case of foreclosure; or

“(II) transfer ownership in lieu of foreclosure; and

“(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

“(b) EXCEPTION.—Notwithstanding subsection (a), housing assistance pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

“SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

25 USC 4233.

“(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

“(1) do not contain unreasonable terms and conditions;

“(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

“(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

“(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

“(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

“(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

“(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

“(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

“(C) is criminal activity (including drug-related criminal activity) on or off the premises.

“(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

“(1) are consistent with the purpose of providing housing for low-income families;

“(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

“(3) provide for—

“(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

“(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

25 USC 4234.

“SEC. 815. REPAYMENT.

“If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

“(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

“(2) require repayment to the Secretary of any amount equal to those grant amounts.

25 USC 4235.

“SEC. 816. ANNUAL ALLOCATION.

“For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

25 USC 4236.

“SEC. 817. ALLOCATION FORMULA.

Regulations.

“(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the Hawaiian Homelands Homeownership Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

“(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

“(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

“(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

“(3) any other objectively measurable conditions that the Secretary and the Director may specify.

“(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

- “(1) geographic distribution within Hawaiian Home Lands; and
- “(2) technical capacity.

“(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the Hawaiian Homelands Homeownership Act of 2000.

“SEC. 818. REMEDIES FOR NONCOMPLIANCE.

25 USC 4237.

“(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

“(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

“(A) terminate payments under this title to the Department;

“(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

“(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

“(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

“(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—

The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

“(1) is not a pattern or practice of activities constituting willful noncompliance; and

“(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

“(c) REFERRAL FOR CIVIL ACTION.—

“(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

“(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

“(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

“(B) for mandatory or injunctive relief.

“(d) REVIEW.—

“(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

Deadline.

“(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

“(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

“(2) PROCEDURE.—

“(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

“(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

“(3) DISPOSITION.—

“(A) COURT PROCEEDINGS.—

“(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

“(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

“(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

“(B) SECRETARY.—

“(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

“(I) may—

“(aa) modify the findings of fact of the Secretary; or

“(bb) make new findings; and

“(II) shall file—

“(aa) such modified or new findings; and

“(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

“(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

“(I) supported by substantial evidence on the record; and

“(II) considered as a whole.

“(4) FINALITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

“(i) the jurisdiction of the court shall be exclusive; and

“(ii) the judgment of the court shall be final.

“(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

“SEC. 819. MONITORING OF COMPLIANCE.

25 USC 4238.

“(a) ENFORCEABLE AGREEMENTS.—

“(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

“(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

“(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

“(B) remedies for breach of the provisions referred to in paragraph (1).

“(b) PERIODIC MONITORING.—

“(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

“(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

“(3) RESULTS.—The results of each review under paragraph (1) shall be—

“(A) included in a performance report of the Director submitted to the Secretary under section 820; and

“(B) made available to the public.

“(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

“SEC. 820. PERFORMANCE REPORTS.

25 USC 4239.

“(a) REQUIREMENT.—For each fiscal year, the Director shall—

“(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

“(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

“(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

“(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

“(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

“(3) indicate the programmatic accomplishments of the Department; and

“(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

“(c) SUBMISSIONS.—The Secretary shall—

“(1) establish a date for submission of each report under this section;

“(2) review each such report; and

“(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

“(d) PUBLIC AVAILABILITY.—

“(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

“(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

25 USC 4240.

“SEC. 821. REVIEW AND AUDIT BY SECRETARY.

“(a) ANNUAL REVIEW.—

“(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

“(A) the Director has—

“(i) carried out eligible activities under this title in a timely manner;

“(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

“(iii) a continuing capacity to carry out the eligible activities in a timely manner;

“(B) the Director has complied with the housing plan submitted by the Director under section 803; and

“(C) the performance reports of the Department under section 821 are accurate.

“(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

Deadlines.

“(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

“(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate

in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

“SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

25 USC 4241.

“To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

“SEC. 823. REPORTS TO CONGRESS.

25 USC 4242.

“(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

Deadline.

“(1) a description of the progress made in accomplishing the objectives of this title;

“(2) a summary of the use of funds available under this title during the preceding fiscal year; and

“(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

“(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

“SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

25 USC 4243.

“There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

SEC. 204. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

“SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

12 USC
1715z–13b.

“(a) DEFINITIONS.—In this section:

“(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term ‘Department of Hawaiian Home Lands’ means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

“(3) FAMILY.—The term ‘family’ means one or more persons maintaining a household, as the Secretary shall by regulation provide.

“(4) GUARANTEE FUND.—The term ‘Guarantee Fund’ means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

“(5) HAWAIIAN HOME LANDS.—The term ‘Hawaiian Home Lands’ means lands that—

“(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

“(B) are acquired pursuant to that Act.

“(6) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is—

“(A) a citizen of the United States; and

“(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

“(i) genealogical records;

“(ii) verification by kupuna (elders) or kama’aina (long-term community residents); or

“(iii) birth records of the State of Hawaii.

“(7) OFFICE OF HAWAIIAN AFFAIRS.—The term ‘Office of Hawaiian Affairs’ means the entity of that name established under the constitution of the State of Hawaii.

“(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (c).

“(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

“(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

“(A) a Native Hawaiian family;

“(B) the Department of Hawaiian Home Lands;

“(C) the Office of Hawaiian Affairs; or

“(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

“(2) ELIGIBLE HOUSING.—

“(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

“(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

“(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

“(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

“(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

“(4) LENDERS.—

“(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

“(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

“(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

“(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

“(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

“(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

“(5) TERMS.—The loan shall—

“(A) be made for a term not exceeding 30 years;

“(B) bear interest (exclusive of the guarantee fee under subsection (e) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

“(C) involve a principal obligation not exceeding—

“(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is \$50,000 or less); or

“(ii) the amount approved by the Secretary under this section; and

“(D) involve a payment on account of the property—

“(i) in cash or its equivalent; or

“(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

“(d) CERTIFICATE OF GUARANTEE.—

“(1) APPROVAL PROCESS.—

“(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

“(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

“(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

“(3) EFFECT.—

“(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

“(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

“(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

“(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

“(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

“(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

“(e) GUARANTEE FEE.—

“(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

“(2) PAYMENT.—The fee under this subsection shall—

“(A) be paid by the lender at time of issuance of the guarantee; and

“(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

“(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

“(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

“(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

“(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

“(1) IN GENERAL.—

“(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (d)—

“(i) has failed—

“(I) to maintain adequate accounting records;

“(II) to service adequately loans guaranteed under this section; or

“(III) to exercise proper credit or underwriting judgment; or

“(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

“(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (d) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

“(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

“(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

“(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

“(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

“(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

“(i) to maintain adequate accounting records;

“(ii) to adequately service loans guaranteed under this section; or

“(iii) to exercise proper credit or underwriting judgment.

“(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f-1) with respect to mortgagees and lenders under that Act.

“(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

“(i) PAYMENT UNDER GUARANTEE.—

“(1) LENDER OPTIONS.—

“(A) IN GENERAL.—

“(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder

of the guarantee certificate shall provide written notice of the default to the Secretary.

“(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

“(I) FORECLOSURE.—

“(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

“(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

“(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(II) NO FORECLOSURE.—

“(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

“(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

“(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

“(2) LIMITATIONS ON LIQUIDATION.—

“(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

“(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

“(j) NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Native Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

“(2) CREDITS.—The Guarantee Fund shall be credited with—

“(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

“(B) any amounts appropriated pursuant to paragraph (7);

“(C) any guarantee fees collected under subsection (e); and

“(D) any interest or earnings on amounts invested under paragraph (4).

“(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

“(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

“(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

“(C) acquiring such security property at foreclosure sales or otherwise;

“(D) paying administrative expenses in connection with this section; and

“(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

“(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

“(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

“(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

“(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

“(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2000, 2001, 2002, 2003, and 2004 with an aggregate outstanding principal amount not exceeding \$100,000,000 for each such fiscal year.

“(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

“(k) REQUIREMENTS FOR STANDARD HOUSING.—

Regulations.

“(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

“(2) STANDARDS.—The standards referred to in paragraph (1) shall—

“(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

“(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

“(i) be decent, safe, sanitary, and modest in size and design;

“(ii) conform with applicable general construction standards for the region in which the housing is located;

“(iii) contain a plumbing system that—

“(I) uses a properly installed system of piping;

“(II) includes a kitchen sink and a partitioned bathroom with lavatory, toilet, and bath or shower; and

“(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

“(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical

energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

“(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

“(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

“(1) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Act popularly known as the ‘Civil Rights Act of 1968’ (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.”.

TITLE III—COUSHATTA TRIBE OF LOUISIANA LAND TRANSACTIONS

SEC. 301. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Coushatta Tribe of Louisiana, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Tribe’s interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Coushatta Tribe of Louisiana to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

TITLE IV—WAKPA SICA RECONCILIATION PLACE

SEC. 401. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships in Indian communities and between Indian and non-Indian communities and individuals; and

(6) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 402. DEFINITIONS.

In this title:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **SIOUX NATION.**—The term “Sioux Nation” means the Cheyenne River Sioux Tribe, the Crow Creek Sioux Tribe, the Flandreau Santee Sioux Tribe, the Lower Brule Sioux Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Santee Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, the Standing Rock Sioux Tribe, and the Yankton Sioux Tribe.

Subtitle A—Reconciliation Center

SEC. 411. RECONCILIATION CENTER.

(a) **ESTABLISHMENT.**—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as “Wakpa Sica Reconciliation Place”.

(b) **LOCATION.**—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as the “Reconciliation Place Addition” that is owned on the date of the enactment of this Act by the Wakpa Sica Historical Society, Inc., for the sole purpose of establishing and operating Wakpa Sica Reconciliation Place as described in subsection (c).

(c) **PURPOSES.**—The purposes of Wakpa Sica Reconciliation Place shall be as follows:

Wakpa Sica
Reconciliation
Place.

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house a Native American economic development center.

(5) To house a facility to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Wakpa Sica Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—

The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Wakpa Sica Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development \$18,258,441, to be used for the grant under this section.

SEC. 412. SIOUX NATION TRIBAL SUPREME COURT.

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and for mediation training, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

SEC. 413. LEGAL JURISDICTION NOT AFFECTED.

Nothing in this title shall be construed to expand, diminish, or otherwise amend the civil or criminal legal jurisdiction of the Federal Government or any tribal or State government.

Subtitle B—GAO Study

25 USC 4301
note.

SEC. 421. GAO STUDY.

(a) IN GENERAL.—The Comptroller General shall conduct a study and make findings and recommendations with respect to—

(1) Federal programs designed to assist Indian tribes and tribal members with economic development, job creation, entrepreneurship, and business development;

(2) the extent of use of the programs;

(3) how effectively such programs accomplish their mission; and

(4) ways in which the Federal Government could best provide economic development, job creation, entrepreneurship, and business development for Indian tribes and tribal members.

Deadline.

(b) REPORT.—The Comptroller General shall submit a report to Congress on the study, findings, and recommendations required by subsection (a) not later than 1 year after the date of the enactment of this Act.

TITLE V—EXPENDITURE OF FUNDS BY ZUNI INDIAN TRIBE

SEC. 501. EXPENDITURE OF FUNDS BY TRIBE AUTHORIZED.

Section 3 of the Zuni Land Conservation Act of 1990 (Public Law 101–486) is amended—

(1) in subsection (b)(1), by striking “The Secretary of the Interior” and inserting “The Zuni Indian Tribe”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “, subject to paragraph (2),”;

(B) by striking paragraph (2);

(C) in paragraph (3), by striking “Secretary of the Interior” and inserting “Zuni Indian Tribe”; and

(D) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

Torres-Martinez
Desert Cahuilla
Indians Claims
Settlement Act.

TITLE VI—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT

25 USC 1778
note.

SEC. 601. SHORT TITLE.

This title may be cited as the “Torres-Martinez Desert Cahuilla Indians Claims Settlement Act”.

25 USC 1778.

SEC. 602. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled “United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District”, Case No. 82-1790 K (M) (hereafter in this section referred to as the “U.S. Suit”) on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay \$212,908.41 in past and future damages and the Imperial Irrigation District to pay \$2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court’s judgment in the U.S. Suit (Nos. 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court’s denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, *Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al.*, Case No. 91-1670 J (LSP) (hereafter in this section referred to as the “Indian Suit”) in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the district court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this title is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

25 USC 1778a.

SEC. 603. DEFINITIONS.

For the purposes of this title:

(1) **TRIBE.**—The term “Tribe” means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) **ALLOTTEES.**—The term “allottees” means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) **SALTON SEA.**—The term “Salton Sea” means the inland body of water located in Riverside and Imperial Counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the Agreement of Compromise and Settlement Concerning Claims to the Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996, as modified by the first, second, third, and fourth modifications thereto.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **PERMANENT FLOWAGE EASEMENT.**—The term “permanent flowage easement” means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills, and any other water which overflows and floods such lands, originating from lands within such water districts.

25 USC 1778b.

SEC. 604. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

25 USC 1778c.

SEC. 605. SETTLEMENT FUNDS.

(a) **ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.**—

(1) **IN GENERAL.**—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the “Torres-Martinez Settlement Trust Funds Account”, the “Torres-Martinez Allottees Settlement Account I”, and the “Torres-Martinez Allottees Settlement Account II”, respectively.

(2) **AVAILABILITY.**—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees

Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) IN GENERAL.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of \$337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of \$3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) CASH PAYMENTS BY THE UNITED STATES.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of \$10,200,000, of which sum—

(A) \$4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) \$6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) ADDITIONAL PAYMENTS.—In the event that any of the sums described in paragraph (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) SEVERALLY LIABLE FOR PAYMENTS.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) ADMINISTRATION OF SETTLEMENT TRUST FUNDS.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 606. TRUST LAND ACQUISITION AND STATUS.

25 USC 1778d.

(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—

(1) IN GENERAL.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this title. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this title shall be considered as if such lands were so acquired in trust status in 1909 except as: (i) to water rights as provided in subsection (c); and (ii) to valid rights existing at the time of acquisition pursuant to this title.

(2) PRIMARY ACQUISITION AREA.—

(A) IN GENERAL.—The primary area within which lands may be acquired pursuant to paragraph (1) consists of the lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust under paragraph (3).

(B) EFFECT OF OBJECTION.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) SECONDARY ACQUISITION AREA.—

(A) IN GENERAL.—Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) EFFECT OF OBJECTION.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within; or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) CONTIGUOUS LANDS.—The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal statutes or regulations where such lands are both—

Deadline.

(A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this title; and

(B) situated outside the Secondary Acquisition Area.

(b) **RESTRICTIONS ON GAMING.**—The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1) as more particularly provided in the Settlement Agreement.

(c) **WATER RIGHTS.**—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 607. PERMANENT FLOWAGE EASEMENTS.

25 USC 1778e.

(a) **CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.**—

(1) **TRIBAL INTEREST.**—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) **UNITED STATES INTEREST.**—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) **CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.**—

(1) **TRIBAL INTEREST.**—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) UNITED STATES.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

25 USC 1778f.

SEC. 608. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) SATISFACTION OF CLAIMS.—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this title shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 602 of this title and further defined in the Settlement Agreement.

(b) APPROVAL OF WAIVERS AND RELEASES.—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this title.

25 USC 1778g.

SEC. 609. MISCELLANEOUS PROVISIONS.

(a) ELIGIBILITY FOR BENEFITS.—Nothing in this title or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.—No payment pursuant to this title shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) PRESERVATION OF EXISTING RIGHTS.—Except as provided in this title or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) AMENDMENT OF SETTLEMENT AGREEMENT.—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) the date of the enactment of this Act, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

25 USC 1778h.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

25 USC 1778
note.**SEC. 611. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this title and executes the releases and waivers required by the Settlement Agreement and this title.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this title.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this title.

TITLE VII—SHAWNEE TRIBE STATUS

Shawnee Tribe
Status Act of
2000.
25 USC 1041
note.

SEC. 701. SHORT TITLE.

This title may be cited as the “Shawnee Tribe Status Act of 2000”.

SEC. 702. FINDINGS.

25 USC 1041.

Congress finds the following:

(1) The Cherokee Shawnees, also known as the Loyal Shawnees, are recognized as the descendants of the Shawnee Tribe which was incorporated into the Cherokee Nation of Indians of Oklahoma pursuant to an agreement entered into by and between the Shawnee Tribe and the Cherokee Nation on June 7, 1869, and approved by the President on June 9, 1869, in accordance with Article XV of the July 19, 1866, Treaty between the United States and the Cherokee Nation (14 Stat. 799).

(2) The Shawnee Tribe from and after its incorporation and its merger with the Cherokee Nation has continued to maintain the Shawnee Tribe’s separate culture, language, religion, and organization, and a separate membership roll.

(3) The Shawnee Tribe and the Cherokee Nation have concluded that it is in the best interests of the Shawnee Tribe and the Cherokee Nation that the Shawnee Tribe be restored to its position as a separate federally recognized Indian tribe and all current and historical responsibilities, jurisdiction, and sovereignty as it relates to the Shawnee Tribe, the Cherokee-Shawnee people, and their properties everywhere, provided that civil and criminal jurisdiction over Shawnee individually owned restricted and trust lands, Shawnee tribal trust lands, dependent Indian communities, and all other forms of Indian country within the jurisdictional territory of the Cherokee Nation and located within the State of Oklahoma shall remain with the Cherokee Nation, unless consent is obtained by the Shawnee Tribe from the Cherokee Nation to assume all or any portion of such jurisdiction.

(4) On August 12, 1996, the Tribal Council of the Cherokee Nation unanimously adopted Resolution 96–09 supporting the termination by the Secretary of the Interior of the 1869 Agreement.

(5) On July 23, 1996, the Shawnee Tribal Business Committee concurred in such resolution.

(6) On March 13, 2000, a second resolution was adopted by the Tribal Council of the Cherokee Nation (Resolution 15–00) supporting the submission of this legislation to Congress for enactment.

SEC. 703. DEFINITIONS.

25 USC 1041a.

In this title:

(1) CHEROKEE NATION.—The term “Cherokee Nation” means the Cherokee Nation, with its headquarters located in Tahlequah, Oklahoma.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Shawnee Tribe, known also as the “Loyal Shawnee” or “Cherokee Shawnee”, which was a party to the 1869 Agreement between the Cherokee Nation and the Shawnee Tribe of Indians.

(4) TRUST LAND.—The term “trust land” means land, the title to which is held by the United States in trust for the benefit of an Indian tribe or individual.

(5) RESTRICTED LAND.—The term “restricted land” means any land, the title to which is held in the name of an Indian or Indian tribe subject to restrictions by the United States against alienation.

25 USC 1041b.

SEC. 704. FEDERAL RECOGNITION, TRUST RELATIONSHIP, AND PROGRAM ELIGIBILITY.

(a) FEDERAL RECOGNITION.—The Federal recognition of the Tribe and the trust relationship between the United States and the Tribe are hereby reaffirmed. Except as otherwise provided in this title, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) (commonly known as the “Oklahoma Indian Welfare Act”), and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this title shall apply to the Tribe, and to its members and lands. The Tribe is hereby recognized as an independent tribal entity, separate from the Cherokee Nation or any other Indian tribe.

(b) PROGRAM ELIGIBILITY.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Tribe and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

(2) CONTINUATION OF BENEFITS.—Except as provided in paragraph (3), the members of the Tribe who are residing on land recognized by the Secretary to be within the Cherokee Nation and eligible for Federal program services or benefits through the Cherokee Nation shall receive such services or benefits through the Cherokee Nation.

(3) ADMINISTRATION BY TRIBE.—The Tribe shall be eligible to apply for and administer the special programs and services provided by the United States to Indians because of their status as Indians, including such programs and services within land recognized by the Secretary to be within the Cherokee Nation, in accordance with applicable laws and regulations to the same extent that the Cherokee Nation is eligible to apply for and administer programs and services, but only—

(A) if the Cherokee Nation consents to the operation by the Tribe of federally funded programs and services;

(B) if the benefits of such programs or services are to be provided to members of the Tribe in areas recognized by the Secretary to be under the jurisdiction of the Tribe and outside of land recognized by the Secretary to be within the Cherokee Nation, so long as those members are not receiving such programs or services from another Indian tribe; or

(C) if under applicable provisions of Federal law, the Cherokee Nation is not eligible to apply for and administer such programs or services.

(4) **DUPLICATION OF SERVICES NOT ALLOWED.**—The Tribe shall not be eligible to apply for or administer any Federal programs or services on behalf of Indians recipients if such recipients are receiving or are eligible to receive the same federally funded programs or services from the Cherokee Nation.

(5) **COOPERATIVE AGREEMENTS.**—Nothing in this section shall restrict the Tribe and the Cherokee Nation from entering into cooperative agreements to provide such programs or services and such funding agreements shall be honored by Federal agencies, unless otherwise prohibited by law.

SEC. 705. ESTABLISHMENT OF A TRIBAL ROLL.

25 USC 1041c.

(a) **APPROVAL OF BASE ROLL.**—Not later than 180 days after the date of the enactment of this Act, the Tribe shall submit to the Secretary for approval its base membership roll, which shall include only individuals who are not members of any other federally recognized Indian tribe or who have relinquished membership in such tribe and are eligible for membership under subsection (b).

Deadline.

(b) **BASE ROLL ELIGIBILITY.**—An individual is eligible for enrollment on the base membership roll of the Tribe if that individual—

(1) is on, or eligible to be on, the membership roll of Cherokee Shawnees maintained by the Tribe prior to the date of the enactment of this Act which is separate from the membership roll of the Cherokee Nation; or

(2) is a lineal descendant of any person—

(A) who was issued a restricted fee patent to land pursuant to Article 2 of the Treaty of May 10, 1854, between the United States and the Tribe (10 Stat. 1053); or

(B) whose name was included on the 1871 Register of names of those members of the Tribe who moved to, and located in, the Cherokee Nation in Indian Territory pursuant to the Agreement entered into by and between the Tribe and the Cherokee Nation on June 7, 1869.

(c) **FUTURE MEMBERSHIP.**—Future membership in the Tribe shall be as determined under the eligibility requirements set out in subsection (b)(2) or under such future membership ordinance as the Tribe may adopt.

SEC. 706. ORGANIZATION OF THE TRIBE; TRIBAL CONSTITUTION.

25 USC 1041d.

(a) **EXISTING CONSTITUTION AND GOVERNING BODY.**—The existing constitution and bylaws of the Cherokee Shawnee and the officers and members of the Shawnee Tribal Business Committee, as constituted on the date of the enactment of this Act, are hereby recognized respectively as the governing documents and governing body of the Tribe.

(b) **CONSTITUTION.**—Notwithstanding subsection (a), the Tribe shall have a right to reorganize its tribal government pursuant to section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

SEC. 707. TRIBAL LAND.

25 USC 1041e.

(a) **LAND ACQUISITION.**—

(1) **IN GENERAL.**—The Tribe shall be eligible to have land acquired in trust for its benefit pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) and section 1 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501).

(2) **CERTAIN LAND IN OKLAHOMA.**—Notwithstanding any other provision of law but subject to subsection (b), if the Tribe transfers any land within the boundaries of the State of Oklahoma to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.

(b) **RESTRICTION.**—No land recognized by the Secretary to be within the Cherokee Nation or any other Indian tribe may be taken into trust for the benefit of the Tribe under this section without the consent of the Cherokee Nation or such other tribe, respectively.

25 USC 1041f.

SEC. 708. JURISDICTION.

(a) **IN GENERAL.**—The Tribe shall have jurisdiction over trust land and restricted land of the Tribe and its members to the same extent that the Cherokee Nation has jurisdiction over land recognized by the Secretary to be within the Cherokee Nation and its members, but only if such land—

(1) is not recognized by the Secretary to be within the jurisdiction of another federally recognized tribe; or

(2) has been placed in trust or restricted status with the consent of the federally recognized tribe within whose jurisdiction the Secretary recognizes the land to be, and only to the extent that the Tribe's jurisdiction has been agreed to by that host tribe.

(b) **RULE OF CONSTRUCTION.**—Nothing in this title shall be construed to diminish or otherwise limit the jurisdiction of any Indian tribe that is federally recognized on the day before the date of the enactment of this Act over trust land, restricted land, or other forms of Indian country of that Indian tribe on such date.

25 USC 1041g.

SEC. 709. INDIVIDUAL INDIAN LAND.

Nothing in this title shall be construed to affect the restrictions against alienation of any individual Indian's land and those restrictions shall continue in force and effect.

25 USC 1041h.

SEC. 710. TREATIES NOT AFFECTED.

No provision of this title shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe referred to in this title is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

Native American
Laws Technical
Corrections Act
of 2000.
25 USC 450 note.

TITLE VIII—TECHNICAL CORRECTIONS**SEC. 801. SHORT TITLE.**

This title may be cited as the “Native American Laws Technical Corrections Act of 2000”.

Subtitle A—Miscellaneous Technical Provisions

SEC. 811. TECHNICAL CORRECTION TO AN ACT AFFECTING THE STATUS OF MISSISSIPPI CHOCTAW LANDS AND ADDING SUCH LANDS TO THE CHOCTAW RESERVATION.

Section 1(a)(2) of Public Law 106-228 (an Act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes) is amended by striking “September 28, 1999” and inserting “February 7, 2000”. *Ante*, p. 462.

SEC. 812. TECHNICAL CORRECTIONS CONCERNING THE FIVE CIVILIZED TRIBES OF OKLAHOMA.

(a) INDIAN SELF-DETERMINATION ACT.—Section 1(b)(15)(A) of the model agreement set forth in section 108(c) of the Indian Self-Determination Act (25 U.S.C. 450l(c)) is amended—

(1) by striking “and section 16” and inserting “, section 16”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(h)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(h)(2)) is amended—

(1) by striking “and section” and inserting “section”; and

(2) by striking “shall not” and inserting “and the Act of July 3, 1952 (25 U.S.C. 82a), shall not”.

(c) REPEALS.—The following provisions of law are repealed:

(1) Section 2106 of the Revised Statutes (25 U.S.C. 84).

(2) Sections 438 and 439 of title 18, United States Code.

SEC. 813. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE RED LAKE BAND OF CHIPPEWA INDIANS AND THE MINNESOTA CHIPPEWA TRIBES.

(a) RED LAKE BAND OF CHIPPEWA INDIANS.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Red Lake Band of Chippewa Indians under the authority of Public Law 88-168 (77 Stat. 301), and relating to Red Lake Band v. United States (United States Court of Federal Claims Docket Nos. 189 A, B, C), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Red Lake Band of Chippewa Indians from any liability associated with such loans.

(b) MINNESOTA CHIPPEWA TRIBE.—Notwithstanding any other provision of law, the balances of all expert assistance loans made to the Minnesota Chippewa Tribe under the authority of Public Law 88-168 (77 Stat. 301), and relating to Minnesota Chippewa Tribe v. United States (United States Court of Federal Claims Docket Nos. 19 and 188), are canceled and the Secretary of the Interior shall take such action as may be necessary to document such cancellation and to release the Minnesota Chippewa Tribe from any liability associated with such loans.

SEC. 814. TECHNICAL AMENDMENT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT.

Section 408(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3207(b)) is amended—

- (1) by striking “any offense” and inserting “any felonious offense, or any of two or more misdemeanor offenses,”; and
- (2) by striking “or crimes against persons” and inserting “crimes against persons; or offenses committed against children”.

SEC. 815. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN HEALTH CARE IMPROVEMENT ACT.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is extended through fiscal year 2001.

SEC. 816. TECHNICAL AMENDMENT TO EXTEND THE AUTHORIZATION PERIOD UNDER THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

The authorization of appropriations for, and the duration of, each program or activity under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.) is extended through fiscal year 2001.

SEC. 817. MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) **AUTHORITY.**—Section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)) is amended by inserting before the semicolon at the end the following: “, by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.”.

(b) **ADMINISTRATIVE PROVISIONS.**—Section 12(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608(b)) is amended by inserting before the period at the end the following: “and to the activities of the Foundation under section 6(7)”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by adding at the end the following:

“(c) **TRAINING OF PROFESSIONALS IN HEALTH CARE AND PUBLIC POLICY.**—There is authorized to be appropriated to carry out section 6(7) \$12,300,000 for the 5-fiscal year period beginning with the fiscal year in which this subsection is enacted.”.

SEC. 818. TECHNICAL AMENDMENT REGARDING THE TREATMENT OF CERTAIN INCOME FOR PURPOSES OF FEDERAL ASSISTANCE.

Section 7 of the Act of October 19, 1973 (25 U.S.C. 1407) is amended—

- (1) in paragraph (2), by striking “or” at the end;
- (2) in paragraph (3), by adding “or” at the end; and
- (3) by inserting after paragraph (3), the following:

“(4) are paid by the State of Minnesota to the Bois Forte Band of Chippewa Indians pursuant to the agreements of such Band to voluntarily restrict tribal rights to hunt and fish in territory cede under the Treaty of September 30, 1854 (10 Stat. 1109), including all interest accrued on such funds during any period in which such funds are held in a minor’s trust.”.

SEC. 819. LAND TO BE TAKEN INTO TRUST.

Notwithstanding any other provision of law, the Secretary of the Interior shall accept for the benefit of the Lytton Rancheria of California the land described in that certain grant deed dated and recorded on October 16, 2000, in the official records of the County of Contra Costa, California, Deed Instrument Number 2000-229754. The Secretary shall declare that such land is held in trust by the United States for the benefit of the Rancheria and that such land is part of the reservation of such Rancheria under sections 5 and 7 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 467). Such land shall be deemed to have been held in trust and part of the reservation of the Rancheria prior to October 17, 1988.

Subtitle B—Santa Fe Indian School

Santa Fe Indian
School Act.

SEC. 821. SHORT TITLE.

This subtitle may be cited as the “Santa Fe Indian School Act”.

SEC. 822. DEFINITIONS.

In this subtitle:

(1) **19 PUEBLOS.**—The term “19 Pueblos” means the Indian pueblos of Acoma, Cochiti Isleta, Jemen, Laguna, Nambe, Picuris, Pojoaque, San Felipe, San Ildefonso, San Juan, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni.

(2) **SANTA FE INDIAN SCHOOL, INC.**—The term “Santa Fe Indian School, Inc.” means a corporation chartered under laws of the State of New Mexico.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 823. TRANSFER OF CERTAIN LANDS FOR USE AS THE SANTA FE INDIAN SCHOOL.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land, including improvements and appurtenances thereto, described in subsection (b) are declared to be held in trust for the benefit of the 19 Pueblos of New Mexico.

(b) **LAND.**—

(1) **IN GENERAL.**—The land described in this subsection is the tract of land, located in the city and county of Santa Fe, New Mexico, upon which the Santa Fe Indian School is located and more particularly described as all that certain real property, excluding the tracts described in paragraph (2), as shown in the United States General Land Office Plat of the United States Indian School Tract dated March 19, 1937, and recorded at Book 363, Page 024, Office of the Clerk, Santa Fe County, New Mexico, containing a total acreage of 131.43 acres, more or less.

(2) EXCLUSIONS.—The excluded tracts described in this paragraph are all portions of any tracts heretofore conveyed by the deeds recorded in the Office of the Clerk, Santa Fe County, New Mexico, at—

(A) Book 114, Page 106, containing 0.518 acres, more or less;

(B) Book 122, Page 45, containing 0.238 acres, more or less;

(C) Book 123, Page 228, containing 14.95, more or less; and

(D) Book 130, Page 84, containing 0.227 acres, more or less,

leaving, as the net acreage to be included in the land described in paragraph (1) and taken into trust pursuant to subsection (a), a tract containing 115.5 acres, more or less.

(c) LIMITATIONS AND CONDITIONS.—The land taken into trust pursuant to subsection (a) shall remain subject to—

(1) any existing encumbrances, rights of way, restrictions, or easements of record;

(2) the right of the Indian Health Service to continue use and occupancy of 10.23 acres of such land which are currently occupied by the Santa Fe Indian Hospital and its parking facilities as more fully described as Parcel “A” in legal description No. Pd-K-51-06-01 and recorded as Document No. 059-3-778, Bureau of Indian Affairs Land Title & Records Office, Albuquerque, New Mexico; and

(3) the right of the United States to use, without cost, additional portions of land transferred pursuant to this section, which are contiguous to the land described in paragraph (2), for purposes of the Indian Health Service.

SEC. 824. LAND USE.

(a) LIMITATION FOR EDUCATIONAL AND CULTURAL PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School, including use for related non-profit or technical programs, as operated by Santa Fe Indian School, Inc. on the date of the enactment of this Act.

(b) REVERSION.—

(1) IN GENERAL.—If the Secretary determines that the land taken into trust under section 823(a) is not being used as required under subsection (a), the Secretary shall provide appropriate notice to the 19 Pueblos of such noncompliance and require the 19 Pueblos to comply with the requirements of this subtitle.

(2) CONTINUED FAILURE TO COMPLY.—If the Secretary, after providing notice under paragraph (1) and after the expiration of a reasonable period of time, determines that the noncompliance that was the subject of the notice has not been corrected, the land shall revert to the United States.

(c) APPLICABILITY OF LAWS.—Except as otherwise provided in this subtitle, the land taken into trust under section 823(a) shall be subject to the laws of the United States relating to Indian lands.

(d) GAMING.—Gaming, as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), shall be prohibited on the land taken into trust under subsection (a).

TITLE IX—CALIFORNIA INDIAN LAND TRANSFER

California Indian
Land Transfer
Act.

SEC. 901. SHORT TITLE.

This title may be cited as the “California Indian Land Transfer Act”.

SEC. 902. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in a paragraph of subsection (b) in connection with the respective tribe, band, or group of Indians named in such paragraph are hereby declared to be held in trust by the United States for the benefit of such tribe, band, or group. Real property taken into trust pursuant to this subsection shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 3,525.8 acres, and the respective tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands to be held in trust for the Pit River Tribe are comprised of approximately 561.69 acres described as follows:

Mount Diablo Base and Meridian

Township 42 North, Range 13 East

Section 3:

S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, 120 acres.

Township 43 North, Range 13 East

Section 1:

N $\frac{1}{2}$ NE $\frac{1}{4}$, 80 acres,

Section 22:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,

Section 25:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres,

Section 26:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,

Section 27:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres,

Section 28:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres,

Section 32:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,

Section 34:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres,

Township 44 North, Range 14 East,

Section 31:

S $\frac{1}{2}$ SW $\frac{1}{4}$, 80 acres.

(2) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Independence Community

of Paiute Indians are comprised of approximately 200.06 acres described as follows:

Mount Diablo Base and Meridian

Township 13 South, Range 34 East

Section 1:

$W\frac{1}{2}$ of Lot 5 in the $NE\frac{1}{4}$, Lot 3, $E\frac{1}{2}$ of Lot 4, and $E\frac{1}{2}$ of Lot 5 in the $NW\frac{1}{4}$.

(3) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands to be held in trust for the Barona Group of Capitan Grande Band of Mission Indians are comprised of approximately 5.03 acres described as follows:

San Bernardino Base and Meridian

Township 14 South, Range 2 East

Section 7, Lot 15.

(4) CUYAPAIPE BAND OF MISSION INDIANS.—Lands to be held in trust for the Cuyapaipe Band of Mission Indians are comprised of approximately 1,360 acres described as follows:

San Bernardino Base and Meridian

Township 15 South, Range 6 East

Section 21:

All of this section.

Section 31:

$NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$.

Section 32:

$W\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$.

Section 33:

$SE\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$.

(5) MANZANITA BAND OF MISSION INDIANS.—Lands to be held in trust for the Manzanita Band of Mission Indians are comprised of approximately 1,000.78 acres described as follows:

San Bernardino Base and Meridian

Township 16 South, Range 6 East

Section 21:

Lots 1, 2, 3, and 4, $S\frac{1}{2}$.

Section 25:

Lots 2 and 5.

Section 28:

Lots, 1, 2, 3, and 4, $N\frac{1}{2}SE\frac{1}{4}$.

(6) MORONGO BAND OF MISSION INDIANS.—Lands to be held in trust for the Morongo Band of Mission Indians are comprised of approximately 40 acres described as follows:

San Bernardino Base and Meridian

Township 3 South, Range 2 East

Section 20:

$NW\frac{1}{4}$ of $NE\frac{1}{4}$.

(7) PALA BAND OF MISSION INDIANS.—Lands to be held in trust for the Pala Band of Mission Indians are comprised of approximately 59.20 acres described as follows:

San Bernardino Base and Meridian

Township 9 South, Range 2 West

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

(8) FORT BIDWELL COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Bidwell Community of Paiute Indians are comprised of approximately 299.04 acres described as follows:

Mount Diablo Base and Meridian

Township 46 North, Range 16 East

Section 8:

SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 19:

Lots 5, 6, 7.

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 20:

Lot 1.

SEC. 903. MISCELLANEOUS PROVISIONS.

(a) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 902 shall be available for use or obligation, in such manner and for such purposes as the Secretary may approve, by the tribe, band, or group of Indians for whose benefit such land is taken into trust.

(b) NOTICE OF CANCELLATION OF GRAZING PREFERENCES.—Grazing preferences on lands described in section 902 shall terminate 2 years after the date of the enactment of this Act.

(c) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—

(1) IN GENERAL.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly.

(2) APPLICABILITY OF LAWS OF THE UNITED STATES.—The lands referred to in paragraph (1) shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of the enactment of this Act.

TITLE X—NATIVE AMERICAN HOMEOWNERSHIP

SEC. 1001. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the “Commission”) to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial

25 USC 4043
note.

Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services

Deadline.

of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$500,000. Such sums shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 1002. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

“(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.”; and

(2) in paragraph (7), by striking “each of fiscal years 1997, 1998, 1999, 2000, and 2001” and inserting “each fiscal year”.

SEC. 1003. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25

U.S.C. 4111(b)(2)) is amended by striking “if the Secretary” and all that follows through the period at the end and inserting the following: “for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.”.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: “The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).”.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

“(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.”.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

“(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

“(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

“(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

“(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

“(4) may be corrected through the sole action of the recipient.”.

(e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS FOR HOUSING ASSISTANCE.—Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (4)”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

“(A) the officer—

“(i) is employed on a full-time basis by the Federal Government or a State, county, or lawfully recognized tribal government; and

“(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

“(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.”.

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

“SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

“If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).”.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

“SEC. 405. REVIEW AND AUDIT BY SECRETARY.

“(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

“(b) ADDITIONAL REVIEWS AND AUDITS.—

“(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

“(A) determine whether the recipient—

“(i) has carried out—

“(I) eligible activities in a timely manner; and

“(II) eligible activities and certification in accordance with this Act and other applicable law;

“(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

“(iii) is in compliance with the Indian housing plan of the recipient; and

“(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

“(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

“(c) REVIEW OF REPORTS.—

Deadline.

“(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

“(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

Deadline.

“(A) may revise the report; and

“(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

“(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.”.

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking “The formula,” and inserting the following:

“(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula”; and

(2) by adding at the end the following:

“(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.”.

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking “Except as provided” and inserting the following:

“(1) IN GENERAL.—Except as provided”;

(3) by striking “If the Secretary takes an action under paragraph (1), (2), or (3)” and inserting the following:

“(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)”;

and

(4) by adding at the end the following:

“(3) EXCEPTION FOR CERTAIN ACTIONS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

“(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

“(i) provide notice to the recipient at the time that the Secretary takes that action; and

“(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

“(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.”.

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking “If the Secretary” and inserting the following:

“(1) IN GENERAL.—If the Secretary”;

(2) by striking “(1) is not” and inserting the following:

“(A) is not”;

(3) by striking “(2) is a result” and inserting the following:

“(B) is a result”;

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: “, if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement”; and

(5) by adding at the end the following:

“(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

“(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary

shall review the performance of the recipient that is a party to the agreement.

“(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

“(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

“(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).”.

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) in paragraph (1), by striking “Davis-Bacon Act (40 U.S.C. 276a–276a–5)” and inserting “Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.)”; and

(2) by adding at the end the following new paragraph:

“(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.”.

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

“209. Noncompliance with affordable housing requirement.”.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: “Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).”.

TITLE XI—INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES

SEC. 1101. SHORT TITLE.

This title may be cited as the “Indian Employment, Training, and Related Services Demonstration Act Amendments of 2000”.

Indian
Employment,
Training, and
Related Services
Demonstration
Act Amendments
of 2000.
25 USC 3401
note.

SEC. 1102. FINDINGS, PURPOSES.25 USC 3401
note.

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization; and

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior; or

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this title are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

SEC. 1103. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

“(1) FEDERAL AGENCY.—The term ‘federal agency’ has the same meaning given the term ‘agency’ in section 551(1) of title 5, United States Code.”

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking “job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training” and inserting the following: “assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world

of work, facilitating the creation of job opportunities and any services related to these activities”.

(c) **PLAN REVIEW.**—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking “Federal department” and inserting “Federal agency”;

(2) by striking “Federal departmental” and inserting “Federal agency”;

(3) by striking “department” each place it appears and inserting “agency”; and

(4) in the third sentence, by inserting “statutory requirement,” after “to waive any”.

(d) **PLAN APPROVAL.**—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: “, including any request for a waiver that is made as part of the plan submitted by the tribal government”; and

(2) in the second sentence, by inserting before the period at the end the following: “, including reconsidering the disapproval of any waiver requested by the Indian tribe”.

(e) **JOB CREATION ACTIVITIES AUTHORIZED.**—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

25 USC 3408.

(1) by inserting “(a) **IN GENERAL.**—” before “The plan submitted”; and

(2) by adding at the end the following:

“(b) **JOB CREATION OPPORTUNITIES.**—

“(1) **IN GENERAL.**—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

“(2) **DETERMINATION OF PERCENTAGE.**—The percentage of funds that a tribal government may use under this subsection is the greater of—

“(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

“(B) 10 percent.

“(c) **LIMITATION.**—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.”.

25 USC 3401
note.

SEC. 1104. REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.

Deadline.

Not later than 1 year after the date of the enactment of this title, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this title shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource

development and economic development programs under this title, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

TITLE XII—NAVAJO NATION TRUST LAND LEASING

Navajo Nation
Trust Land
Leasing Act of
2000.

SEC. 1201. SHORT TITLE.

This title may be cited as the “Navajo Nation Trust Land Leasing Act of 2000”.

25 USC 415 note.

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

25 USC 415 note.

(a) **FINDINGS.**—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that “The Congress shall have Power * * * to regulate Commerce * * * with Indian tribes”, and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) **PURPOSES.**—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except

leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining Federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the term ‘individually owned Navajo Indian allotted land’ means a single parcel of land that—

“(A) is located within the jurisdiction of the Navajo Nation;

“(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

“(C) was—

“(i) allotted to a Navajo Indian; or

“(ii) taken into trust or restricted status by the United States for an individual Indian;

“(4) the term ‘interested party’ means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

“(5) the term ‘Navajo Nation’ means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

“(6) the term ‘petition’ means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

“(7) the term ‘Secretary’ means the Secretary of the Interior; and

“(8) the term ‘tribal regulations’ means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary.”; and

(2) by adding at the end the following:

“(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease

for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

“(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to two additional terms, each of which may not exceed 25 years; and

“(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

“(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

“(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

“(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

“(A) a copy of the lease and all amendments and renewals thereto; and

“(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

“(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

“(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

“(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

“(i) make a written determination with respect to the regulations that have been violated;

“(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

“(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation.”.

American Indian
Education
Foundation Act
of 2000.

TITLE XIII—AMERICAN INDIAN EDUCATION FOUNDATION

25 USC 450 note. **SEC. 1301. SHORT TITLE.**

This title may be cited as the “American Indian Education Foundation Act of 2000”.

SEC. 1302. ESTABLISHMENT OF AMERICAN INDIAN EDUCATION FOUNDATION.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

“TITLE V—AMERICAN INDIAN EDUCATION FOUNDATION

25 USC
458bbb.

“SEC. 501. AMERICAN INDIAN EDUCATION FOUNDATION.

“(a) IN GENERAL.—As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall establish, under the laws of the District of Columbia and in accordance with this title, the American Indian Education Foundation.

“(b) PERPETUAL EXISTENCE.—Except as otherwise provided, the Foundation shall have perpetual existence.

“(c) NATURE OF CORPORATION.—The Foundation shall be a charitable and nonprofit federally chartered corporation and shall not be an agency or instrumentality of the United States.

“(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

“(e) PURPOSES.—The purposes of the Foundation shall be—

“(1) to encourage, accept, and administer private gifts of real and personal property or any income therefrom or other interest therein for the benefit of, or in support of, the mission of the Office of Indian Education Programs of the Bureau of Indian Affairs (or its successor office);

“(2) to undertake and conduct such other activities as will further the educational opportunities of American Indians who attend a Bureau funded school; and

“(3) to participate with, and otherwise assist, Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the educational opportunities of American Indians attending Bureau funded schools.

“(f) BOARD OF DIRECTORS.—

“(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation. The Board may exercise, or provide for the exercise of, the powers of the Foundation.

“(2) SELECTION.—The number of members of the Board, the manner of their selection (including the filling of vacancies), and their terms of office shall be as provided in the constitution and bylaws of the Foundation. However, the Board shall have at least 11 members, two of whom shall be the Secretary and the Assistant Secretary of the Interior for Indian Affairs, who shall serve as ex officio nonvoting members, and the initial voting members of the Board shall be appointed by the Secretary not later than 6 months after the date that the Foundation is established and shall have staggered terms (as determined by the Secretary).

“(3) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in American Indian education and shall, to the extent practicable, represent diverse points of view relating to the education of American Indians.

“(4) COMPENSATION.—Members of the Board shall not receive compensation for their services as members, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Foundation.

“(g) OFFICERS.—

“(1) IN GENERAL.—The officers of the Foundation shall be a secretary, elected from among the members of the Board, and any other officers provided for in the constitution and bylaws of the Foundation.

“(2) SECRETARY OF FOUNDATION.—The secretary shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to education in general and education of American Indians in particular.

“(3) ELECTION.—The manner of election, term of office, and duties of the officers shall be as provided in the constitution and bylaws of the Foundation.

“(h) POWERS.—The Foundation—

“(1) shall adopt a constitution and bylaws for the management of its property and the regulation of its affairs, which may be amended;

“(2) may adopt and alter a corporate seal;

“(3) may make contracts, subject to the limitations of this Act;

“(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

“(5) may sue and be sued; and

“(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

“(i) PRINCIPAL OFFICE.—The principal office of the Foundation shall be in the District of Columbia. However, the activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

“(j) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which it is incorporated and of each State in which the Foundation carries on activities.

“(k) LIABILITY OF OFFICERS AND AGENTS.—The Foundation shall be liable for the acts of its officers and agents acting within the scope of their authority. Members of the Board are personally liable only for gross negligence in the performance of their duties.

“(l) RESTRICTIONS.—

“(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation may not exceed 10 percent of the sum of—

“(A) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and

“(B) donations received from private sources during the preceding fiscal year.

“(2) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

“(3) STATUS.—Members of the Board, and the officers, employees, and agents of the Foundation are not, by reason of their association with the Foundation, officers, employees, or agents of the United States.

“(m) TRANSFER OF DONATED FUNDS.—The Secretary may transfer to the Foundation funds held by the Department of the Interior under the Act of February 14, 1931 (25 U.S.C. 451), if the transfer or use of such funds is not prohibited by any term under which the funds were donated.

“(n) AUDITS.—The Foundation shall comply with the audit requirements set forth in section 10101 of title 36, United States Code, as if it were a corporation in part B of subtitle II of that title.

25 USC
458bbb-1.

“SEC. 502. ADMINISTRATIVE SERVICES AND SUPPORT.

“(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date that the Foundation is established, the Secretary—

“(1) may provide personnel, facilities, and other administrative support services to the Foundation;

“(2) may provide funds to reimburse the travel expenses of the members of the Board under section 501; and

“(3) shall require and accept reimbursements from the Foundation for any—

“(A) services provided under paragraph (1); and

“(B) funds provided under paragraph (2).

“(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3) shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing services described in subsection (a)(1) and the travel expenses described in subsection (a)(2).

“(c) CONTINUATION OF CERTAIN SERVICES.—Notwithstanding any other provision of this section, the Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a), on a space available, reimbursable cost basis.

25 USC
458bbb-2.

“SEC. 503. DEFINITIONS.

“For the purposes of this title—

“(1) the term ‘Bureau funded school’ has the meaning given that term in title XI of the Education Amendments of 1978; “(2) the term ‘Foundation’ means the Foundation established by the Secretary pursuant to section 501; and “(3) the term ‘Secretary’ means the Secretary of the Interior.”.

TITLE XIV—GRATON RANCHERIA RESTORATION

Graton
Rancheria
Restoration Act.

SEC. 1401. SHORT TITLE.

This title may be cited as the “Graton Rancheria Restoration Act”.

25 USC 1300n
note.

SEC. 1402. FINDINGS.

The Congress finds that in their 1997 Report to Congress, the Advisory Council on California Indian Policy specifically recommended the immediate legislative restoration of the Graton Rancheria.

25 USC 1300n.

SEC. 1403. DEFINITIONS.

For purposes of this title:

(1) The term “Tribe” means the Indians of the Graton Rancheria of California.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Interim Tribal Council” means the governing body of the Tribe specified in section 1407.

(4) The term “member” means an individual who meets the membership criteria under section 1406(b).

(5) The term “State” means the State of California.

(6) The term “reservation” means those lands acquired and held in trust by the Secretary for the benefit of the Tribe.

(7) The term “service area” means the counties of Marin and Sonoma, in the State of California.

25 USC 1300n–1.

SEC. 1404. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

25 USC 1300n–2.

(a) **FEDERAL RECOGNITION.**—Federal recognition is hereby restored to the Tribe. Except as otherwise provided in this title, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this title shall be applicable to the Tribe and its members.

(b) **RESTORATION OF RIGHTS AND PRIVILEGES.**—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85–671; 72 Stat. 619), are hereby restored, and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.

(c) **FEDERAL SERVICES AND BENEFITS.**—

(1) **IN GENERAL.**—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of the enactment of this Act for all Federal

services and benefits furnished to federally recognized Indian tribes or their members. For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(2) **RELATION TO OTHER LAWS.**—The eligibility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(A) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(B) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

(d) **HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.**—Nothing in this title shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

(e) **CERTAIN RIGHTS NOT ALTERED.**—Except as specifically provided in this title, nothing in this title shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

25 USC 1300n-3.

SEC. 1405. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) **LANDS TO BE TAKEN IN TRUST.**—Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes.

(b) **FORMER TRUST LANDS OF THE GRATON RANCHERIA.**—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members' Indian heirs or successors in interest.

(c) **LANDS TO BE PART OF RESERVATION.**—Any real property taken into trust for the benefit of the Tribe pursuant to this title shall be part of the Tribe's reservation.

(d) **LANDS TO BE NONTAXABLE.**—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.

25 USC 1300n-4.

SEC. 1406. MEMBERSHIP ROLLS.

Deadline.

(a) **COMPILATION OF TRIBAL MEMBERSHIP ROLL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) **CRITERIA FOR MEMBERSHIP.**—

(1) Until a tribal constitution is adopted under section 1408, an individual shall be placed on the Graton membership

roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, and if—

(A) such individual's name was listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959, under Public Law 85-671;

(B) such individual was not listed on the Graton Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Graton Indian Rancheria distribution list;

(C) such individual is identified as an Indian from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, in documents prepared by or at the direction of the Bureau of Indian Affairs, or in any other public or California mission records; or

(D) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a tribal constitution under section 1408, such tribal constitution shall govern membership in the Tribe.

(c) **CONCLUSIVE PROOF OF GRATON INDIAN ANCESTRY.**—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing Graton Indian ancestry. The Secretary shall accept as conclusive evidence of Graton Indian ancestry information contained in the census of the Indians from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell in any other roll or census of Graton Indians prepared by or at the direction of the Bureau of Indian Affairs and in the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959.

SEC. 1407. INTERIM GOVERNMENT.

25 USC 1300n-5.

Until the Tribe ratifies a final constitution consistent with section 1408, the Tribe's governing body shall be an Interim Tribal Council. The initial membership of the Interim Tribal Council shall consist of the members serving on the date of the enactment of this Act, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution. Any vacancy on the Interim Tribal Council shall be filled by individuals who meet the membership criteria set forth in section 1406(b) and who are elected in the same manner as are Tribal Council members under the tribal constitution adopted May 3, 1997.

SEC. 1408. TRIBAL CONSTITUTION.

25 USC 1300n-6.

(a) **ELECTION; TIME; PROCEDURE.**—After the compilation of the tribal membership roll under section 1406(a), upon the written request of the Interim Tribal Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held consistent with sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (commonly known as the Indian Reorganization Act; 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting shall be permitted regardless of voter residence.

(b) **ELECTION OF TRIBAL OFFICIALS; PROCEDURES.**—Not later than 120 days after the Tribe ratifies a final constitution under

Deadline.

subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

TITLE XV—CEMETERY SITES AND HISTORICAL PLACES

SEC. 1501. FINDINGS; DEFINITIONS.

(a) FINDINGS.—The Congress finds the following:

(1) Pursuant to section 14(h)(1) of ANCSA, the Secretary has the authority to withdraw and convey to the appropriate regional corporation fee title to existing cemetery sites and historical places.

(2) Pursuant to section 14(h)(7) of ANCSA, lands located within a National Forest may be conveyed for the purposes set forth in section 14(h)(1) of ANCSA.

(3) Chugach Alaska Corporation, the Alaska Native Regional Corporation for the Chugach Region, applied to the Secretary for the conveyance of cemetery sites and historical places pursuant to section 14(h)(1) of ANCSA in accordance with the regulations promulgated by the Secretary.

(4) Among the applications filed were applications for historical places at Miners Lake (AA-41487), Coghill Point (AA-41488), College Fjord (AA-41489), Point Pakenham (AA-41490), College Point (AA-41491), Egg Island (AA-41492), and Wingham Island (AA-41494), which applications were substantively processed for 13 years and then rejected as having been untimely filed.

(5) The fulfillment of the intent, purpose, and promise of ANCSA requires that applications substantively processed for 13 years should be accepted as timely, subject only to a determination that such lands and applications meet the eligibility criteria for historical places or cemetery sites, as appropriate, set forth in the Secretary's regulations.

(b) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ANCSA.—The term “ANCSA” means the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.).

(2) FEDERAL GOVERNMENT.—The term “Federal Government” means any Federal agency of the United States.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 1502. WITHDRAWAL OF LANDS.

Notwithstanding any other provision of law, the Secretary shall withdraw from all forms of appropriation all public lands described in the applications identified in section 1501(a)(4) of this title.

SEC. 1503. APPLICATION FOR CONVEYANCE OF WITHDRAWN LANDS.

With respect to lands withdrawn pursuant to section 1502 of this title, the applications identified in section 1501(a)(4) of this title are deemed to have been timely filed. In processing these applications on the merits, the Secretary shall incorporate and

use any work done on these applications during the processing of these applications since 1980.

SEC. 1504. AMENDMENTS.

Chugach Alaska Corporation may amend any application under section 1503 of this title in accordance with the rules and regulations generally applicable to amending applications under section 14(h)(1) of ANCSA.

SEC. 1505. PROCEDURE FOR EVALUATING APPLICATIONS.

All applications under section 1503 of this title shall be evaluated in accordance with the criteria and procedures set forth in the regulations promulgated by the Secretary as of the date of the enactment of this title. To the extent that such criteria and procedures conflict with any provision of this title, the provisions of this title shall control.

SEC. 1506. APPLICABILITY.

(a) **EFFECT ON ANCSA PROVISIONS.**—Notwithstanding any other provision of law or of this title, any conveyance of land to Chugach Alaska Corporation pursuant to this title shall be charged to and deducted from the entitlement of Chugach Alaska Corporation under section 14(h)(8)(A) of ANCSA (43 U.S.C. 1613(h)(8)(A)), and no conveyance made pursuant to this title shall affect the distribution of lands to or the entitlement to land of any Regional Corporation other than Chugach Alaska Corporation under section 14(h)(8) of ANCSA (43 U.S.C. 1613(h)(8)).

(b) **NO ENLARGEMENT OF ENTITLEMENT.**—Nothing herein shall be deemed to enlarge Chugach Alaska Corporation's entitlement to subsurface estate under otherwise applicable law.

Approved December 27, 2000.

LEGISLATIVE HISTORY—H.R. 5528 (S. 1658):

SENATE REPORTS: No. 106–368 accompanying S. 1658 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 26, considered and passed House.

Dec. 11, considered and passed Senate.



Public Law 106–569
106th Congress

An Act

Dec. 27, 2000
[H.R. 5640]

American
Homeownership
and Economic
Opportunity Act
of 2000.
12 USC 1701
note.

To expand homeownership in the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “American Homeownership and Economic Opportunity Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.

Sec. 102. Grants for regulatory barrier removal strategies.

Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Home equity conversion mortgages.

Sec. 202. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.

Sec. 302. Pilot program for homeownership assistance for disabled families.

Sec. 303. Funding for pilot programs.

**TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND
TERMINATION**

Sec. 401. Short title.

Sec. 402. Changes in amortization schedule.

Sec. 403. Deletion of ambiguous references to residential mortgages.

Sec. 404. Cancellation rights after cancellation date.

Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.

Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.

Sec. 502. Loan guarantees.

Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.

Sec. 512. Findings.

Sec. 513. Housing assistance.

Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.

- Sec. 602. Findings and purposes.
- Sec. 603. Definitions.
- Sec. 604. Federal manufactured home construction and safety standards.
- Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
- Sec. 606. Public information.
- Sec. 607. Research, testing, development, and training.
- Sec. 608. Prohibited acts.
- Sec. 609. Fees.
- Sec. 610. Dispute resolution.
- Sec. 611. Elimination of annual reporting requirement.
- Sec. 612. Effective date.
- Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

- Sec. 701. Guarantees for refinancing of rural housing loans.
- Sec. 702. Promissory note requirement under housing repair loan program.
- Sec. 703. Limited partnership eligibility for farm labor housing loans.
- Sec. 704. Project accounting records and practices.
- Sec. 705. Definition of rural area.
- Sec. 706. Operating assistance for migrant farmworkers projects.
- Sec. 707. Multifamily rental housing loan guarantee program.
- Sec. 708. Enforcement provisions.
- Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

- Sec. 801. Short title.
- Sec. 802. Regulations.
- Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

- Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

- Sec. 821. Supportive housing for elderly persons.
- Sec. 822. Supportive housing for persons with disabilities.
- Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

- Sec. 831. Eligibility of for-profit limited partnerships.
- Sec. 832. Mixed funding sources.
- Sec. 833. Authority to acquire structures.
- Sec. 834. Use of project reserves.
- Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

- Sec. 841. Eligibility of for-profit limited partnerships.
- Sec. 842. Mixed funding sources.
- Sec. 843. Tenant-based assistance.
- Sec. 844. Use of project reserves.
- Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

- Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

- Sec. 861. Section 236 assistance.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

- Sec. 901. Extension of loan term for manufactured home lots.
- Sec. 902. Use of section 8 vouchers for opt-outs.
- Sec. 903. Maximum payment standard for enhanced vouchers.
- Sec. 904. Use of section 8 assistance by “grand-families” to rent dwelling units in assisted projects.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

- Sec. 1001. Federal Reserve Board buildings.
 Sec. 1002. Positions of Board of Governors of the Federal Reserve System on the Executive schedule.
 Sec. 1003. Amendments to the Federal Reserve Act.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

- Sec. 1101. Short title.
 Sec. 1102. Preservation of certain reporting requirements.
 Sec. 1103. Coordination of reporting requirements.
 Sec. 1104. Elimination of certain reporting requirements.

TITLE XII—FINANCIAL REGULATORY RELIEF

- Sec. 1200. Short title.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

- Sec. 1201. Repeal of savings association liquidity provision.
 Sec. 1202. Noncontrolling investments by savings association holding companies.
 Sec. 1203. Repeal of deposit broker notification and recordkeeping requirement.
 Sec. 1204. Expedited procedures for certain reorganizations.
 Sec. 1205. National bank directors.
 Sec. 1206. Amendment to National Bank Consolidation and Merger Act.
 Sec. 1207. Loans on or purchases by institutions of their own stock; affiliations.
 Sec. 1208. Purchased mortgage servicing rights.

Subtitle B—Streamlining Activities of Institutions

- Sec. 1211. Call report simplification.

Subtitle C—Streamlining Agency Actions

- Sec. 1221. Elimination of duplicative disclosure of fair market value of assets and liabilities.
 Sec. 1222. Payment of interest in receiverships with surplus funds.
 Sec. 1223. Repeal of reporting requirement on differences in accounting standards.
 Sec. 1224. Extension of time.

Subtitle D—Technical Corrections

- Sec. 1231. Technical correction relating to deposit insurance funds.
 Sec. 1232. Rules for continuation of deposit insurance for member banks converting charters.
 Sec. 1233. Amendments to the Revised Statutes of the United States.
 Sec. 1234. Conforming change to the International Banking Act of 1978.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Housing
 Affordability
 Barrier Removal
 Act of 2000.
 42 USC 12701
 note.

SEC. 101. SHORT TITLE.

This title may be cited as the “Housing Affordability Barrier Removal Act of 2000”.

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

“(a) **FUNDING.**—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”.

(b) **CONSOLIDATION OF STATE AND LOCAL GRANTS.**—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking “STATE GRANTS” and inserting “GRANT AUTHORITY”;

(2) in the matter preceding paragraph (1), by inserting after “States” the following: “and units of general local government (including consortia of such governments)”;

(3) in paragraph (3), by striking “a State program to reduce State and local” and inserting “State, local, or regional programs to reduce”;

(4) in paragraph (4), by inserting “or local” after “State”; and

(5) in paragraph (5), by striking “State”.

(c) **REPEAL OF LOCAL GRANTS PROVISION.**—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) **APPLICATION AND SELECTION.**—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking “and for the selection of units of general local government to receive grants under subsection (f)(2)”; and

(2) by inserting before the period at the end the following: “and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act”.

(e) **SELECTION OF GRANTEES.**—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

“(f) **SELECTION OF GRANTEES.**—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).”.

(f) **TECHNICAL AMENDMENTS.**—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting “and” after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “receive, collect, process, and assemble” and inserting “serve as a national repository to receive, collect, process, assemble, and disseminate”;

(B) in paragraph (1)—

(i) by striking “, including” and inserting “(including)”; and

(ii) by inserting before the semicolon at the end the following: “), and the prevalence and effects on affordable housing of such laws, regulations, and policies”;

(C) in paragraph (2), by inserting before the semicolon the following: “, including particularly innovative or successful activities, strategies, and plans”; and

(D) in paragraph (3), by inserting before the period at the end the following: “, including particularly innovative or successful strategies, activities, and plans”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

“(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

Deadline.

“(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted.”; and

(3) by adding at the end the following new subsections:

“(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

Deadline.

“(d) TIMING.—The clearinghouse under this section (as amended by section 103 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.”.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

“(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

“(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

“(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor’s principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

“(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

“(A) the mortgagor has received the disclosure required under paragraph (2);

“(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

“(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

“(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

“(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

Deadline.

“(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

“(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

“(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

“(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.”.

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by

Deadline.
12 USC 1715z-20
note.

Notice.

paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (2), by striking “‘mortgage’,”; and

(2) by adding at the end the following new paragraphs:

“(4) MORTGAGE.—The term ‘mortgage’ means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

“(A) under a lease for not less than 99 years that is renewable; or

“(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

“(5) FIRST MORTGAGE.—The term ‘first mortgage’ means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.”.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED TO FUND LONG-TERM CARE INSURANCE.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

“(l) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—

“(1) IN GENERAL.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

“(2) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

“(3) DEFINITION.—For purposes of this subsection, the term ‘qualified long-term care insurance contract’ has the meaning given such term in section 7702B of the Internal Revenue

Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

“(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

“(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).”.

(2) **APPLICABILITY.**—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001. 12 USC 1715z–20 note.

(d) **STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.**—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 202. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

Deadline.

(a) **REAUTHORIZATION.**—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

“(p) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001.”.

(b) **ELIGIBLE EXPENSES.**—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: “, which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land”.

(c) **DEADLINE FOR RECAPTURE OF FUNDS.**—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking “if the organization or consortia has not used any grant amounts” and inserting “the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used”;

(B) by striking “(or,” and inserting “, except that such period shall be 36 months”; and

(C) by striking “within 36 months), the Secretary shall recapture such unused amounts” and inserting “and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts”; and

(2) in subsection (j), by inserting after “carry out this section” the following: “and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts”.

(d) **TECHNICAL CORRECTIONS.**—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking “Habitat for Humanity International, its affiliates, and other”; and

(2) in subsection (e)(2), by striking “consoria” and inserting “consortia”.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) **AMENDMENTS.**—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

“(7) **DOWNPAYMENT ASSISTANCE.**—

“(A) **AUTHORITY.**—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

“(B) **AMOUNT.**—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect immediately after the amendments made by

section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

42 USC 1437f
note.

(a) **IN GENERAL.**—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) **DETERMINATION OF AMOUNT OF ASSISTANCE.**—

(1) **IN GENERAL.**—

(A) **MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.**—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) Thirty percent of the monthly adjusted income of the disabled family.

(ii) Ten percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) **MONTHLY EXPENSES EXCEED PAYMENT STANDARD.**—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable

payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by one or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section. Deadline.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term “disabled family” has the meaning given the term “person with disabilities” in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources

may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

Private Mortgage
Insurance
Technical
Corrections and
Clarification Act.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

12 USC 4901.

SEC. 401. SHORT TITLE.

This title may be cited as the “Private Mortgage Insurance Technical Corrections and Clarification Act”.

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking “amortization schedules” and inserting “the amortization schedule then in effect”;

(B) in paragraph (16)(B), by striking “amortization schedules” and inserting “the amortization schedule then in effect”;

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

“(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term ‘amortization schedule then in effect’ means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

“(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

“(B) the unpaid balance of the loan after each such scheduled payment is made.”; and

(2) in section 3(f)(1)(B)(ii), by striking “amortization schedules” and inserting “the amortization schedule then in effect”.

12 USC 4902.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: “A residential mortgage that: (A) does not fully amortize over the term of the obligation; and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.”.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

“(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.”.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “section 3(f)(1)” and inserting “section 3(g)(1)”;

(ii) in subparagraph (A)(ii)(IV), by striking “section 3(f)” and inserting “section 3(g)”;

(iii) in subparagraph (B)(iii), by striking “section 3(f)” and inserting “section 3(g)”;

(B) in paragraph (2), by striking “section 3(f)(1)” and inserting “section 3(g)(1)”.

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting “on residential mortgage transactions” after “imposed”; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “mortgage or”;

(B) in paragraph (2), by striking “mortgage or”; and

(C) in paragraph (3), by striking “mortgage or” and inserting “residential mortgage or residential”.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “mortgage or” the first place it appears; and

(ii) by striking “mortgage or” the second place it appears and inserting “residential”; and

(B) in paragraph (2), by striking “mortgage or” and inserting “residential”;

(2) in subsection (c), by striking “paragraphs (1)(B) and

(3) of subsection (a)” and inserting “subsection (a)(3)”;

(3) in subsection (d), by inserting before the period at the end the following: “, which disclosures shall relate to the mortgagor’s rights under this Act”.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “a residential mortgage or”; and

(B) in paragraph (2), by inserting “transaction” after “residential mortgage”; and

(2) in subsection (d), by inserting “transaction” after “residential mortgage”.

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after “cancellation date” the following: “or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)”;

(B) in paragraph (2), by striking “and” at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) is current on the payments required by the terms of the residential mortgage transaction; and”; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking “subsection (a)(3)” and inserting “subsection (a)(4)”.

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) **GOOD PAYMENT HISTORY.**—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting “the later of (i)” before “the date”; and

(B) by inserting “, or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)” before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting “the later of (i)” before “the date”; and

(B) by inserting “, or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)” before the period at the end.

(b) **AUTOMATIC TERMINATION.**—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

“(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.”.

(c) **PREMIUM PAYMENTS.**—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

“(h) **ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.**—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.”.

SEC. 406. DEFINITIONS.

(a) **REFINANCED.**—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after “refinanced” the following: “(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))”.

(b) **MIDPOINT OF THE AMORTIZATION PERIOD.**—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

“(7) **MIDPOINT OF THE AMORTIZATION PERIOD.**—The term ‘midpoint of the amortization period’ means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.”.

(c) **ORIGINAL VALUE.**—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting “transaction” after “a residential mortgage”; and

(2) by adding at the end the following new sentence: “In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.”.

(d) **PRINCIPAL RESIDENCE.**—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking “primary” and inserting “principal”; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking “primary” and inserting “principal”.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) **ESTABLISHMENT.**—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the “Commission”) to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) **MEMBERSHIP.**—

25 USC 4043
note.

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

Deadline.

(f) **POWERS.**—

(1) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) **STAFF.**—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) **TERMINATION.**—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

“(C) **LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.**—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.”; and

(2) in paragraph (7), by striking “each of fiscal years 1997, 1998, 1999, 2000, and 2001” and inserting “each fiscal year”.

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) **RESTRICTION ON WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking “if the Secretary” and all that follows through the period at the end and inserting

the following: “for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.”.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: “The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).”.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

“(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.”.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

“(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

“(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

“(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

“(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

“(4) may be corrected through the sole action of the recipient.”.

(e) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

“SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

“If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under

section 205(a)(2), the Secretary shall take appropriate action under section 401(a).”.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

“SEC. 405. REVIEW AND AUDIT BY SECRETARY.

“(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

“(b) ADDITIONAL REVIEWS AND AUDITS.—

“(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

“(A) determine whether the recipient—

“(i) has carried out—

“(I) eligible activities in a timely manner; and

“(II) eligible activities and certification in

accordance with this Act and other applicable law;

“(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

“(iii) is in compliance with the Indian housing plan of the recipient; and

“(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

“(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

“(c) REVIEW OF REPORTS.—

“(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

Notice.
Deadline.

“(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

“(A) may revise the report; and

“(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

Deadline.

“(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.”.

(f) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking “The formula,” and inserting the following:

“(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula”; and

(2) by adding at the end the following:

“(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.”.

(g) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking “Except as provided” and inserting the following:

“(1) IN GENERAL.—Except as provided”;

(3) by striking “If the Secretary takes an action under paragraph (1), (2), or (3)” and inserting the following:

“(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)”; and

(4) by adding at the end the following:

“(3) EXCEPTION FOR CERTAIN ACTIONS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

“(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

“(i) provide notice to the recipient at the time that the Secretary takes that action; and

Notice.

“(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).” Deadline.

“(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.”.

(h) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking “If the Secretary” and inserting the following:

“(1) IN GENERAL.—If the Secretary”;

(2) by striking “(1) is not” and inserting the following: “(A) is not”;

(3) by striking “(2) is a result” and inserting the following: “(B) is a result”;

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: “, if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement”; and

(5) by adding at the end the following:

“(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

“(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

“(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

“(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

“(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).”.

(i) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) in paragraph (1), by striking “Davis-Bacon Act (40 U.S.C. 276a-276a-5)” and inserting “Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.)”; and

(2) by adding at the end the following new paragraph:

“(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted

by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.”.

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

“209. Noncompliance with affordable housing requirement.”.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: “Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).”.

Subtitle B—Native Hawaiian Housing

Hawaiian
Homelands
Homeownership
Act of 2000.
25 USC 4101
note.

SEC. 511. SHORT TITLE.

This subtitle may be cited as the “Hawaiian Homelands Homeownership Act of 2000”.

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

25 USC 4221
note.

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) one-third of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and one-half of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available

to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101-235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

“TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

25 USC 4221.

“SEC. 801. DEFINITIONS.

“In this title:

“(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term ‘Department of Hawaiian Home Lands’ or ‘Department’ means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Department of Hawaiian Home Lands.

“(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

“(A) IN GENERAL.—The term ‘elderly family’ or ‘near-elderly family’ means a family whose head (or his or her spouse), or whose sole member, is—

“(i) for an elderly family, an elderly person; or

“(ii) for a near-elderly family, a near-elderly person.

“(B) CERTAIN FAMILIES INCLUDED.—The term ‘elderly family’ or ‘near-elderly family’ includes—

“(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

“(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

“(4) HAWAIIAN HOME LANDS.—The term ‘Hawaiian Home Lands’ means lands that—

“(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 110); or

“(B) are acquired pursuant to that Act.

“(5) HOUSING AREA.—The term ‘housing area’ means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

“(6) HOUSING ENTITY.—The term ‘housing entity’ means the Department of Hawaiian Home Lands.

“(7) HOUSING PLAN.—The term ‘housing plan’ means a plan developed by the Department of Hawaiian Home Lands.

“(8) MEDIAN INCOME.—The term ‘median income’ means, with respect to an area that is a Hawaiian housing area, the greater of—

“(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

“(B) the median income for the State of Hawaii.

“(9) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is—

“(A) a citizen of the United States; and

“(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

“(i) genealogical records;

- “(ii) verification by kupuna (elders) or kama’aina (long-term community residents); or
- “(iii) birth records of the State of Hawaii.

“SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES. 25 USC 4222.

“(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

“(b) PLAN REQUIREMENT.—

“(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

“(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

“(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

“(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

“(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

“(d) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts. Regulations.

“(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

“(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

“(B) expenses incurred in preparing a housing plan under section 803.

“(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

“SEC. 803. HOUSING PLAN.

25 USC 4223.

“(a) PLAN SUBMISSION.—The Secretary shall—

“(1) require the Director to submit a housing plan under this section for each fiscal year; and

“(2) provide for the review of each plan submitted under paragraph (1).

“(b) FIVE-YEAR PLAN.—Each housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

“(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

“(B) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

“(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

“(c) ONE-YEAR PLAN.—A housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

“(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

“(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

“(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

“(I) the geographical needs of those families;

and

“(II) needs for various categories of housing assistance; and

“(ii) a description of the estimated housing needs for all families to be served by the Department.

“(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

“(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

“(ii) the uses to which the resources described in clause (i) will be committed, including—

“(I) eligible and required affordable housing activities; and

“(II) administrative expenses.

“(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

“(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

“(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

“(I) rental assistance;

“(II) the production of new units;

“(III) the acquisition of existing units; or

“(IV) the rehabilitation of units;

“(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

“(I) the involvement of private, public, and nonprofit organizations and institutions;

“(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

“(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

“(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

“(v) a description of—

“(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vi) a description of—

“(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vii) a description of—

“(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

“(aa) transitional housing;

“(bb) homeless housing;

“(cc) college housing; and

“(dd) supportive services housing; and

“(II) the requirements and assistance available under such programs;

“(viii)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for that demolition or disposition; and

“(III) any other information required by the Secretary with respect to that demolition or disposition;

“(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

“(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

“(I) promote the safety of residents of the affordable housing;

“(II) facilitate the undertaking of crime prevention measures;

“(III) allow resident input and involvement, including the establishment of resident organizations; and

“(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

“(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

“(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

“(i) a certification that the Department of Hawaiian Home Lands will comply with—

“(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

“(II) other applicable Federal statutes;

“(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

“(v) a certification that policies are in effect and are available for review by the Secretary and the public

governing the management and maintenance of housing assisted with grant amounts provided under this title.

“(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

“(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

“(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

“(B) to an eligible family on the basis that the family is a Native Hawaiian family.

“(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

“(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

“SEC. 804. REVIEW OF PLANS.

25 USC 4224.

“(a) REVIEW AND NOTICE.—

“(1) REVIEW.—

“(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

“(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

“(2) NOTICE.—

“(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

Deadline.

“(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

“(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

“(ii) the Director shall be considered to have been notified of compliance.

“(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under

section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

“(1) the reasons for noncompliance; and

“(2) any modifications necessary for the plan to meet the requirements of section 803.

“(c) REVIEW.—

“(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

“(A) set forth the information required by section 803 to be contained in the housing plan;

“(B) are consistent with information and data available to the Secretary; and

“(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

“(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

“(d) UPDATES TO PLAN.—

“(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

“(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

“(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

25 USC 4225.

“SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

“(a) PROGRAM INCOME.—

“(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

“(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

“(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

“(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

“(A) whether the Department retains program income under paragraph (1); or

“(B) the amount of any such program income retained.

“(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

“(b) LABOR STANDARDS.—

“(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

“(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

“(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the ‘Davis-Bacon Act’ (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

“(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

“SEC. 806. ENVIRONMENTAL REVIEW.

25 USC 4226.

“(a) IN GENERAL.—

“(1) RELEASE OF FUNDS.—

“(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

“(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

“(ii) to the public undiminished protection of the environment.

“(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to

the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

“(2) REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

“(B) CONTENTS.—The regulations issued under this paragraph shall—

“(i) provide for the monitoring of the environmental reviews performed under this section;

“(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

“(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

“(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

“(b) PROCEDURE.—

“(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

“(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

“(c) CERTIFICATION.—A certification under the procedures under this section shall—

“(1) be in a form acceptable to the Secretary;

“(2) be executed by the Director of the Department of Hawaiian Home Lands;

“(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

“(4) specify that the Director—

“(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

“(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

“SEC. 807. REGULATIONS.

25 USC 4227.

“The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

“SEC. 808. EFFECTIVE DATE.

25 USC 4221
note.

“Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

“SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

25 USC 4228.

“(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

“(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

“(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

“(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

“(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State, and local activities to further economic and community development;

“(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

“(E) to—

“(i) promote the development of private capital markets; and

“(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

“(2) ELIGIBLE FAMILIES.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

“(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

“(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

“(I) section 810(b);

“(II) model activities under section 810(f); or

“(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

“(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

“(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

“(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

“(ii) the need for housing for the family cannot be reasonably met without the assistance.

“(D) PREFERENCE.—

“(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

“(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

“(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

25 USC 4229.

“SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

“(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

“(1) develop or to support affordable housing for rental or homeownership; or

“(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

“(b) ACTIVITIES.—The activities described in this subsection are the following:

“(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

“(A) real property acquisition;

“(B) site improvement;

“(C) the development of utilities and utility services;

“(D) conversion;

“(E) demolition;

“(F) financing;

“(G) administration and planning; and

“(H) other related activities.

“(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

“(A) housing counseling in connection with rental or homeownership assistance;

“(B) the establishment and support of resident organizations and resident management corporations;

“(C) energy auditing;

“(D) activities related to the provisions of self-sufficiency and other services; and

“(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

“(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

“(A) the preparation of work specifications;

“(B) loan processing;

“(C) inspections;

“(D) tenant selection;

“(E) management of tenant-based rental assistance;

and

“(F) management of affordable housing projects.

“(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

“(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

“(A) designed to carry out the purposes of this title;

and

“(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

“SEC. 811. PROGRAM REQUIREMENTS.

25 USC 4230.

“(a) RENTS.—

“(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

“(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

“(b) MAINTENANCE AND EFFICIENT OPERATION.—

“(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

“(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

“(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

“(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

“(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

25 USC 4231.

“SEC. 812. TYPES OF INVESTMENTS.

“(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

“(1) the discretion to use grant amounts for affordable housing activities through the use of—

“(A) equity investments;

“(B) interest-bearing loans or advances;

“(C) noninterest-bearing loans or advances;

“(D) interest subsidies;

“(E) the leveraging of private investments; or

“(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

“(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

“(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

25 USC 4232.

“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

“(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

“(1) each dwelling unit in the housing—

“(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

“(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

“(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

“(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

“(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

“(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

“(I) avoid termination of low-income affordability, in the case of foreclosure; or

“(II) transfer ownership in lieu of foreclosure; and

“(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

“(b) EXCEPTION.—Notwithstanding subsection (a), housing assistance pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

“SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

25 USC 4233.

“(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

“(1) do not contain unreasonable terms and conditions;

“(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

“(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

“(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

“(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

“(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

“(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

“(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

“(C) is criminal activity (including drug-related criminal activity) on or off the premises.

“(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

“(1) are consistent with the purpose of providing housing for low-income families;

“(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

“(3) provide for—

“(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

“(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

25 USC 4234.

“SEC. 815. REPAYMENT.

“If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

“(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

“(2) require repayment to the Secretary of any amount equal to those grant amounts.

25 USC 4235.

“SEC. 816. ANNUAL ALLOCATION.

“For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

25 USC 4236.

“SEC. 817. ALLOCATION FORMULA.

Regulations.

“(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

“(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

“(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

“(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

“(3) any other objectively measurable conditions that the Secretary and the Director may specify.

“(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

“(1) geographic distribution within Hawaiian Home Lands;

and

“(2) technical capacity.

“(d) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

“SEC. 818. REMEDIES FOR NONCOMPLIANCE.

25 USC 4237.

“(a) **ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.**—

“(1) **IN GENERAL.**—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

“(A) terminate payments under this title to the Department;

“(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

“(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

“(2) **ACTIONS.**—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

“(b) **NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.**—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

“(1) is not a pattern or practice of activities constituting willful noncompliance; and

“(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

“(c) **REFERRAL FOR CIVIL ACTION.**—

“(1) **AUTHORITY.**—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

“(2) **CIVIL ACTION.**—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

“(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

“(B) for mandatory or injunctive relief.

“(d) **REVIEW.**—

“(1) **IN GENERAL.**—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

Deadline.

“(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

“(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

“(2) PROCEDURE.—

“(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

“(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

“(3) DISPOSITION.—

“(A) COURT PROCEEDINGS.—

“(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

“(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

“(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

“(B) SECRETARY.—

“(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

“(I) may—

“(aa) modify the findings of fact of the Secretary; or

“(bb) make new findings; and

“(II) shall file—

“(aa) such modified or new findings; and

“(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

“(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

“(I) supported by substantial evidence on the record; and

“(II) considered as a whole.

“(4) FINALITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

“(i) the jurisdiction of the court shall be exclusive; and

“(ii) the judgment of the court shall be final.

“(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

“SEC. 819. MONITORING OF COMPLIANCE.

25 USC 4238.

“(a) ENFORCEABLE AGREEMENTS.—

“(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

“(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

“(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

“(B) remedies for breach of the provisions referred to in paragraph (1).

“(b) PERIODIC MONITORING.—

“(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

“(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

“(3) RESULTS.—The results of each review under paragraph (1) shall be—

“(A) included in a performance report of the Director submitted to the Secretary under section 820; and

“(B) made available to the public.

“(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

“SEC. 820. PERFORMANCE REPORTS.

25 USC 4239.

“(a) REQUIREMENT.—For each fiscal year, the Director shall—

“(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

“(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

“(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

“(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

“(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

“(3) indicate the programmatic accomplishments of the Department; and

“(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

“(c) SUBMISSIONS.—The Secretary shall—

“(1) establish a date for submission of each report under this section;

“(2) review each such report; and

“(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

“(d) PUBLIC AVAILABILITY.—

“(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

“(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

25 USC 4240.

“SEC. 821. REVIEW AND AUDIT BY SECRETARY.

“(a) ANNUAL REVIEW.—

“(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

“(A) the Director has—

“(i) carried out eligible activities under this title in a timely manner;

“(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

“(iii) a continuing capacity to carry out the eligible activities in a timely manner;

“(B) the Director has complied with the housing plan submitted by the Director under section 803; and

“(C) the performance reports of the Department under section 821 are accurate.

“(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

Deadline.

“(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

“(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

“SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

25 USC 4241.

“To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

“SEC. 823. REPORTS TO CONGRESS.

42 USC 4242.

“(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

Deadline.

“(1) a description of the progress made in accomplishing the objectives of this title;

“(2) a summary of the use of funds available under this title during the preceding fiscal year; and

“(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

“(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

“SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

25 USC 4243.

“There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.”.

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

“SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

12 USC 1715z–13b.

“(a) DEFINITIONS.—In this section:

“(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term ‘Department of Hawaiian Home Lands’ means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

“(3) FAMILY.—The term ‘family’ means one or more persons maintaining a household, as the Secretary shall by regulation provide.

“(4) GUARANTEE FUND.—The term ‘Guarantee Fund’ means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

“(5) HAWAIIAN HOME LANDS.—The term ‘Hawaiian Home Lands’ means lands that—

“(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

“(B) are acquired pursuant to that Act.

“(6) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual who is—

“(A) a citizen of the United States; and

“(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

“(i) genealogical records;

“(ii) verification by kupuna (elders) or kama’aina (long-term community residents); or

“(iii) birth records of the State of Hawaii.

“(7) OFFICE OF HAWAIIAN AFFAIRS.—The term ‘Office of Hawaiian Affairs’ means the entity of that name established under the constitution of the State of Hawaii.

“(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (c).

“(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

“(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

“(A) a Native Hawaiian family;

“(B) the Department of Hawaiian Home Lands;

“(C) the Office of Hawaiian Affairs; or

“(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

“(2) ELIGIBLE HOUSING.—

“(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

“(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

“(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

“(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

“(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

“(4) LENDERS.—

“(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

“(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

“(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

“(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

“(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

“(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

“(5) TERMS.—The loan shall—

“(A) be made for a term not exceeding 30 years;

“(B) bear interest (exclusive of the guarantee fee under subsection (e) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

“(C) involve a principal obligation not exceeding—

“(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is \$50,000 or less); or

“(ii) the amount approved by the Secretary under this section; and

“(D) involve a payment on account of the property—

“(i) in cash or its equivalent; or

“(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

“(d) CERTIFICATE OF GUARANTEE.—

“(1) APPROVAL PROCESS.—

“(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

“(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall

issue a certificate under this subsection as evidence of the loan guarantee approved.

“(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

“(3) EFFECT.—

“(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

“(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

“(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

“(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

“(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

“(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

“(e) GUARANTEE FEE.—

“(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

“(2) PAYMENT.—The fee under this subsection shall—

“(A) be paid by the lender at time of issuance of the guarantee; and

“(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

“(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

“(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

“(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

“(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

“(1) IN GENERAL.—

“(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines

that any lender or holder of a guarantee certificate under subsection (d)—

“(i) has failed—

“(I) to maintain adequate accounting records;

“(II) to service adequately loans guaranteed under this section; or

“(III) to exercise proper credit or underwriting judgment; or

“(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

“(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (d) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

“(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

“(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

“(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

“(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

“(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

“(i) to maintain adequate accounting records;

“(ii) to adequately service loans guaranteed under this section; or

“(iii) to exercise proper credit or underwriting judgment.

“(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f-1) with respect to mortgagees and lenders under that Act.

“(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

“(i) PAYMENT UNDER GUARANTEE.—

“(1) LENDER OPTIONS.—

“(A) IN GENERAL.—

“(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

“(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate

shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

“(I) FORECLOSURE.—

“(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

“(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

“(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(II) NO FORECLOSURE.—

“(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

“(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

“(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

“(2) LIMITATIONS ON LIQUIDATION.—

“(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the

mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

“(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

“(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

“(2) CREDITS.—The Guarantee Fund shall be credited with—

“(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

“(B) any amounts appropriated pursuant to paragraph (7);

“(C) any guarantee fees collected under subsection (e); and

“(D) any interest or earnings on amounts invested under paragraph (4).

“(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

“(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

“(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

“(C) acquiring such security property at foreclosure sales or otherwise;

“(D) paying administrative expenses in connection with this section; and

“(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

“(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

“(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

“(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have

been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

“(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

“(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding \$100,000,000 for each such fiscal year.

“(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

“(k) REQUIREMENTS FOR STANDARD HOUSING.—

Regulations.

“(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

“(2) STANDARDS.—The standards referred to in paragraph (1) shall—

“(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

“(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

“(i) be decent, safe, sanitary, and modest in size and design;

“(ii) conform with applicable general construction standards for the region in which the housing is located;

“(iii) contain a plumbing system that—

“(I) uses a properly installed system of piping;

“(II) includes a kitchen sink and a partitioned bathroom with lavatory, toilet, and bath or shower; and

“(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

“(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

“(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

“(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

“(1) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.”.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Manufactured
Housing
Improvement Act
of 2000.

SEC. 601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the “Manufactured Housing Improvement Act of 2000”.

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

42 USC 5401
note.

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

“SEC. 602. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress finds that—

“(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

“(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

“(b) PURPOSES.—The purposes of this title are—

“(1) to protect the quality, durability, safety, and affordability of manufactured homes;

“(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

“(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

“(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

“(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

“(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

“(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

“(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.”.

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking “dealer” and inserting “retailer”;

(2) in paragraph (12), by striking “and” at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(14) ‘administering organization’ means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

“(15) ‘consensus committee’ means the committee established under section 604(a)(3);

“(16) ‘consensus standards development process’ means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

“(17) ‘primary inspection agency’ means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

“(18) ‘design approval primary inspection agency’ means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

“(19) ‘installation standards’ means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

“(20) ‘monitoring’ means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

“(21) ‘production inspection primary inspection agency’ means a State agency or private organization that has been

approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.”.

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking “dealer” each place it appears and inserting “retailer”;

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking “dealer” each place it appears and inserting “retailer”;

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking “dealer” and inserting “retailer”;

(B) in subsection (b)(3), by striking “dealer or dealers” and inserting “retailer or retailers”; and

(C) in subsections (d) and (f), by striking “dealers” each place it appears and inserting “retailers”;

(4) in section 616 (42 U.S.C. 5415), by striking “dealer” and inserting “retailer”; and

(5) in section 623(c)(9), by striking “dealers” and inserting “retailers”. 42 USC 5422.

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) ESTABLISHMENT.—

“(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

“(A) shall—

“(i) be reasonable and practical;

“(ii) meet high standards of protection consistent with the purposes of this title; and

“(iii) be performance-based and objectively stated, unless clearly inappropriate; and

“(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

“(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

“(A) INITIAL AGREEMENT.—Not later than 180 days after the date of the enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

“(i) terminate on the date on which a contract is entered into under subparagraph (B); and

“(ii) require the administering organization to—

“(I) recommend the initial members of the consensus committee under paragraph (3);

“(II) administer the consensus standards development process until the termination of that agreement; and

Deadline.

“(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

“(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

“(C) PERFORMANCE REVIEW.—The Secretary—

“(i) shall periodically review the performance of the administering organization; and

“(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

“(3) CONSENSUS COMMITTEE.—

“(A) PURPOSE.—There is established a committee to be known as the ‘consensus committee’, which shall, in accordance with this title—

“(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

“(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

“(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

“(iv) be deemed to be an advisory committee not composed of Federal employees.

“(B) MEMBERSHIP.—The consensus committee shall be composed of—

“(i) twenty-one voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

“(ii) one nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

“(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

“(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

“(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

“(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

“(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

“(E) BALANCING OF INTERESTS.—

“(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

“(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

“(II) may reject the appointment of any one or more individuals in order to ensure that there is not dominance by any single interest.

“(ii) DOMINANCE DEFINED.—In this subparagraph, the term ‘dominance’ means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

“(F) ADDITIONAL QUALIFICATIONS.—

“(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and three of the individuals appointed under subparagraph (D)(iii) shall not have—

“(I) a significant financial interest in any segment of the manufactured housing industry; or

“(II) a significant relationship to any person engaged in the manufactured housing industry.

“(ii) POST-EMPLOYMENT BAN.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

“(G) MEETINGS.—

“(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

“(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

“(H) ADMINISTRATION.—The consensus committee and the administering organization shall—

“(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

“(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

“(I) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

“(i) provide reasonable staff resources to the consensus committee; and

“(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

“(I) the support is necessary to ensure the informed participation of the consensus committee members; and

“(II) the costs of providing the support are reasonable.

Deadline.

“(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

“(4) REVISIONS OF STANDARDS.—

“(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

“(i) consider revisions to the Federal manufactured home construction and safety standards; and

“(ii) submit proposed revised standards, if approved in a vote of the consensus committee by two-thirds of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

“(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

“(i) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide a proposed revised

Federal Register,
publication.
Deadline.

standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

“(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

Federal Register,
publication.

“(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

“(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

“(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

Deadline.

“(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

Federal Register,
publication.

“(5) REVIEW BY THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

“(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

Deadline.

“(C) PROCEDURES.—If the Secretary—

“(i) adopts a standard recommended by the consensus committee, the Secretary shall—

“(I) issue a final order without further rule-making; and

“(II) cause the final order to be published in the Federal Register;

Federal Register,
publication.

Federal Register,
publication.

“(ii) determines that any standard should be rejected, the Secretary shall—

“(I) reject the standard; and

“(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

“(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

Federal Register,
publication.

“(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

“(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

“(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

Deadline.

“(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the ‘committees’) on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

“(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of the enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

“(b) OTHER ORDERS.—

“(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

“(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins

to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

“(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

“(A) the Secretary shall—

“(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

“(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

“(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

“(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

“(i) cause the proposed regulation or interpretative bulletin and the consensus committee’s written comments, along with the Secretary’s response thereto, to be published in the Federal Register; and

Federal Register,
publication.

“(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(4) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

Deadline.

“(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

“(B) reject the proposed regulation or interpretative bulletin and—

“(i) provide to the consensus committee a written explanation of the reasons for rejection; and

“(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

Federal Register,
publication.

“(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

“(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

Federal Register,
publication.

“(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

“(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

“(7) TRANSITION.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.”;

(2) in subsection (d), by adding at the end the following: “Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.”;

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

“(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—”;

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking “subsection (f)” and inserting “subsection (e)”; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

“SEC. 605. MANUFACTURED HOME INSTALLATION.

“(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home

that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

“(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

“(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

Deadline.

“(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

“(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

“(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

“(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

“(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

“(3) FACTORS FOR CONSIDERATION.—

“(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

“(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

“(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

“(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of the enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of the enactment of the Manufactured Housing Improvement Act of 2000.

“(2) INSTALLATION STANDARDS.—

“(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

“(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

“(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

“(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

“(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

“(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

“(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

“(B) the training and licensing of manufactured home installers; and

“(C) inspection of the installation of manufactured homes.”.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

“(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of the enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);”.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

- (1) in subsection (a)—
 - (A) by inserting “to the Secretary” after “submit”; and
 - (B) by adding at the end the following: “The Secretary shall submit such cost and other information to the consensus committee for evaluation.”;
- (2) in subsection (d), by inserting “, the consensus committee,” after “public”; and
- (3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

- (1) in paragraph (2), by striking “and” at the end;
- (2) in paragraph (3), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:

“(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

“(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.”.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term ‘government-sponsored housing entities’ means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

“(2) FHA MANUFACTURED HOME LOAN.—The term ‘FHA manufactured home loan’ means a loan that—

“(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

“(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.”.

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

- (1) in paragraph (5), by striking “or” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:
“(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.”.

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

“SEC. 620. AUTHORITY TO COLLECT FEE.

“(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

“(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

“(A) conducting inspections and monitoring;

“(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

“(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

“(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

“(E) administering the consensus committee as set forth in section 604;

“(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

“(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

“(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses

referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

“(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

“(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of the enactment of the Manufactured Housing Improvement Act of 2000.

“(d) MODIFICATION.—Beginning on the date of the enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

Effective date.

“(1) as specifically authorized in advance in an annual appropriations Act; and

“(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

“(e) APPROPRIATION AND DEPOSIT OF FEES.—

“(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Manufactured Housing Fees Trust Fund’ for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

“(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

“(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.”.

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

“(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of the enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and”;

(2) by adding at the end the following:

“(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

“(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of the enactment of the Manufactured Housing

Deadline.

Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

Effective date.

“(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

“(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.”.

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

42 USC 5401
note.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of the enactment.

42 USC 5401
note.
Applicability.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of the enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of the enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of the enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

“(13) GUARANTEES FOR REFINANCING LOANS.—

“(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

“(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

“(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

“(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 200 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

“(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

Applicability.

“(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.”.

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking “\$2,500” and inserting “\$7,500”.

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking “nonprofit limited partnership” and inserting “limited partnership”.

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

“(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

“(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

“(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

“(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

“(1) ACTION TO RECOVER ASSETS OR INCOME.—

“(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

“(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

“(C) DEFINITION.—For the purposes of this subsection, the term ‘person’ means—

“(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

“(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

“(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

“(2) AMOUNT RECOVERABLE.—

“(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

“(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may

use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

“(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

“(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.”.

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking “1990 decennial census” and inserting “1990 or 2000 decennial census”; and

(2) by striking “year 2000” and inserting “year 2010”.

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking “project” and inserting “tenant or unit”.

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—

(1) in subsection (c), by inserting “an Indian tribe,” after “thereof”;

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

“(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term”;

(3) in subsection (i)(2), by striking “(A) conveyance to the Secretary” and all that follows through “(C) assignment” and inserting “(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment”;

(4) in subsection (s), by adding at the end the following new subsection:

“(4) INDIAN TRIBE.—The term ‘Indian tribe’ means—

“(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

“(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.”;

(5) in subsection (t), by inserting before the period at the end the following: “to provide guarantees under this section for eligible loans having an aggregate principal amount of \$500,000,000”;

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

“(u) FEE AUTHORITY.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

“(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe’s reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.”.

SEC. 708. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

42 USC 14905.

“SEC. 543. ENFORCEMENT PROVISIONS.

“(a) EQUITY SKIMMING.—

“(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

“(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than \$25,000 per violation. The sanctions provided in this paragraph may

be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

“(b) CIVIL MONETARY PENALTIES.—

“(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

“(A) submitting information to the Secretary that is false;

“(B) providing the Secretary with false certifications;

“(C) failing to submit information requested by the Secretary in a timely manner;

“(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

“(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

“(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

“(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

“(3) AMOUNT.—

“(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

“(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

“(ii) \$50,000 per violation.

“(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

“(i) the gravity of the offense;

“(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

“(iii) the ability of the violator to pay the penalty;

“(iv) any injury to tenants;

“(v) any injury to the public;

“(vi) any benefits received by the violator as a result of the violation;

“(vii) deterrence of future violations; and

“(viii) such other factors as the Secretary may establish by regulation.

“(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

“(5) REMEDIES FOR NONCOMPLIANCE.—

“(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court’s discretion, include the attorney’s fees and other expenses incurred by the United States in connection with the action.

“(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.”

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming),” after “coupons having a value of not less than \$5,000,”.

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting “or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,” before “shall be fined under this title”.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Affordable
Housing for
Seniors and
Families Act.

12 USC 1701
note.

SEC. 801. SHORT TITLE.

This title may be cited as the “Affordable Housing for Seniors and Families Act”.

12 USC 1701
note.

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the “Secretary”) shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

Federal Register,
publication.

SEC. 803. EFFECTIVE DATE.12 USC 1701q
note.

(a) **IN GENERAL.**—The provisions of this title and the amendments made by this title are effective as of the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) **EFFECT OF REGULATORY AUTHORITY.**—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.12 USC 1701q
note.

(a) **APPROVAL OF PREPAYMENT OF DEBT.**—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) **SOURCES OF REFINANCING.**—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) **USE OF UNEXPENDED AMOUNTS.**—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance

contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than one such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) **USE OF CERTAIN PROJECT FUNDS.**—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of \$500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of \$1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) **BUDGET ACT COMPLIANCE.**—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

“(m) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.”.

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

“(m) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.”.

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

“Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).”.

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking “non-Federal sources” and inserting “sources other than this section”; and

(2) by adding at the end the following new sentence: “Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.”.

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking “from the Resolution Trust Corporation”; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking “RTC PROPERTIES” and inserting “ACQUISITION”; and

(B) by striking “from the Resolution” and all that follows through “Insurance Act”.

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

“(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.”.

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: “Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.”.

**PART 2—HOUSING FOR PERSONS WITH
DISABILITIES**

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

“Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).”.

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking “non-Federal sources” and inserting “sources other than this section”; and

(2) by adding at the end the following new sentence: “Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.”.

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

“(4) TENANT-BASED RENTAL ASSISTANCE.—

“(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved a plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

“(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

“(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.”; and

(2) in subsection (l)(1)—

(A) by striking “subsection (b)” and inserting “subsection (b)(2)”; and

(B) by striking the last comma and all that follows through “subsection (n)”.

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

“(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.”.

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: “Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.”.

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking “MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT” and inserting “CERTAIN FEDERALLY ASSISTED HOUSING”;

(2) in subsection (a)—

(A) in the first sentence, by striking “(E) and (F)” and inserting “(B), (C), (D), (E), (F), and (G)”; and

(B) in the last sentence—

(i) by striking “section 661” and inserting “section 671”; and

(ii) by adding at the end the following: “A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.”;

(3) in subsection (d)—

(A) by striking “(E) or (F)” and inserting “(B), (C), (D), (E), (F), or (G)”; and

(B) by striking “section 661” and inserting “section 671”; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking “to carry out this subtitle pursuant to the amendments made by this subtitle” and inserting the following: “for providing service coordinators under this section”;

(2) in subsection (d), by inserting “)” after “section 683(2)”; and

(3) by adding at the end following:

“(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.”.

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking “and (F)” and inserting the following: “(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)”.

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after “response,” the following: “education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),”; and

(B) by adding at the end the following:

“(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

“(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who

are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

“(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

“(A) informs such residents of—

“(i) the prevalence of telemarketing fraud targeted against elderly persons;

“(ii) how telemarketing fraud works;

“(iii) how to identify telemarketing fraud;

“(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

“(v) how to report suspected attempts at telemarketing fraud; and

“(vi) their consumer protection rights under Federal law;

“(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

“(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on ‘mooch lists’ confiscated from fraudulent telemarketers.”.

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) EXTENSION OF AUTHORITY TO RETAIN EXCESS CHARGES.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking “Subject to paragraph (3) and notwithstanding” and inserting “Notwithstanding”; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) TREATMENT OF EXCESS CHARGES PREVIOUSLY COLLECTED.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner

12 USC 1715z–1
note.

unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of the enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such appropriations Act.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking “fifteen” and inserting “twenty”.

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) IN GENERAL.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking “fiscal year 1996” and inserting “fiscal year 1994”.

Applicability.
42 USC 1437f
note.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) IN GENERAL.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: “, except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families”.

Applicability.
42 USC 1437f
note.

(b) EFFECTIVE DATE.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY “GRAND-FAMILIES” TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

“(6) WAIVER OF QUALIFYING RENT.—

“(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

“(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

“(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

“(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

“(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person’s grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.”.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

SEC. 1001. FEDERAL RESERVE BOARD BUILDINGS.

The third undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the first sentence the following new sentence: “After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board.”; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking “the site” and inserting “any site”; and

(B) by inserting “or buildings” after “building” each place such term appears.

SEC. 1002. POSITIONS OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) IN GENERAL.—

(1) POSITIONS AT LEVEL I OF THE EXECUTIVE SCHEDULE.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

“Chairman, Board of Governors of the Federal Reserve System.”

(2) POSITIONS AT LEVEL II OF THE EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended—

(A) by striking “Chairman, Board of Governors of the Federal Reserve System.”; and

(B) by adding at the end the following:

“Members, Board of Governors of the Federal Reserve System.”

(3) POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking “Members, Board of Governors of the Federal Reserve System.”

5 USC 5312 note.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of the enactment of this Act.

SEC. 1003. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) REPEAL.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.—

(1) IN GENERAL.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

12 USC 225b.

“SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

“(a) APPEARANCES BEFORE THE CONGRESS.—

(1) IN GENERAL.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

“(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

“(B) economic developments and prospects for the future described in the report required in subsection (b).

“(2) SCHEDULE.—The Chairman of the Board shall appear—

“(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

“(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

“(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

“(b) CONGRESSIONAL REPORT.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.”.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Federal
Reporting Act of
2000.

SEC. 1101. SHORT TITLE.

This title may be cited as the “Federal Reporting Act of 2000”.

SEC. 1102. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

31 USC 1113
note.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

- (1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).
- (2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).
- (3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).
- (4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).
- (5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).
- (6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).
- (7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).
- (8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).
- (9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).
- (10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).
- (11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).
- (12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2)).
- (13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).
- (14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).
- (15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.
- (16) Section 18(f)(7) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i-3(g), and 635i-5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(24) Section 1002(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. App. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1103. COORDINATION OF REPORTING REQUIREMENTS.

(a) **FEDERAL DEPOSIT INSURANCE CORPORATION.**—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

“(3) **COORDINATION WITH OTHER REPORT REQUIREMENTS.**—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.”

(b) **BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**—The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end

the following new sentence: “The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the tenth undesignated paragraph of this section.”.

(c) **COMPTROLLER OF THE CURRENCY.**—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: “The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.”.

(d) **EXPORT-IMPORT BANK.**—

(1) **IN GENERAL.**—Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking “a annual” and inserting “an annual”; and

(B) by adding at the end the following new sentence: “The annual report required under this subparagraph shall include the report required under section 10(g).”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(g)(1)) is amended—

(A) by striking “On or” and all that follows through “the Bank” and inserting “The Bank”; and

(B) by striking “a report” and inserting “an annual report”.

(e) **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: “The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.”.

(f) **FEDERAL HOUSING ADMINISTRATION.**—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence: “The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).”.

(g) **INTERNATIONAL FINANCIAL INSTITUTIONS ACT.**—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking “Not later” and all that follows through “quarterly” and inserting “The Secretary of the Treasury shall report annually”.

SEC. 1104. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **EXPORT-IMPORT BANK.**—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

12 USC 635.

(A) by striking “(i)”; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

12 USC 635e.

12 USC 635g.

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

Financial
Regulatory Relief
and Economic
Efficiency Act of
2000.
12 USC 1811
note.

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the “Financial Regulatory Relief and Economic Efficiency Act of 2000”.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) REPEAL OF LIQUIDITY PROVISION.—Section 6 of the Home Owners’ Loan Act (12 U.S.C. 1465) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 5.—Section 5(c)(1)(M) of the Home Owners’ Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

“(M) LIQUIDITY INVESTMENTS.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers’ acceptances.”.

(2) SECTION 10.—Section 10(m)(4)(B)(iii) of the Home Owners’ Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting “as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000,” after “Loan Act,”.

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners’ Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting “, except with the prior written approval of the Director,” after “or to retain”; and

(2) by striking “so acquire or retain” and inserting “acquire or retain, and the Director may not authorize acquisition or retention of,”.

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORD-KEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

- (1) by redesignating section 5 as section 7; and 12 USC 215b.
- (2) by inserting after section 4 the following new section:

“SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS. 12 USC 215a-2.

“(a) IN GENERAL.—A national bank may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such bank owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

“(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

“(1) specifies the manner in which the reorganization shall be carried out;

“(2) is approved by a majority of the entire board of directors of the national bank;

“(3) specifies—

“(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing bank in exchange for their shares of stock of the bank;

“(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

“(C) the manner in which the exchange will be carried out; and

“(4) is submitted to the shareholders of the reorganizing bank at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

“(c) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the bank who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

“(d) EFFECT OF REORGANIZATION.—The corporate existence of a national bank that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

“(e) APPROVAL UNDER THE BANK HOLDING COMPANY ACT.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).”.

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking “for one year” and inserting “for a period of not more than 3 years”; and

(2) by adding at the end the following: “In accordance with regulations issued by the Comptroller of the Currency, a national bank may adopt bylaws that provide for staggering the terms of its directors.”.

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period “, except that the Comptroller of the Currency may, by regulation or order, exempt a national bank from the 25-member limit established by this section”.

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

12 USC 215a-3.

“SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

“(a) IN GENERAL.—Upon the approval of the Comptroller, a national bank may merge with one or more of its nonbank subsidiaries or affiliates.

“(b) SCOPE.—Nothing in this section shall be construed—

“(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

“(2) to grant a national bank any power or authority that is not permissible for a national bank under other applicable provisions of law.

“(c) REGULATIONS.—The Comptroller shall promulgate regulations to implement this section.”.

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) AMENDMENT TO THE REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

“SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

“(a) GENERAL PROHIBITION.—No national bank shall make any loan or discount on the security of the shares of its own capital stock.

“(b) EXCLUSION.—For purposes of this section, a national bank shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.”.

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106-102; 113 Stat. 1476), as subsection (u); and

(2) by adding at the end the following new subsection:

“(v) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

“(1) GENERAL PROHIBITION.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

“(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.”.

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting “(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))” after “90 percent”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

“(b) AUTHORITY TO DETERMINE PERCENTAGE BY WHICH TO DISCOUNT VALUE OF SERVICING RIGHTS.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions.”; and

(3) in subsection (c), by striking “and” and inserting “, ‘deposit insurance fund’, and”.

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

25 USC 4805a.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of the enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

Deadline.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) DEFINITION.—In this section, the term “Federal banking agency” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

“(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.”.

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking “Each” and all that follows through “a report” and inserting “The Federal banking agencies shall jointly submit an annual report”; and

(2) by inserting “any” before “such agency” each place that term appears.

SEC. 1224. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking “1 year” and inserting “18 months”.

Subtitle D—Technical Corrections

SEC. 1231. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

12 USC 1817. (a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104-208; 110 Stat. 3009-496) is amended—

(1) by striking “7(b)(2)(C)” and inserting “7(b)(2)(E)”; and

(2) by striking “, as redesignated by section 2704(d)(6) of this subtitle”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496). 12 USC 1817
note.

SEC. 1232. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking “subsection (d) of section 4” and inserting “subsection (c) or (d) of section 4”.

SEC. 1233. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) **WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.**—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period “, and waive the requirement of citizenship in the case of not more than a minority of the total number of directors”.

(b) **TECHNICAL AMENDMENT TO THE REVISED STATUTES.**—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking “to be interested in any association issuing national currency under the laws of the United States” and inserting “to hold an interest in any national bank”.

(c) **REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.**—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is hereby repealed.

SEC. 1234. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

Approved December 27, 2000.

LEGISLATIVE HISTORY—H.R. 5640 (H.R. 1776):

HOUSE REPORTS: Nos. 106–553 and Pt. 2 accompanying H.R. 1776 (Comm. on Banking and Financial Services).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 5, considered and passed House.
Dec. 7, considered and passed Senate.



Public Law 106–570
106th Congress

An Act

Dec. 27, 2000
[S. 2943]

To authorize additional assistance for international malaria control, and for other purposes.

Assistance for
International
Malaria Control
Act.
22 USC 2151
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Assistance for International Malaria Control Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Assistance for malaria prevention, treatment, control, and elimination.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

- Sec. 201. Short title.
- Sec. 202. Findings and declarations; sense of Congress.
- Sec. 203. Continued application of United States law.
- Sec. 204. Reporting requirement.
- Sec. 205. Definitions.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

- Sec. 301. Short title.
- Sec. 302. Findings.
- Sec. 303. Agreement for a United States-Canada bilateral commission.
- Sec. 304. Composition of Commission.
- Sec. 305. Governance and staffing of Commission.
- Sec. 306. Duties.
- Sec. 307. Commencement and termination of Commission.
- Sec. 308. Funding.
- Sec. 309. Definitions.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

- Sec. 401. Short title.
- Sec. 402. Purposes.
- Sec. 403. Establishment of commission.
- Sec. 404. Duties of Commission.
- Sec. 405. Membership of Commission.
- Sec. 406. Powers of Commission.
- Sec. 407. Staff and support services of Commission.
- Sec. 408. Termination.
- Sec. 409. Authorization of appropriations.
- Sec. 410. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Assistance efforts in Sudan.

Sec. 502. Authority to provide towing assistance.
Sec. 503. Sense of Congress on the American University in Bulgaria.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Designation of Paul D. Coverdell World Wise Schools Program.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

International
Malaria Control
Act of 2000.

SEC. 101. SHORT TITLE.

This title may be cited as the “International Malaria Control Act of 2000”.

22 USC 2151
note.

SEC. 102. FINDINGS.

Congress makes the following findings:

22 USC 2151b–1
note.

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world’s population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian sub-continent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world’s poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) “Airport malaria”, the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

22 USC 2151b–1.

(a) ASSISTANCE.—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) **CONSIDERATION OF INTERACTION AMONG EPIDEMICS.**—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) **DISSEMINATION OF INFORMATION REQUIREMENT.**—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out subsection (a) \$50,000,000 for each of the fiscal years 2001 and 2002.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

United States-
Macau Policy Act
of 2000.
22 USC 6901
note.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SEC. 201. SHORT TITLE.

This title may be cited as the “United States-Macau Policy Act of 2000”.

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.

(a) **FINDINGS AND DECLARATIONS.**—Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People’s Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau’s continued economic prosperity, and Congress takes note of Macau’s adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

President.
Notification.
Federal Register,
publication.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into

before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

President.
Notification.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204. REPORTING REQUIREMENT.

Deadlines.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate sub-report on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) JOINT DECLARATION.—The term "Joint Declaration" means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

(2) MACAU.—The term "Macau" means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

Rails to
Resources Act of
2000.
49 USC note
prec. 28101.

SEC. 301. SHORT TITLE.

This title may be cited as the “Rails to Resources Act of 2000”.

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the States, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection

of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

President.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes

or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

Deadline.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) \$6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term "Agreement" means an agreement described in section 303.

(2) COMMISSION.—The term “Commission” means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

Pacific Charter
Commission Act
of 2000.
22 USC 2656
note.

SEC. 401. SHORT TITLE.

This title may be cited as the “Pacific Charter Commission Act of 2000”.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the “Commission”).

(b) EXPIRATION OF AUTHORITY.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission should evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission

should, as appropriate, seek out and maintain contacts with non-governmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

Deadlines.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the establishment of the Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection

(a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

President.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 408. TERMINATION.

The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In the event the Commission is established, there are authorized to be appropriated to carry out this title \$2,500,000 for the initial 24-month period of the existence of the Commission.

(b) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 410. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—MISCELLANEOUS PROVISIONS

50 USC 1701
note.

SEC. 501. ASSISTANCE EFFORTS IN SUDAN.

(a) **ADDITIONAL AUTHORITIES.**—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) **EXCEPTION TO EXPORT PROHIBITIONS.**—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Register 59989) shall not apply to any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 502. AUTHORITY TO PROVIDE TOWING ASSISTANCE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States LST Association (in this section referred to as the “Association”) is a patriotic organization dedicated to honoring the memories of those brave American servicemen who selflessly served, and often made the ultimate sacrifice, in the defense of the United States, its allies, and the principles of democracy and freedom.

(2) The Association is currently engaged in efforts to return to the United States the former United States warship, Landing Ship Tank 325 (LST 325) to serve as a memorial to those American servicemen who went into harm’s way aboard and from such warships.

(b) **AUTHORIZATION.**—The Secretary of the Navy is authorized to provide towing services from a suitable vessel of the United States Navy to tow the former LST 325 from its present location, or a location to be determined by the Secretary, to a port on the East Coast of the United States to be determined by the Secretary. The Secretary of the Navy may not provide such services unless the Secretary finds that the provision of such services will not interfere with military operations, military readiness, naval

force presence requirements, or the accomplishment of the specific missions of the vessel providing the towing services.

(c) **LIMITATIONS.**—The services authorized by subsection (b) may not be provided except as part of a regular rotation of the vessel providing the services back to the United States. Such services may be provided only after—

(1) the former LST 325 has been determined by a professional marine survey or by the United States Coast Guard to be seaworthy for towing and meeting requirements for entry into a United States port; and

(2) the Association has named the United States Navy as an additional insured party to the tow hull policy covering the former LST 325, including a waiver of subrogation.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the provision of towing services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 503. SENSE OF CONGRESS ON THE AMERICAN UNIVERSITY IN BULGARIA.

(a) **FINDINGS.**—Congress finds that the American University in Bulgaria—

(1) is a fine educational institution that has received generous and well-deserved financial assistance from the United States Government;

(2) has a successful track record and is educating a generation of leaders who will shape and determine the future of their own societies;

(3) has instilled in students in the Balkan region of Europe the intellectual rigor of the American system of higher education;

(4) promotes the study and understanding of democratic governance principles;

(5) maintains entrance and academic standards that are exemplary and has a commitment to providing educational opportunities that is based upon merit rather than solely on the ability of students to bear the entire cost of their education; and

(6) is a cost-effective institution of higher learning and offers a high-quality education.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should assist the American University in Bulgaria to become a self-sustaining institution of higher education in the Balkan region of Europe.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 601. SHORT TITLE.

This title may be cited as the “Paul D. Coverdell World Wise Schools Act of 2000”.

SEC. 602. FINDINGS.

Congress makes the following findings:

Paul D. Coverdell
World Wise
Schools Act of
2000.
22 USC 2517
note.

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, "to promote a better understanding of the people served among people of the United States".

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, "It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership."

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 603. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

Effective date.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "World Wise Schools Program" is redesignated as the "Paul D. Coverdell World Wise Schools Program".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

Approved December 27, 2000.

LEGISLATIVE HISTORY—S. 2943 (S. 2940):

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 19, considered and passed Senate.

Oct. 27, considered and passed House, amended.

Dec. 14, Senate concurred in House amendments with an amendment.

Dec. 15, House concurred in Senate amendment.



Public Law 106–571
106th Congress

An Act

Dec. 28, 2000
[H.R. 207]

To amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal
Physicians
Comparability
Allowance
Amendments of
2000.
5 USC 5948 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Physicians Comparability Allowance Amendments of 2000”.

SEC. 2. AUTHORITY MADE PERMANENT.

(a) IN GENERAL.—

(1) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The second sentence of section 5948(d) of title 5, United States Code, is repealed.

(2) AMENDMENT TO THE FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5948 of title 5, United States Code, is amended—

(1) by repealing paragraph (2) of subsection (j); and

(2) in subsection (j)(1)—

(A) by striking “(j)(1)” and inserting “(j)”; and

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(C) in paragraph (5) (as so redesignated by this paragraph) by striking “subparagraph (B)” and inserting “paragraph (2)”.

SEC. 3. TREATMENT OF ALLOWANCES AS PART OF BASIC PAY FOR RETIREMENT PURPOSES.

(a) DEFINITION OF BASIC PAY.—Section 8331(3) of title 5, United States Code, is amended—

(1) in subparagraph (F) by striking “and” after the semicolon;

(2) in subparagraph (G) by inserting “and” after the semicolon;

(3) by inserting after subparagraph (G) the following:

“(H) any amount received under section 5948 (relating to physicians comparability allowances);” and

(4) in the matter following subparagraph (H) (as added by paragraph (3)) by striking “through (G)” and inserting “through (H)”.

(b) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) COMPUTATION RULES.—Section 8339 of title 5, United States Code, is amended by adding at the end the following:

“(s)(1) For purposes of this subsection, the term ‘physicians comparability allowance’ refers to an amount described in section 8331(3)(H).

“(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of the enactment of this subsection).

“(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of the enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

“If the total amount of service performed, on or after the date of the enactment of this subsection, as a Government physician is:	Then, the percentage allowable is:
Less than 2 years	0
At least 2 but less than 4 years	25
At least 4 but less than 6 years	50
At least 6 but less than 8 years	75
At least 8 years	100.

“(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of the enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

“(A) an annuity under subsection (g); and

“(B) a survivor annuity under section 8341, if based on the service of an individual who dies before separating from service.”.

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8331 of title 5, United States Code, is amended by striking “and” at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting “; and”, and by adding at the end the following:

“(28) ‘Government physician’ has the meaning given that term under section 5948.”.

(c) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

(1) COMPUTATION RULES.—Section 8415 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) For purposes of this subsection, the term ‘physicians comparability allowance’ refers to an amount described in section 8331(3)(H).

“(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic

pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of the enactment of this subsection).

“(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of the enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

“If the total amount of service performed, on or after the date of the enactment of this subsection, as a Government physician is:	Then, the percentage allowable is:
Less than 2 years	0
At least 2 but less than 4 years	25
At least 4 but less than 6 years	50
At least 6 but less than 8 years	75
At least 8 years	100.

“(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of the enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

“(A) an annuity under section 8452; and

“(B) a survivor annuity under subchapter IV, if based on the service of an individual who dies before separating from service.”.

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8401 of title 5, United States Code, is amended by striking “and” at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting “; and”, and by adding at the end the following:

“(34) the term ‘Government physician’ has the meaning given such term under section 5948.”.

(d) CONFORMING AMENDMENT.—Section 5948(h)(1) of title 5, United States Code, is amended by striking “chapter 81, 83, or 87” and inserting “chapter 81 or 87”.

Approved December 28, 2000.

LEGISLATIVE HISTORY—H.R. 207:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 31, considered and passed House.

Dec. 15, considered and passed Senate.



Public Law 106–572
106th Congress

An Act

Dec. 28, 2000
[H.R. 2816]

Computer Crime
Enforcement Act.
42 USC 3711
note.

To establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Computer Crime Enforcement Act”.

42 USC 3713.

SEC. 2. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) **IN GENERAL.**—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof in accordance with subsection (b).

(b) **USE OF GRANT AMOUNTS.**—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) **ASSURANCES.**—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as criminal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2001 through 2004.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts

made available under this section to make grants to Indian tribes for use in accordance with this section.

Approved December 28, 2000.

LEGISLATIVE HISTORY—H.R. 2816 (S. 1314):

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 15, considered and passed House and Senate.



Public Law 106–573
106th Congress

An Act

To repeal the modification of the installment method.

Dec. 28, 2000

[H.R. 3594]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Installment Tax Correction
Act of 2000”.

Installment Tax
Correction Act of
2000.

26 USC 1 note.

SEC. 2. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

26 USC 453 note.

(a) IN GENERAL.—Subsection (a) of section 536 of the Ticket
to Work and Work Incentives Improvement Act of 1999 (relating
to modification of installment method and repeal of installment
method for accrual method taxpayers) is repealed effective with
respect to sales and other dispositions occurring on or after the
date of the enactment of such Act.

26 USC 453.

(b) APPLICABILITY.—The Internal Revenue Code of 1986 shall
be applied and administered as if that subsection (and the amend-
ments made by that subsection) had not been enacted.

Approved December 28, 2000.

LEGISLATIVE HISTORY—H.R. 3594:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Dec. 15, considered and passed House and Senate.



Public Law 106–574
106th Congress

An Act

Dec. 28, 2000
[H.R. 4020]

To authorize the addition of land to Sequoia National Park, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

California.
16 USC 45g.

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled “Dillonwood”, numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) the Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

Approved December 28, 2000.

LEGISLATIVE HISTORY—H.R. 4020 (S. 2279):

SENATE REPORTS: No. 106–377 accompanying S. 2279 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 30, 31, considered and passed House.

Dec. 15, considered and passed Senate, amended. House agreed to Senate amendment.



Public Law 106–575
106th Congress

An Act

To authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

Dec. 28, 2000

[H.R. 4656]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN FOREST SERVICE LAND IN THE LAKE TAHOE BASIN.

Nevada.

(a) **CONVEYANCE.**—Upon application, the Secretary of Agriculture, acting through the Chief of the Forest Service, may convey to the Washoe County School District all right, title, and interest of the United States in the property described as a portion of the Northwest quarter of Section 15, Township 16 North, Range 18 East, M.D.B. & M., more particularly described as Parcel 1 of Parcel Map No. 426 for Boise Cascade, filed in the office of the Washoe County Recorder, State of Nevada, on May 19, 1977, as file No. 465601, Official Records.

(b) **REVIEW OF APPLICATION.**—When the Secretary receives an application to convey the property under subsection (a), the Secretary shall make a final determination whether or not to convey such property before the end of the 180-day period beginning on the date of the receipt of the application.

Deadline.

(c) **USE; REVERSION.**—The conveyance of the property under subsection (a) shall be for the sole purpose of the construction of an elementary school on the property. The property conveyed shall revert to the United States if the property is used for a purpose other than as an elementary school site.

(d) **CONSIDERATION BASED ON REQUIREMENT TO USE FOR LIMITED PUBLIC PURPOSES.**—The Secretary shall determine the amount of any consideration required for the conveyance of property under this section based on the fair market value of the property when it is subject to the restriction on use under subsection (c).

(e) **PROCEEDS.**—The proceeds from the conveyance of the property under subsection (a) shall be available to the Secretary without further appropriation and shall remain available until expended for the purpose of acquiring environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Act entitled “An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes”, approved December 23, 1980 (94 Stat. 3381; commonly known as the “Santini-Burton Act”).

(f) **APPLICABLE LAW.**—Except as otherwise provided in this section, any sale of National Forest System land under this section

shall be subject to the laws (including regulations) applicable to the conveyance of National Forest System lands.

Approved December 28, 2000.

LEGISLATIVE HISTORY—H.R. 4656:

HOUSE REPORTS: No. 106–885 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 10, 12, considered and rejected in House.

Oct. 24, considered and passed House.

Dec. 15, considered and passed Senate.



Public Law 106–576
106th Congress

An Act

To direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley.

Dec. 28, 2000
[S. 1761]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000”.

Lower Rio
Grande Valley
Water Resources
Conservation and
Improvement Act
of 2000.
Texas.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner of the Bureau of Reclamation.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner.

(3) STATE.—The term “State” means the Texas Water Development Board and any other authorized entity of the State of Texas.

(4) PROGRAM AREA.—The term “program area” means—

(A) the counties in the State of Texas in the Rio Grande Regional Water Planning Area known as Region “M” as designated by the Texas Water Development Board; and

(B) the counties of Hudspeth and El Paso, Texas.

SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) Lining irrigation canals.

(2) Increasing the use of pipelines, flow control structures, meters, and associated appurtenances of water supply facilities.

(b) PROGRAM DEVELOPMENT.—Within 6 months after the date of the enactment of this Act, the Secretary, in consultation with

Deadline.
Publication.

the State, shall develop and publish criteria to determine which projects would qualify and have the highest priority for financing under this Act. Such criteria shall address, at a minimum—

(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

(2) the relative amount of water (acre feet) to be conserved pursuant to the project;

(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project; and

(4) if the project proponents have met the requirements specified in subsection (c).

(c) **PROJECT REQUIREMENTS.**—A project sponsor seeking Federal funding under this program shall—

Reports.

(1) provide a report, prepared by the Bureau of Reclamation or prepared by any competent engineering entity and reviewed by the Bureau of Reclamation, that includes, among other matters—

(A) the total estimated project cost;

(B) an analysis showing how the project would reduce, postpone, or eliminate development of new or expanded water supplies;

(C) a description of conservation measures to be taken pursuant to the project plans;

(D) the near- and long-term water demands and supplies in the study area; and

(E) engineering plans and designs that demonstrate that the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project;

(2) provide a project plan, including a general map showing the location of the proposed physical features, conceptual engineering drawings of structures, and general standards for design; and

(3) sign a cost-sharing agreement with the Secretary that commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(d) **FINANCIAL CAPABILITY.**—Before providing funding for a project to the non-Federal project sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(e) **REVIEW PERIOD.**—Within 1 year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets the criteria established pursuant to this section.

(f) **REPORT PREPARATION; REIMBURSEMENT.**—Project sponsors may choose to contract with the Secretary to prepare the reports required under this section. All costs associated with the preparation of the reports by the Secretary shall be 50 percent reimbursable by the non-Federal sponsor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$2,000,000.

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) In the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project.

(2) In the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.

(3) In the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998.

(4) In the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(b) CONSTRUCTION COST SHARE.—The non-Federal share of the costs of any construction carried out under, or with assistance provided under, this section shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State. The remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000.

Approved December 28, 2000.

LEGISLATIVE HISTORY—S. 1761:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 27, considered and passed Senate.

Dec. 4, considered and passed House, amended.

Dec. 15, Senate concurred in House amendment.



Public Law 106–577
106th Congress

An Act

Dec. 28, 2000
[S. 2749]

To establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

California Trail
Interpretive Act.
16 USC 1244
note.

**TITLE I—CALIFORNIA TRAIL
INTERPRETIVE CENTER**

SEC. 101. SHORT TITLE.

This title may be cited as the “California Trail Interpretive Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth-century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth-century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this title are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 103. DEFINITIONS.

In this title:

(1) CALIFORNIA TRAIL.—The term “California Trail” means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term “Center” means the California Trail Interpretive Center established under section 104(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term “State” means the State of Nevada.

SEC. 104. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the “California Trail Interpretive Center”, near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106-99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

- (ii) rescue, firefighting, and law enforcement services; and
- (iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and
- (B) a Federal, State, or local agency to develop or operate facilities and services to carry out this title; and
- (5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this title, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—
 - (A) the State, in the amount of \$3,000,000;
 - (B) Elko County, Nevada, in the amount of \$1,000,000;
- and
- (C) the city of Elko, Nevada, in the amount of \$2,000,000.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$12,000,000.

Education Land
Grant Act.

TITLE II—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

16 USC 479a
note.

SEC. 201. SHORT TITLE.

This title may be cited as the “Education Land Grant Act”.

16 USC 479a.

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) **AUTHORITY TO CONVEY.**—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

- (1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;
- (2) the conveyance will serve the public interest;
- (3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;
- (4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;
- (5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;
- (6) the applicant is financially and otherwise capable of implementing the proposed project;
- (7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under

the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall— Notification.

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE III—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY AREA AND THE CROSS- ROADS OF THE WEST HISTORIC DIS- TRICT

 Utah.

SEC. 301. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term “Golden Spike Rail Study” means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site”, National Park Service, 1993.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STUDY AREA.—The term “Study Area” means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) **IN GENERAL.**—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) **CONSULTATION.**—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) **BOUNDARIES OF STUDY AREA.**—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

Deadline.

(e) **REPORT.**—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

16 USC 461 note.

SEC. 302. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) **PURPOSES.**—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) **DEFINITIONS.**—For the purposes of this section:

(1) DISTRICT.—The term “District” means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term “historic infrastructure” means the District’s historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled “Crossroads of the West Historic District”, numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District’s historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner,

the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(i) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(ii) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than \$1,000,000 for any fiscal year and not more than \$5,000,000 total.

Approved December 28, 2000.

LEGISLATIVE HISTORY—S. 2749:

SENATE REPORTS: No. 106-441 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 5, considered and passed Senate.

Oct. 24, considered and passed House, amended.

Dec. 15, Senate concurred in House amendments.



Public Law 106–578
106th Congress

An Act

To strengthen the enforcement of Federal statutes relating to false identification,
and for other purposes.

Dec. 28, 2000
[S. 2924]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Internet False Identification
Prevention Act of 2000”.

Internet False
Identification
Prevention Act of
2000.
18 USC 1001
note.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

18 USC 1028
note.

(a) **IN GENERAL.**—The Attorney General and the Secretary of
the Treasury shall establish a coordinating committee to ensure,
through existing interagency task forces or other means, that the
creation and distribution of false identification documents (as
defined in section 1028(d)(3) of title 18, United States Code, as
added by section 3(2) of this Act) is vigorously investigated and
prosecuted.

(b) **MEMBERSHIP.**—The coordinating committee shall consist of
the Director of the United States Secret Service, the Director of
the Federal Bureau of Investigation, the Attorney General, the
Commissioner of Social Security, and the Commissioner of Immigra-
tion and Naturalization, or their respective designees.

(c) **TERM.**—The coordinating committee shall terminate 2 years
after the effective date of this Act.

(d) **REPORT.**—

(1) **IN GENERAL.**—The Attorney General and the Secretary
of the Treasury, at the end of each year of the existence of
the committee, shall report to the Committee on the Judiciary
of the Senate and the Committee on the Judiciary of the House
of Representatives on the activities of the committee.

(2) **CONTENTS.**—The report referred to in paragraph (1)
shall include—

(A) the total number of indictments and informations,
guilty pleas, convictions, and acquittals resulting from the
investigation and prosecution of the creation and distribu-
tion of false identification documents during the preceding
year;

(B) identification of the Federal judicial districts in
which the indictments and informations were filed, and
in which the subsequent guilty pleas, convictions, and
acquittals occurred;

(C) specification of the Federal statutes utilized for
prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting “, including the transfer of a document by electronic means” after “commerce”; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting “template, computer file, computer disc,” after “impression,”;

(B) in paragraph (5), by striking “and” after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

“(3) the term ‘false identification document’ means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

“(A) is not issued by or under the authority of a governmental entity; and

“(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;” and

(F) by inserting after paragraph (6), as redesignated, the following:

“(7) the term ‘transfer’ includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and”.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

18 USC 1028
note.

Approved December 28, 2000.

LEGISLATIVE HISTORY—S. 2924:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 31, considered and passed Senate.

Dec. 15, considered and passed House, amended. Senate concurred in House amendment.



Public Law 106–579
106th Congress

An Act

Dec. 28, 2000
[S. 3181]

To establish the White House Commission on the National Moment of Remembrance,
and for other purposes.

National Moment
of Remembrance
Act.
36 USC 116 note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Moment of Remembrance Act”.

36 USC 116 note.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is essential to remember and renew the legacy of Memorial Day, which was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice in service to the United States and their families;

(2) greater strides must be made to demonstrate appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

(3) the Federal Government has a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

(4) the relevance of Memorial Day must be made more apparent to present and future generations of people of the United States through local and national observances and ongoing activities;

(5) in House Concurrent Resolution 302, agreed to May 25, 2000, Congress called on the people of the United States, in a symbolic act of unity, to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace;

(6) in Presidential Proclamation No. 7315 of May 26, 2000 (65 Fed. Reg. 34907), the President proclaimed Memorial Day, May 29, 2000, as a day of prayer for permanent peace, and designated 3:00 p.m. local time on that day as the time to join in prayer and to observe the National Moment of Remembrance; and

(7) a National Moment of Remembrance and other commemorative events are needed to reclaim Memorial Day as the sacred and noble event that that day is intended to be.

SEC. 3. DEFINITIONS.

36 USC 116 note.

In this Act:

(1) **ALLIANCE.**—The term “Alliance” means the Remembrance Alliance established by section 9(a).

(2) **COMMISSION.**—The term “Commission” means the White House Commission on the National Moment of Remembrance established by section 5(a).

(3) **EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.**—The term “Executive Director and White House Liaison” means the Executive Director and White House Liaison appointed under section 10(a)(1).

(4) **MEMORIAL DAY.**—The term “Memorial Day” means the legal public holiday designated as Memorial Day by section 6103(a) of title 5, United States Code.

(5) **TRIBAL GOVERNMENT.**—The term “tribal government” means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.

36 USC 116 note.

The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the “National Moment of Remembrance”.

SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE.

36 USC 116 note.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “White House Commission on the National Moment of Remembrance”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of the following:

(A) 4 members appointed by the President, including at least 1 representative of tribal governments.

(B) The Secretary of Defense (or a designee).

(C) The Secretary of Veterans Affairs (or a designee).

(D) The Secretary of the Smithsonian Institution (or a designee).

(E) The Director of the Office of Personnel Management (or a designee).

(F) The Administrator of General Services (or a designee).

(G) The Secretary of Transportation (or a designee).

(H) The Secretary of Education (or a designee).

(I) The Secretary of the Interior (or a designee).

(J) The Executive Director of the President’s Commission on White House Fellows (or a designee).

(K) The Secretary of the Army (or a designee).

(L) The Secretary of the Navy (or a designee).

(M) The Secretary of the Air Force (or a designee).

(N) The Commandant of the Marine Corps (or a designee).

(O) The Commandant of the Coast Guard (or a designee).

(P) The Executive Director and White House Liaison (or a designee).

(Q) The Chief of Staff of the Army.

- (R) The Chief of Naval Operations.
- (S) The Chief of Staff of the Air Force.
- (T) Any other member, the appointment of whom the Commission determines is necessary to carry out this Act.
- (2) NONVOTING MEMBERS.—The members appointed to the Commission under subparagraphs (K) through (T) of paragraph (1) shall be nonvoting members.
- Deadline. (3) DATE OF APPOINTMENTS.—All appointments under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.
- (c) TERM; VACANCIES.—
- (1) TERM.—A member shall be appointed to the Commission for the life of the Commission.
- (2) VACANCIES.—A vacancy on the Commission—
- (A) shall not affect the powers of the Commission; and
- (B) shall be filled in the same manner as the original appointment was made.
- Deadline. (d) INITIAL MEETING.—Not later than 30 days after the date specified in subsection (b)(3) for completion of appointments, the Commission shall hold the initial meeting of the Commission.
- (e) MEETINGS.—The Commission shall meet at the call of the Chairperson.
- (f) QUORUM.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
- (g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and a Vice Chairperson from among the members of the Commission at the initial meeting of the Commission.
- 36 USC 116 note. **SEC. 6. DUTIES.**
- (a) IN GENERAL.—The Commission shall—
- (1) encourage the people of the United States to give something back to their country, which provides them so much freedom and opportunity;
- (2) encourage national, State, local, and tribal participation by individuals and entities in commemoration of Memorial Day and the National Moment of Remembrance, including participation by—
- (A) national humanitarian and patriotic organizations;
- (B) elementary, secondary, and higher education institutions;
- (C) veterans' societies and civic, patriotic, educational, sporting, artistic, cultural, and historical organizations;
- (D) Federal departments and agencies; and
- (E) museums, including cultural and historical museums; and
- (3) provide national coordination for commemorations in the United States of Memorial Day and the National Moment of Remembrance.
- (b) REPORTS.—
- (1) IN GENERAL.—For each fiscal year in which the Commission is in existence, the Commission shall submit to the President and Congress a report describing the activities of the Commission during the fiscal year.

(2) CONTENTS.—A report under paragraph (1) may include—

(A) recommendations regarding appropriate activities to commemorate Memorial Day and the National Moment of Remembrance, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the history of wars of the United States; and

(vi) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to commemoration of Memorial Day and the National Moment of Remembrance;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance by the United States of commemorative coins, medals, and stamps relating to Memorial Day and the National Moment of Remembrance;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of Memorial Day and the National Moment of Remembrance;

(D) an accounting of funds received and expended by the Commission in the fiscal year covered by the report, including a detailed description of the source and amount of any funds donated to the Commission in that fiscal year; and

(E) a description of cooperative agreements and contracts entered into by the Commission.

SEC. 7. POWERS.

36 USC 116 note.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) PUBLIC PARTICIPATION.—The Commission shall provide for reasonable public participation in matters before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may solicit, accept, use, and dispose of, without further Act of appropriation, gifts, bequests, devises, and donations of services or property.

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(f) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, to carry out this Act, the Chairperson or Vice Chairperson of the Commission or the Executive Director and White House Liaison may, on behalf of the Commission—

(A) procure supplies, services, and property; and

(B) enter into contracts, leases, and other legal agreements.

(2) RESTRICTIONS.—

(A) WHO MAY ACT ON BEHALF OF COMMISSION.—Except as provided in paragraph (1), nothing in this Act authorizes a member of the Commission to procure any item or enter into any agreement described in that paragraph.

(B) DURATION OF LEGAL AGREEMENTS.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supply, property, or other asset that is acquired by, and, on the date of termination of the Commission, remains in the possession of, the Commission shall be considered property of the General Services Administration.

(g) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) IN GENERAL.—The Commission may devise any logo, emblem, seal, or other designating mark that the Commission determines—

(A) to be required to carry out the duties of the Commission; or

(B) to be appropriate for use in connection with the commemoration of Memorial Day or the National Moment of Remembrance.

(2) LICENSING.—

(A) IN GENERAL.—The Commission—

(i) shall have the sole and exclusive right to use the name “White House Commission on the National Moment of Remembrance” on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts; and

(ii) shall have the sole and exclusive right to allow or refuse the use by any other entity of the name “White House Commission on the National Moment of Remembrance” on any logo, emblem, seal, or descriptive or designating mark.

(B) TRANSFER ON TERMINATION.—Unless otherwise provided by law, all rights of the Commission under subparagraph (A) shall be transferred to the Administrator of General Services on the date of termination of the Commission.

(3) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any right established or vested before the date of enactment of this Act.

(4) USE OF FUNDS.—The Commission may, without further Act of appropriation, use funds received from licensing royalties under this section to carry out this Act.

SEC. 8. COMMISSION PERSONNEL MATTERS.

36 USC 116 note.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission or the Executive Director and White House Liaison may, without regard to the civil service laws (including regulations), appoint and terminate such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the Executive Director and White House Liaison and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and White House Liaison and other personnel shall not exceed the rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—In addition to the details under paragraph (2), on request of the Chairperson, the Vice Chairperson, or the Executive Director and White House Liaison, an employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) DETAIL OF SPECIFIC EMPLOYEES.—

(A) MILITARY DETAILS.—

(i) ARMY; AIR FORCE.—The Secretary of the Army and the Secretary of the Air Force shall each detail a commissioned officer above the grade of captain to assist the Commission in carrying out this Act.

(ii) NAVY.—The Secretary of the Navy shall detail a commissioned officer of the Navy above the grade of lieutenant and a commissioned officer of the Marine Corps above the grade of captain to assist the Commission in carrying out this Act.

(B) VETERANS AFFAIRS; EDUCATION.—The Secretary of Veterans Affairs and the Secretary of Education shall each detail an officer or employee compensated above the level of GS-12 in accordance with subchapter III of chapter 53 of title 5, United States Code to assist the Commission in carrying out this Act.

(3) CIVIL SERVICE STATUS.—The detail of any officer or employee under this subsection shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Commission may enter into a cooperative agreement with another entity, including any Federal agency, State or local government, or private entity, under which the entity may assist the Commission in—

(A) carrying out the duties of the Commission under this Act; and

(B) contributing to public awareness of and interest in Memorial Day and the National Moment of Remembrance.

(2) ADMINISTRATIVE SUPPORT SERVICES.—On the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services and any property, equipment, or office space that the Commission determines to be necessary to carry out this Act.

(g) SUPPORT FROM NONPROFIT SECTOR.—The Commission may accept program support from nonprofit organizations.

36 USC 116 note.

SEC. 9. REMEMBRANCE ALLIANCE.

(a) ESTABLISHMENT.—There is established the Remembrance Alliance.

(b) COMPOSITION.—

(1) MEMBERS.—The Alliance shall be composed of individuals, appointed by the Commission, that are representatives or members of—

(A) the print, broadcast, or other media industry;

(B) the national sports community;

(C) the recreation industry;

(D) the entertainment industry;

- (E) the retail industry;
- (F) the food industry;
- (G) the health care industry;
- (H) the transportation industry;
- (I) the education community;
- (J) national veterans organizations; and
- (K) families that have lost loved ones in combat.

(2) HONORARY MEMBERS.—On recommendation of the Alliance, the Commission may appoint honorary, nonvoting members to the Alliance.

(3) VACANCIES.—Any vacancy in the membership of the Alliance shall be filled in the same manner in which the original appointment was made.

(4) MEETINGS.—The Alliance shall conduct meetings in accordance with procedures approved by the Commission.

(c) TERM.—The Commission may fix the term of appointment for members of the Alliance.

(d) DUTIES.—The Alliance shall assist the Commission in carrying out this Act by—

(1) planning, organizing, and implementing an annual White House Conference on the National Moment of Remembrance and other similar events;

(2) promoting the observance of Memorial Day and the National Moment of Remembrance through appropriate means, subject to any guidelines developed by the Commission;

(3) establishing necessary incentives for Federal, State, and local governments and private sector entities to sponsor and participate in programs initiated by the Commission or the Alliance;

(4) evaluating the effectiveness of efforts by the Commission and the Alliance in carrying out this Act; and

(5) carrying out such other duties as are assigned by the Commission.

(e) ALLIANCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Alliance shall serve without compensation for the services of the member to the Alliance.

(2) TRAVEL EXPENSES.—A member of the Alliance may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(f) TERMINATION.—The Alliance shall terminate on the date of termination of the Commission.

SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.

36 USC 116 note.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director of the Committee Management Secretariat Staff of the General Services Administration shall appoint an individual as Executive Director and White House Liaison.

(2) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and White House Liaison may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) DUTIES.—The Executive Director and White House Liaison shall—

- (1) serve as a liaison between the Commission and the President;
- (2) serve as chief of staff of the Commission; and
- (3) coordinate the efforts of the Commission and the President on all matters relating to this Act, including matters relating to the National Moment of Remembrance.

(c) COMPENSATION.—The Executive Director and White House Liaison may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the Executive Director and White House Liaison is engaged in the performance of the duties of the Commission.

36 USC 116 note. **SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.**

(a) IN GENERAL.—The Comptroller General of the United States shall audit, on an annual basis, the financial transactions of the Commission (including financial transactions involving donated funds) in accordance with generally accepted auditing standards.

(b) ACCESS.—The Commission shall ensure that the Comptroller General, in conducting an audit under this section, has—

- (1) access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and
- (2) full ability to verify the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

36 USC 116 note. **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act, to remain available until expended—

- (1) \$500,000 for fiscal year 2001; and
- (2) \$250,000 for each of fiscal years 2002 through 2009.

SEC. 13. TERMINATION.

36 USC 116 note.

The Commission shall terminate on the earlier of—

- (1) a date specified by the President that is at least 2 years after the date of enactment of this Act; or
- (2) the date that is 10 years after the date of enactment of this Act.

Approved December 28, 2000.

LEGISLATIVE HISTORY—S. 3181:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Oct. 27, considered and passed Senate.

Dec. 15, considered and passed House.



Public Law 106–580
106th Congress

An Act

Dec. 29, 2000
[H.R. 1795]

To amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National
Institute of
Biomedical
Imaging and
Bioengineering
Establishment
Act.
42 USC 201 note.
42 USC 285r
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Institute of Biomedical Imaging and Bioengineering Establishment Act”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Basic research in imaging, bioengineering, computer science, informatics, and related fields is critical to improving health care but is fundamentally different from the research in molecular biology on which the current national research institutes at the National Institutes of Health (“NIH”) are based. To ensure the development of new techniques and technologies for the 21st century, these disciplines therefore require an identity and research home at the NIH that is independent of the existing institute structure.

(2) Advances based on medical research promise new, more effective treatments for a wide variety of diseases, but the development of new, noninvasive imaging techniques for earlier detection and diagnosis of disease is essential to take full advantage of such new treatments and to promote the general improvement of health care.

(3) The development of advanced genetic and molecular imaging techniques is necessary to continue the current rapid pace of discovery in molecular biology.

(4) Advances in telemedicine, and teleradiology in particular, are increasingly important in the delivery of high quality, reliable medical care to rural citizens and other underserved populations. To fulfill the promise of telemedicine and related technologies fully, a structure is needed at the NIH to support basic research focused on the acquisition, transmission, processing, and optimal display of images.

(5) A number of Federal departments and agencies support imaging and engineering research with potential medical applications, but a central coordinating body, preferably housed at the NIH, is needed to coordinate these disparate efforts and facilitate the transfer of technologies with medical applications.

(6) Several breakthrough imaging technologies, including magnetic resonance imaging (“MRI”) and computed tomography

(“CT”), have been developed primarily abroad, in large part because of the absence of a home at the NIH for basic research in imaging and related fields. The establishment of a central focus for imaging and bioengineering research at the NIH would promote both scientific advance and United States economic development.

(7) At a time when a consensus exists to add significant resources to the NIH in coming years, it is appropriate to modernize the structure of the NIH to ensure that research dollars are expended more effectively and efficiently and that the fields of medical science that have contributed the most to the detection, diagnosis, and treatment of disease in recent years receive appropriate emphasis.

(8) The establishment of a National Institute of Biomedical Imaging and Bioengineering at the NIH would accelerate the development of new technologies with clinical and research applications, improve coordination and efficiency at the NIH and throughout the Federal Government, reduce duplication and waste, lay the foundation for a new medical information age, promote economic development, and provide a structure to train the young researchers who will make the pathbreaking discoveries of the next century.

SEC. 3. ESTABLISHMENT OF NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING.

(a) **IN GENERAL.**—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following subpart:

“Subpart 18—National Institute of Biomedical Imaging and Bioengineering

“PURPOSE OF THE INSTITUTE

“SEC. 464z. (a) The general purpose of the National Institute of Biomedical Imaging and Bioengineering (in this section referred to as the ‘Institute’) is the conduct and support of research, training, the dissemination of health information, and other programs with respect to biomedical imaging, biomedical engineering, and associated technologies and modalities with biomedical applications (in this section referred to as ‘biomedical imaging and bioengineering’).

42 USC 285r.

“(b)(1) The Director of the Institute, with the advice of the Institute’s advisory council, shall establish a National Biomedical Imaging and Bioengineering Program (in this section referred to as the ‘Program’).

“(2) Activities under the Program shall include the following with respect to biomedical imaging and bioengineering:

“(A) Research into the development of new techniques and devices.

“(B) Related research in physics, engineering, mathematics, computer science, and other disciplines.

“(C) Technology assessments and outcomes studies to evaluate the effectiveness of biologics, materials, processes, devices, procedures, and informatics.

“(D) Research in screening for diseases and disorders.

“(E) The advancement of existing imaging and bioengineering modalities, including imaging, biomaterials, and informatics.

“(F) The development of target-specific agents to enhance images and to identify and delineate disease.

“(G) The development of advanced engineering and imaging technologies and techniques for research from the molecular and genetic to the whole organ and body levels.

“(H) The development of new techniques and devices for more effective interventional procedures (such as image-guided interventions).

“(3)(A) With respect to the Program, the Director of the Institute shall prepare and transmit to the Secretary and the Director of NIH a plan to initiate, expand, intensify, and coordinate activities of the Institute with respect to biomedical imaging and bioengineering. The plan shall include such comments and recommendations as the Director of the Institute determines appropriate. The Director of the Institute shall periodically review and revise the plan and shall transmit any revisions of the plan to the Secretary and the Director of NIH.

“(B) The plan under subparagraph (A) shall include the recommendations of the Director of the Institute with respect to the following:

“(i) Where appropriate, the consolidation of programs of the National Institutes of Health for the express purpose of enhancing support of activities regarding basic biomedical imaging and bioengineering research.

“(ii) The coordination of the activities of the Institute with related activities of the other agencies of the National Institutes of Health and with related activities of other Federal agencies.

“(c) The establishment under section 406 of an advisory council for the Institute is subject to the following:

“(1) The number of members appointed by the Secretary shall be 12.

“(2) Of such members—

“(A) six members shall be scientists, engineers, physicians, and other health professionals who represent disciplines in biomedical imaging and bioengineering and who are not officers or employees of the United States; and

“(B) six members shall be scientists, engineers, physicians, and other health professionals who represent other disciplines and are knowledgeable about the applications of biomedical imaging and bioengineering in medicine, and who are not officers or employees of the United States.

“(3) In addition to the ex officio members specified in section 406(b)(2), the ex officio members of the advisory council shall include the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology (or the designees of such officers).

“(d)(1) Subject to paragraph (2), for the purpose of carrying out this section:

“(A) For fiscal year 2001, there is authorized to be appropriated an amount equal to the amount obligated by the National Institutes of Health during fiscal year 2000 for biomedical imaging and bioengineering, except that such amount shall be adjusted to offset any inflation occurring after October 1, 1999.

“(B) For each of the fiscal years 2002 and 2003, there is authorized to be appropriated an amount equal to the amount

appropriated under subparagraph (A) for fiscal year 2001, except that such amount shall be adjusted for the fiscal year involved to offset any inflation occurring after October 1, 2000.

“(2) The authorization of appropriations for a fiscal year under paragraph (1) is hereby reduced by the amount of any appropriation made for such year for the conduct or support by any other national research institute of any program with respect to biomedical imaging and bioengineering.”.

(b) **USE OF EXISTING RESOURCES.**—In providing for the establishment of the National Institute of Biomedical Imaging and Bioengineering pursuant to the amendment made by subsection (a), the Director of the National Institutes of Health (referred to in this subsection as “NIH”)—

42 USC 285r
note.

(1) may transfer to the National Institute of Biomedical Imaging and Bioengineering such personnel of NIH as the Director determines to be appropriate;

(2) may, for quarters for such Institute, utilize such facilities of NIH as the Director determines to be appropriate; and

(3) may obtain administrative support for the Institute from the other agencies of NIH, including the other national research institutes.

(c) **CONSTRUCTION OF FACILITIES.**—None of the provisions of this Act or the amendments made by the Act may be construed as authorizing the construction of facilities, or the acquisition of land, for purposes of the establishment or operation of the National Institute of Biomedical Imaging and Bioengineering.

42 USC 285r
note.

(d) **DATE CERTAIN FOR ESTABLISHMENT OF ADVISORY COUNCIL.**—Not later than 90 days after the effective date of this Act under section 4, the Secretary of Health and Human Services shall complete the establishment of an advisory council for the National Institute of Biomedical Imaging and Bioengineering in accordance with section 406 of the Public Health Service Act and in accordance with section 464z of such Act (as added by subsection (a) of this section).

42 USC 285r
note.

(e) **CONFORMING AMENDMENT.**—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end the following subparagraph:

“(R) The National Institute of Biomedical Imaging and Bioengineering.”.

42 USC 285r
note.

SEC. 4. EFFECTIVE DATE.

This Act takes effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

Approved December 29, 2000.

LEGISLATIVE HISTORY—H.R. 1795:

HOUSE REPORTS: No. 106–889 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 27, considered and passed House.

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